

Regular Meeting – P.M.

November 6, 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, November 6, 2006.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Director of Financial Services, P.A. Macklem\*; Director of Planning & Development Services, M. Pynenburg\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Development Planner, N. Wight\*; Development Planner, R. Smith\*; Manager of Policy Research & Strategic Planning, S.K. Bagh\*; Director of Works & Utilities, J. Vos\*; Transportation Manager, R.W. Westlake\*; Director of Recreation Parks & Cultural Services, D.L. Graham\*; Civic Properties Manager, R. Cleveland\*; Parks Manager, J. Creron\*; Urban Forestry Supervisor, I. Wilson\*; Assistant Airport General Manager, S. Samaddar\*; Inspection Services Manager, R. Dickinson\*; Environment & Solid Waste Manager, M. Watt\*; and Council Recording Secretary, B.L. Harder.

Guests\*: Menno Salverda, Community Action Toward Children's Health (CATCH); Darryl Arsenault, EBA Engineering Consultants Ltd.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Menno Salverda, Community Action Toward Children's Health (CATCH)  
re: National Child Day and Update on the work of CATCH

Menno Salverda, CATCH:

- Brain development is in the first 6 years so those years are crucial for early child development.
- Gave the dates of upcoming Early Childhood Development workshops: November 8<sup>th</sup> on the Westside, November 14<sup>th</sup> in Rutland; November 15<sup>th</sup> and 21<sup>st</sup> in Kelowna; November 28<sup>th</sup> in Lake Country; November 29<sup>th</sup> in Peachland and a date to be determined with Westbank First Nation. Invited Council to attend a workshop.
- November 20<sup>th</sup> is National Child Day. Mayor Shepherd will be asked to proclaim this city a child friendly community.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated October 31, 2006  
re: Agricultural Land Reserve Appeal No. A06-0019 – Gabe Coupal (New Town Planning Services Ltd.) – 1789 Munson Road

Staff:

- Fortis BC's current site is about 3 acres in size and they are wanting to expand onto the subject property which is about 6.5 acres in size in order to consolidate their operations onto one site within the city.
- Staff and the Agricultural Advisory Committee do not recommend support for reasons including loss of viable agricultural land and the potential land use conflict with the surrounding agricultural area.

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- Staff have consistently over the years recommended that Fortis seek an alternate location within the city.

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Moved by Councillor Day/Seconded by Councillor Blanleil

**R995/06/11/06** THAT Council hear from the applicant.

Carried

Keith Funk, applicant:

- The proposed expansion is driven by the need to consolidate the Fortis operation to improve efficiency and meet growing electrical demand.
- If approved, the access off Benvoulin to the Kelowna Christian School site and the Fortis site would be closed. All access would be from Munson Road at which point they would be asking for a traffic light at the Munson/Benvoulin intersection.
- Fortis has occupied the area since before it was considered to be within the Agricultural Land Reserve.
- Fortis is also operating from a Western Star site and an Irrigation District site on Springfield Road, resulting in potentially slowed response to power outages and more traffic on the roads.
- The subject property would be used for surface storage of poles/transformers and for staff parking. Fortis would commit to reclaim the land for agricultural use if ever the site was to be decommissioned as a utility use.
- At the cost of industrial land, it would cost about \$20 million for Fortis to relocate to another site which would likely mean a significant increase in utility rates. There are broader balances of public interest to consider such as affordability versus preserving agricultural land.
- Asked that the City make a neutral rather than a negative recommendation to the Agricultural Land Commission.
- There would be no agricultural benefit if the application was approved but reduced rates would be an indirect benefit to all users including farmers.

Al Clark, FortisBC:

- Expanding onto the adjacent property is most logical. Fortis has not focused on any other location at this point.

Linda Douglas, FortisBC:

- Indication is that the additional land would meet the needs of Fortis for at least 15 years.
- Fortis would be able to dispose of two leases with the proposed consolidation. Currently most of the material storage is at the Western Star site and there is also some outside storage at Black Mountain.

Moved by Councillor Blanleil/Seconded by Councillor Gran

THAT Agricultural Land Reserve Appeal No. A06-0019 for Parcel B on Plan B6522 Amended Lot 7, District Lot 130, O.D.Y.D., Plan 415 Except Plans 18843 and KAP64190, located on Munson 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.

Council:

- Asked if anything has been provided in writing to say that the Benvoulin Road access to the school would be closed.

Moved by Councillor Hobson/Seconded by Councillor Day

**R996/06/11/06** THAT the motion to support ALR Appeal No. A06-0019 be deferred for Council to hear from a representative from the Kelowna Christian School.

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Aaron Hussy, Kelowna Christian School:

- Clarified that they do not want to close off the Benvoulin access and that they were looking to the Munson Road access as being an additional access to the school site.

Moved by Councillor Hobson/Seconded by Councillor Rule

**R997/06/11/06** THAT further consideration of Agricultural Land Reserve Appeal No. A06-0019 (Coupal – 1789 Munson Road) be deferred pending FortisBC providing a business case to support expanding on agricultural land instead of relocating to industrial land and providing details on any plans to replace the lost agricultural land with other agricultural land in the City of Kelowna, and for City Transportation staff to advise whether they would permit a signal light at Munson Road, whether there are plans for Munson Road to connect through to Burtch Road and whether the City could compel closure of the Benvoulin Road accesses.

Carried

Councillors Blanleil, Clark and Gran opposed.

- 4.2 Planning & Development Services Department, dated October 30, 2006 re: Development Permit Application No. DP06-0035 – McDonalds Restaurants of Canada (Shane Worman) – 1110 Harvey Avenue

Staff:

- Displayed an artist's rendering showing a 1.5 storey building with a drive-thru feature for one of the three proposed tenants.
- The site has been challenging to develop because of the extent of road dedications required.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R998/06/11/06** THAT Council authorize the issuance of Development Permit No. DP06-0035 for Lot 1, District Lot 137, ODYD Plan 31950, except Plan 36604, located on Harvey Avenue, 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.

Carried

Councillor Letnick opposed.

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- 4.3 Planning & Development Services Department, dated October 30, 2006 re: Development Permit Application No. DP06-0148 – Mills Villa Ventures Ltd. – 345 Mills Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R999/06/11/06** THAT Council authorize the issuance of Development Permit No. DP06-0148 for Lot A, District Lot 125, ODYD Plan KAP78922, located on Mills Road, 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.

Carried

- 4.4 Official Community Plan Amendment No. OCP06-0019 and Rezoning Application No. Z06-0050 – Steven & Bonnie Cloutier – 2750 Shayler Court; Erwin Braun/Ercon Holdings Ltd. - 2880 Shayler Court; Dave & Moyra Skoglund - 2930 Shayler Court; Leslie Gardner/Klista Redfield - 3025 Shayler Court; Ralph & Tanis Rubini - 3099 Shayler Court; Clark Smith - 3135 Shayler Court; Shane & Shirley Ginter - 3185 Shayler Court; Bob Gruber/616507 BC Ltd. - 3215 Shayler Court; and Clark Smith/616507 BC Ltd. - 3255 Shayler Court (Neil Denby/ Runnalls Denby & Associates) (BL9688; BL9689)

- (a) Planning & Development Services report dated October 18, 2006.

Staff:

- The property is located in the north end of the McKinley Landing area.
- There are 9 existing parcels. The applicant has proven out building sites, septic field locations and driveways for one additional lot for each parcel. The lots would be minimum 1 ha or 2.5 acres in size.
- No-build no-disturb covenants would be registered on the steeper areas.

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1000/06/11/06** THAT OCP Bylaw Amendment No. OCP06-0019 to amend Map 19.1 of *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2 Plan KAP70569 Except Plan KAP70818; Lots 6, 7, 10, 13, 14, 15 & 16 Plan KAP70569 and Lot A Plan KAP76182, Sections 20 and 29 Township 23, ODYD, located on Shayler Court, Kelowna, B.C. from Future Urban Reserve to Rural/Agriculture be considered by Council;

AND THAT Rezoning Application No. Z06-0050 to amend the City of Kelowna Zoning Bylaw by changing the zoning classification of Lot 2 Plan KAP70569 Except Plan KAP70818; Lots 6, 7, 10, 13, 14, 15 & 16 Plan KAP70569 and Lot A Plan KAP76182, Sections 20 and 29 Township 23, ODYD, located on Shayler Court, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND FURTHER THAT OCP Bylaw Amendment No. OCP06-0019 and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 9688 (OCP06-0019) – Various Owners (Neil Derby) – Shayler Court **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Gran

**R1001/06/11/06** THAT Bylaw No. 9688 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

- 4.4 (b) (ii) Bylaw No. 9689 (Z06-0050) – Various Owners (Neil Derby) – Shayler Court

Moved by Councillor Clark/Seconded by Councillor Letnick

**R1002/06/11/06** THAT Bylaw No. 9689 be read a first time.

Carried

Mayor Shepherd and Councillors Clark and Hobson opposed.

Council:

- Staff to require that the applicant complete the environmental assessment work for the proposed additional lots prior to the Public Hearing.
- Staff to determine before the Public Hearing whether the City should require that the proposed lots be dry sewered.

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Works & Utilities, Director of Financial Services and Director of Recreation Parks & Cultural Services, dated October 30, 2006 re: 20-Year Servicing Plan and Financing Strategy (2006 Update) (6430-01)

Staff:

- At Council's direction the servicing plan will be reviewed and updated annually.
- The current plan for the 2020 servicing program was updated just over a year ago and is \$607.2 million; the updated plan is \$753.3 million.
- Reviewed the projects most affected by the cost updates and the related funding strategies.
- Outlined the impact on DCC rates in the various categories. Under this plan, the average impact on taxation and utility contributions per unit for single family residential would be just under \$8,000.
- Targeting to report back to Council with bylaw changes on January 8, 2007 with new rates coming effective April 1, 2007.
- The proposed 2% drop in the parks assist factor from 10% to 8% neutralizes the proposed changes for parks.

Council:

- Staff to provide information, with the report back on the public feedback, on what the assist factors are and what the DCCs are in other communities within the interior of B.C.

Moved by Councillor Hobson/Seconded by Councillor Day

**R1003/06/11/06** THAT Council receive the draft 20-Year Servicing Plan and Financing Strategy (2006 update) for information;

AND THAT Council authorize staff to seek stakeholder input into the draft plan and report back following that feedback.

Carried

- 5.2 Airport General Manager, dated October 25, 2006 re: Assignment of A.O.G. Air Support Inc. Sub-Lease (2380-20-8057.1; 2380-20-8089; 0550-05)

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1004/06/11/06** THAT Council approves assignment of the A.O.G. Air Support Inc. sub-lease to 600897 B.C. Ltd.;

AND THAT Council authorize the Mayor and City Clerk to sign the Consent to Assignment of Sub-Lease documents on behalf of the City.

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- 5.3 Inspection Services Manager, dated October 25, 2006 re: ST06-01 – Application for Stratification of the Three Unit Row Housing at 210, 212 & 214 Scarboro Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R1005/06/11/06** THAT the application to stratify the 3 unit row housing at 210, 212 and 214 Scarboro Road be approved in the name of Bradley Ranger with no conditions.

Carried

- 5.4 Transportation Manager, dated November 1, 2006 re: Central Okanagan Multi-Modal Corridor – Award of Consulting Assignment (5400-20)

Staff:

- The proposed contracts deal with the portion of the Central Okanagan Bypass (COB) between Gordon Drive and the Ellison overpass where a multi-modal network is being considered along the railway corridor.
- Work on the COB has been based on the current 2020 servicing plan which envisages all at-grade intersections.
- The planning study is proposed to be completed by April 2007.
- The intent is to be ready for construction in 2008.

Council:

- A member of Council displayed photos of a wetland area that is in the path of the proposed new corridor and expressed concern that such an area was not being protected.
- Concern that grade-separated interchanges were not being considered as an option at major intersections instead of all intersections being at-grade.
- Agreed on the need for a checkpoint part way through the process for Council to review and determine the type of road that would be designed in detail before the money is released for the detailed design work to start.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1006/06/11/06** THAT Council award of the planning component of the Central Okanagan Multi-modal Corridor between Gordon Drive and UBC Okanagan to Urban Systems Ltd/Associated Engineering Ltd for the sum of \$641,408.32 plus GST;

AND THAT the 2006 Budget be amended to show contributions towards this initiative of \$100,000 from Transport Canada, \$80,000 from the BC Ministry of Transportation and \$25,000 from UBC Okanagan;

AND THAT subject to the 2007 Provisional Budget approval Council award the detailed design of corridor improvements between Spall Road and McCurdy Road to Urban Systems Ltd/Associated Engineering Ltd for the sum of \$2,172,406.29 plus GST;

AND FURTHER THAT staff direct the consultant to begin the preliminary work on detailed design of corridor improvements between Spall Road and McCurdy Road only, and report back before 2007 final budget with more details on the direction they would take for the detailed design work.

Carried

Councillor Rule opposed.



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Mayor Shepherd altered the order of business and advised that agenda item No. 5.6 would be considered next.

- 5.6 Urban Forestry Supervisor, dated October 30, 2006 re: Pine Beetle Update (6130-07)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1007/06/11/06** THAT Council receive for information the October 30, 2006 report from the Urban Forestry Supervisor on the status of pine beetle;

AND THAT the beetle education, control and rehabilitation program continues in 2007, subject to the approval of the 2007 budget.

Carried

Councillor Clark left the meeting at 6:02 p.m.

- 5.5 Parks Manager, dated November 1, 2006 re: On-Leash Dogs between City and Waterfront Parks (6130-01)

Moved by Councillor Rule/Seconded by Councillor Letnick

**R1008/06/11/06** THAT Council Policy No. 258 – Dog Walking and Dog Off-Leash Parks be amended to allow on-leash dogs on trails, sidewalks, walkways and roadways excepting through any children's playgrounds in City Park, Kerry Park, Stuart Park and Waterfront Park including the waterfront promenade between City Park and Sunset Drive;

AND THAT the current provision in Council Policy No. 258 regarding the temporary on-leash provisions extending to February 2007 for these and other areas be deleted.

Carried

- 5.6 Urban Forestry Supervisor, dated October 30, 2006 re: Pine Beetle Update (6130-07)

Dealt with after item No. 5.4.

- 5.7 Environment & Solid Waste Manager, dated October 23, 2006 and consultant presentation re: Aquatic Habitat Index – Okanagan Lake Foreshore (5280-08)

Darryl Arsenault, consultant:

- The index is a comprehensive tool that will be used by all three regulatory levels of government. It will have to be updated over time to keep it an active document.
- Outlined the conclusions from the study.

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1009/06/11/06** THAT Council receive as information the Aquatic Habitat Index Report;

AND THAT Council support use of Aquatic Habitat Index information for preparation of the Waterfront Management Strategy and by the City for the review of development proposals along the Kelowna waterfront.

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- 5.8 Planning & Development Services Department, dated November 1, 2006 and consultant presentation re: Review of Policies, Procedures and Bylaws Relating to Wildland Fire (6410-00)

Deferred to a future agenda.

Mayor Shepherd altered the order of business and advised that agenda item No. 5.10 would be considered next.

- 5.10 City Clerk, dated November 1, 2006 re: Alternative Approval Process – Poplar Point Pump Station Upgrade Loan Authorization Bylaw No. 9625

Moved by Councillor Rule/Seconded by Councillor Blanleil

**R1010/06/11/06** Council receive the Certificate of Sufficiency dated November 1 2006 pertaining to Bylaw No. 9625, Loan Authorization Bylaw for Poplar Point Pump Station;

AND THAT Bylaw No. 9625 be forwarded for final adoption consideration.

Carried

- 5.9 Civic Properties Manager, dated November 1, 2006 re: Council Chamber Audio Visual System Upgrades (1040-20)

Moved by Councillor Day/Seconded by Councillor Gran

**R1011/06/11/06** THAT the report dated November 1, 2006 from the Civic Properties Division regarding the status of the Council Chamber Audio Visual/Visual Equipment Upgrade be received for information.

Carried

- 5.10 City Clerk, dated November 1, 2006 re: Alternative Approval Process – Poplar Point Pump Station Upgrade Loan Authorization Bylaw No. 9625

Dealt with after agenda item No. 5.8.

## 6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 6.0 Bylaw No. 9625 – Poplar Point Pump Station Upgrade – Loan Authorization Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R1012/06/11/06** THAT Bylaw No. 9625 be adopted.

Carried

- 6.1 Bylaw No. 9682 - City of Kelowna Freedom of Information and Protection of Privacy Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R1013/06/11/06** THAT Bylaw No. 9682 be adopted.

Carried

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- 6.2 Bylaw No. 9687 – Amendment to Solid Waste Management Regulation  
Bylaw No. 9570

Moved by Councillor Day/Seconded by Councillor Rule

**R1014/06/11/06** THAT Bylaw No. 9687 be adopted.

Carried

7. COUNCILLOR ITEMS – Nil.

8. TERMINATION

The meeting was declared terminated at 6:52 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk