

Regular Meeting – P.M.December 11, 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, December 11, 2006.

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

Council members absent: Councillors B.D. Given and R.D. Hobson.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg\*; Manager of Policy Research & Strategic Planning, S.K. Bagh\*; Acting Manager of Development Services, S. Gambacort\*; Planner Specialist, G.L. Stephen\*; Planner Specialist, P.J. McCormick\*; Development Planner, C. Gain\*; Development Planner, D. Noble\*; Director of Recreation Parks & Cultural Services, D.L. Graham\*; Financial Planning Manager, K. Grayston\*; Inspection Services Manager, R. Dickinson\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Tammie Watson, Canadian Blood Services re: Interior Drive for Life – Trophy Presentation

Tammie Watson, Canadian Blood Services:

- The Interior Drive for Life was initiated 9 years ago to encourage the residents of Kelowna and Prince George to compete for the most blood donations over a 2 month period. This year Kelowna has won the trophy and the City of Kelowna flag is on route to Prince George for flying over their City Hall for a week.
- Each city has won the challenge four times and one year they tied so next year will be the tie-breaker.
- Presented the trophy to Mayor Shepherd.

3.2 Doug Findlater, Chair, Westside Governance Committee and Allan Neilson-Welch, consultant re: Westside Governance

Doug Findlater, Chair, Westside Governance Committee:

- The Westside Governance Steering Committee was formed to look at municipal governance options and boundaries for the Westside. "No change" has been the option of choice the last two times the matter was taken to referendum.
- Boundaries were defined following the Westside OCP boundaries.
- This time the governance options for consideration have been expanded to also include amalgamating with the City of Kelowna.

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Allan Neilson-Welch, consultant:

- Outlined the process followed for the study of the options which included remaining unincorporated, incorporating as a separate municipality on the Westside and amalgamating with the City of Kelowna.
- Outlined some of the key assumptions that were made by the committee in order to complete an analysis of the three options. The analysis included putting together a fact sheet on each of the key local government services and then examining the implications of continuing with each under the three options.
- Outlined the proposed public communication plan for residents of the Westside.

Council:

- Staff to prepare a communications plan for the City of Kelowna with respect to the Westside Governance issue.

Moved by Councillor Rule/Seconded by Councillor Day

**R1100/06/12/11** THAT the presentation by Doug Findlater, Chair of the Westside Governance Committee, and consultant Allan Neilson-Welch be received for information.

Carried

#### 4. UNFINISHED BUSINESS

4.1 **Deferred from September 18, 2006 Regular Meeting** Director of Planning & Development Services, dated December 6, 2006 re: Outdoor Food and Beverage Programs (6530-18)

Staff:

- Summarized the input received in response to letters that were sent to the permit holders, advertising in the local newspapers, and a survey that was faxed out to the Downtown Kelowna Association membership.
- As a result of the input received, recommend that entertainment in outdoor seating areas be limited to non-amplified instruments with shut down at midnight.

Clint McKenzie, Downtown Kelowna Association:

- Confirmed that surveys were sent out to the 500+ DKA members.

Moved by Councillor Letnick/Seconded by Councillor Gran

**R1101/06/12/11** THAT the Planning & Development Services Department's report of December 6, 2006 outlining the input received in response to requests for input on proposed changes to the Outdoor Food and Beverage Program be received;

AND THAT Council reaffirm its endorsement of provisions pertaining to entertainment within outdoor seating areas as set out in the Planning and Development Services Department report of September 13, 2006, **except that:--**

- the only restriction for controlling sound volume be that the instruments are non-amplified, and
- the hours for allowing entertainment within outdoor seating areas be until 10 p.m. Sunday through Thursday, and until 11 p.m. Friday and Saturday and on Sundays when the following Monday is a holiday;

AND THAT Bylaw 9587 (being amendment #8 to Traffic Bylaw #8120) be advanced for reading consideration.

Carried

Councillor Blanleil opposed.

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Bylaw No. 9608 (Z05-0072) – George Boychuk (Jim Herman) -  
1855 Watson Road

Moved by Councillor Letnick/Seconded by Councillor ClarkR1102/06/12/11 THAT Bylaw No. 9608 be adopted.Carried

- (b) Planning & Development Services report dated December 5, 2006  
re: Development Permit Application No. DP05-0197 – George  
Boychuk (Ed Fenwick) – 1855 Watson Road

Moved by Councillor Letnick/Seconded by Councillor Day

R1103/06/12/11 THAT Council authorize the issuance of Development Permit  
No. DP05-0197 for Lot 1, Block 3, Section 32, Township 26, ODYD, Plan 896  
except Plan H8248 and KAP76225 located on Watson 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 pathway on the west portion of the property (Park access right-of-way) be constructed prior to release of performance security;
5. The owner is required to register a Road Reservation Agreement in the Land Title Office to allow for the future widening of Watson Road and be responsible for all fees and charges resulting from the road reserve associated with this application;
6. 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;
7. The applicant be required to register a plan of subdivision of the development site from the remainder of the parcel (West of Yates Road) and register the required restrictive covenants;

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

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- 5.2 Planning & Development Services Department, dated November 28, 2006 re: Development Permit Application No. DP06-0151 – Ryan Peak ULC (New Town Architectural Services Inc.) – (Portion of) 492 Clifton Road

Councillor Day advised that the subject property was previously owned by direct family members. Has been unable to confirm with them if they still have an interest in the property and so will declare a conflict of interest for this discussion. Councillor Day left the Council Chamber at 3:03 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

**R1104/06/12/11** THAT Council authorize the issuance of Development Permit No. DP06-0151 for that portion (as identified on the Development Permit Site Map attached to the report of the Planning and Development Services Department dated November 28, 2006) of the subject property that may be described as proposed Lot 5 of the subdivision of 492 Clifton Road legally described as Lot 1 Sections 31 and 32 Township 26 Osoyoos Division Yale District Plan KAP76392 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;
5. That the proposed subdivision of the parent property be completed to create the subject property as a separate legal parcel prior to issuance of this 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

Councillor Day returned to the Council Chamber at 3:08 p.m.

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5.3 Official Community Plan Amendment No. OCP06-0020 and Rezoning Application No. Z06-0051 – City of Kelowna – 1000 & 1008 Richter Street (BL9699; BL9700)

- (a) Planning & Development Services report dated November 30, 2006.

Moved by Councillor Letnick/Seconded by Councillor Gran

**R1105/06/12/11** THAT OCP Bylaw Amendment No. OCP06-0020 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 be changing the Future Land Use designation of Lot 1, District Lot 139, ODYD Plan 24283 and Lot 2, District Lot 139, ODYD Plan 24283, located on Richter Street, Kelowna, B.C. from the Industrial designation to the Public Service/Utilities designation, as shown on Map "A" attached to the report of the Planning & Development Services Department dated November 30, 2006 be considered by Council;

AND THAT Rezoning Application No. Z06-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan 24283 and Lot 2, District Lot 139, ODYD Plan 24283, located on Richter Street, Kelowna, B.C. from the I4 – Central Industrial zone to the P4 – Utilities zone be considered by Council;

AND FURTHER THAT OCP Bylaw Amendment No. OCP06-0020 and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 9699 (OCP06-0020) – City of Kelowna – 1000 & 1008 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Rule

**R1106/06/12/11** THAT Bylaw No. 9699 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. 9700 (Z06-0051) – City of Kelowna – 1000 & 1008 Richter Street

Moved by Councillor Day/Seconded by Councillor Rule

**R1107/06/12/11** THAT Bylaw No. 9700 be read a first time.

Carried

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- 5.4 Planning & Development Services Department, dated November 26, 2006 re: Official Community Plan Amendment No OCP06-0018 and Rezoning Application No. Z06-0043 – Gazelle Enterprises Inc. – 4760 Lakeshore Road

Staff:

- Do not recommend support because the application is inconsistent with Official Community Plan and growth management policies.

Moved by Councillor Day/Seconded by Councillor Blanleil

**R1108/06/12/11** THAT Council hear from the applicant.

Carried

Gail Temple, representing the applicant:

- Argued why the proposed 26-unit condominium development should be advanced to a Public Hearing, noting the project would be just over 50% of the floor area ratio that is allowed in the RM3 zone. The developer is considering entering into an agreement to guarantee that three of the units would be for affordable housing for at least 10 years. These units would be targeted at median income (\$58,000) households and would essentially be sold at cost. The other units will be sold for \$200,000 to \$250,000. The Advisory Planning Commission did not support the application and in response to the comments by the APC, changes were made including removing the height variance. The only variance that would be required now would be for parking to allow 58 stalls which is 1 stall over the 125% permitted. The owner of the farm land on either side is in support of the application.

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R1109/06/12/11** THAT OCP Bylaw Amendment No. OCP06-0018 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, Sec. 25, Twp. 28, SDYD Plan KAP71411, located on Lakeshore Road, Kelowna, B.C., from the Agricultural/Rural designation to the Low Density Multiple Housing designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated November 26, 2006 be considered by Council;

AND THAT Rezoning Application No. Z06-0043 to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 25, Twp. 28, SDYD Plan KAP71411, located on Lakeshore Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the zone and OCP amending bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Restrictive Covenants pertaining to prospective buyers pertaining to rural/urban interface awareness at the Land Titles Office;

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 Letnick opposed.

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- 5.5 Planning & Development Services Department, dated December 5, 2006 re: Official Community Plan Amendment No. OCP05-0001 and Rezoning Application No. Z05-0004 – The Roman Catholic Bishop of Nelson (Hans Berger & Ted Matte/Immaculate Conception Church) – 790, 796, 798 & 804 Elliot Avenue (BL9402; BL9403)

Moved by Councillor Day/Seconded by Councillor Rule

**R1110/06/12/11** THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of OCP Amending Bylaw No. 9402 (OCP05-0001) and Zone Amending Bylaw No. 9403 (Z05-0004) – The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – 790,796, 798, & 804 Elliot Avenue be extended from November 3, 2006 to May 3, 2007.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)**

- 6.1 Official Community Plan Amendment No. OCP06-0014 - Bylaw 7600 Official Community Plan – Amendment Bylaw No. 9632

- (a) Planning & Development Services report dated December 6, 2006

Moved by Councillor Letnick/Seconded by Councillor Rule

**R1111/06/12/11** THAT Bylaw No. 9632 (OCP06-0014) be amended at First Reading as outlined in the report of the Planning and Development Services Department dated December 6, 2006;

AND THAT Council's resolution of October 30, 2006 forwarding OCP amending bylaw No. 9632 to Public Hearing be confirmed.

Carried

- (b) Bylaw No. 9632 (OCP06-0014) – Official Community Plan Amendments to Commercial Land Use Policies **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Gran

**R1112/06/12/11** THAT Bylaw No. 9632 be amended at first reading by deleting Map 6.2 (Urban Development Permit Area Designation) and replacing it with a new Map 6.2 to correct a technological error in the map legend.

Carried

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- 7.1 Inspection Services Manager, dated November 29, 2006 re: ST06-09 – Application for Stratification of 4-Units of Row Housing at 360, 362, 364 & 366 Hein Road

Moved by Councillor Day/Seconded by Councillor Clark

**R1113/06/12/11** THAT the application to stratify the 4 unit row housing at 360, 362, 364 and 366 Hein Road be approved in the name of Robert and Michelle Geismayr with no conditions.

Carried

- 7.2 Director of Financial Services, dated December 6, 2006 re: Amendment No. 1 to Five Year Financial Plan, 2006-2010 (BL9692)

Moved by Councillor Day/Seconded by Councillor Clark

**R1114/06/12/11** THAT Council approves amending the Five Year Financial Plan, 2006-2010 Bylaw 9599 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2006;

AND THAT the amending Bylaw No. 9692 be advanced for reading consideration by Council.

Carried

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

Withdrawn.

- 7.4 Director of Recreation Parks & Culture verbal updated re: Mission Recreation Park Aquatic Centre

Staff:

- Briefly outlined the status of the aquatic centre project and advised that staff are targeting to be back before Council with full construction contracts by the end of January.

Moved by Councillor Blanleil/Seconded by Councillor Clark

**R1115/06/12/11** THAT the verbal progress report by the Director of Recreation Parks and Cultural Services with respect to negotiations for a future aquatic facility at Mission Recreation Park be received.

Carried



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- 7.5 Airport General Manager, dated December 6, 2006 re: Consent to Mortgage of Sub-Lease – 600897 BC Ltd. – Kelowna International Airport (0550-05; 2380-20-8057.1; 2380-20-8089)

Moved by Councillor Letnick/Seconded by Councillor Day

**R1116/06/12/11** THAT Council consent to a Mortgage of Sub-Lease between 600897 B.C. Ltd. (Carson Air) and the Royal Bank of Canada;

AND THAT the Mayor and City Clerk be authorized to execute the Consent to Mortgage of Sub-Lease on behalf of the City.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 8.1 Bylaw No. 9692 – Amendment No. 1 to Five Year Financial Plan, 2006-2010

Moved by Councillor Rule/Seconded by Councillor Day

**R1117/06/12/11** THAT Bylaws No. 9692, 9697 and 9701 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9697 – Road Closure Bylaw – Unconstructed Road off Highway 97 North near Airport Way

See resolution adopted under agenda item No. 8.1.

- 8.3 Bylaw No. 9701 – Amendment No. 17 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under agenda item No. 8.1.

9. COUNCILLOR ITEMS - Nil.

10. TERMINATION

The meeting was declared terminated at 4:07 p.m.

Certified Correct:

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 Mayor

BLH/am

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 City Clerk