

Regular Meeting – P.M.February 26, 2007

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 26, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day\*, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Planning & Development Services, Mary Pynenburg\*; Manager of Community Development & Real Estate, Doug Gilchrist\*; Planner, Ryan Smith\*; Planner, Nelson Wight\*; Development Engineering Manager, Steve Muenz\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Governor General's Award – Certificate of Commendation to Mr. Ryan Sichewski

Mayor Shepherd presented Mr. Ryan Sichewski with the Governor General's Award - Certificate of Commendation.

3.2 Communities in Bloom Committee re: Winter Lights Competition Results

Councillor Rule presented the Home Hardware Visual Presentation Award to Mark Tompkins behalf of the City of the Kelowna.

Councillor Rule presented a 5 Star Award to the Kelowna Gospel Mission in recognition of their work in the community.

3.3 Superintendent McKinnon re: Monthly Policing Update

Superintendent McKinnon provided Council with his Monthly Policing update.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning and Development Services Department, dated February 20, 2007 re: A06-0027 – Wilf and Rose (Odile) Hoffman – 1032 Webster Road

Moved by Councillor Day/Seconded by Councillor Hobson

**R228/07/02/26** THAT Agricultural Land Reserve Appeal No. A06-0027 for That Part Block 35 Shown on Plan B4779, Sections 25 and 26, and Township 26, O.D.Y.D., Plan 264, located on Webster 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.

Carried

Regular Meeting – P.M.

February 26, 2007

- 4.2 Planning and Development Services Department, dated February 21, 2007 re: A06-0006 – Benson Edwards LLP (Richard & Sandy Woykin) – 2260 Garner Road

This item was withdrawn from the Agenda.

- 4.3 Planning and Development Services Department, dated February 21, 2007 re: A06-0005 – Benson Edwards LLP (Elmer & Jori-Ann Gruza) – 2604 Belgo Road

This item was withdrawn from the Agenda.

- 4.4 Planning and Development Services Department, dated February 9, 2007 re: Z06-0063 – Acorn Communities Ltd. – 449, 455, 461 and 465 West Ave.

Council:

- Staff to report back at the Public Hearing regarding underground parking designs, and in particularly, safety concerns.

Moved by Councillor Hobson/Seconded by Councillor Day

**R229/07/02/26** THAT Rezoning Application No. Z06-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, Block 1, District Lot 14, ODYD Plan 4743 and Lot 11, Block 1, District Lot 14, ODYD Plan 4743 and Lot 12, Block 1, District Lot 14, ODYD Plan 4743 and Lot 10, Block 1, District Lot 14, ODYD Plan 4743, located on West Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

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

Bylaw No. 9709 – Z06-0063 – Acorn Communities Ltd. – 449, 455, 461 and 465 West Ave.

Moved by Councillor Letnick/Seconded by Councillor Given

**R230/07/02/26** THAT Bylaw No. 9709 be read a first time.

Carried

- 4.5 Planning and Development Services Department, dated February 15, 2007 re: Z06-0067 – Brad Baxter (Michael and Courtney Ungaro; Allison Ungaro) – 1015 Cushing Court.

Regular Meeting – P.M.

February 26, 2007

Moved by Councillor Letnick/Seconded by Councillor Gran

**R231/07/02/26** THAT Rezoning Application No. Z06-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 52, District Lot 136, ODYD Plan 37018, located on Cushing Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1S – Large Lot Housing with Secondary Suite zone 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. 9745 – Z06-0067 – Michael, Courtney and Allison Ungaro (Brad Baxter) – 1015 Cushing Court.

Moved by Councillor Letnick/Seconded by Councillor Given

**R232/07/02/26** THAT Bylaw No. 9745 be read a first time.

Carried

4.6 Planning and Development Services Department, dated February 15, 2007 re: Z06-0070 – Irvin and Patricia Dyck – 4213 Bedford Road.

Councillor Day declared a conflict as immediate family members own adjacent properties and left the meeting at 2:16 p.m.

Moved by Councillor Gran/Seconded by Councillor Letnick

**R233/07/02/26** THAT Rezoning Application No. Z06-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 29, ODYD Plan KAP76256, located on Bedford Road, Kelowna, B.C. from the RR1 – Rural Residential 1 zone to the RR1s - Rural Residential 1 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 South East Kelowna Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 9746 – Z06-0070 – Irvin and Patricia Dyck – 4213 Bedford Road.

Moved by Councillor Rule/Seconded by Councillor Letnick

**R234/07/02/26** THAT Bylaw No. 9746 be read a first time.

Carried

Regular Meeting – P.M.

February 26, 2007

Council:

- Staff to report back regarding DCC's on secondary suites as to whether or not the matter could be dealt with at the upcoming workshop regarding affordable housing and secondary suites or through a comprehensive DCC review.

Councillor Day returned to the meeting at 2:25 p.m.

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Works & Utilities, dated February 21, 2007 re: Latecomer Charges – 0726570 BC Ltd.

Councillor Day declared a conflict and left the meeting at 2:27 p.m.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

**R235/07/02/26** THAT The Municipal Council requires the owner of Lot 13 KAP 82094 Sec 13 Twp 26, ODYD which is to be subdivided or developed, to provide the excess or extended services shown in Appendix D of the Latecomer Agreement No. 2250-70-82 attached to the report of the Director of Works & Utilities, dated February 23, 2007;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix D of the Latecomer Agreement No. 2250-70-82, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix D of Latecomer Agreement No. 2250-70-82, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-82;

AND THAT the City enter into Latecomer Agreement No. 2250-70-82 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

Councillor Day returned at 2:28 pm

- 5.2 Director of Works & Utilities, dated February 21, 2007 re: Latecomer Charges – Kettle Valley Holdings Ltd.

Moved by Councillor Hobson/Seconded by Councillor Day

**R236/07/02/26** THAT The Municipal Council requires the owner of Lot 1 PL 22290 Sec 23 Twp 28 SDYD except Plans 24513, 25767 & 32591; Lot 168 PL 32591 Sec 24 Twp 28 SDYD; Lot A PL 29585 Sec 23 Twp 28 except PI 32591; Lot A PL 23380 Secs. 23 & 24 Twp 28 SDYD except PL 32591; Lot 1 PL 41091 Secs. 23 & 24 Twp. 28 SDYD, Part of the NE 1/4 , Twp 28 SDYD, which is to be subdivided or developed, to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-74 attached to the report of the Director of Works & Utilities, dated February 23, 2007;

Regular Meeting – P.M.

February 26, 2007

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-74, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Schedule C-2 of Latecomer Agreement No. 2250-70-74, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Schedule C-2 of Latecomer Agreement No. 2250-70-74;

AND THAT the City enter into Latecomer Agreement No. 2250-70-74 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

- 5.3 Manager of Community Development & Real Estate, dated February 20, 2007, re: Temporary Construction Agreement – Okanagan Lake Bridge Road Approach Network – Richter Street Widening

Moved by Councillor Rule/Seconded by Councillor Letnick

**R237/07/02/26** THAT Council approve the usage of a portion of Lot A, Plan 30475 (1626 Richter Street) for the Richter Street Road Widening Project for the sum of \$1,800.00 as per the terms and conditions outlined in the attached Temporary Construction Agreement dated February 16, 2007;

AND THAT the Manager of Community Development and Real Estate be authorized to execute all documents necessary to complete this transaction;

AND THAT all costs associated with this Temporary Construction Agreement, estimated to total \$1,800.00 be charged to Account No. 170-10-3400-R4142-W495 (Highway Link – Richter).

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 9747 – Amendment No. 2 to Solid Waste Management Regulation Bylaw No. 9570

Moved by Councillor Day/Seconded by Councillor Gran

**R238/07/02/26** THAT Bylaw No. 9747 be read a first, second and third time.

Carried

**(BYLAW PRESENTED FOR ADOPTION)**

- 6.2 Bylaw No. 9741 – Local Area Service Parcel Tax Bylaw – Country Rhodes

Regular Meeting – P.M.

February 26, 2007

Moved by Councillor Gran/Seconded by Councillor Blanleil

**R239/07/02/26** THAT Bylaw No. 9741 be adopted.

Carried

7. COUNCILLOR ITEMS (including Committee Updates)

Councillor Letnick:

- Raised the issue of the transition concerning the Westside Governance and discussion took place regarding the election of Council members should the Westside join Kelowna.

Moved by Councillor Letnick/Seconded by Councillor Day

**R240/07/02/26** THAT all electors on both sides of the lake elect all councillors but that two (2) seats be reserved for residents of the Westside.

Carried

Councillor Hobson:

- Reminded Council that the deadline for submissions of OMMA Resolutions is early April 2007.
- Reminded Council that the deadline for submissions of UBCM Resolutions is June 30, 2007.

8. TERMINATION

The meeting was declared terminated at 2:54 p.m.

Certified Correct:

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Mayor

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City Clerk

SLH/am