

Regular Meeting – P.M.March 12, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Rehearsal Hall, Kelowna Community Theatre, 1375 Water Street, Kelowna, B.C., on Monday, March 12, 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.

Council members absent:

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Financial Services, Paul Macklem*; Director of Works & Utilities, John Vos*; Communications Manager, Karen Cairns*; Director of Planning & Development Services, Mary Pynenburg*; Acting Manager of Development Services, Shelley Gambacort*; Communications Manager, Karen Cairns*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Planner Specialist, Gary Stephen*; Planner, Danielle Noble*; Planner, Corine (Cory) Gain*; Transportation Demand Supervisor Jerry Dombowsky*; Cemetery Manager, Dennis Radford*; Environmental Technician, Michelle Kam*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. UNFINISHED BUSINESS

3.1 Boundary Extension Review Team, dated March 7, 2007 re: Westside Governance – Financial Impact Analysis on Kelowna Taxpayers

Boundary Extension Review Team:

- Gave a PowerPoint Presentation to Council with respect to the financial analysis regarding the boundary extension.
- Confirmed that the boundary extension would have little or no financial impact on existing Kelowna taxpayers.
- Confirmed that the report does not address the impacts of the Westbank First Nations on an expanded Kelowna.

Council:

- Requested clarification on the term “amalgamation vs. boundary extension”.
- Requested clarification regarding policing.
- Concerned about the impact of the Westbank First Nations' lands.

Boundary Extension Review Team:

- Advised that amalgamation deals with two (2) municipalities joining together. As the Westside is a Regional District and legally not a municipality, the term “boundary extension” applies; however the Team has been using the term amalgamation as it is a “friendlier” term and has been used by others over the past few years.
- Suggested that a City of Kelowna Task Force and/or Advisory Committee be established to deal with Westside Governance.

Moved by Councillor Day/Seconded by Councillor Given

THAT Council receive the attached report from Robert Prosser & Associates Inc. regarding the financial impact on Kelowna taxpayers of an amalgamated Kelowna and Westside Governance Study Area;

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AND THAT Council accept the report's findings as confirmation that a boundary extension will not adversely impact Kelowna taxpayers.

Amendment Moved by Councillor Letnick/Seconded by Councillor Clark

R271/07/03/12 THAT Council defer its decision to accept the report's findings as confirmation that a boundary extension will not adversely impact Kelowna taxpayers.

Defeated

Mayor Shepherd and Councillors Blanleil, Day, Given, Gran and Hobson opposed.

The original motion was then voted on and carried, as follows:

Moved by Councillor Day/Seconded by Councillor Given

R272/07/03/12 THAT Council receive the attached report from Robert Prosser & Associates Inc. regarding the financial impact on Kelowna taxpayers of an amalgamated Kelowna and Westside Governance Study Area;

AND THAT Council accept the report's findings as confirmation that a boundary extension will not adversely impact Kelowna taxpayers.

Carried

Councillors Clark, Letnick and Rule opposed.

Moved by Councillor Day/Seconded by Councillor Blanleil

R273/07/03/12 THAT Council direct staff to look at the impact of the Westbank First Nations lands and their build out of those lands as it relates to the financial impact on Kelowna taxpayers with respect to the Westside Governance issue.

Carried

Councillor Gran opposed.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning and Development Services Department, dated February 28, 2007 re: Bylaw 7600 Official Community Plan – Amendment Bylaw No. 9736

(a) Planning & Development Services report dated February 28, 2007.

Moved by Councillor Given/Seconded by Councillor Hobson

R274/07/03/12 THAT OCP Text Amendment Bylaw No.OCP07-0005 to amend *Kelowna 2020* – Official Community Plan Bylaw No. 7600 be considered for First Reading and forwarded to Public Hearing as outlined in the report of the Planning and Development Services Department dated January 31, 2007;

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AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated January 31, 2007, prior to forwarding OCP Bylaw Text Amendment No. 9736 for First Reading.

Carried

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

Bylaw No. 9736 (OCP07-0005) – Text Amendment Natural Environment/Hazardous Condition Development Permit Area Designation to Bylaw No. 7600.

Moved by Councillor Hobson/Seconded by Councillor Day

R275/07/03/12 THAT Bylaw No. 9736 be read a first time;

AND THAT staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

Carried

4.2 Planning and Development Services Department, dated February 26, 2007 re: Zoning Application No. Z07-0001 – Greg Penner & Cameron Manning (National Society of Hope) – 2071 Gordon Drive

(a) Planning & Development Services report dated February 26, 2007.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R276/07/03/12 THAT Rezoning Application No. Z07-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Plan 12579, Sec. 19, Twp 26, ODYD, located on Gordon Drive, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to RM4 – Transitional Low Density 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 withheld until the applicant has addressed the requirements of the Works and Utilities department.

Carried

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

Bylaw No. 9757 (Z07-0001) – Greg Penner & Cameron Manning (National Society of Hope) – 2071 Gordon Drive.

Moved by Councillor Day/Seconded by Councillor Hobson

R277/07/03/12 THAT Bylaw No. 9757 be read a first time.

Carried

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- 4.3 Planning and Development Services Department, dated February 26, 2007 re: Official Community Plan Amendment Application No. OCP07-0008 – Hilltop Sand & Gravel Co. Ltd. (City of Kelowna) – 4885 South Ridge Drive
- (a) Planning & Development Services report dated February 26, 2007.

Moved by Councillor Hobson/Seconded by Councillor Day

R278/07/03/12 THAT OCP Bylaw Amendment No. OCP07-0008 to amend Map 19.1 of Kelowna 2020 – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation for a portion of Lot A District Lot 357 Similkameen Division Yale District Plan KAP77848 Except Plans KAP78751, KAP80522, KAP81111 and KAP81112 located at 4485 South Ridge Drive, Kelowna, BC to those shown on Map 'A' attached to the report of the Planning and Development Services Department dated February 22, 2007 be considered by Council;

AND FURTHER THAT the OCP Amending Bylaw be forwarded to a Public Hearing for further consideration concurrently with the Zone Amending Bylaw for application Z06-0047.

Carried

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

Bylaw No. 9758 (OCP07-0008) – Hilltop Sand & Gravel Co. Ltd. (City of Kelowna) – 4885 South Ridge Drive.

Moved by Councillor Gran/Seconded by Councillor Blanleil

R279/07/03/12 THAT Bylaw No. 9758 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 Planning and Development Services Department, dated February 26, 2007 re: Zoning Application No. Z06-0047 – Hilltop Sand & Gravel Co. Ltd. (Protech Consultants Ltd.) – 4885 South Ridge Drive
- (a) Planning & Development Services report dated February 26, 2007.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R280/07/03/12 THAT Rezoning Application No. Z06-0047 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot A District Lot 357 Similkameen Division Yale District Plan KAP77848 Except Plans KAP78751, KAP80522, KAP81111 and KAP81112 located at 4485 South Ridge Drive, Kelowna, BC to those shown on Map 'B' attached to the report of the Planning and Development Services Department dated February 22, 2007 be considered by Council;

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AND FURTHER THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9759 (Z06-0047) – Hilltop Sand & Gravel Co. Ltd. (Protech Consultants Ltd.) – 4885 South Ridge Drive.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R281/07/03/12 THAT Bylaw No.9759 be read a first time.

Carried

4.5 Planning and Development Services Department, dated March 2, 2007 re: Official Community Plan Amendment No. OCP07-0003 – No. 21 Great Projects, Vincent & Pamela Blaskovich, Interval Investment Inc., 392187 BC Ltd., Oracle Investments Inc., City of Kelowna (Stantec Consulting Ltd./Marnie Skobalski) – Ivens & Paret Road, south of Gordon Drive Extension

(a) Planning & Development Services report dated March 2, 2007.

Moved by Councillor Day/Seconded by Councillor Letnick

R282/07/03/12 THAT OCP Bylaw Text Amendment No. OCP07-0003 to amend *Kelowna 2020* Official Community Plan Bylaw No. 7600 by deleting reference to a pending SW Mission Area Structure Plan, and adding a definition of Cluster Housing, and adding references to Cluster Housing as outlined in the report of the Planning & Development Services Department dated March 2, 2007 be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 6.2 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by adding the Village Centre Development Permit Area Designation to Part of the North ½ of DL 579, SDYD except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; and Part of the South ½ of DL 579, SDYD except Plan KAP77336 located on Ivens Road, Kelowna, BC, as shown on Map “A” attached to the report of Planning & Development Services Department, dated March 2, 2007, and revise the legend of Map 6.2 Village Centre Development Permit Areas to include “8 South Gordon” be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 12.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by adding the 2 Lane Major Collector Roads and 2 Lane Minor Collector Roads to the North ½ of DL 579, SDYD except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; Lot 3, DL 579, SDYD, Plan KAP66779; Lot A, Secs. 20 & 29, Twp. 29, SDYD, Plan KAP44335; Part 8.1 acres more or less of the SW ¼ Sec. 29 shown outlined green on Plan B4787, Twp. 29, SDYD; the South ½ DL 579, SDYD, except Plan KAP77336; and Lot B, Sec. 20, Twp. 29, SDYD, Plan KAP44335; off of Ivens Road, Kelowna, BC, as shown on Map “B”, attached to the report of Planning & Development Services Department, dated March 2, 2007 be considered by Council;

THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of North ½ of DL 579, SDYD except Plans 5648, 9458,

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9459, KAP74689, KAP75766 and KAP77604; Lot 3, DL 579, SDYD, Plan KAP66779; Lot B, DL 579, SDYD, Plan KAP67461; Lot A, Secs. 20 & 29, Twp. 29, SDYD, Plan KAP44335; Part 8.1 acres more or less of the SW ¼ Sec. 29 shown outlined green on Plan B4787, Twp. 29, SDYD; the South ½ DL 579, SDYD, except Plan KAP77336; Lot B, Sec. 20, Twp. 29, SDYD, Plan KAP44335; and the NE ¼ of Sec. 20, Twp. 29, SDYD, located off of Ivens and Paret Roads, Kelowna, BC, from the Single/Two Unit Residential designation to the Single/Two Unit Residential, Multiple Unit Residential – Cluster Housing, Multiple Unit Residential (Low Density), Multiple Residential (Medium Density), Commercial, Major Park/Open Space, and Educational/Major Institutional designations, and to revise the legend of Map 19.1 to include the Multiple Unit Residential (Cluster Housing) designation, as shown on Map “C” attached to the report of Planning & Development Services Department, dated March 2, 2007, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0007 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9760 (OCP07-0003) – No. 21 Great Projects, Vincent & Pamela Blaskovich, Interval Investment Inc., 392187 BC Ltd., Oracle Investments Inc., City of Kelowna (Stantec Consulting Ltd.) – Ivens & Paret Road, south of Gordon Drive Extension.

Moved by Councillor Gran/Seconded by Councillor Blanleil

R283/07/03/12 THAT Bylaw No. 9760 be read a first time.

AND THAT staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

Carried

4.6 Planning and Development Services Department, dated February 27, 2007 re: Zoning Application No. Z06-0048 – MKS Resources Inc. – 529 Martin Road and 3869, 3879, 3889-3899 Truswell Road

(a) Planning & Development Services report dated March 2, 2007.

Staff:

- Confirmed that both the Works & Utilities Department staff and the Parks Division staff will be at the Public Hearing to field any questions relating to this application.

Moved by Councillor Given/Seconded by Councillor Blanleil

R284/07/03/12 THAT Rezoning Application No. Z06-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of: Strata Lots 1&2, Sec. 1, Twp. 25, O.D.Y.D., Plan K58, Lot 2, Sec. 1, Twp. 25, O.D.Y.D., Plan 15587, Lot 1, Sec. 1, Twp. 256, O.D.Y.D., Plan 12199, & Lot 1, Sec. 1, Twp. 25, O.D.Y.D., Plan 13261, located on Truswell Road and Martin Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C9 – Tourist Commercial zone be considered by Council;

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

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

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision for required creek dedications and road closures.

Carried

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

Bylaw No. 9753 (Z06-0048) – MKS Resources Inc. – 529 Martin Road, 3869, 3879, 3889-3899 Truswell Road.

Moved by Councillor Given/Seconded by Councillor Letnick

R285/07/03/12 THAT Bylaw No. 9753 be read a first time.

Carried

4.7 Planning and Development Services Department, dated February 27, 2007 re: Zoning Application No. Z06-0057 – Pacific Sun Enterprises Ltd. – 1849 Chandler Street

(a) Planning & Development Services report dated February 27, 2007.

Moved by Councillor Day/Seconded by Councillor Given

R286/07/03/12 THAT Rezoning Application No. Z06-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 38, DL 137, O.D.Y.D., Plan 10011, located on Chandler Street, Kelowna, B.C. from the existing RU6 – Two Dwelling Housing zone to the proposed P1 – Major Institutional 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 & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate properties into one title.

Carried

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

Bylaw No. 9755 (Z06-0057) – Pacific Sun Enterprises Ltd. – 1849 Chandler Street.

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Moved by Councillor Given/Seconded by Councillor Letnick

R287/07/03/12 THAT Bylaw No. 9755 be read a first time.

Carried

4.8 Planning and Development Services Department, dated February 27, 2007 re: Zoning Application No. Z06-0061 – Anton & Maria Wolf (Sunstar Ventures Ltd.) – 860 McCurdy Road

(a) Planning & Development Services report dated February 27, 2007.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R288/07/03/12 THAT Rezoning Application No. Z06-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DL 143, O.D.Y.D., Plan KAP65168, located on McCurdy Road, Kelowna, B.C. from the existing C9 – Tourist Commercial zone to the proposed I2 – General Industrial 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9756 (Z06-0061) – Anton & Maria Wolf (Sunstar Ventures Ltd.) – 860 McCurdy Road.

Moved by Councillor Clark/Seconded by Councillor Rule

R289/07/03/12 THAT Bylaw No. 9756 be read a first time.

Carried

4.9 Planning and Development Services Department, dated March 5, 2007 re: Zoning Application No. Z04-0048 – 218555 BC Ltd., Cheville Investments Ltd., 298874 BC Ltd. (Advance Precast Ltd./Wayne Rains) – 745, 765 & 793 Stemel Road

Moved by Councillor Hobson/Seconded by Councillor Letnick

R290/07/03/12 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9354 (Z04-0048) – 218555 BC Ltd. Et al – Stremel Road be extended from February 22, 2007 to August 22, 2007.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Transportation Manager, dated March 7, 2007 re: Award of Parking Management Services Contract T06-143 – On and Off- Street Parking Enforcement

Moved by Councillor Day/Seconded by Councillor Hobson

R291/07/03/12 THAT the Contract for management services for on and off-street pay parking in accordance with the Request for Proposal T06-143, be awarded to Imperial Parking Canada in the amount of \$454,829.04 (plus 2.75% per annum escalation) per year including GST for the 5 year period from May 1, 2007 through April 31, 2012;
AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

- 5.2 Environment and Solid Waste Manager, dated March 1, 2007 re: Okanagan Basin Water Board Water Conservation & Quality Improvement Grants

Moved by Councillor Rule/Seconded by Councillor Letnick

R292/07/03/12 THAT Council endorse the applications for the Okanagan Basin Water Board Water Conservation and Quality Improvement Grants attached to the Report of the Environment & Solid Waste Manager dated March 1, 2007.

Carried

- 5.3 Cemetery Manager, dated March 7, 2007 re: Fee Changes – Kelowna Memorial Park Cemetery

Staff:

- Confirmed that staff are keeping with the “cemetery plan” that was previously adopted by Council.
- Confirmed that the “heritage” site enhancements have been addressed in co-operation with the Parks Division.

Moved by Councillor Given/Seconded by Councillor Letnick

R293/07/03/12 THAT Council approve the recommended fee changes as outlined in the report dated March 27, 2007 from Kelowna Memorial Park Cemetery Manager,

AND THAT the amending bylaw to the Kelowna Memorial Park Cemetery Bylaw No. 8807 be brought forward for reading consideration by Council.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9738 – Amendment No. 3 to the Kelowna Memorial Park Cemetery Bylaw No. 8807

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Moved by Councillor Clark/Seconded by Councillor Rule

R294/07/03/12 THAT Bylaw No. 9738 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS (including Committee Updates) – Nil.

8. TERMINATION

The meeting was declared terminated at 4:35 p.m.

Certified Correct:

Mayor

SLH/cjd

Deputy City Clerk