

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

**MONDAY, APRIL 2, 2007**

1:30 P.M.

1. CALL TO ORDER
2. Councillor Letnick to check the minutes of the meeting.
3. PUBLIC IN ATTENDANCE
  - 3.1 Works & Utilities Department re: Snow Busters Award Presentation
  - 3.2 Marion Ashby, President, City of Kelowna Arts Foundation re: Update regarding Deliberations of Grants to Amateur Arts Organizations
4. UNFINISHED BUSINESS
  - 4.1 [Boundary Extension Review Team, dated March 28, 2007 re: Westside Governance – Voting Process Upon Amalgamation](#)  
*To approve, subject to results of the consultation process, the voting processes should the Westside Governance Study Area voters favour amalgamation with the City of Kelowna.*
  - 4.2 [Director of Works and Utilities, dated March 28, 2007 re: Westside Governance – Infrastructure Impacts of WFN Growth](#)  
*To receive the report of the Director of Works and Utilities dated March 28, 2007 for information.*
  - 4.3 [Community Planning Manager, dated March 20, 2007 re: Secondary Suites in Existing Buildings](#)  
*To authorize staff to proceed with a text amendment to add a secondary suite in an existing building as a permitted use.*
5. DEVELOPMENT APPLICATION REPORTS
  - 5.1 [Planning & Development Services Department, dated March 14, 2007 re: Agricultural Land Reserve Application No. A06-0028 – Cheryl Diane Turton – 2796 K.L.O. Road](#)  
*To consider a staff recommendation to NOT support an application to the Agricultural Land Commission to allow a two lot +/- 1 ha lot subdivision (in lieu of a homesite severance subdivision) under Section 21(2) of the Agricultural Land Commission Act.*

- 5.2 [Planning & Development Services Department, dated March 21, 2007 re: Agricultural Land Reserve Application No. A07-0001 – Richard and Linda Lamberton \(Doug Lane, Water Street Architecture\) – 3995 June Springs Road](#)  
*To consider a staff recommendation to NOT support an application to the Agricultural Land Commission to allow a non-farm use to permit the conversion of the existing 74.3m<sup>2</sup> single family dwelling to a secondary suite in an accessory building pursuant to Section 20(3) of the Agricultural Land Commission Act.*
- 5.3 [Planning & Development Services Department, dated March 21, 2007 re: Agricultural Land Reserve Application No. A06-0029 – Victor Errol Sladen \(Tom Smithwick, Q.C.\) – 1801 Saucier Road](#)  
*To consider a staff recommendation to support an application to the Agricultural Land Commission for a subdivision in lieu of a homesite severance subdivision pursuant to Section 21(2) of the Agricultural Land Commission Act.*
- 5.4 Planning & Development Services Department, dated March 16, 2007 re: Zoning Application No. Z07-0015 – Bing L. Li and Sio C. Cheng – 299 Phipps Crescent  
*To rezone the subject property from RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.*
- (a) [Planning & Development Services report dated March 16, 2007.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 9768 \(Z07-0015\)](#) – Bing L. Li and Sio C. Cheng – 299 Phipps Crescent  
*To rezone the subject property from RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.*
- 5.5 Planning & Development Services Department, dated March 21, 2007 re: [Zoning Application No. Z07-0022 – Dr. Howard Davidson Inc. \(Howard Davidson\) – 764 Bernard Avenue](#)  
*To rezone the subject property from RU6 – Two Dwelling Housing zone to the CD10 – Heritage Cultural zone; To amend Zoning Bylaw No. 8000 to include Health Services as a principal use within the CD10 – Heritage Cultural zone and add regulations limiting the scale of this use.*
- (a) [Planning & Development Services report dated March 21, 2007.](#)
- (b) **BYLAWS PRESENTED FOR FIRST READING**
- (i) [Bylaw No. 9771 \(TA07-0003\)](#) – Dr. Howard Davidson Inc. (Howard Davidson) – 764 Bernard Avenue  
*To amend Zoning Bylaw No. 8000 to include Health Services as a principal use within the CD10 – Heritage Cultural zone..*
- (ii) [Bylaw No. 9772 \(Z07-0022\)](#) – Dr. Howard Davidson Inc. (Howard Davidson) – 764 Bernard Avenue  
*To rezone the subject property from RU6 – Two Dwelling Housing zone to the CD10 – Heritage Cultural zone.*

- 5.6 Planning & Development Services Department, dated March 12, 2007 re: Zoning Bylaw Text Amendment No. TA07-0001 – City of Kelowna  
*To create definition of supportive housing and add as a permitted use in several zones; To amend definition of winery/cidery; To amend provisions pertaining to mechanical equipment; To add congregate housing as a permitted use in two commercial zones.*
- (a) [Planning & Development Services report dated March 12, 2007.](#)
- (b) **BYLAW PRESENTED FOR FIRST AND SECOND READINGS**
- [Bylaw No. 9766 \(TA07-0001\)](#) – Text Amendment to City of Kelowna Zoning Bylaw No. 8000 – Housing keeping Amendments  
*To create definition of supportive housing and add as a permitted use in several zones; To amend definition of winery/cidery; To amend provisions pertaining to mechanical equipment; To add congregate housing as a permitted use in two commercial zones.*
- 5.7 Planning & Development Services Department, dated March 21, 2007 re: Zoning Application No. Z06-0069 – Maxwell House Developments Ltd. – 1967 Cross Road  
*To amend the Official Community Plan to relocate Brandt’s Creek and the Linear Park System and to enlarge the multiple unit low density designation area; To rezone the subject property from the existing A1 – Agriculture 1 zone to the proposed RM3 – Low Density Multiple Housing, RU1 – Large Lot Housing and P3 – Parks and Open Space zones.*
- (a) [Planning & Development Services report dated March 21, 2007.](#)
- (b) **BYLAWS PRESENTED FOR FIRST READING**
- (i) [Bylaw No. 9769 \(OCP06-0025\)](#) – Maxwell House Developments Ltd. – 1967 Cross Road **Requires a majority of all Members of Council (5)**  
*To amend the Official Community Plan from the “Single/Two Unit Residential”, “Multiple Unit Residential-Low Density”, “Major Park and Open Space” designations to the “Major Park and Open Space”, Single/Two Unit Residential and “Multiple Residential-Low Density” designations.*
- (ii) [Bylaw No. 9770 \(Z06-0069\)](#) – Maxwell Housing Developments Ltd. – 1967 Cross Road  
*To rezone the subject property from the existing A1 – Agriculture 1 zone to the proposed RM3 – Low Density Multiple Housing, RU1 – Large Lot Housing and P3 – Parks and Open Space zones.*
- 5.8 Planning & Development Services Department, dated March 22, 2007 re: Zoning Application No. Z06-0005 – 0695136 BC Ltd. and 0737831 BC Ltd. (Lynn Welder Consulting) – 712, 728, 730 Stremel Road  
*To amend Map 12.1 – 20 year major road network and road classification plan to relocate the 2 lane major collector designation (Mayfair Road Extension) north of Stremel Road; To rezone the subject properties to the I2 – General Industrial*

zone to permit the use of the site for general industrial uses and to permit development of an industrial subdivision.

(a) [Planning & Development Services report dated March 22, 2007.](#)

(b) **BYLAWS PRESENTED FOR ADOPTION**

(i) [Bylaw No. 9657 \(OCP06-0017\)](#) – 0695136 BC Ltd. and 0737831 BC Ltd. (Lynn Welder Consulting) – 712, 728, 730 Stremel Road  
**Requires a majority of all Members of Council (5)**

*To amend Map 12.1 – 20 year major road network and road classification plan to relocate the 2 lane major collector designation (Mayfair Road Extension) north of Stremel Road.*

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

*To rezone the subject properties to the I2 – General Industrial zone to permit the use of the site for general industrial uses and to permit development of an industrial subdivision.*

5.9 Planning and Development Services Department, dated March 28, 2007 re: Zoning Application No. Z05-0073 – Echo Mountain Development (New Town Planning Services Inc.) – 2750, 2760, 2784, 2786, 2788 Highway 97 N.

*To rezone the subject properties from the existing A1 – Agriculture 1 zone to the proposed I1 – Business Industrial and I2 – General Industrial zones to allow for business industrial and general industrial uses on the site and to facilitate an industrial subdivision development.*

(a) [Planning & Development Services report dated March 28, 2007.](#)

(b) **BYLAW PRESENTED FOR ADOPTION**

[Bylaw No. 9629 \(Z05-0073\)](#) – Echo Mountain Development (New Town Planning Services Inc. – 2750, 2760, 2784, 2786, 2788 Highway 97 N.

*To rezone the subject properties from the existing A1 – Agriculture 1 zone to the proposed I1 – Business Industrial and I2 – General Industrial zones.*

6. **BYLAWS (ZONING & DEVELOPMENT)**

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

6.1 [Bylaw No. 9736 \(OCP07-0005\)](#) – Text Amendment Natural Environment/Hazardous Condition Development Permit Area Designation Bylaw No. 7600

*To amend Bylaw No. 9736 at first reading by adding a new Section 9 which updated cross-references in the Bylaw.*

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 [Financial Systems and Investments Manager, dated March 21, 2007 re: Uncollectible Property Taxes Receivable](#)  
*To approve the write-off of the property taxes receivable; To apply to the Minister under Section 315.3 of the Local Government Act to manage and dispose of such assets; To amend the 2007 Financial Plan.*
- 7.2 [Financial Systems and Investments Manager, dated March 27, 2007 re: Investment of City of Kelowna Surplus Funds for 2006](#)  
*To receive the 2006 Compliance and Benchmark Report for the City of Kelowna Investment Portfolio.*
- 7.3 [Acting Revenue Manager, dated March 19, 2007 re: 2007 Property Tax Deferment Program](#)  
*To receive the report of the recent changes to the Property Tax Deferment Program from the Acting Revenue Manager dated March 19, 2007.*
- 7.4 [Utility Contract Administrator, dated March 23, 2007 re: 2007 Electrical Utility Rates](#)  
*To approve an electrical rate increase of 3.4% for the City's residential customers, 3.2% for the City's commercial customers and 3.3% for the City's municipal and school customers; To approve the 2007 electrical rates.*
- 7.5 [Wastewater Engineer, dated March 28, 2007 re: Award of Construction TE07-05 – Southwest Rutland Local Area Service #23 Zone C \(Sewer\)](#)  
*To award the contract for the construction of the Southwest Rutland Local Area Service #23 Zone C (Sewer) to Peter Bros. Construction Ltd. for the amount of \$3,966,590.21.*
- 7.6 [Corporate Communications Coordinator, dated March 20, 2007 re: Advisory Committee for Community and Women's Issues](#)  
*To approve the recommendation of staff and the Advisory Committee for Community and Women's Issues to appoint Anne Horak, Carol Lust, Doreen Rosvold and Peter Haslock as members of the Advisory Committee for Community and Women's Issues for the remainder of Council's three-year term ending December 2008.*
- 7.7 [City Clerk, dated March 19, 2007 re: Officer Positions Establishment Bylaw No. 9764/Municipal Employees Financial Disclosure Bylaw No. 9767](#)  
*To forward Bylaw No. 9764, Officer Positions Establishment Bylaw and Bylaw No. 9767, Municipal Employees Financial Disclosure Bylaw for reading consideration.*

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

*NOTE: Agenda items No. 8.1 to 8.3 **may** be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.*

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

- 8.1 [Bylaw No. 9730](#) – Road Closure Bylaw – Adjacent to Hwy 97 N near McCurdy Road  
*To permanently close and remove the highway dedication of a portion of highway adjacent to Highway 97 N near McCurdy Road.*
- 8.2 [Bylaw No. 9764](#) – Officer Position Establishment Bylaw  
*To update references made to the Local Government Act with the Community Charter*
- 8.3 [Bylaw No. 9767](#) – Municipal Employees Financial Disclosure Bylaw  
*To update reference made to the Local Government Act with the Community Charter*

**(BYLAW TO BE RESCINDED AND PRESENTED FOR AMENDMENT AT THIRD READING)**

- 8.4 [Bylaw No. 9698](#) – Road Closure Bylaw – Portion of Old Glenmore Bypass Road  
*To rescind final adoption; To amend the Bylaw at third reading by replacing Schedule “A” with a new Schedule “A”.*

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.5 [Bylaw No. 9728](#) – Amendment No. 3 to the Development Cost Charges Bylaw No. 9095  
*To amend Development Cost Charges Bylaw No. 9095.*
  - 8.6 [Bylaw No. 9742](#) – Clifton Road N. LAS Establishment Bylaw  
*To establish a local service area for the purpose of providing Sanitary Sewer Service benefit of the local service area (Clifton Road N.)*
  - 8.7 [Bylaw No. 9743](#) – Loan Authorization Bylaw for the Local Area Service – Clifton Road N.  
*To establish a City of Kelowna Loan Authorization Bylaw for the Local Area Service – Clifton Road N.*
9. COUNCILLOR ITEMS (including Committee Updates)
- 9.1 Councillor Hobson re: Recreation, Parks & Culture Service Task Force Update
10. TERMINATION