

Regular Meeting – P.M.May 7, 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, May 7, 2007.

Council members in attendance: Deputy Mayor Brian Given, Councillors Barrie Clark, Colin Day, Robert Hobson and Norm Letnick.

Council members absent: Mayor Sharon Shepherd, Councillors Andre Blanleil, Carol Gran and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Financial Services, Paul Macklem*; Airport General Manager, Roger Sellick*; Subdivision Approving Officer, Bob Shaughnessy*; Acting Manager of Development Services, Shelley Gambacort*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Planner, Ryan Smith*; Planner, Danielle Noble*; Planner, Paul McVey*; Park Design & Construction Supervisor, Andrew Gibbs*; Financial Accounting Manager, Jackie Dueck*; Financial Planning Manager, Keith Grayston*; Transportation Manager, Ron Westlake*; Community Planning Manager, Theresa Eichler*; Water/Drainage Manager, Don Degen*; Sport & Recreation Manager, Jim Gabriel*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. DEVELOPMENT APPLICATION REPORTS

3.01 Planning & Development Services Department, dated April 27, 2007 re: Agricultural Land Reserve Appeal No. A07-0005 – Larry & Wendy Simla – 1300 Latta Road

Staff:

- Advised that having an additional structure on the property would further erode the agricultural land base in the area and could be a potential precedent setter.

Council:

- Could the property be stratified? – No, a carriage house could not be stratified

Moved by Councillor Hobson/Seconded by Councillor Day

R492/07/05/07 THAT Council request that the applicant address Council regarding Agricultural Land Reserve Appeal No. A07-0005.

Carried

Larry Simla, Applicant:

- Confirmed that he only wants to subdivide the property because there are currently two (2) dwellings on the site and wants to subdivide to ensure that there is a separate legal title to both dwelling sites.
- Confirmed that future financing could be an issue if the property is not subdivided.

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Moved by Councillor Day/Seconded by Councillor Hobson

R493/07/05/07 THAT Agricultural Land Reserve Appeal No. A07-0005 for Lot A, Section 36, Township 26, ODYD, Plan 30358 located on Latta Road, Kelowna, BC 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

3.02 Planning & Development Services Department, dated May 1, 2007 re: Agricultural Land Reserve Appeal No. A07-0007 – 703941 BC Ltd. (Robert Bennett) – 3665 McCulloch Road

Staff:

- Confirmed that the applicant is requesting that the entire property be excluded from the Agricultural Land Reserve.

Moved by Councillor Day/Seconded by Councillor Clark

R494/07/05/07 THAT Council request that the applicant, or its agent, address Council regarding Agricultural Land Reserve Appeal No. A07-0007.

Carried

Bob Bennett, Applicant's Agent:

- Contrary to Planning's recommendation, the Applicant feels that the entire parcel should be removed from the Agricultural Land Reserve.
- The Applicant has owned the property for approximately the last four (4) years and was not aware of the Official Community Plan designation for this property.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R495/07/05/07 THAT Agricultural Land Reserve Appeal No. A07-0007 for Lot 85, Section 3, Twp 26, ODYD, Plan 1247, located on McCulloch Road, Kelowna, BC for exclusion from the Agricultural Land Reserve pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Municipal Council for the northern portion, in accordance with the OCP future land use boundaries.

Carried

3.03 Planning & Development Services Department, dated April 23, 2007 re: Rezoning Application No. Z07-0017 – Dennis & Corinne Wardell – 1496 Kloppenburg Road

- (a) Planning & Development Services report dated April 23, 2007.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R496/07/05/07 THAT Rezoning Application No. Z07-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Sec. 13, Twp 26, ODYD, Plan KAP80103, located on Kloppenburg Rd., Kelowna, B.C. from the RU1h – Large Lot Housing (Hillside) zone to the RU1hs – Large Lot Housing (Hillside) with Secondary Suite zone be considered by Council;

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

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

Bylaw No. 9786 (Z07-0017) – Dennis & Corinne Wardell – 1496 Kloppenburg Road

Moved by Councillor Letnick/Seconded by Councillor Clark**R497/07/05/07** THAT Bylaw No. 9786 be read a first time.Carried

3.04 Planning & Development Services Department, dated April 26, 2007 re: Official Community Plan Bylaw Amendment No. OCP06-0005 and Rezoning Application No. Z06-0024 – Cara Glen Estates Ltd. (Toby Nolitt) – 1490 Cara Glen Way and 530 Caramillo Court

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

Moved by Councillor Letnick/Seconded by Councillor Hobson

R498/07/05/07 THAT OCP Bylaw Amendment No. OCP06-0005 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot L, Sec. 31 & 32, Twp. 26, O.D.Y.D., Plan KAP53293 and Lot A, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP77707, located on Cara Glen Way and Caramillo Court, Kelowna, B.C., from the "Single/Two Unit Residential" designation to the proposed "Multiple Unit Residential – low density" designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated April 26, 2007, be considered by Council;

THAT Rezoning Application No. Z06-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP77707, located on Caramillo Court, Kelowna, B.C. from the existing "A1 – Agriculture 1" and P3 – "Parks and Open Space" zones to the proposed "RM3 – Low Density Multiple Housing" zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0005 and 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 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.

Carried

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- (i) Bylaw No. 9787 (OCP06-0005) – Cara Glen Estates Ltd. – 1490 Cara Glen Way and 530 Caramillo Court - **Requires a majority of all Members of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Letnick**R499/07/05/07** THAT Bylaw No. 9787 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. 9788 (Z06-0024) – Cara Glen Estates Ltd. – 530 Caramillo Court

Moved by Councillor Clark/Seconded by Councillor Letnick**R500/07/05/07** THAT Bylaw No. 9788 be read a first time.Carried

- 3.05 Planning & Development Services Department, dated April 27, 2007 re: Official Community Plan Bylaw Amendment No. OCP07-0002 and Rezoning Application No. Z07-0003 – Troika Developments Inc., Tri-Moor Holdings Ltd. & Mamre Holdings Inc. (Pat McCusker, New Town Architectural Services Inc.) – 2209, 2219, 2227, 2235, 2241, 2247, 2255 & 2265 Pandosy Street

Staff:

- Concerned about the lack of affordable housing and confirmed that the applicant was fully aware of the required affordable housing component.
- The Planning Department would like to have a neighbourhood planning process put in place prior to recommending any development in the area.
- Confirmed that an Official Community Plan review is planned.
- Advised that the applicant has been working with the Planning Department for several years on this potential development and staff have always expressed their concern regarding the density proposed for the site.

Council:

- Concerned about the length of time required to conduct an Official Community Plan review or neighbourhood planning process.
- Inquired about the timing of the “negative” recommendation.

Moved by Councillor Letnick/Seconded by Councillor Clark**R501/07/05/07** THAT Council request that the applicant, or its agent, address Council regarding Official Community Plan Bylaw Amendment No. OCP07-0002 and Rezoning Application No. Z07-0003.Carried

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Renee Wasylyk, on behalf of Troika Developments:

- Gave a PowerPoint Presentation regarding the proposed development.
- Advised that the developer is considering the integration of four (4) units of affordable housing.
- Advised that the developer has gone through a “Community Consultation” process.
- Advised that she was only made aware of the “negative” recommendation on Friday, May 4th
- Advised that the developer has met with Interior Health Authority and Interior Health Authority has indicated that they would like the site for a parking lot, but are not prepared to purchase the property at this time; Further advised that Interior Health Authority strongly supports multi-family units in the area.

Council:

- Inquired what discussions took place with IHA and the Hospital regarding the proposed development.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R502/07/05/07 THAT OCP Bylaw Amendment No. OCP07-0002 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 14, ODYD Plan 413 except the Westerly 10 feet of said lot; Lot 3, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 4, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 5, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 6, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 7, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 8, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 9, District Lot 14, ODYD Plan 413 Except Westerly 10 Feet thereof; located on Pandosy Street, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated April 24th, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14, ODYD Plan 413 except the Westerly 10 feet of said lot; Lot 3, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 4, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 5, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 6, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 7, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 8, District Lot 14, ODYD Plan 413 Except the West 10 Feet thereof; Lot 9, District Lot 14, ODYD Plan 413 Except Westerly 10 Feet thereof, located on Pandosy Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0002 and 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;

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

Carried

Moved by Councillor Clark/Seconded by Councillor Letnick

R503/07/05/07 THAT Council advise Interior Health Authority that Official Community Plan Bylaw Amendment No. OCP07-0002 and Rezoning Application No. Z07-0003 have been forwarded to a Public Hearing for consideration;

AND THAT Council encourage representatives from Interior Health Authority to be present at the Public Hearing.

Carried

Moved by Councillor Hobson/Seconded by Councillor Day

R504/07/05/07 THAT staff provide budget and staffing implications directly associated with the approval of Official Community Plan Bylaw Amendment No. OCP07-0002 and Rezoning Application No. Z07-0003, including a potential timeframe required to address a neighbourhood planning review of the area.

Carried

3.06 Planning & Development Services Department, dated April 23, 2007 re: Development Permit Application No. DP07-0050 – Dale Charles Forsythe (Protech Consultants Ltd.) – 200 & 225 Rutland Road

Moved by Councillor Letnick/Seconded by Councillor Day

R505/07/05/07 THAT Council authorize the issuance of Development Permit No. DP07-0050 for Lot 6 and 7, Section 23, Township 26, ODYD Plan 10372, located on Rutland 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

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4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.01 Bylaw No. 9752 (TA06-0005) – Tower Ranch Holding Corporation (Emil Anderson Construction Inc.) – Off Day Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R506/07/05/07 THAT Bylaw No. 9752 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.01 City Manager, dated April 24, 2007 re: Financial Statements for the Year Ending December 31, 2006

Moved by Councillor Letnick/Seconded by Councillor Hobson

R507/07/05/07 THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report, for the City of Kelowna, for the year ending December 31, 2006 be received.

THAT Council approves the appropriation of \$2,200,000 of surplus generated from all general fund operations in 2006 to general reserves as detailed in the body of this report.

AND THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report be reprinted in and form part of the City of Kelowna's annual report.

Carried

The meeting took a brief recess at 3:02 p.m. and reconvened at 3:06 p.m.

- 5.02 City Manager, dated April 26, 2007 re: 2007 Financial Plan – Final Budget

Moved by Councillor Hobson/Seconded by Councillor Letnick

R508/07/05/07 THAT Council adopt the 2007-2011 Financial Plan.

AND THAT Council approve the formulation of 2007 Property Tax Rates that will raise the required funds in 2007, from General Taxation, of \$80,697,000, resulting in an average net property owner impact of 2.81%.

AND FURTHER THAT bylaw 9793 to adopt the 2007-2011 Financial Plan, bylaw's 9794 & 9795 for the 2007 Tax Rates and bylaw's 9789-9792 for the Reserve Fund Expenditures be advanced for reading consideration by Council.

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- 5.03 Development Engineering Manager, dated April 16, 2007 re: Latecomer Charges – Glenwest Properties

Moved by Councillor Hobson/Seconded by Councillor Day

R509/07/05/07 THAT THE MUNICIPAL Council requires the owner of SW ¼ Sec 5 Twp 23 ODYD, which is to be subdivided or developed, to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-83 attached to the report of the Director of Works & Utilities, dated April 16, 2007.

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-83, in whole or in part, to be excessive:

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-83, 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 E of Latecomer Agreement No. 2250-70-83

AND THAT the City enter into Latecomer Agreement No. 2250-70-83 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

- 5.04 Water/Drainage Manager, dated May 1, 2007 re: Improvement District Boundary Amendments

Moved by Councillor Hobson/Seconded by Councillor Day

R510/07/05/07 THAT Council approve the requests by the Glenmore Ellison Improvement District (GEID), the South Okanagan Mission Improvement District (SOMID), and the Black Mountain Irrigation District (BMID) to amend their water service area boundaries as outlined in this report.

Carried

- 5.05 Park Planning, Design and Construction Supervisor and Sport and Recreation Manager, dated May 1, 2007 re: Mission Recreation Park Softball Complex Project

Staff:

- Confirmed that 100% of the funds are coming from “user fees”.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R511/07/05/07 THAT City Council approve additional funding of \$315,434 from the Major Facilities Reserve towards the development of two softball diamonds at the MRP Softball Complex;

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AND THAT the 2007 Financial Plan be amended accordingly;

AND THAT a repayment plan to the Major Facilities Reserve be established over a three year period funded from future sportsfields revenue normally appropriated to the Sportsfield Reserve;

AND THAT any surplus from the tendering and construction for this project be considered towards sportsfield lights for the MRP Softball Complex Project.

Carried

5.06 Sport and Recreation Manager, dated May 1, 2007 re: Mission Recreation Park Softball Facility Reserve Fund

Moved by Councillor Hobson/Seconded by Councillor Day

R512/07/05/07 THAT City Council approve the Mission Recreation Park Softball Facility Reserve Fund Policy #339 as attached to the report from the Sport and Recreation Manager dated May 1, 2007.

Carried

5.07 Community Planning Manager, dated May 2, 2007 re: 10 by 10 Challenge

Moved by Councillor Hobson/Seconded by Councillor Day

R513/07/05/07 THAT Council supports the City of Kelowna to join the Provincial 10 x 10 Challenge in order to promote the hiring of people in the community with disabilities and authorize the Mayor to register the City of Kelowna as a community that supports the 10 by 10 Challenge.

Carried

Councillor Letnick opposed.

6. RESOLUTIONS

6.01 Draft Resolution re: Appointments to the City of Kelowna Arts Foundation Board

Moved by Councillor Hobson/Seconded by Councillor Day

R514/07/05/07 THAT the following individuals be appointed to the City of Kelowna Arts Foundation Board for the remainder of the 3-year term ending December 2008:

Marie McCrae
Leonard Lerner
Tania Meyer

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.01 Bylaw No. 9789 – Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R515/07/05/07 THAT Bylaw No. 9789 be read a first, second and third time.

Carried

- 7.02 Bylaw No. 9790 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R516/07/05/07 THAT Bylaw No. 9790 be read a first, second and third time.

Carried

- 7.03 Bylaw No. 9791 – Parking Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R517/07/05/07 THAT Bylaw No. 9791 be read a first, second and third time.

Carried

- 7.04 Bylaw No. 9792 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R518/07/05/07 THAT Bylaw No. 9792 be read a first, second and third time.

Carried

- 7.05 Bylaw No. 9793 – Five Year Financial Plan 2007-2011

Moved by Councillor Day/Seconded by Councillor Hobson

R519/07/05/07 THAT Bylaw No. 9793 be read a first, second and third time.

Carried

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7.06 Bylaw No. 9794 – Tax Structure Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R520/07/05/07 THAT Bylaw No. 9794 be read a first, second and third time.

Carried

7.07 Bylaw No. 9795 – Annual Tax Rates Bylaw, 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R521/07/05/07 THAT Bylaw No. 9795 be read a first, second and third time.

Carried

7.08 Bylaw No. 9798 – Amendment No. 1 to Miscellaneous Fees and Charges
Bylaw No. 9381

Moved by Councillor Day/Seconded by Councillor Hobson

R522/07/05/07 THAT Bylaw No. 9798 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.09 Bylaw No. 9590 – Bylaw to Set Purchasing Policy

Moved by Councillor Day/Seconded by Councillor Hobson

R523/07/05/07 THAT Bylaw No. 9590 be adopted.

Carried

7.10 Bylaw No. 9773 – Sterile Insect Release Program Parcel Tax Bylaw 2007

Moved by Councillor Day/Seconded by Councillor Hobson

R524/07/05/07 THAT Bylaw No. 9773 be adopted.

Carried

7.11 Bylaw No. 9779 – Discharge of Firearms within the City of Kelowna

Moved by Councillor Hobson/Seconded by Councillor Day

R525/07/05/07 THAT Bylaw No. 9779 be adopted.

Carried

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7.12 Bylaw No. 9783 – Amendment No. 4 to Kelowna Memorial Park Cemetery Bylaw No. 8807 – Housekeeping Amendments

Moved by Councillor Hobson/Seconded by Councillor Day

R526/07/05/07 THAT Bylaw No. 9783 be adopted.

Carried

8. COUNCILLOR ITEMS (including Committee Updates)

9. TERMINATION

The meeting was declared terminated at 3:57 p.m.

Certified Correct:

Deputy Mayor Given

Deputy City Clerk

SLH/dd