

Regular Meeting – P.M.August 20, 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, August 20th, 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: Acting City Manager, Paul Macklem; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Planner, Alec Warrender* Environmental Manager, Mark Watt*, Risk Manager, Lance Kayfish*, Civic Property Manager, Randy Cleveland*, Transportation Manager, Ron Westlake*, Community Planning Manager, Theresa Eichler*, Manager, Community Development and Real Estate, Doug Gilchrist*, Assistant General Manager, Airport Development, Sam Samaddar*, Manager, Policy, Research and Strategic Planning, Signe Bagh*, Planner Specialist, Gary Stephen*, Projects Manager, Real Estate and Planning, Rob Mayne*, Transportation Demand Supervisor, Jerry Dombowsky*, and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:30 p.m.

2. Councillor Given to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Inspector Randy Curtain re: Monthly Policing Report

Councillor Blanleil enters the meeting at 1:47 p.m.

3.2 Joe Dardinha, BC Fruit Growers Association re: Industry Update and Tree Fruit Industry Strategy Power Point Presentation

Council:

- Tree Fruit Industry to set up a workshop with the AAC Committee. Tree Fruit Industry will create a template for the AAC Committee to evaluate and then bring forward to Council.

Moved by Councillor Day/Seconded by Councillor Hobson

R787/07/08/20 THAT the report of the BC Tree Fruit Growers Association be received;

AND THAT the BC Tree Fruit Growers Association, the Agricultural Advisory Committee and staff hold a workshop to discuss the process for season farm labour development applications, with a report back from the Agricultural Advisory Committee to Council.

4. UNFINISHED BUSINESS

4.1 Draft Resolution re: Proposed Argus Properties Ltd. Heliport – Manhattan Drive, Kelowna, BC

Council:

- Concerned regarding early and late evening daylight hour use particularly in the summer months.
- Concerned related to potential noise.
- Concerned regarding flight pattern which may affect the future residential areas that have not be created yet.

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Applicant:

- City was aware of this proposal and had ongoing discussions with staff. This is the first the applicant has heard of any concerns.
- Every pilot flying will be aware of the flight patterns and prior written permission required to use this helipad.
- Not designed for commercial use and not to be used at night.
- Clarified that if it was going to be changed in the future to be used for commercial use it would have to come back before Council.
- Daytime hours is ½ hour before sunrise and sunset. Argus office hours are from 8 a.m. to 5:00 p.m. Fringe hours could be used but don't see that happening.
- This is a Transport Canada issue. Council's input is limited to a degree. We wanted to let Council know what we were doing and address any concerns.
- There are only two approved flight plans. Clearly designed so that residential areas are dealt with.
- Tolko do not have any plans in the foreseeable future for development. If in the future that approach and departure path was not appropriate we could use the flight path coming down the industrial corridor or rail lines. Transport Canada may not want to give the City guarantees.

Moved by Councillor Day/Seconded by Councillor Blanleil

R788/07/08/20 THAT Council authorize the Mayor to write to Transport Canada expressing non-opposition for the Heliport for downtown Kelowna as proposed by Argus Properties;

AND THAT this non-opposition be conditional on Transport Canada acknowledging that the Heliport will not be used for scheduled service, that noise will be monitored to ensure that residential areas are not disturbed by landings in the evenings or early mornings on a regular basis, and that the licensing of this facility will not impose height restrictions on surrounding properties;

AND FURTHER THAT this non-opposition be conditional on the Heliport not being used for commercial flight purposes, no night time use and that Council may require that the proposed flight path be altered to take into account any future re-development of adjacent properties not presently planned for.

5. **DEVELOPMENT APPLICATION REPORTS**

5.1 Planning & Development Services report dated August 8, 2007 re: Official Community Plan Amendment No. OCP07-0018 and Rezoning Application No. Z07-0053 – Peter and Patricia Mosychuk (Peter Mosychuk) – 620-622 Wardlaw Avenue

(a) Planning & Development Services report dated August 8, 2007.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R789/07/08/20 THAT OCP Bylaw Amendment No. OCP07-0018 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 2, District Lot 14, ODYD, Strata Plan KAS2898, located at 620-622 Wardlaw Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated August 08, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 2, District Lot 14, ODYD, Strata Plan KAS2898, located at 620-622 Wardlaw Avenue, Kelowna, B.C. from the RU6

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– Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0018 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER 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**

- (i) Bylaw No. 9858 (OCP07-0018) – Peter and Patricia Mosychuk (Peter Mosychuk) – 620-622 Wardlaw Avenue

Moved by Councillor Rule/Seconded by Councillor Clark

R790/07/08/20 THAT Bylaw No. 9858 be read a first time.

Carried

- (ii) Bylaw No. 9859 (Z07-0053) – Peter and Patricia Mosychuk (Peter Mosychuk) – 620-622 Wardlaw Avenue

Moved by Councillor Clark/Seconded by Councillor Rule

R791/07/08/20 THAT Bylaw No. 9859 be read a first time.

Carried

5.2 Planning & Development Services report dated August 3, 2007 re: Rezoning Application No. Z07-0058 – Christine Reimann – 4491 Nottingham Road

- (a) Planning & Development Services report dated August 3, 2007.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R792/07/08/20 THAT Rezoning Application No. Z07-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 358, ODYD, Plan 19200, located at 4491 Nottingham Road, 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.

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the Inspections Services Department's verification that submitted plans comply with the existing single family dwelling's layout.

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

Bylaw No. 9857 (Z07-0058) – Christine Reimann – 4491 Nottingham Road

Moved by Councillor Rule/Seconded by Councillor Clark

R793/07/08/20 THAT Bylaw No. 9857 be read a first time.

Carried

5.3 Planning & Development Services report dated August 8, 2007 re: Text Amendment Application No. TA07-0004 – Langley Development (Jim Langley) – 601 Burne Avenue

(a) Planning & Development Services report dated August 8, 2007.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R794/07/08/20 THAT Zoning Bylaw Text Amendment No. TA07-0004 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning & Development Services Department dated August 8, 2007 be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA07-0004 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9860 (TA07-0004) - Langley Development (Jim Langley) – 601 Burne Avenue

Moved by Councillor Clark/Seconded by Councillor Rule

R795/07/08/20 THAT Bylaw No. 9860 be read a first time.

Carried

5.4 Planning & Development Services report dated July 10, 2007 re: Rezoning Application No. Z07-0052 – James and Lorraine McNish – 187 Wallace Road

(a) Planning & Development Services report dated July 10, 2007.

Moved by Councillor Given/Seconded by Councillor Letnick

R796/07/08/20 THAT Rezoning Application No. Z07-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 35, Twp. 26, ODYD, Plan 24575, located at 187 Wallace Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

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

Bylaw No. 9856 (Z07-0052) - James and Lorraine McNish – 187 Wallace Road

Moved by Councillor Clark/Seconded by Councillor Rule

R797/07/08/20 THAT Bylaw No. 9856 be read a first time.

Carried

- 5.5 Planning & Development Services Department, dated August 1, 2007 re: Rezoning Application No. Z05-0043 – 0740639 BC Ltd. (Lynn Welder Consulting) – 153 Pinto Road

Moved by Councillor Letnick/Seconded by Councillor Given

R798/07/08/20 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9639 (Z05-0043) – Lynn Welder Consulting (0740639 BC Ltd) – 153 Pinto Road be extended from August 8, 2007 to February 8, 2008.

Carried

- 5.6 Planning & Development Services Department, dated August 13, 2007 re: Rezoning Application No. Z05-0066 – Witmar Developments – 1459 KLO Road

Moved by Councillor Hobson/Seconded by Councillor Gran

R799/07/08/20 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Bylaw No. 9646 – Official Community Plan Amendment Application No. OCP05-0015 and Bylaw No. 9647 – Rezoning Application No. Z05-0066, by Witmar Developments Ltd. be extended for a six (6) month period, beginning August 20, 2007.

Carried

- 5.7 Planner Specialist, dated August 16, 2007, re: Proposed OCP Amendment (OCP07-0017) – North Glenmore Area Structure Plan (Troika Developments Inc.)

Staff:

- Not designated for future growth area at this time. Surrounded by Agricultural Land and would not fit within the existing growth strategy. Application is premature and that the proposal should not be supported at this time. Should be sent to next Official Community Plan review.
- Coming to Council in September with a request on OCP timing.

Moved by Letnick/Seconded by Councillor Day

R800/07/08/20 THAT City Council hear from the Applicant.

Applicant: (Troika, Marnie Sablonski)

- Project is 196 acres and the ASP is not a request for zoning.
- There is incredible pressures surrounding this area. The land is completely serviced and completely surrounded by UBCO.
- UBCO is parked on our back doorstep so the demand is great to develop.

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- Affordability is a need in Kelowna and demand is at an all time high. Why now is because it takes a long time to develop. We are sitting on property with a lot of potential.

Council:

- Would like staff to report back to Council in September regarding timing and general content of Official Community Plan review.

Staff:

- Clarified intent of September report. Content of OCP review will be brought forward to Council after timing has been decided upon.

Moved by Councillor Hobson/Seconded by Councillor Given

R801/07/08/20 THAT OCP Text Amendment OCP07-0017 (Troika Development Inc.) to amend Table 19.1 and OCP Map 19.1 Generalized Future Land Use to add an Area Structure Plan mapping note for lands in the North Glenmore area **NOT** be considered at this time;

AND THAT staff be directed to include consideration of whether or not there is a need for inclusion of this specific area as an ASP into the growth strategy as part of the next OCP Review.

Carried

5.8 Planner Specialist, dated August 16, 2007, re: Official Community Plan Amendment No. OCP07-0020 – Amendment Bylaw No. 9842

Moved by Councillor Gran/Seconded by Councillor Rule

R802/07/08/20 THAT OCP Text Amendment OCP07-0020 – Amendment Bylaw No. 9842 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 August 15, 2007;

AND THAT staff be directed to follow the consultation process outlined in the report of the Planning and Development Services Department dated August 15, 2007, prior to forwarding OCP Text Amendment OCP07-0020 – Amendment Bylaw No. 9842 for First Reading.

AND THAT staff contact the development community as part of the consultation process.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9821 (Z07-0035) – Pardeep and Savita Sharma (Lynn Welder Lalonde) – 1918 Kloppenburg Court

Moved by Councillor Gran/Seconded by Councillor Letnick

R803/07/08/20 THAT Bylaw No. 9821 be adopted.

Carried

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- 6.2 Bylaw No. 9816 (Z07-0042) – Roland and Audrey Wheeler (Okanagan Sunrise Construction Ltd.) – 345 Hardie Road

Moved by Councillor Hobson/Seconded by Councillor Letnick

R804/07/08/20 THAT Bylaw No. 9816 be adopted.

Carried

- 6.3 Bylaw No. 9827 (Z07-0023) – Ed and Christina Schnellert – 170 Hardie Road

Moved by Councillor Hobson/Seconded by Councillor Gran

R805/07/08/20 THAT Bylaw No. 9827 be adopted.

Carried

- 6.4 Bylaw No. 9828 (Z05-0033) – Watermark Developments Ltd. (John Hertay) – 285 Arab Road, 2960 Appaloosa Road

Moved by Councillor Hobson/Seconded by Councillor Gran

R806/07/08/20 THAT Bylaw No. 9828 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Manager, Policy/Research Strategic Planning, dated August 14, 2007 re: City of Kelowna Action Towards Sustainability – Powerpoint Presentation

Council:

- Would like staff to identify costs and include them as part of the 2008 budget process.

Moved by Councillor Rule/Seconded by Councillor Letnick

R807/07/08/20 THAT Council receive the August 14, 2007 report from the Sustainability Working Group for information;

AND THAT Council direct staff to pursue the short-term actions listed in the recommendations portion of the August 14, 2007 report of the Sustainability Working Group (see page 4, item 1 and items 2.1 to 2.12).

AND THAT a new short term action be added as 2.13 support the work of the B.C. Solar Roofs Roadmap Project Committee and identify opportunities for our city becoming a solar city.

AND THAT Council directs staff to identify costs associated with the alternate two recommendations and include them as part of the 2008 budget process.

Carried

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7.2 Director of Corporate Services and Acting Director of Planning and Development Services, dated August 15, 2007 re: Downtown Revitalization and Redevelopment Initiative – Power Point Presentation

Staff:

- Need to address issue with Kelowna's downtown.
- Recent amendments to Local Government Act give the City new tools, via Phased Development Agreements, to revitalize and redevelop this area.
- This is a City initiative although the private sector is funding this to move it ahead at a faster pace. This will go through all the normal City processes.
- Timeline of project – goal for workshop is early September to start discussions to create draft plans.

Council:

- Noted that the Downtown Revitalization Task Force passed a motion of support.
- Confirmed this will be a shared project between City and property owners.

Moved by Councillor Day/Seconded by Councillor Gran

R808/07/08/20 THAT staff be instructed to prepare the necessary zoning and related bylaws and accompanying policies and agreements, in order to implement a comprehensive development plan within the four (4) city blocks bounded on the north by Queensway Avenue and on the south by Harvey Avenue on the east by Water Street and on the west by Abbott Street;

AND THAT the said plan be constructed so as to meet the key principles for downtown redevelopment as outlined in the report from the Director of Corporate Services dated August 15, 2007 and supported by the Spaxman Report of June 2007 on the Downtown Plan;

AND THAT the said bylaws, policies and agreements, as applicable, define and specify all required development regulations, including but not limited to the footprint, form, character, height, density and use, and all amenities and servicing requirements for all future development within the zone;

AND FURTHER THAT the said bylaws, policies and agreements be developed and implemented to ensure equal sharing of both development rights and cost, including provision of amenities, amongst all property owners, including the City of Kelowna, within the zone.

Carried

7.3 Assistant General Manager, Airport Development, dated August 15, 2007 re: Long Term Parking Expansion Contract (T07-088)

Moved by Councillor Given/Seconded by Councillor Blanleil

R809/07/08/20 THAT Council authorize the City to enter into a contract with R&L Excavating in the amount of \$811,360.04 inclusive of GST for construction of a Long Term Parking expansion at the Kelowna International Airport.

AND THAT Council approve an amendment to the 2007 Financial Plan to increase the budget for the Long Term Parking expansion from \$849,880 to \$989,880 with funding from the Airport Improvement Fee Reserve.

AND THAT the Mayor and City Clerk be authorized to execute the contract.

Carried

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- 7.4 Transportation Manager, dated August 7, 2007 re: Elm Street Local Service Area

Moved by Councillor Hobson/Seconded by Councillor Day

R810/07/08/20 THAT Council approve the local area service improvements for both sides of Elm Street East from Elm Street to Braemar Street;

AND THAT Elm Street East Local Area Service Establishment Bylaw No. 9847 (File 657) be advanced for reading consideration by Council;

AND FURTHER THAT Loan Authorization Bylaw No. 9848, Local Service Area Elm Street East be advanced for reading consideration by Council.

Carried

- 7.5 Transportation Manager, dated August 15, 2007 re: Request for U-Pass Agreement Document Execution

Moved by Councillor Day/Seconded by Councillor Hobson

R811/07/08/20 THAT City Council approve the Universal Bus Pass Agreement (U-PASS) with UBC Okanagan as per the report of the Transportation Manager, dated August 15, 2007;

AND THAT Council authorize its execution by the Mayor and City Clerk.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9847 – City of Kelowna Establishment Bylaw for a Local Service Area

Moved by Councillor Letnick/Seconded by Councillor Given

R812/07/08/20 THAT Bylaw No. 9847 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 9848 – City of Kelowna Loan Authorization Bylaw for the Local Service Area on Elm Street

Moved by Councillor Letnick/Seconded by Councillor Given

R813/07/08/20 THAT Bylaw No. 9848 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 9845 – Road Closure Bylaw – Portion of Lane near Pandosy Street

Moved by Councillor Letnick/Seconded by Councillor Given

R814/07/08/20 THAT Bylaw No. 9845 be read a first, second and third time.

Carried

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8.4 Bylaw No. 9849 – Amendment No. 9 to Traffic Bylaw No. 8120

Moved by Councillor Letnick/Seconded by Councillor Given

R815/07/08/20 THAT Bylaw No. 9849 be read a first, second and third time.

Carried

8.5 Bylaw No. 9861 – Amendment No. 70 to Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Letnick/Seconded by Councillor Given

R816/07/08/20 THAT Bylaw No. 9861 be read a first, second and third time.

Carried

8.6 Bylaw No. 9846 – Road Closure Bylaw – Portion of Lane near Dickson Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R817/07/08/20 THAT Bylaw No. 9846 be read a first, second and third time.

Carried

8.7 Bylaw No. 9836 – Road Closure Bylaw – Portion of Swamp Road

Moved by Councillor Letnick/Seconded by Councillor Given

R818/07/08/20 THAT Bylaw No. 9836 be read a first, second and third time.

Carried

8.8 Bylaw No. 9862 – Road Closure Bylaw – Portion of Benvoulin Road

Moved by Councillor Letnick/Seconded by Councillor Given

R819/07/08/20 THAT Bylaw No. 9862 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

8.9 Bylaw No. 9818 – Road Closure Bylaw – Portion of Gaddes Avenue

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward.

No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Day

R820/07/08/20 THAT Bylaw No. 9818 be adopted.

Carried

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9. COUNCILLOR ITEMS

Councillor Letnick:

- Raised the issue of high speeds coming down Clifton and High Road Is there a plan to slow traffic from Highlands, and ask staff to look at this issue
- Staff to report back via the City Manager.

Councillor Hobson:

- Perplexed by all media items that suggest he is not supportive of affordable housing. Notes his words were taken out of context and he is very much supportive of manufactured homes.

Mayor Shepherd:

- Council has authorized sending a letter requesting that the Electoral Boundaries Commission hold a public hearing in Kelowna.

10. TERMINATION

The meeting was declared terminated at 5:36 p.m.

Certified Correct:

Mayor

ACM/dld

City Clerk