

Regular Meeting – P.M.

September 10, 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, September 10th, 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; Current Planning Supervisor, Shelley Gambacort*; Community Planning Manager, Theresa Eichler*; Development Manager, Reid Oddleifson*; Environment Supervisor, Todd Cashin*; Transportation Manager, Ron Westlake*; Bylaw Enforcement Supervisor, Al Dixon*; Planner, Cory Gain*; Planner, Nelson Wight*; Planner, Alec Warrander*; Road Project Engineer, Andrew Albiston* and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.01 Jon Buckle, Project Director, Ministry of Transportation, and Tom Tasaka, Project Director, SNC Lavalin re: William R. Bennett Bridge Project Update

Guests:

- Gave a presentation regarding the William R. Bennett Bridge Project.
- The project is currently on time and on budget.

4. COMMITTEE REPORTS

4.01 Community Planning Manager, dated September 4, 2007 re: Social Planning and Housing Committee

Moved by Councillor Hobson/Seconded by Councillor Gran

R842/07/09/10 THAT City Council appoint Michael Patten as a new member of the Social Planning and Housing Committee to fill the existing vacancy.

AND THAT Council accept, with regret, the resignation of Michael Loewen from the Social Planning and Housing Committee.

Carried

4.02 Development Manager, Recreation Parks and Cultural Services, dated September 4, 2007 re: Final Report on the Mayor's Youth Forum on Environment Issues – The City's Role in Reducing Consumption and Land Fill Waste

Moved by Councillor Hobson/Seconded by Councillor Day

R843/07/09/10 THAT Council receive the final report from the Mayor's Youth Forum on Environmental Issues held May 16, 2007 as attached to the report from the Development Manager dated September 4, 2007;

Regular Meeting – P.M.

September 10, 2007

AND THAT Council direct staff to distribute the final report to;

- Central Okanagan Regional District Board for further distribution to the Regional Air Quality Committee, the Regional Transportation Committee, and the Regional Engineering Committee,
- School District #23 Board for further distribution to participating high schools, and
- City Departments for further distribution to the City Sustainability Committee and Transportation Committee;

AND THAT the above noted Boards, Committees and staff be requested to consider the input from youth contained in this final report when developing related policy, strategic plans and budget priorities;

AND FURTHER THAT this final report be placed in the highlighted section of the City's home web site page.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.01 Planning & Development Services Department, dated August 29, 2007 re: Agricultural Land Reserve Application No. A07-0016 – Gladys Crossley & Glen Auch – 2788 Highway 97

Moved by Councillor Hobson/Moved by Councillor Day

R844/07/09/10 THAT Council request that the applicant address Council regarding questions concerning Agricultural Land Reserve Application No. A07-0016.

Carried

Applicant:

- The intent is to only house the materials on a temporary basis.
- Confirmed that he does not want to rezone the property or remove it from the ALR.
- Once the material is removed, the land will be re-seeded and brought back to its agricultural state.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R845/07/09/10 THAT Agricultural Land Reserve Application No. A07-0016 for property located at 2788 Highway 97 and legally described as: Lot B District Lot 124 Osoyoos Division Yale District Plan KAP83361 See Plan as to Limited Access requesting approval of a non-farm use on a portion of the subject property pursuant to Section 20(3) of the *Agricultural Land Commission Act* be referred to the Agricultural Land Commission to inquire if the Commission would allow the temporary use.

Carried

- 5.02 Planning & Development Services Department, dated August 22, 2007 re: Agricultural Land Reserve Application No. A07-0018 – Porter Ramsay (Adam Bullach) – 3502 East Kelowna Road

Regular Meeting – P.M.

September 10, 2007

Moved by Councillor Hobson/Seconded by Councillor Day

R846/07/09/10 THAT Council request that the applicant address Council regarding questions concerning Agricultural Land Reserve Application No. A07-0018.

Carried

Applicant's Agent, Tom Smithwick:

- The applicant does not wish to have a panhandle shaped subdivision as he wants to continue to farm a portion of his property.

Moved by Councillor Gran/Seconded by Councillor Rule

R847/07/09/10 THAT Agricultural Land Reserve Application No. A07-0018 for Lot 11, Sec. 15, Twp. 26, ODYD, Plan B716 located at 3502 East Kelowna Road, Kelowna B.C. requesting permission for a homesite severance subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council, subject to the following:

1. The proposed homesite severance is panhandle shaped, as indicated on Map 'A'

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

5.03 Planning & Development Services Department, dated August 30, 2007 re: Agricultural Land Reserve Appeal No. A07-0019 – George & Shirley Staley – 4039 June Springs Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R848/07/09/10 THAT Agricultural Land Reserve Appeal No. A07-0019 for Lot 2, Section 3, Township 26, O.D.Y.D. Plan KAP80425, located on June Springs Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

5.04 Planning & Development Services Department, dated August 13, 2007 re: Rezoning Application No. Z07-0014 – 1314696 Alberta Ltd. (Tessco Inc.) – 1923, 1937, 1979 Ambrosi Road and 1926 Barlee Road

- (a) Planning & Development Services report dated August 13, 2007.

Moved by Councillor Letnick/Seconded by Councillor Day

R849/07/09/10 THAT Rezoning Application No. Z07-0014 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the following properties:

1. Lot 6, District Lot 129, O.D.Y.D. Plan 14187
2. Lot 7, District Lot 129, O.D.Y.D. Plan 14187
3. Lot 8, District Lot 129, O.D.Y.D. Plan 14187
4. Lot 9, District Lot 129, O.D.Y.D. Plan 34047

Regular Meeting – P.M.September 10, 2007

on Ambrosi Road, Kelowna, B.C. from RU1 – Large Lot Housing to RM5 – Medium Density Multiple Housing 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 following the consolidation of the lots;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw;

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 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

Council:

- Would like staff to comment on the adequacy of the parkland in the area when this application proceeds to a public hearing.

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

Bylaw No. 9865 (Z07-0014) – 1314694 Alberta Ltd. (Tessco Inc.)
– 1923, 1937, 1979 Ambrosi Road and 1926 Barlee Road

Moved by Councillor Day/Seconded by Councillor Hobson

R850/07/09/10 THAT Bylaw No. 9865 be read a first time.

Carried

5.05 Planning & Development Services Department, dated August 23, 2007 re: Rezoning Application No. Z07-0065 – John Gorges & Patricia Gorges – 1989 Knox Crescent

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

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R851/07/09/10 THAT Rezoning Application No. Z07-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan 3878, located at 1989 Knox Crescent, 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 in conjunction with Council's consideration of a Heritage Alteration Permit on the subject property.

Regular Meeting – P.M.September 10, 2007Carried(b) **BYLAW PRESENTED FOR FIRST READING**Bylaw No. 9864 (Z07-0065) – John Gorges & Patricia Gorges (Oasis Design) – 1989 Knox CrescentMoved by Councillor Day/Seconded by Councillor Hobson**R852/07/09/10** THAT Bylaw No. 9864 be read a first time.Carried5.06 Planning & Development Services Department, dated July 25, 2007 re: Rezoning Application No. Z07-0061 – Ranjit & Onkar Dhillon (Surej Dhillon) – 456 Stetson Street

(a) Planning & Development Services report dated July 25, 2007.

Moved by Councillor Letnick/Seconded by Councillor Rule**R853/07/09/10** THAT Rezoning Application No. Z07-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Sec. 25, Twp. 26, ODYD, Plan KAP78198, located at 456 Stetson Street, 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. 9863 (Z07-0061) – Ranjit & Onkar Dhillon (Surej Dhillon) – 456 Stetson StreetMoved by Councillor Hobson/Seconded by Councillor Day**R854/07/09/10** THAT Bylaw No. 9863 be read a first time.Carried5.07 Planning & Development Services Department, dated August 23, 2007 re: Rezoning Application No. Z07-0003 – Troika Developments Inc., Tri-Moor Holdings Ltd. & Mamre Holdings Inc. (New Town Architectural Services Inc.) – 2209, 2219, 2227, 2235, 2241, 2247, 2255 & 2265 Pandosy StreetMoved by Councillor Hobson/Seconded by Councillor Day**R855/07/09/10** THAT Council forward Bylaw No. 9855 authorizing a Housing Agreement between the City of Kelowna and Troika Developments Inc., which requires the owners to designate *5 dwelling units for owner occupied affordable housing* on 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,

Regular Meeting – P.M.September 10, 2007

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., for reading consideration.

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

Bylaw No. 9855 (Z07-0003) – Housing Agreement Authorization Bylaw – Troika Developments Inc., Tri-Moor Holdings Ltd. & Mamre Holdings Inc. – 2209, 2219, 2227, 2235, 2241, 2247, 2255 & 2265 Pandosy Street

Moved by Councillor Blanleil/Seconded by Councillor Day**R856/07/09/10** THAT Bylaw No. 9855 be read a first, second and third time.Carried5.08 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9715 (Z06-0046) – Simran Enterprises (T. Thomas & Associates) – 370 Hartman Road

Moved by Councillor Gran/Seconded by Councillor Blanleil**R857/07/09/10** THAT Bylaw No. 9715 be adopted.Carried

- (b) Planning & Development Services Department, dated August 31, 2007 re: Development Permit Application No. DP06-0154 – Simran Enterprises (T. Thomas & Associates) – 370 Hartman Road

Moved by Councillor Hobson/Seconded by Councillor Letnick

R858/07/09/10 THAT Final Adoption of Zone Amending Bylaw No. 9715 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0154 for The E. ½ Of Blk 30 Sec. 26, Twp. 26, O.D.Y.D., Plan 264 Except Plans B3948, B5293 and KAP76444, located on Hartman 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;

Regular Meeting – P.M.

September 10, 2007

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 5.09 Planning & Development Services Department, dated August 21, 2007 re: Rezoning Application No. Z05-0082 – Bogdan Snarski & Benedicte Lee (Canwest Design & Drafting Ltd.) – 1886 Ambrosi Road

Moved by Councillor Hobson/Seconded by Councillor Letnick

R859/07/09/10 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9653 (Z05-0082) – Bogdan Snarski & Benedicte Lee (Canwest Design & Drafting) – 1886 Ambrosi Road be extended from August 22, 2007 to February 22, 2008.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

6.01 **(BYLAWS PRESENTED FOR ADOPTION)**

- (a) Bylaw No. 9814 (Z07-0004) – No. 21 Great Projects Ltd. (Stantec Consultants Ltd.) – (S. of) Ivens Road

Moved by Councillor Blanleil/Seconded by Councillor Gran

R860/07/09/10 THAT Bylaw No. 9814 be adopted.

Carried

- (b) Bylaw No. 9815 (Z07-0005) – No. 21 Great Projects Ltd. & City of Kelowna (Stantec Consultants Ltd.) – (East of) Ivens Road, 1920 Ivens Road & 890 Paret Road

Moved by Councillor Blanleil/Seconded by Councillor Gran

R861/07/09/10 THAT Bylaw No. 9815 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.01 Environment Division Supervisor, dated August 29, 2007 re: Okanagan Collaborative Conservation Program

Staff:

- Advised that the ceremony is at the EECO Centre at Mission Creek Regional Park at 1:30 pm on September 19, 2007.

Guest, Patrick Allen, Interim OCCP Coordinator, Allan Brooks Nature Centre

- Gave a PowerPoint presentation to Council regarding the Okanagan Collaborative Conservation Program.

Moved by Councillor Hobson/Seconded by Councillor Letnick

Regular Meeting – P.M.

September 10, 2007

R862/07/09/10 THAT Council endorse the vision, goals and principles of the Okanagan Collaborative Conservation Program prospectus through a signed statement of cooperation;

AND THAT Council send a representative to the Okanagan Collaborative Conservation Program ceremony on September 19th.

Carried

7.02 Transportation Manager, dated August 28, 2007 re: Tender Award TE07-11 Rails with Trails and COB 1 Landscape

Councillor Given entered the Chamber and joined the meeting at 3:24 p.m.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R863/07/09/10 THAT Contract TE 07-11 for the construction of Rails with Trails and COB 1 Landscape be awarded to Peter Bros. Construction Ltd. in the amount of \$3,615,642.76 excluding GST;

AND THAT costs additional to the approved budgets totalling \$670,000 be funded by a transfer from Account No. 10-3400-R4200 (High 1 road project);

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

7.03 Licence and Bylaw Enforcement Supervisor, dated July 30, 2007 re: Amendments to Panhandling Bylaw No. 8214, Parks and Public Spaces Bylaw No. 6819-91, Traffic Regulation Bylaw No. 8120 and Ticket Information Utilization Bylaw No. 6550

Moved by Councillor Given/Seconded by Councillor Clark

R864/07/09/10 THAT Council receive the recommendations of the Licence and Bylaw Enforcement Supervisor as outlined in the report dated July 30, 2007;

AND THAT Bylaw No. 9851 being "Amendment No. 1 to Panhandling Bylaw No. 8214" be advanced for reading consideration;

AND THAT Bylaw No. 9852 being "Amendment No. 13 to Parks and Public Spaces Bylaw No. 6819-91" be advanced for reading consideration;

AND THAT Bylaw No. 9853 being "Amendment No. 10 to Traffic Regulation Bylaw No. 8120" be advanced for reading consideration;

AND FURTHER THAT Bylaw No. 9854 being "Amendment No. 69 to Ticket Information Utilization Bylaw No. 6550" be advanced for reading consideration.

Carried

7.04 City Clerk, dated September 5, 2007 re: Uptown Rutland Business Improvement Area – Establishing a BIA by Bylaw No. 9813

Moved by Councillor Given/Seconded by Councillor Hobson

Regular Meeting – P.M.

September 10, 2007

R865/07/09/10 THAT Council receive the Certificate of Sufficiency dated September 5, 2007 pertaining to the proposed establishment of the Uptown Rutland Business Improvement Area;

AND FURTHER THAT the Uptown Rutland Business Improvement Area Bylaw No. 9813 be advanced for adoption consideration.

Carried

8. **BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**

(BYLAW READINGS TO BE RESCINDED)

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

Moved by Councillor Gran/Seconded by Councillor Day

R866/07/09/10 THAT first, second and third readings given Bylaw No. 9848 be and are hereby rescinded.

Carried

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.02 Bylaw No. 9851 – Amendment No. 1 to Panhandling Bylaw No. 8214

Moved by Councillor Clark/Seconded by Councillor Rule

R867/07/09/10 THAT Bylaw No. 9851 be read a first, second and third time.

Carried

8.03 Bylaw No. 9852 – Amendment No. 13 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Clark/Seconded by Councillor Rule

R868/07/09/10 THAT Bylaw No. 9852 be read a first, second and third time.

Carried

8.04 Bylaw No. 9853 – Amendment No. 10 to Traffic Bylaw No. 8120

Moved by Councillor Clark/Seconded by Councillor Rule

R869/07/09/10 THAT Bylaw No. 9853 be read a first, second and third time.

Carried

Regular Meeting – P.M.

September 10, 2007

- 8.05 Bylaw No. 9854 – Amendment No. 69 to Ticket Information Utilization
Bylaw No. 6550-89

Moved by Councillor Clark/Seconded by Councillor Rule

R870/07/09/10 THAT Bylaw No. 9854 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.06 Bylaw No. 9810 – Road Closure Bylaw – Portion of Benvoulin Court –
**Mayor to invite anyone in the public gallery who deems themselves
affected by the proposed road closure to come forward.**

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Clark/Seconded by Councillor Rule

R871/07/09/10 THAT Bylaw No. 9810 be adopted.

Carried

- 8.07 Bylaw No. 9813 – Uptown Rutland Business Improvement Area

Moved by Councillor Given/Seconded by Councillor Clark

R872/07/09/10 THAT Bylaw No. 9813 be adopted.

Carried

- 8.08 Bylaw No. 9836 – Road Closure Bylaw – Portion of Swamp Road –
**Mayor to invite anyone in the public gallery who deems themselves
affected by the proposed road closure to come forward.**

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Clark/Seconded by Councillor Letnick

R873/07/09/10 THAT Bylaw No. 9836 be adopted.

Carried

- 8.09 Bylaw No. 9847 – Elm Street Local Area Service Establishment Bylaw No.
9847

Moved by Councillor Letnick/Seconded by Councillor Clark

R874/07/09/10 THAT Bylaw No. 9847 be adopted.

Carried

Regular Meeting – P.M.

September 10, 2007

8.10 Bylaw No. 9849 - Amendment No. 9 to Traffic Bylaw No. 8120

Moved by Councillor Letnick/Seconded by Councillor Clark

R875/07/09/10 THAT Bylaw No. 9849 be adopted.

Carried

8.11 Bylaw No. 9861 – Amendment No. 70 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Clark/Seconded by Councillor Letnick

R876/07/09/10 THAT Bylaw No. 9861 be adopted.

Carried

9. COUNCILLOR ITEMS

9.01 Mayor Shepherd re: Proposal for Urban Mining Guideline Zones for the Central Okanagan

Moved by Councillor Hobson/Seconded by Councillor Given

R877/07/09/10 THAT Council receive the information, agree in principle with the proposal for Urban Mining Guideline Zones for the Central Okanagan, and refer the matter to City staff and to the Regional District Board and staff.

AND THAT letters be sent to the local area MLA's forwarding the proposed Urban Mining Guidelines as a potential tool for management of mining applications in urban areas.

Carried

9.02 Mayor Shepherd re: UBCM request regarding The British Columbia Climate Change Charter

Councillor Hobson - Notice of Motion

- Councillor Hobson put Council on notice that he intends to bring forward a motion to be considered at the September 17th Council meeting to support the British Columbia Climate Change Charter and sign on to it, and requested staff comments on the UBCM request be available at that meeting.

9.03 Councillor Letnick re: Affordable Housing

Moved by Councillor Letnick/Seconded Councillor Hobson

R878/07/09/10 THAT staff forward, to the Housing Committee, the issue of having developers build more multi-bedroom affordable housing units suitable for families (not just one bedroom units).

Carried

Regular Meeting – P.M.

September 10, 2007

9.04 Councillor Hobson re: Orchard Park West – Town Centre

Moved by Councillor Hobson/Seconded by Councillor Rule

R879/07/09/10 THAT staff report on the potential for, and steps necessary to develop, a plan for the Orchard Park West Area, between Gordon Drive, Highway 97, Springfield Road and Burtch Road, as a town centre.

Carried

10. TERMINATION

The meeting was declared terminated at 4:09 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk