

Regular Meeting – P.M.October 29, 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, October 29th, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillor Andre Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark*; Current Planning Supervisor, Shelley Gambacort*; Director of Works & Utilities, John Vos*; Manager Community Development & Real Estate, Doug Gilchrist*; Planner, Nelson Wight*; Community Planning Manager, Theresa Eichler*; Property Manager, Ron Forbes*; Utility Contract Administrator, Cindy McNeely*; Projects Manager, Real Estate & Planning, Rob Mayne*; Manager, Policy, Research & Strategic Planning, Signe Bach*; Park Design & Construction Supervisor, Andrew Gibbs* 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 Clark to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

The Mayor acknowledged Jamie Orfald-Clarke from Ottawa and Jonathon from Beijing of Canada World Youth, who were present in the Council the gallery.

3.1 Oqopogo Float Presentation

The Mayor invited the reigning Miss Kelowna Lady of the Lake, Jillian Fugedi and Kelowna's Princess, Jackie Larden to address Council regarding their recent trip to Kelowna's Sister City, Kasguai, Japan.

Staff:

- Gave a presentation regarding the City of Kelowna 2007 Parade Float and the events it was entered into.

Mayor:

- Presented Clarence Johnson with a gift in recognition of his dedication in driving the City of Kelowna 2007 Parade Float.
- Presented Miss Kelowna Lady of the Lake and Kelowna Princess with a City of Kelowna pin.

4. UNFINISHED BUSINESS

4.1 Planning & Development Services Department, dated October 5, 2007 re: Official Community Plan Amendment Application No. OCP07-0021 and Rezoning Application No. Z07-0069 – Bhushan Singla, Radha and Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road

Staff:

- As requested by Council, staff provided additional information regarding the affordable housing component of the development.

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At the October 15, 2007 Regular Meeting of Council, the following motion was moved by Councillor Given and seconded by Councillor Gran. This motion is currently on the floor.

R1008/07/10/29 THAT OCP Bylaw Amendment No. OCP07-0021 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, 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 October 5, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP07-0021 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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 FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Development Services report dated October 21, 2007 re: Agricultural Land Reserve Appeal No. A07-0021 – AI's Construction Ltd. (Rick Bruschinsky) – 1095 Crawford Road

This item was withdrawn from the Agenda.

- 5.2 Planning & Development Services report dated October 21, 2007 re: Agricultural Land Reserve Appeal No. A07-0017 – Joan Kitaura (Jackie Yates) - 1390 and 1496 Geen Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1009/07/10/29 THAT Agricultural Land Reserve Appeal No. A07-0017 for Lot 4 and Lot 7, Block 19, Section 14, Township 26, O.D.Y.D., Plan 1380, located on Geen Road, Kelowna, B.C. 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.

Carried

- 5.3 Planning & Development Services report dated October 15, 2007 re: Rezoning Application No. Z07-0046 – Terry and Joan Raisanen (Eidse Builders –Gary Tebbutt) – 1975 Kane Road

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R1010/07/10/29 THAT Rezoning Application No. Z07-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located on Kane Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM5 - Medium Density Housing zone be considered by Council;

AND THAT Rezoning Application No. Z07-0046 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 and Glenmore Ellison Irrigation District being completed to their satisfaction;

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.

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

Bylaw No. 9886 (Z07-0046) - Terry and Joan Raisanen (Eidse Builders –Gary Tebbutt) – 1975 Kane Road

Moved by Councillor Rule/Seconded by Councillor Clark

R1011/07/10/29 THAT Bylaw No. 9886 be read a first time.

Carried

- 5.4 Planning & Development Services report dated October 18, 2007 re: Rezoning Application No. Z07-0034 – Charlene Wheatley – 2031 Fisher Road

Moved by Councillor Given/Seconded by Councillor Gran

R1012/07/10/29 THAT Rezoning Application No. Z07-0034 to amend City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 22, District Lot 130, ODYD, Plan 17924 on Fisher Rd, Kelowna, B.C. from A1 – Agriculture 1 zone to the RU1 – Large Lot Housing 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. 9887 (Z07-0034) - Charlene Wheatley – 2031 Fisher Road

Moved by Councillor Rule/Seconded by Councillor Clark

R1013/07/10/29 THAT Bylaw No. 9887 be read a first time.

Carried

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- 5.5 Planning & Development Services report dated October 18, 2007 re: Rezoning Application No. Z07-0041 – Remigio Picco (Remigio and Malsha Picco) – 2077 Fisher Road

Moved by Councillor Given/Seconded by Councillor Letnick

R1014/07/10/29 THAT Rezoning Application No. Z07-0041 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot E, District Lot 130, O.D.Y.D., Plan 18628 on Fisher Road, Kelowna, B.C. from A1 – Agriculture to RU1 – Large Lot Housing be considered by Council;

AND THAT Rezoning Application Z07-0041 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9885 (Z07-0041) - Remigio Picco (Remigio and Malsha Picco) – 2077 Fisher Road

Moved by Councillor Clark/Seconded by Councillor Rule

R1015/07/10/29 THAT Bylaw No. 9885 be read a first time.

Carried

- 5.6 Planning & Development Services report dated October 16, 2007 re: Rezoning Application No. Z07-0026 – Rohit Group of Companies (0763831 BC Ltd.) – 1315, 1325, 1345 Highway 33 and 145, 155 and 165 Taylor Road

Moved by Councillor Given/Seconded by Councillor Hobson

R1016/07/10/29 THAT Council forward Bylaw No. 9838, authorizing a Housing Agreement between the City of Kelowna and Rohit Communities Kelowna Ltd. (Incorp. No. BC0763831), which requires the owners to designate a total of six (6) units for affordable rental housing on Lots 1 (except Plan 39705), 2 (except plan 39705), 3 (except plan 39705), 3, 5, 6 Section 22, Township 26, ODYD Plan 3727 for consideration.

Carried

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

Bylaw No. 9838 (Z07-0026) – Housing Agreement Authorization Bylaw - Rohit Communities Kelowna Ltd. - 1315, 1325, 1345 Highway 33 and 145, 155 and 165 Taylor Road

Moved by Councillor Letnick/Seconded by Councillor Given

R1017/07/10/29 THAT Bylaw No. 9838 be read a first, second and third time.

Carried

- 5.7 Planning & Development Services report dated October 18, 2007 re: Rezoning Application No. Z07-0014 – Tessco Inc. (1314694 Alberta Ltd.) – 1923, 1937, 1979 Ambrosi Road and 1926 Barlee Road

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Staff:

- Once the Housing Agreement was brought forward for consideration, staff advised the applicant that the affordable units being proposed were not optimal. A two-bedroom unit, and two (2) one-bedroom units would be preferred, and the proposal is only for three (3) unspecified units.

Moved by Councillor Rule/Seconded by Councillor Gran

R1018/07/10/29 THAT Council hear from the applicant with respect to Rezoning Application No. Z07-0014.

Carried

Representative of the Applicant, Gary Marvin:

- Has been closely working with Planning Department on this project for the past 2 years so that the project could be endorsed by Council.
- The developer has already donated \$1,400 per door towards the extension of Kent Road.
- Feels that because there is no bylaw in place regarding Housing Agreements and affordable housing, it was hoped that Planning staff would be a more lenient regarding this matter.

Staff:

- The donation towards the Kent Road extension was development driven and was therefore a requirement. Anyone who develops in the area will have to donate towards the servicing and extension of Kent Road.

Moved by Councillor Rule/Seconded by Councillor Letnick

R1019/07/10/29 THAT Council forward Bylaw No. 9884 for consideration, authorizing a Housing Agreement between the City of Kelowna and 1314694 Alberta Ltd. (Reg No. A0070953), requiring the owners to designate the proposed units #209, #210 and #307 totalling 257 m² for affordable rental housing on the following lots:

Lot 6, District Lot 129, O.D.Y.D. Plan 14187
 Lot 7, District Lot 129, O.D.Y.D. Plan 14187
 Lot 8, District Lot 129, O.D.Y.D. Plan 14187
 Lot A, District Lot 129, O.D.Y.D. Plan 34047

DEFEATED

Councillors Clark, Day, Gran and Given – Opposed.

Moved by Councillor Day/Seconded by Councillor Gran

R1020/07/10/29 THAT Council forward Bylaw No. 9884 for consideration, authorizing a Housing Agreement between the City of Kelowna and 1314694 Alberta Ltd. (Reg No. A0070953), which requires the owners to designate a total of three (3) units for affordable rental housing on the following lots:

Lot 6, District Lot 129, O.D.Y.D. Plan 14187
 Lot 7, District Lot 129, O.D.Y.D. Plan 14187
 Lot 8, District Lot 129, O.D.Y.D. Plan 14187
 Lot A, District Lot 129, O.D.Y.D. Plan 34047

Carried

Mayor Shepherd and Councillors Letnick and Rule – Opposed.

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

Bylaw No. 9884 (Z07-0014) – Housing Agreement Authorization
Bylaw - Tessco Inc. (1314694 Alberta Ltd.) – 1923, 1937, 1979
Ambrosi Road and 1926 Barlee Road

Moved by Councillor Gran/Seconded by Councillor Day

R1021/07/10/29 THAT Bylaw No. 9884 be read a first, second and third time.

Carried

Mayor Shepherd and Councillors Letnick and Rule – Opposed.

6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.1 Electrical Manager, dated October 23, 2007 re: 2008 Electrical Utility Rates

Moved by Councillor Hobson/Seconded by Councillor Day

R1022/07/10/29 THAT Council approve a rate increase of 4.0% to the City's electrical utility rates for all annual residential customer revenues, municipal and school customer revenues and commercial customer revenues;

AND THAT Council approve the 2008 electrical rates to be effective with the first billing cycle in January, 2008.

AND FURTHER THAT the Bylaw 9888 being amendment 17 to City of Kelowna Electric Regulation Bylaw #7639 be advanced for reading consideration by Council.

Carried

6.2 Park Planning, Design and Construction Supervisor, dated October 23, 2007 re: Status Report on Stuart Park

Moved by Councillor Given/Seconded by Councillor Hobson

R1023/07/10/29 THAT City Council receive as information the report from the Parks Planning, Design and Construction Supervisor, dated October 24, 2007;

AND THAT City Council authorize staff to present interim plans for Stuart Park, Kerry Park and City Park at the public open house scheduled for the Downtown Redevelopment Plan for November 6, 2007, and as appropriate thereafter.

Carried

6.3 Manager, Policy/Research/Strategic Planning, dated October 24, 2007 re: OCP Growth Strategy for the South Pandosy Sector

Staff:

- The Official Community Plan review will take approximately 2 years to complete as it involves several different City departments and the public process. Some of the public process can be eliminated with Council support, but that is not something staff recommend Council do.
- Confirmed that the Rutland area does not have the same servicing issues and staff would welcome development/redevelopment in the area.
- Advised that an Official Community Plan growth strategy direction request will be coming forward to Council shortly.

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Council:

- Requested an update on the entire housing distribution, including what applications are currently in stream regarding the South Pandosy Sector area, including which applications have met the cut off for withholding support in accordance with the staff recommendation.

Moved by Councillor Day/Seconded by Councillor Letnick

R1024/07/10/29 THAT Council direct staff to withhold support from OCP amendment applications for the South Pandosy Sector (see attached map) of the City where such amendments would provide for more residential units than are currently permitted, until the Official Community Plan review has been completed, in recognition of the issues detailed in the October 24, 2007 report from the Planning and Development Services Department;

AND THAT Council direct staff to, with new development applications, withhold support from South Pandosy Sector (see attached map) Development Variance Permit applications or rezoning applications that result in height beyond four storeys for commercial and residential development, and six storeys for apartment hotels, and eight storeys at the Lakeshore/Watt site, until the Official Community Plan review has been completed, in recognition of the issues detailed in the October 24, 2007 report from the Planning and Development Services Department.

AND FURTHER THAT Council acknowledge that staff may not be able to offer positive recommendations for South Pandosy Sector (see attached map) rezoning applications that result in additional density once the Growth Strategy's remaining units have been allocated, until the Official Community Plan review has been completed, in recognition of the issues detailed in the October 24, 2007 report from the Planning and Development Services Department.

Carried

6.4 Projects Manager, Community Development and Real Estate, dated October 24, 2007 re: Central Green Redevelopment Project – former KSS Site

Council:

- Concerned about specifically stating that 20% affordable housing will be achieved on the site (may be other options for achieving more either on site or off-site).
- Commented that there was no mention of trees planned for the site and suggested that trees be taken into account when drafting the concept plan.

Moved by Councillor Rule/Seconded by Councillor Letnick

R1025/07/10/29 THAT the guiding principles for the Central Green Redevelopment Project contained in the report prepared by the Projects Manager, Community Development and Real Estate dated October 24, 2007 be endorsed by Council;

AND THAT Council instruct staff to prepare a development concept plan for the Central Green site for further consideration.

Carried

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R1026/07/10/29 THAT the deadline for receipt of written public input regarding the staff recommendations in the Pesticide Reduction Strategy report that was presented to Council on July 9, 2007 be extended from October 15, 2007 to 4:00 p.m. November 26, 2007.

Carried8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**8.1 Bylaw No. 9837 – Amendment No. 16 to City of Kelowna Electricity Regulation Bylaw No. 7639Moved by Councillor Letnick/Seconded by Councillor Given

R1027/07/10/29 THAT Bylaw No. 9837 be read a first, second and third time.

Carried8.2 Bylaw No. 9888 – Amendment No. 17 to City of Kelowna Electricity Regulation Bylaw No. 7639Moved by Councillor Letnick/Seconded by Councillor Given

R1028/07/10/29 THAT Bylaw No. 9888 be read a first, second and third time.

Carried**(BYLAWS PRESENTED FOR ADOPTION)**8.3 Bylaw No. 9874 – Road Closure Bylaw – Portions of Union 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 Hobson/Seconded by Councillor Gran

R1029/07/10/29 THAT Bylaw No. 9874 be adopted.

Carried9. COUNCILLOR ITEMS

Councillor Given:

- Requested an update from staff regarding the restoration of the Guisichan heritage building.

Councillor Hobson:

- Requested an update from staff regarding the “Art in the Park” program.

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10. TERMINATION

The meeting was declared terminated at 4:15 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld