

Regular Meeting – P.M.November 5, 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, November 5th, 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; Current Planning Supervisor, Shelley Gambacort*; Director of Works & Utilities, John Vos*; Director of Financial Services, Paul Macklem*; Director of Recreation, Parks and Cultural Services, David Graham*; Planner, Nelson Wight*; Community Planning Manager, Theresa Eichler*; Environment & Solid Waste Manager, Mark Watt*; Parks Manager, Joe Creron*; Parks Planner, Barbara Davidson*; Parks Planning Supervisor, Terry Barton*; Financial Planning Manager Keith Grayston*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. DEVELOPMENT APPLICATION REPORTS

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

Moved by Councillor Letnick/Seconded by Councillor Gran

R1039/07/11/05 THAT Council hear from the applicant regarding Agricultural Land Reserve Appeal No. A07-0021.

Carried

Applicant, John Del Medico:

- Have owned the property since 1992.
- Have tried to make the property viable without any great success.
- Currently have an agreement in place with Grey Monk winery to farm the property.
- Would like to keep the property in the Agricultural Land Reserve.
- The proposed subdivision would be a natural buffer from the residential lots already in existence in the area.
- The proposed five (5) lots take up approximately 5,970 square meters.
- The family is intending of purchasing two (2) of the five (5) proposed lots that are being created. Would like to sell the remaining three (3) lots to assist financially with planting the grapes.
- Ensured that the grapes would have to be planted prior to the subdivision being granted.
- Suggested some form of bonding.
- Advised that he has approached the adjacent property owners and they are supportive of the proposal.

Council:

- Questioned the buffering of the property and how to the applicant could guarantee that the money would be used to plant the grapes.

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- Concerned that supporting an application to finance agriculture could be precedent setting.
- Pointed out that the current landowner purchased the property in 1992 when the current freeze was imposed on agricultural land; and therefore, the current landowner was aware of the restrictions on the property.

Staff:

- In order to complete the subdivision, an application to rezone the property would come before Council.

Moved by Councillor Gran/Seconded by Councillor Given

R1040/07/11/05 THAT Agricultural Land Reserve Appeal No. A07-0021 for Lot 1, Section 31, Township 29, O.D.Y.D., Plan KAP77146, located on Crawford Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

DEFEATED

Mayor Shepherd and Councillors Clark, Day, Hobson and Rule – Opposed.

Moved by Councillor Letnick/Seconded by Councillor Given

R1041/07/11/05 THAT Agricultural Land Reserve Appeal No. A07-0021 for Lot 1, Section 31, Township 29, O.D.Y.D., Plan KAP77146, located on Crawford Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be forwarded to the Agricultural Land Commission without comment.

Carried

Councillors Clark, Day and Hobson – Opposed.

3.2 Planning & Development Services Department, dated October 23, 2007 re: Rezoning Application No. Z07-0029 – Kevin & Cynthia Patterson – 530 Ziprick Road

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

Moved by Councillor Hobson/Seconded by Councillor Letnick

R1042/07/11/05 THAT Rezoning Application NO. Z07-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 22, Township 26, ODYD, Plan 31688 on Ziprick Rd, Kelowna, B.C. from RU1 – Large Lot Housing zone to the RU6 - Two Dwelling Housing zone 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 subsequent to the requirements of the Works & Utilities Department, 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 Variance Permit on the subject property.

Carried

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(a) Planning & Development Services report dated October 19, 2007.

Moved by Councillor Given/Seconded by Councillor Letnick**R1044/07/11/05** THAT Rezoning Application No. Z07-0040 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, District Lot 135, O.D.Y.D., Plan 17194, located on Gosnell 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.

Carried(b) **BYLAW PRESENTED FOR FIRST READING**Bylaw No. 9894 (Z07-0040) – Susan Widmar – 2880 Gosnell RoadMoved by Councillor Rule/Seconded by Councillor Clark**R1045/07/11/05** THAT Bylaw No. 9894 be read a first time.Carried3.4 Planning & Development Services Department, dated October 21, 2007 re: Rezoning Application No. Z07-0010 – Emily Doyle (Runnalls Denby & Associates) – 2850 Gosnell Road

(a) Planning & Development Services report dated October 21, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given**R1046/07/11/05** THAT Rezoning Application No. Z07-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, O.D.Y.D., Plan 17194, located on Gosnell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council;

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

Carried

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

Bylaw No. 9895 (Z07-0010) – Emily Doyle (Runnalls, Denby & Associates) – 2850 Gosnell Road

Moved by Councillor Clark/Seconded by Councillor Rule

R1047/07/11/05 THAT Bylaw No. 9895 be read a first time.

Carried

3.5 Planning & Development Services Department, dated October 26, 2007 re: Official Community Plan Amendment Application No. OCP05-0015 and Rezoning Application No. Z05-0066 – Witmar Holdings Ltd. – 1459 & 1469 KLO Road

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

Staff:

- The affordable housing component falls far short of the 50% policy requirements.
- Confirmed that the units are strictly one-bedroom units.

Moved by Councillor Day/Seconded by Councillor Gran

R1048/07/11/05 THAT Council forward Bylaw No. 9889, authorizing a Housing Agreement between the City of Kelowna and Witmar Developments Ltd., which requires the owners to designate a total of twelve (12) units for affordable housing on Lot 1, District Lot 131, Plan 13798, O.D.Y.D. except Plan KAP79224, and Lot 2, District Lot 131, O.D.Y.D. Plan 13798 except Plan KAP79225, located on K.L.O. Road, for consideration.

Carried

Councillor Letnick – Opposed.

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

Bylaw No. 9889 – Housing Agreement – Witmar Developments Ltd. – 1459 & 1469 KLO Road

Moved by Councillor Given/Seconded by Councillor Letnick

R1049/07/11/05 THAT Bylaw No. 9889 be read a first, second and third time.

Carried

Councillor Letnick – Opposed.

3.6 Planning & Development Services Department, dated October 12, 2007 re: Rezoning Application No. Z07-0081 – Roslyn Haug – 1250 Bothe Street

(a) Planning & Development Services report dated October 12, 2007.

Moved by Councillor Letnick/Seconded by Councillor Given

R1050/07/11/05 THAT Rezoning Application No. Z07-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 131, ODYD, Plan 37963, located at 1250 Bothe 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;

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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. 9893 (Z07-0081) – Roslyn Haug – 1250 Bothe Road

Moved by Councillor Given/Seconded by Councillor Letnick

R1051/07/11/05 THAT Bylaw No. 9893 be read a first time.

Carried4. **BYLAWS (ZONING & DEVELOPMENT)****(BYLAWS PRESENTED FOR FIRST READING)**

- 4.1 (a) Bylaw No. 9891 (OCP07-0021) – Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road– Requires a majority of all Members of Council (5)

Moved by Councillor Given/Seconded by Councillor Letnick

R1052/07/11/05 THAT Bylaw No. 9891 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

- (b) Bylaw No. 9892 (Z07-0069) - Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road

Moved by Councillor Gran/Seconded by Councillor Day

R1053/07/11/05 THAT Bylaw No. 9892 be read a first time.

Carried**(BYLAWS PRESENTED FOR AMENDMENT AT THIRD READING)**

- 4.2 (a) Bylaw No. 9838 – Housing Agreement Authorization Bylaw – Rohit Communities Kelowna Ltd. – 151 Taylor Road

Moved by Councillor Day/Seconded by Councillor Gran

R1054/07/11/05 THAT Bylaw No. 9838 be amended at third reading by:

- deleting 1315, 1325 and 1345 Hwy 33 and 145, 155 and 165 Taylor Road and replacing it with 151 Taylor Road.;
- deleting the legal descriptions and replace with Lot A, Section 22, Township 26, ODYD, Plan KAP85063.

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- (b) Bylaw No. 9839 (OCP07-0009) – 0763831 BC Ltd. (Bob Guy) – 151 Taylor Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Day/Seconded by Councillor Gran

R1055/07/11/05 THAT Bylaw No. 9839 be amended at third reading by:

- deleting 1315, 1325, 1345 Highway 33 W and 145, 155, 165 Taylor Road and replacing with 151 Taylor Road;
- deleting the legal description and replacing with Lot A, Section 22, Township 26, ODYD, Plan KAP85063.

Carried

- (c) Bylaw No. 9840 (Z07-0026) – 0763831 BC Ltd. (Bob Guy) – 151 Taylor Road

Moved by Councillor Hobson/Seconded by Councillor Day

R1056/07/11/05 THAT Bylaw No. 9840 be amended at third reading by:

- deleting 1315, 1325, 1345 Highway 33 W and 145, 155, 165 Taylor Road and replacing with 151 Taylor Road;
- deleting the legal description and replacing with Lot A, Section 22, Township 26, ODYD, Plan KAP85063.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Environment & Solid Waste Manager, dated October 30, 2007 re: Garbage Fee Increase – Solid Waste Management Regulation Bylaw No. 9570 – Proposed Change to Schedule “B” (Garbage Collection Fees) and Curbside Pilot Program Update

Moved by Councillor Day/Seconded by Councillor Given

R1057/07/11/05 THAT Council approve the proposed fee changes for garbage and yard waste collection as outlined in the Environment & Solid Waste Manager’s Report dated October 30, 2007;

AND THAT staff be directed to bring forward the necessary amending bylaw for Council's consideration;

AND FURTHER THAT Council receive the curbside pilot program update as outlined in the Environment & Solid Waste Manager’s Report dated October 30, 2007.

Carried

- 5.2 Community Planning Manager, dated October 31, 2007 re: Mayor’s Event to End Homelessness

Moved by Councillor Hobson/Seconded by Councillor Given

R1058/07/11/05 THAT Council authorize the use of funds for the Mayor’s Workshop to End Homelessness to be held on November 27, 2007 from Council

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Contingency in the amount of up to \$11,075 as set out in the report of the Community Planning Manager dated October 31, 2007.

Carried

5.3 Parks Manager, dated October 26, 2007 re: Mountain Bike Community Profile

Council:

- Sees a relationship between this plan and the trail plan currently being done by the City.

Moved by Councillor Given/Seconded by Councillor Day

R1059/07/11/05 THAT Council accept as information the Mountain Bike Community Profile final report as prepared by Fay Baker Consulting and dated September 2007;

AND THAT Council approve the forwarding of this Council Report and the Mountain Bike Community Profile final report to the Regional District for their review.

Carried

5.4 Director of Works and Utilities, Director of Financial Services and Director of Recreation, Parks and Cultural Services, dated October 31, 2007 re: 20-Year Servicing Plan and Financing Strategy (2007) Update

Councillor Day left the meeting at 3:52 p.m.

Staff:

- Provided Council with an amended Page 2 of the Council Report.
- In the past, a DCC review was only done when the OCP review was conducted.

Council:

- Requested that the “draft” Consultant’s Report be forwarded to Council for consideration prior to the open house on November 22, 2007.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R1060/07/11/05 THAT Council receive the draft 20-Year Servicing Plan and Financing Strategy (2007 update) for information;

AND THAT Council authorize staff to seek stakeholder input into the draft plan and report back following that feedback.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9837 – Amendment No. 16 to City of Kelowna Electricity Regulation Bylaw No. 7639

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Moved by Councillor Hobson/Seconded by Councillor Letnick

R1061/07/11/05 THAT Bylaw No. 9837 be adopted.

Carried

6.2 Bylaw No. 9888 – Amendment No. 17 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Letnick/Seconded by Councillor Hobson

R1062/07/11/05 THAT Bylaw No. 9888 be adopted.

Carried

7. COUNCILLOR ITEMS

Councillor Gran:

- Advised that the next meeting of the Advisory Committee on Community & Women’s Issues is scheduled for November 14, 2007 and that child care will be the focus of the Committee for 2008.

8. TERMINATION

The meeting was declared terminated at 4:52 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk