

Regular Meeting – P.M.December 17, 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, December 17th, 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; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Corporate Services, John Vos; Director of Financial Services/Acting Director of Planning and Development Services, Paul Macklem*; Current Planning Supervisor, Shelley Gambacort*; Wastewater Manager, Bill Berry*; Inspection Services Manager, Ron Dickinson*; Community Planning Manager, Theresa Eichler*; Environmental/Solid Waste Manager, Mark Watt*; Manager, Community Development and Real Estate, Doug Gilchrist*; Manager, Policy, Research & Strategic Planning, Airport Administration Manager, Noreen Redman*; Signe Bagh*; Electrical Administration Manager, Cindy McNeely*; Planner Specialist, Gary Stephen*; Parks Planning Manager, Terry Barton*; Park and Landscape Planner, Barbara Johnstone Davidson*; Planner, Danielle Noble*, Planning and Development Officer, Paul McVey*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Superintendent Bill McKinnon re: Monthly Policing Report

- Inspector Randy Curtain gave the Monthly Policing Report

3.2 Anna Warwick Sears, Executive Director Okanagan Basin Water Board re: Okanagan Basin Water Board Program Presentation

- Anna Warwick Sears presented the Okanagan Basin Water Board Program

Councillor Hobson entered the meeting at 1:57 p.m.

3.3 Bob Hrasko, BMID Administrator re: Black Mountain Irrigation District Capital Plan Presentation

- Bob Hrasko presented the Black Mountain Irrigation District Capital Plan

4. COMMITTEE REPORTS

4.1 Councillor Hobson, re: Recreation Parks and Culture Task Force Update

Moved by Councillor Hobson/Seconded by Councillor Day

R1195/07/12/17 THAT Council receive this update as information and to extend the mandate of the Recreation Parks and Culture Task Force Committee for one year to December 31, 2008.

Carried

Regular Meeting – P.M.

December 17, 2007

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning and Development Services Department, dated December 4, 2007 re: Rezoning Application No. Z07-0064 – Eckhard and Doris Krenz (Lynn Welder Consulting Ltd.) – 932-934 Borden Avenue

Staff:

- Future land use designation does support this application.

Moved by Councillor Given/Seconded by Councillor Gran

R1196/07/12/17 THAT Rezoning Application No. Z07-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 & 2, D.L. 138, ODYD, KAS2435, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located on Borden Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone be supported 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 Permit and Development Variance Permit on the subject property.

Carried

Opposed – Councillor Clark

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

Bylaw No. 9908 (Z07-0064) - Eckhard and Doris Krenz (Lynn Welder Consulting Ltd.) – 932-934 Borden Avenue

Moved by Councillor Letnick/Seconded by Councillor Rule

R1197/07/12/17 THAT Bylaw No. 9908 be read a first time.

Carried

- 5.2 Planning and Development Services Department, dated December 3, 2007 re: Rezoning Application No. Z07-0090 – David Konfederak (Ed Konfederak) – 435 Taylor Road

Moved by Councillor Letnick/Seconded by Councillor Given

R1198/07/12/17 THAT Rezoning Application No. Z07-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec, 22. Twp 26, ODYD, Plan 17343, ODYD, located on Taylor Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2s – Medium Lot Housing (with Secondary Suite) zone be considered by Council;

AND THAT Rezoning Application No. Z07-0090 be forwarded to a Public Hearing for further consideration;

Regular Meeting – P.M.December 17, 2007

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

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

Bylaw No. 9909 (Z07-0090) - David Konfederak (Ed Konfederak)
- 435 Taylor Road

Moved by Councillor Rule/Seconded by Councillor Clark**R1199/07/12/17** THAT Bylaw No. 9909 be read a first time.Carried

5.3 Planning and Development Services Department, dated December 5, 2007 re: Official Community Plan Amendment No. OCP07-0025 and Rezoning Application No. Z07-0075 – Stephen and Michele Graham (Grason Enterprises) – 130 Hartman Road and 915A-915B, 925 and 935 Rutland Road

Staff:

- Applicant providing an affordable housing component.

Moved by Councillor Letnick/Seconded by Councillor Given

R1200/07/12/17 THAT OCP Bylaw Amendment No. OCP07-0025 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman 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 December 5, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna B.C., from the RU1 – Large Lot Housing and the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

THAT Council forward Bylaw No. 9901 authorizing a Housing Agreement between the City of Kelowna and 0790388 BC LTD DBA (Grason Enterprises), which requires the owners to designate *4 dwelling units for owner occupied affordable* housing on Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna, B.C., for reading consideration.

THAT the OCP Bylaw Amendment No. OCP07-0025 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

Regular Meeting – P.M.December 17, 2007

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate properties into one title;

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;

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

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

Bylaw No. 9901 – Housing Agreement Authorization Bylaw - Stephen and Michele Graham (Grason Enterprises) – 130 Hartman Road and 915A-915B, 925 and 935 Rutland Road

Moved by Councillor Day/Seconded by Councillor Gran

R1201/07/12/17 THAT Bylaw No. 9901 be read a first, second and third time.

Carried

(c) **BYLAWS PRESENTED FOR FIRST READING**

(i) Bylaw No. 9910 – (OCP07-0025) - Stephen and Michele Graham (Grason Enterprises) – 130 Hartman Road and 915A-915B, 925 and 935 Rutland Road

Moved by Councillor Gran/Seconded by Councillor Day

R1202/07/12/17 THAT Bylaw No. 9910 be read a first time.

Carried

(ii) Bylaw No. 9911 – (Z07-0075) - Stephen and Michele Graham (Grason Enterprises) – 130 Hartman Road and 915A-915B, 925 and 935 Rutland Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R1203/07/12/17 THAT Bylaw No. 9911 be read a first time.

Carried

Regular Meeting – P.M.

December 17, 2007

5.4 (a) **BYLAW PRESENTED FOR FINAL ADOPTION**

Bylaw No. 9717 – (Z06-0014) - Watermark Developments Ltd.
(John Hertay) – South of UBC Okanagan

Moved by Councillor Letnick/Seconded by Councillor Clark

R1204/07/12/17 THAT Bylaw No. 9717 be adopted.

Carried

- (b) Planning and Development Services Department, dated December 5, 2007 re: Rezoning Application No. Z06-0014 and Development Permit Application No. DP06-0188 – Watermark Developments Ltd. (John Hertay) – South of UBC Okanagan

Staff:

- This project is not LEED certified.

Moved by Councillor Hobson/Seconded by Councillor Letnick

R1205/07/12/17 THAT Final Adoption of Zone Amending Bylaw No. 9717 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0188 for a part of Lot 7, Plan 1638, Secs. 10 & 11, Twp 23, ODYD, located on Curtis Road, Kelowna, BC, 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 Attachment "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 estimate value of the landscaping, as determined by a professional landscaper;
5. Registration of the Road Reserve Covenant, which has been executed by City officials, and confirmation of that from the Land Titles Office;

AND THAT the applicant be required to complete #4 # 5 of the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 5.5 Planning and Development Services Department, dated December 12, 2007 re: Development Permit Application No. DP07-0230 – Royal Host Hotels and Resorts (Grand Okanagan Resort Ltd) (BKDI Architects) – 1300-1306 Water Street

Regular Meeting – P.M.December 17, 2007Moved by Councillor Letnick/Seconded by Councillor Blanleil

R1206/07/12/17 THAT Council authorize the issuance of Development Permit No. DP07-0230 for Lot B, DL139, 3454, & 4082, O.D.Y.D., Plan KAP 47378, Exc. Plans KAP73543 & KAP76701, located on Water Street, 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;

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

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Director of Works and Utilities, Director of Financial Services and Direction of Recreation, Parks and Culture, dated December 12, 2007, re: 20 Year Servicing Plan and Financing Strategy (2007 Update)

Moved by Councillor Hobson/Seconded by Councillor Day

R1207/07/12/17 THAT Council adopt the revised 20 Year Servicing Plan and Financing Strategy, for the infrastructure financing plan for new growth within the City of Kelowna as projected in the Official Community Plan to the year 2020;

AND THAT Council receive staff information regarding the public and stakeholder consultation process including the 'Public and Stakeholder Input' document dated December, 2007;

AND THAT Council approve establishment of a Residential 5 density gradient category for multi-family residential units of 600 square feet (55.7 square meters) or less;

AND THAT Council approve a flat rate charge of \$2,500 per unit for all secondary suites (including carriage houses and suites in accessory buildings) constructed in new or existing development where construction cost is greater than \$50,000 chargeable at subdivision or building permit where applicable;

AND THAT Council approve, in principle, elimination of all regulatory provisions that permit the development of "second kitchens" as a means to ensure the development of legal secondary suites in the community;

AND THAT the above recommendations be considered as interim in nature and subject to a full review of all DCC methodologies as part of the upcoming Official Community Plan review;

Regular Meeting – P.M.

December 17, 2007

AND THAT Council approve that DCCs be charged on all developments of less than 4 units at the earlier of subdivision, if applicable, or building permit;

AND THAT Council approve interest costs of \$13,316,378 for the balance of the 2020 Servicing Plan on long term debt in the amount of \$40.0 million included under the Wastewater Treatment DCC program for the construction of the wastewater treatment plant;

AND THAT Council approve a change to allow current DCC rates to apply on complete building permit applications received prior to the effective date of Bylaw No. 9905, as long as the corresponding building permit is issued within 6 weeks of the effective date of Bylaw No. 9905;

AND THAT assist factors be reviewed prior to the next DCC review;

AND FURTHER THAT Council give readings consideration to amendment # 4 to the Development Cost Charge Bylaw #9095 with an effective date of March 1, 2008, or the date of final adoption, whichever is later.

Carried

6.2 Airport Administration Manager, dated December 14, 2007, re: Airport Fees and Charges

Moved by Councillor Clark/Seconded by Councillor Letnick

R1208/07/12/17 THAT Council receive the Report of the Airport Administration Manager dated December 14th, 2007;

AND THAT staff be directed to prepare the necessary amending bylaw to the City of Kelowna Airport Fees Bylaw No. 7982 to reflect the increase in fees as outlined in the Report and forward the amending bylaw for reading consideration.

Carried

6.3 Wastewater Manager, dated December 10, 2007, re: 2008 Sewer Rates

Moved by Councillor Gran/Seconded by Councillor Blanleil

R1209/07/12/17 THAT Council receive the report of the Wastewater Manager dated December 10, 2007 and direct staff to prepare the amending bylaw to the City of Kelowna Sewerage System User Bylaw No. 3480 to reflect the proposed Residential and Industrial/Commercial/Institutional (ICI) Sewer rates as outlined in the Report;

AND THAT the amending Bylaw be forwarded to Council for reading consideration;

AND THAT Council direct staff to prepare the applicable amending bylaw to the City of Kelowna Sewer Service Parcel Tax Bylaw No. 8924;

AND FURTHER THAT the amending bylaw be forwarded to Council for reading consideration.

Carried

Regular Meeting – P.M.

December 17, 2007

- 6.4 Electrical Administration Manager, dated December 10, 2007, re: Amendment to the City of Kelowna Electricity Regulation Bylaw No. 7639, Increasing Electrical Rates

Moved by Councillor Given/Seconded by Councillor Letnick

R1210/07/12/17 THAT Council approves a 2.9% increase to the City Electrical Utility rates for all annual residential customers, municipal and school customer revenues and commercial customer revenues to replace the previously approved 4% increase.

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

AND FURTHER THAT amending Bylaw No. 9913 be advanced for reading consideration.

Carried

- 6.5 Manager, Community Development and Real Estate, dated December 10, 2007, re: Survey Results – Downtown Revitalization

Staff:

- In the New Year a comprehensive status report will be brought back to Council.

Moved by Councillor Given/Seconded by Councillor Blanleil

R1211/07/12/17 THAT Council receive for information the results from the survey used to solicit public input on the proposed Comprehensive Development Zone for a portion of the City of Kelowna's downtown.

Carried

- 6.6 Planner Specialist, dated December 12, 2007, re: RDCO Fringe Area Planning Summary

Moved by Councillor Hobson/Seconded by Councillor Given

R1212/07/12/17 THAT the RDCO Fringe Area Planning Summary report from the Planning and Development Services Department dated December 12, 2007 be received for information.

AND THAT the City of Kelowna continue to participate in Fringe Area Planning in 2008 for all adjacent unincorporated areas subject to costing being received from the Regional District of Central Okanagan.

Carried

Regular Meeting – P.M.

December 17, 2007

- 6.7 Inspection Services Manager, dated December 6, 2007, re: Stratification of Units 1-12 – 3753 Lakeshore Road – Lot A, ODYD, Plan 12063, D.L. 134

Staff:

- Confirmed that tenants have been notified.

Moved by Councillor Hobson/Seconded by Councillor Gran

R1213/07/12/17 THAT the application to stratify the 12 unit multiple housing at 3753 Lakeshore Road (6 – 2 unit dwellings) be approved in the name of Bernie Breitureuz.

Carried

- 6.8 Parks Planner, dated December 11, 2007, re: Gillard Crown Lands South of the City Limits

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1214/07/12/17 THAT Mayor Shepherd be authorized to send a letter to the Premier of British Columbia requesting that the Province recognize the Gillard area as a world class mountain biking facility constructed by volunteers that should be sanctioned and protected;

AND THAT the Province consult with the City if it is considering any changes in the crown land status of the Gillard area.

Carried

- 6.9 Environment and Solid Waste Manager, dated December 12, 2007, re: Proposed Automated Curbside yard Waste Pick-Up (2009), Automated Pilot Program RFP Update and Automated Curbside Cost Estimate

Moved by Councillor Day/Seconded by Councillor Given

R1215/07/12/17 THAT Council approves the proposed automated curbside yard waste pick-up changes for the new contract (2009-2016) time frame as outlined in the Environment & Solid Waste Manager's Report dated December 12, 2007.

Carried

- 6.10 City Clerk, dated December 12, 2007, re: December 12, 2007, re: 2007-2010 Airport Capital Projects Loan Authorization Certificate of Sufficiency

Moved by Councillor Given/Seconded by Councillor Gran

R1216/07/12/17 THAT Council receive the Certificate of Sufficiency dated December 4, 2007 pertaining to the 2007-2010 Airport Capital Project Loan Authorization Bylaw No. 9867;

AND THAT Bylaw No. 9867 be forwarded for final adoption consideration.

Carried

Regular Meeting – P.M.December 17, 20077. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9912 – Amendment No. 16 to the Airport Fees Bylaw No. 7982
To amend the Kelowna Airport Bylaw Fees.

Staff:

- Noted bylaw to come into force and effect April 1, 2008 not November 1, 2007 as on draft bylaw.

Moved by Councillor Given/Seconded by Councillor Letnick**R1217/07/12/17** THAT Bylaw No. 9912 be read a first, second and third time.Carried

- 7.2 Bylaw No. 9913 – Amendment No. 19 to Electricity Regulation Bylaw No. 7639
To delete C1 to C12 Appendices and replace with new C1 to C12 Appendices.

Moved by Councillor Given/Seconded by Councillor Letnick**R1218/07/12/17** THAT Bylaw No. 9913 be read a first, second and third time.Carried

- 7.3 Bylaw No. 9905 – Amendment No. 4 to Development Cost Charge Bylaw No. 9095
To amend Schedule A within the Development Cost Charge Bylaw No. 9095.

Moved by Councillor Given/Seconded by Councillor Letnick**R1219/07/12/17** THAT Bylaw No. 9905 be read a first, second and third time.Carried

- 7.4 Bylaw No. 9914 – Amendment No. 27 to Sewerage System User Bylaw No. 3480
To amend Section 5 of the Sewerage System User Bylaw No. 3480

Moved by Councillor Given/Seconded by Councillor Letnick**R1220/07/12/17** THAT Bylaw No. 9914 be read a first, second and third time.Carried

- 7.5 Bylaw No. 9915 – Amendment No. 5 to Sewer Service Parcel Tax Bylaw No. 8924
To amend Section 2 of the Sewer Service Parcel Tax Bylaw No. 8924.

Moved by Councillor Given/Seconded by Councillor Letnick**R1221/07/12/17** THAT Bylaw No. 9915 be read a first, second and third time.Carried

Regular Meeting – P.M.December 17, 2007**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.6 Bylaw No. 9867 – 2007-2010 Airport Capital Projects Loan Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Gran

R1222/07/12/17 THAT Bylaw No. 9867 be adopted.

Carried

- 7.7 Bylaw No. 9898 – Replacement Financial System Short Term Capital Borrowing Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Gran

R1223/07/12/17 THAT Bylaw No. 9898 be adopted.

Carried

Due to a conflict of interest regarding the Cedar Avenue Development Plan Short Term Borrowing Bylaw Mayor Shepherd and Councillor Hobson departed the meeting at 5:15 p.m.

Deputy Mayor Blanleil assumed the Chair at 5:15 p.m.

- 7.8 Bylaw No. 9899 – Cedar Avenue Development Plan Short Term Borrowing Bylaw

Moved by Councillor Gran/Seconded by Councillor Given

R1224/07/12/17 THAT Bylaw No. 9899 be adopted.

Carried

Mayor Shepherd and Councillor Hobson re-entered the meeting at 5:15 p.m. Mayor Shepherd assumed the Chair.

8. **COUNCILLOR ITEMS**

Councillor Clark:
Stratification is a change of use – check with residential tenancy act.
Staff to bring forward this issue in 6 months.

9. **TERMINATION**

The meeting was declared terminated at 5:19 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld