

Regular Meeting – P.M.

February 18, 2008

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, February 18th, 2008.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort*; Planner, Alec Warrander*; Planner, Paul McVey*; Planner, Daniel Noble*; Urban Forestry Supervisor, Ian Wilson*; Projects Supervisor, Martin Johansen*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Mayor Shepherd, re: Governor General's Awards for Bravery

On behalf of Governor General Michaele Jean, Mayor Shepherd and Member of Parliament, Ron Cannan presented Certificates of Commendation for acts of bravery to Michael Gunn, Kris Wiens and Steven Wiens in recognition of their actions following an incident in India on October 6, 2006.

4. COMMITTEE REPORTS

4.1 Community Heritage Commission, re: Appointment of Community Heritage Commission Members

Moved by Councillor Rule/Seconded by Councillor Letnick

R134/08/02/18 THAT Council appoint Lorainne McLarty of the Central Okanagan Heritage Society as a member of the Community Heritage Commission for the balance of the unexpired term;

THAT Council appoint Dorothy Zoellner of the Okanagan Historical Society as a member of the Community Heritage Commission for the balance of the unexpired term;

THAT Council appoint Wayne Ross as a Community at Large member of the Community Heritage Commission for the balance of the unexpired term;

THAT Council appoint John Pendray of the Central Okanagan Heritage Society as an alternate member of the Community Heritage Commission for the balance of the unexpired term;

THAT Council appoint Betty Ivans of the Okanagan Historical Society as an alternate member of the Community Heritage Commission for the balance of the unexpired term;

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THAT Council appoint Tracy Satin of the Kelowna Museums Society as an alternate member of the Community Heritage Commission for the balance of the unexpired term.

Carried

4.2 Community Heritage Commission, re: Comprehensive Development Zone

Moved by Councillor Given/Seconded by Councillor Blanche

R135/08/02/18 THAT Council receive for information only, the recommendations of the Community Heritage Commission with regard to the Comprehensive Development Zone, attached to the report dated February 12, 2008.

Carried

4.3 Councillor Gran, Advisory Committee on Community and Women's Issue, re: Amendments to the Committee's Terms of Reference

Moved by Councillor Gran/Seconded by Councillor Rule

R136/08/02/18 THAT Council receive the report from the Advisory Committee on Community and Women's Issues dated February 12, 2008 for information;

AND THAT Council approve amending the Terms of Reference with respect to the number of members required for quorum as outlined in this report dated February 12, 2008;

AND THAT Council approve amending the Terms of Reference in order to update information as outlined in this report dated February 12, 2008;

AND THAT Council appoint a member from the United Way as a member to the Advisory Committee on Community and Women's Issues to fill an existing vacancy.

Carried

5. UNFINISHED BUSINESS

5.1 Development Permit Application No. DP07-0185 – Navigator Development Icon Corporation (The Hulbert Group/Victor Tam) – 1151 Sunset Drive

Staff:

- The Deputy City Clerk provided background information regarding this matter.
- The information package provided by ICON indicates that a variance is required; however what ICON refers to as a variance is actually the change to the Development Permit.

The motion from the September 17, 2007 Council meeting is now back on the floor for debate.

Moved by Councillor Letnick/Seconded by Councillor Hobson

THAT Council authorize the issuance of Development Permit No. DP07-0185 in order to amend previously issued DP04-0018 for Lot 5, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive, Kelowna, B.C. subject to the following:

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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.

Amendment moved by Councillor Blanleil/Seconded by Councillor Given

R137/08/02/18 THAT the revised landscape plan dated January 8, 2008 be included as part of Schedule “C”.

Carried

The September 17, 2007 motion as amended was then voted on and carried, as follows:

Moved by Councillor Blanleil/Seconded by Councillor Given

R138/08/02/18 THAT Council authorize the issuance of Development Permit No. DP07-0185 in order to amend previously issued DP04-0018 for Lot 5, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive, 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” and that the revised landscape plan dated January 8, 2008 be included as part of 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.

Carried

Councillors Clark, Day and Rule – Opposed

5.2 **BYLAWS PRESENTED FOR SECOND & THIRD READINGS**

- (a) Bylaw No. 9919 (OCP07-0028) – Susan Fairweather, Kim Kabella, Afshin Khodarahmi, Scott & Karen Alexander, Jeffrey & Bonnie Devitt, Erzsebet & Stephen Kabella / (Allaire Properties (Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586, 588 & 606 Sherwood Road
- (b) Bylaw No. 9921 (Z07-0085) – Susan Fairweather, Kim Kabella, Afshin Khodarahmi, Scott & Karen Alexander, Jeffrey & Bonnie Devitt, Erzsebet & Stephen Kabella / (Allaire Properties

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(Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586,
588 & 606 Sherwood Road

Moved by Councillor Letnick/Seconded by Councillor Rule

R139/08/02/18 THAT Council defer consideration of Bylaw No. 9919 and Bylaw No. 9921 to the Monday, February 26, 2008 Council meeting.

Carried

Councillors Blanleil, Given and Gran – Opposed

6. DEVELOPMENT APPLICATION REPORTS

6.1 Rezoning Application No. Z07-0011 – Marcel and Bertha Gal (Axel Hilmer) – 605 Monteray Road (B/L 9945)

This Item was withdrawn by the Applicant.

6.2 Rezoning Application No. Z07-0038 – Franceen Herron; John and Sally Ann Kelly (Gerry Herron) – 887 Bullock Road and 4623 Frederick Road (B/L 9944)

This Item was withdrawn by the Applicant.

6.3 Rezoning Application No. Z07-0068 – Don and Cindy Maxson – 1226 Mountainview Street (B/L 9942)

(a) Planning & Development Services report dated January 30, 2008.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R140/08/02/18 THAT Rezoning Application No. Z07-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 29, Twp 26, O.D.Y.D., Plan 25524, located on Mountainview Street, Kelowna, B.C. from the 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 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**

Bylaw No. 9942 (Z07-0068) - Don and Cindy Maxson – 1226 Mountainview Street

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Moved by Councillor Blanleil/Seconded by Councillor Gran

R141/08/02/18 THAT Bylaw No. 9942 be read a first time.

Carried

6.4 Rezoning Application No. Z07-0100 – AMDI Investments Inc. and Isaac/Helen Unrau (Grant Maddock) – 1320 and 1340 Guisachan Road (B/L 9943)

(a) Planning & Development Services report dated January 30, 2008.

Moved by Councillor Letnick/Seconded by Councillor Given

R142/08/02/18 THAT Rezoning Application No. Z07-0100 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 136, ODYD, Plan 10742 & That Part of Lot 3, Shown on Plan B5120, DL 136, ODYD, Plan 2158, Except Plan KAP84631, located on Guisachan Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone

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 and Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9943 (Z07-0100) - AMDI Investments Inc. and Isaac/Helen Unrau (Grant Maddock)

Moved by Councillor Day/Seconded by Councillor Gran

R143/08/02/18 THAT Bylaw No. 9943 be read a first time.

Carried

6.5 Text Amendment Application No. TA07-0008 – Apac Development Ltd. (New Town Architecture Services Inc.) – 5340 Chute Lake Road (B/L 9924)

(a) Planning & Development Services report dated February 4, 2008.

Moved by Councillor Letnick/Seconded by Councillor Given

R144/08/02/18 THAT Zoning Bylaw Text Amendment No. TA07-0008 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the development regulations for the Type IX form of development to: i) incorporate a 0.2 FAR bonus to funder building parking, and ii) to alter the density from 70 units per hectare (UPH) allowed to 107 UPH proposed, as outlined in the report of the planning & Development Services Department dated February 4, 2008 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA07-0008 forwarded to a Public Hearing for consideration;

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AND FURTHER THAT final adoption of Text Amendment Bylaw be held in conjunction with Council's consideration of a Development Permit.

Carried

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

Bylaw No. 9924 (TA07-0008) - Apac Development Ltd. (New Town Architecture Services Inc.)

Moved by Councillor Gran/Seconded by Councillor Day

R145/08/02/18 THAT Bylaw No. 9924 be read a first time.

Carried

7. **NON-DEVELOPMENT APPLICATION REPORTS**

7.1 Urban Forestry Supervisor, dated February 8, 2008, re: Kelowna Vegetation Studies and Policy Implications

Staff:

- The pine beetle is an imminent threat to the City's tree canopy.
- Approximately 600,000 trees (24% cover) are at risk, with an estimated replacement value of \$181 Million.
- It is expected that the City will incur an 80% loss of its pine trees.
- The Parks Division does not get involved in issues of tree removal on private property.
- Confirmed that tree removal requirements are being considered in the current OCP review.
- Kelowna is only the 4th city in Canada that has conducted this type of a study.
- There is a recommended tree list on the City's website.
- The current capital budget for tree planting is \$60,000 per year, but this figure should be reconsidered.
- Staff are working together with respect to the new hillside guidelines and tree planting.
- Staff would like public input prior to bringing forward any policy changes regarding this matter.

Council:

- Concerned about water consumption and the restriction of the types of planting (i.e. pyramid cedars use a lot of water, but they are still the hedge of choice by landowners and landscapers).

Moved by Councillor Given/Seconded by Councillor Day

R146/08/02/18 THAT Council receive for information the February 8, 2008 report from the Urban Forestry Supervisor on Kelowna Vegetation Studies and Policy Implications;

AND THAT Council direct staff to formulate tree canopy goals for the City, through input from the community and stakeholders;

AND THAT Council direct staff to identify potential policy changes through the Official Community Plan update and related updates to the 20 Year Servicing and Financial Plan, Development Subdivision and Servicing Bylaws and other related bylaws or policies, to implement directions reflected in this report;

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AND FURTHER THAT any additional City financial requirements be submitted through the normal budgeting process.

Carried

- 7.2 Civic Properties Manager, dated February 12, 2008, re: Cedar Creek Community Centre Costs: Sanitary Service

Moved by Councillor Given/Seconded by Councillor Day

R147/08/02/18 THAT Council approve funding of \$37,500 from General Reserves to the Cedar Creek Community Centre Washroom Installation and Upgrade Project (10-220-C5131) to design and install a sanitary service to the building and meet the requirements of the rezoning application.

AND THAT the 2008 Financial Plan be amended to provide for this expenditure.

Carried

- 7.3 Inspection Services Manager, dated February 12, 2008, re: Housekeeping Amendments to the Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Given/Seconded by Councillor Day

R148/08/02/18 THAT Council receive the Report of the Inspections Manager dated February 12, 2008 and direct staff to prepare the amending bylaw to reflect the changes to the Ticket Information Utilization Bylaw No. 6550-89 as outlined in the Report;

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

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9949 – Housekeeping Amendments to the Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Letnick/Seconded by Councillor Given

R149/08/02/18 THAT Bylaw No. 9949 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.2 Bylaw No. 9941 – Amendment No. 28 to Sewerage System User Bylaw No. 3480

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Moved by Councillor Clark/Seconded by Councillor Rule

R150/08/02/18 THAT Bylaw No. 9941 be adopted.

Carried

8.3 Bylaw No. 9940 – Change the Name of a Portion of Craig Road, McKenzie Road and Day Road to McCurdy Road and to change the Name of a portion of Day Road to Tower Ranch Drive.

Moved by Councillor Rule/Seconded by Councillor Day

R151/08/02/18 THAT Bylaw No. 9940 be adopted.

Carried

Councillor Clark - Opposed

9. COUNCILLOR ITEMS

9.1 Mayor Shepherd re: Housing Strategies

Moved by Councillor Letnick/Seconded by Councillor Given

R152/08/02/18 THAT Council receive information regarding the BC Housing Summit held on January 23, 2008;

AND THAT Council forward the information to the City's Housing Committee;

AND FURTHER THAT a letter of support for the strategies outlined be forwarded to the FCM Chair, UBCM, Minister Rich Coleman, Minister Monte Solberg, local MLA's and local MP's.

Carried

9.2 Mayor Shepherd re: BC Cycling Coalition

Moved by Councillor Given/Seconded by Councillor Letnick

R153/08/02/18 THAT Council send a letter of support for the proposed wine country circular cycling route to the BC Cycling Coalition, local MLA's and local MP's, and copy the three Okanagan Regional Districts, Kelowna Chamber of Commerce and the Central Okanagan Economic Commission for their consideration of forwarding their support towards the plan.

Carried

Mayor Shepherd:

- Advised Council that the Electoral Boundaries Commission did not accept the recommendations put forward by Kelowna regarding the creation of new electoral boundaries in the region.

Moved by Councillor Day/Seconded by Councillor Rule

R153/08/02/18 THAT Council authorize the Mayor to forward a letter to the Premier and local MLA's requesting that the City of Kelowna's recommendations with respect to the proposed electoral boundaries be reconsidered prior to the legislature considering the final report of the Electoral Boundaries Commission.

Carried

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Mayor Shepherd:

- Advised Council regarding the Earth Hour Crusade, which is an initiative that requests residential areas within cities across the world to turn off their lights for one (1) hour on Saturday, March 29, 2008 from 8:00 p.m. – 9:00 p.m.

Moved by Councillor Given/Seconded by Councillor Letnick

R154/08/02/18 THAT Council support the Earth Hour Crusade and request that all residences in the City consider turning off their lights on Saturday, March 29, 2008 from 8:00 p.m. to 9:00 p.m.

Carried

10. TERMINATION

The meeting was declared terminated at 3:08 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld