

Regular Meeting – P.M.

August 23, 2010

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, August 23rd, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil*, Kevin Craig*, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham*; Manager, Urban Land Use, Danielle Noble*; Manager, Environment & Land Use, Todd Cashin*; Manager, Parks & Public Spaces, Terry Barton*; Director, Infrastructure Planning, Randy Cleveland*; Planner Specialist, Kristine Bouw*; Engineering Traffic Technician, Brian Oliveira*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

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

3. PUBLIC IN ATTENDANCE

3.01 Superintendent McKinnon, re: Bi-Monthly Policing Report

Inspector Forgues:

- Presented the Bi-Monthly Policing Report.
- Advised that there will be a change in Senior Management at the Kelowna Detachment next month. Inspector Cam Forgues is transferring to Southeast District. Inspector Rick Flewelling will move into his post as the Operations Support Officer and Inspector Paul Driscoll, from Southeast District, will be the new Operations Officer.

Mayor Shepherd:

- Presented Inspector Forgues with a gift in recognition of his years of service with the Kelowna RCMP Detachment.

3.02 Patrick Kennedy, Managing Director, and Dr. Barry Urness, Chairman, Central Okanagan Sports Hall of Fame, re: Presentation with respect to the Structure, Support and Activities of the Central Okanagan Sports Hall of Fame

Councillor Craig joined the meeting at 1:56 p.m.

Patrick Kennedy, Manager Director, and Dr. Barry Urness, Chairman, Central Okanagan Sports Hall of Fame:

- Gave a presentation regarding the Central Okanagan Sports Hall of Fame.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R777/10/08/23 THAT Council supports, in principle, the concept of the Central Okanagan Sports Hall of Fame;

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AND THAT Council directs the City Manager, or his delegate, to meet with the representatives of the Central Okanagan Sports Hall of Fame in order to discuss any funding partnerships.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.01 Community Sustainability Division, dated August 10, 2010, re: Agricultural Land Reserve Appeal No. A09-0008 – Canada West Tree Fruits Ltd. (Tony Markoff) – 2177 & 2287 Ward Road

Staff:

- Advised that the requirement for the Section 219 Covenant can be removed from the resolution as it can be dealt with by the Subdivision Approving Officer at the time of subdivision. The Applicant wished that the condition be moved to the subdivision stage rather than dealt with at this time.
- Confirmed that the building envelope has not yet been negotiated with the Applicant and will be dealt with at the time of subdivision.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R778/10/08/23 THAT Council hear from the Applicant's Representative with respect to Agricultural Land Reserve Appeal No. A09-0008.

Carried

Tony Markoff, Applicant's Representative:

- The property owner does not have any concerns with respect to home plating and is willing to register a Section 219 Covenant on the lands. The property owner is concerned that the Section 219 Covenant restriction will make the subdivision of the property too difficult it was placed on title prior to subdivision and expressed a concern with the "restrict future subdivision" wording.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R779/10/08/23 THAT Agricultural Land Reserve Appeal No. A09-0008 for Lot 157 Section 4 Township 26 ODYD Plan 1247 Except Plans KAP78689 and KAP88849, Parcel B (See 72162F) Section 4 Township 26 ODYD Plan 1247 Except Plans KAP78689 and KAP88849, and Lot B Section 4 Township 26 ODYD Plan KAP78689 except Plan KAP88849, located at 2177 & 2187 Ward Rd, Kelowna, B.C. for a subdivision/lot line adjustment 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:

- a) As a condition of subdivision approval a Sec. 219 covenant be registered on the lands serving to establish Building Envelopes for residential and non-agricultural structures, and to inventory, identify, and restrict residences and pickers cabins to only what currently exists on the properties, while allowing for replacement of structures.

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

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4.02 Community Sustainability Division, dated August 13, 2010, re: Rezoning Application No. Z10-0060 - Chlojo Investments Inc. (Edgecombe Builders) - 1290 & 1298 St. Paul Street

(a) Community Sustainability Division report dated August 13, 2010.

Moved by Councillor Rule/Seconded by Councillor Craig

R780/10/08/23 THAT Rezoning Application No. Z10-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 14 & 15, District Lot 139, ODYD, Plan 1303, Kelowna BC from the I2 - General Industrial zone to the C7 - Central Business Commercial 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 in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

Moved by Councillor Hodge/Seconded by Councillor Stack

R781/10/08/23 THAT Council directs staff to report back to Council regarding the process and procedure with respect to forwarding development application reports to Council.

DEFEATED

Councillors Blanleil, Craig, Hobson, James, Reid and Rule - Opposed.

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

Bylaw No. 10401 (Z10-0060) - Chlojo Investments Inc. (Edgecombe Builders) - 1290 & 1298 St. Paul Street

Moved by Councillor Hodge/Seconded by Councillor Rule

R782/10/08/23 THAT Bylaw No. 10401 be read a first time.

Carried

4.03 Community Sustainability Division, dated August 11, 2010, re: Rezoning Application No. Z10-0061 - William & Lynn Jeffrey - 4555 Sallows Road

(a) Community Sustainability Division report dated August 11, 2010.

Staff:

- Confirmed that the subject property is excluded from the Agricultural Land Reserve.

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Moved by Councillor Hobson/Seconded by Councillor Hodge

R783/10/08/23 THAT Rezoning Application No. Z10-0061 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 33 Township 29 ODYD Plan 38411 located at 4555 Sallows Road, Kelowna, B.C. from the from the A1 - Agriculture 1A1 - Agriculture 1A1 - Agriculture 1A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite 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 Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Covenant which advises future inhabitants that this property is located adjacent to the Agricultural Land Reserve (ALR) and is subject to typical farm practices.

Carried

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

Bylaw No. 10402 (Z10-0061) - William & Lynn Jeffrey - 4555 Sallows Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R784/10/08/23 THAT Bylaw No. 10402 be read a first time.

Carried

4.04 Community Sustainability Division, dated August 13, 2010, re: Rezoning Application No. Z10-0044 - Gordon Kaltenhauser - 120 Homer Road

(a) Community Sustainability Division report dated August 13, 2010.

Moved by Councillor Stack/Seconded by Councillor Hobson

R785/10/08/23 THAT Rezoning Application No. Z10-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC from the RU1 - Large Lot Housing zone to the RM1 - Four 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 in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Black Mountain Irrigation District being completed to their satisfaction;

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AND FURTHER THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

Carried
Mayor Shepherd and Councillor Hodge – Opposed.

Moved by Councillor Hodge/Seconded by Councillor Craig

R786/10/08/23 THAT Council directs staff to consider options for the collection of costs associated with rezoning applications that are a result of a bylaw complaint.

DEFEATED
Councillors Blanleil, Hobson, James, Reid, Rule and Stack – Opposed.

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

Bylaw No. 10403 (Z10-0044) – Gordon Kaltenhauser – 120 Homer Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R787/10/08/23 THAT Bylaw No. 10403 be read a first time.

Carried
Mayor Shepherd and Councillor Hodge – Opposed.

4.05 Community Sustainability Division, dated August 13, 2010, re: Rezoning Application No. Z10-0051 – Kane #2 Resources Ltd. (Protech Consultants Ltd.) – 335 Gerstmar Road

(a) Community Sustainability Division report dated August 13, 2010.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R788/10/08/23 THAT Rezoning Application No. Z10-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan 12346, located at 335 Gerstmar Road, Kelowna BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple 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 in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Rutland Waterworks District being completed to their satisfaction.

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

Bylaw No. 10404 (Z10-0051) - Kane #2 Resources Ltd. (Protech Consultants Ltd.) - 335 Gerstmar Road

Moved by Councillor James/Seconded by Councillor Hodge

R789/10/08/23 THAT Bylaw No. 10404 be read a first time.

Carried

4.06 Community Sustainability Division, dated August 11, 2010, re: Rezoning Application No. Z10-0056 - David Erikson, Alexander Norman & Susan Ames (David Erikson) - 1353 Flemish Street

(a) Community Sustainability Division report dated August 11, 2010.

Moved by Councillor Rule/Seconded by Councillor Stack

R790/10/08/23 THAT Rezoning Application No. Z10-0056 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 52, District Lot 137, ODYD, Plan 15035, located at Flemish Street, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s Large Lot Housing with a secondary suite zone be considered by Council;

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

AND THAT an occupancy permit be issued for the suite prior to final adoption of the zone.

Carried

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

Bylaw No. 10405 (Z10-0056) - David Erikson, Alexander Norman & Susan Ames (David Erikson) - 1353 Flemish Street

Moved by Councillor Hodge/Seconded by Councillor James

R791/10/08/23 THAT Bylaw No. 10405 be read a first time.

Carried

4.07 Community Sustainability Division, dated August 12, 2010, re: Rezoning Application No. Z10-0011 - Olga Stuhlberg (Van Gorp & Company) - 1785 Swainson Road

(a) Community Sustainability Division report dated August 12, 2010.

Moved by Councillor Craig/Seconded by Councillor Hobson

R792/10/08/23 THAT Rezoning Application No. Z10-0011 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot E, Sections 19 and 30, Township 27, ODYD, Plan 2058, located at 1785 Swainson Road, Kelowna BC, from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone, as shown on Map "A" attached to the report of Land

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Use Management Department, dated August 12, 2010, 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. 10406 (Z10-0011) - Olga Stuhlberg (Van Gorp & Company) - 1785 Swainson Road

Moved by Councillor James/Seconded by Councillor Hodge

R793/10/08/23 THAT Bylaw No. 10406 be read a first time.

Carried

4.08 Community Sustainability Division, dated August 12, 2010, re: Rezoning Application No. Z10-0055 – Singla Bros. Holdings Ltd. – 875 Hollywood Road South

(a) Community Sustainability Division report dated August 12, 2010.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R794/10/08/23 THAT Rezoning Application No. Z10-0055 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of a portion of Lot 12, Section 23, Township 26 ODYD Plan 16489 except Plan 19430 located at Hollywood Road South, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a secondary suite and RU6 - Two Dwelling Housing zones as shown on Map "A" attached to the report of the Land Use Management Department, dated August 12, 2010 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 Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

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

Bylaw No. 10407 (Z10-0055) - Singla Bros. Holdings Ltd. - 875 Hollywood Road South

Moved by Councillor Blanleil/Seconded by Councillor Reid

R795/10/08/23 THAT Bylaw No. 10407 be read a first time.

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- 4.09 Community Sustainability Division, dated August 9, 2010, re: Development Permit Application No. DP10-0091 – Clifton Properties Ltd. (Mission Group) – 625 Boynton Place

Moved by Councillor Stack/Seconded by Councillor Hobson

R796/10/08/23 THAT Council authorize the issuance of Development Permit No. DP10-0091 for Lot 4, Sections 31 and 32, Township 26, ODYD, Plan KAP86216, located on 625 Boynton Place, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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;
- e) The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit.

Carried

- 4.10 Community Sustainability Division, dated July 28, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0001 and Rezoning Application No. Z09-0007 – 0720229 BC Ltd. (Troika Developments Inc.) – 245 Briarwood Road

Moved by Councillor Craig/Seconded by Councillor Rule

R797/10/08/23 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10198 (OCP09-0001) & 10199 (Z09-0007), for 245 Briarwood Road by 0720229 BC Ltd. be extended from July 14, 2010 to January 14, 2011.

Carried

- 4.11 Community Sustainability Division, dated August 9, 2010, re: Rezoning Application No. Z08-0012 – 703941 BC Ltd. (Robert Bennett) – 3665 McCulloch Road

Moved by Councillor Stack/Seconded by Councillor Reid

R798/10/08/23 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9998 (Z08-0012 – 703941 BC Ltd. – 3665 McCulloch Road) be extended from May 27, 2010 to November 27, 2010.

Carried

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- 5.01 Bylaw no. 10340 (Z10-0019) - Swaranjit & Harbant Punia (Swaranjit Punia) - 650 Wayne Road

Moved by Councillor Blanleil/Seconded by Councillor ReidR799/10/08/23 THAT Bylaw No. 10340 be adopted.Carried

- 5.02 Bylaw No. 10376 (Z10-0052) - Shane & Jennifer Warawa - 745 Mitchell Road

Moved by Councillor Blanleil/Seconded by Councillor StackR800/10/08/23 THAT Bylaw No. 10376 be adopted.Carried

- 5.03 Bylaw No. 10381 (Z10-0048) - Surinder & Davinder Bhullar - 1356 Montenegro Drive

Moved by Councillor Hobson/Seconded by Councillor ReidR801/10/08/23 THAT Bylaw No. 10381 be adopted.Carried6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.01 Parks & Public Places Manager, dated August 18, 2010, re: Solar Demonstration Project, Fire Hall No.1, Enterprise Way

Staff:

- Confirmed that the solar demonstration project that was proposed for the Kelowna Family Y will not be moving forward.
- Confirmed that the solar panels will be visible to the public and that the design can be expanded in the future.
- If the grant funds are awarded, the net cost of the project will be \$8,000.00.

Moved by Councillor Hobson/Seconded by Councillor RuleR802/10/08/23 THAT Council approves the solar demonstration project at Fire Hall No. 1, Enterprise Way as part of the City's Solar BC commitment in 2010;

AND THAT all costs associated with this project, estimated to total \$12,000 to be funded from the Energy Management Reserve R011;

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AND THAT Council directs staff to apply for the Natural Resources Canada Eco Energy Grant and the complimentary BC Solar Grant associated with solar thermal installations;

AND FURTHER THAT the 2010 Financial Plan be amended accordingly.

Carried
Councillors Blanleil and James - Opposed.

6.02 Director, Infrastructure Planning, dated July 20, 2010, re: Electric Cars - Neighbourhood Zero Emission Vehicles (NZEV)

Staff:

- Gave a presentation regarding Neighbourhood Zero Emission Vehicles (NZEVs).
- All NZEVs must be registered, licensed, and insured through ICBC. All operators must have a valid driver's license.
- The Provincial regulations state that:
 - o NZEVs are allowed to travel on any road with a maximum speed limit of 40km;
 - o NZEVs no longer have to display the LSVs flashing triangle;
 - o Individual municipalities are allowed to alter their bylaws to allow NZEVs on municipal roads with a maximum speed limit of 50km, but not greater than 50km.
- Except for school zones and park areas, all of the City's roadways are 50km or higher.

Councillor Blanleil left the meeting at 4:58 p.m.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R803/10/08/23 THAT Council directs staff to report back with strategies to reduce care dependency in Kelowna and to improve Kelowna's rating for injuries and fatalities per vehicle kilometer;

AND THAT Council directs staff to provide a map of the municipal roads that Neighbourhood Zero Emission Vehicles can operate on;

AND THAT Council directs staff to report back to Council with recommendations regarding revisions to the City of Kelowna Zoning Bylaw No. 8000 to require electric recharging facilities in new multi-residential, commercial and industrial developments;

AND FURTHER THAT once the above information has been considered by Council, Council will consider a bylaw for the operation of Neighbourhood Zero Emission Vehicles.

Carried

6.03 City Clerk, dated August 18, 2010, re: Amendment to Bylaw No. 10071 - Enforcement on Highways 97 and 33

City Clerk:

- Provided background information regarding enforcement on Highways 97 and 33.

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R804/10/08/23 THAT Bylaw No. 10071, being Amendment No. 12 to Traffic Bylaw No. 8120 be amended at third reading as outlined in the report of the City Clerk, dated August 18, 2010.

Carried

6.04 City Clerk, dated July 2, 2010, re: Council Procedures Bylaw No. 9200

City Clerk:

- Provided further details regarding the changes to Council Procedures Bylaw No. 9200.

Moved by Councillor Stack/Seconded by Councillor Rule

R805/10/08/23 THAT Council give reading consideration to Bylaw No. 10326 - being Amendment No. 4 to Council Procedures Bylaw No. 9200;

AND THAT notice of the amendment be given in accordance with Section 94 and 124 of the *Community Charter*.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

BYLAW PRESENTED FOR AMENDMENT AT THIRD READING

7.01 Bylaw No. 10071 - Amendment No. 12 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Reid

R806/10/08/23 THAT Bylaw No. 10071 be amended at third reading by amending Schedule "M" as follows:

- (a) Deleting the following:

5.2	ALL	Horse-Drawn Sightseeing Vehicle Permit
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and

- (b) Deleting:

9 - Cycle Regulations	9.1	ALL	Highways and Sidewalks
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and replacing it with:

9 - Cycle Regulations	9.1	.1, .2, .3, .4, .5, .6	Highways and Sidewalks
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(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.02 Bylaw No. 10326 - Amendment No. 4 to Council Procedures Bylaw No. 9200

Moved by Councillor Reid/Seconded by Councillor Hobson

R807/10/08/23 THAT Bylaw No. 10326 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.03 Bylaw No. 10374 - Amendment No. 4 to Solid Waste Management Regulation Bylaw No. 10106

Moved by Councillor Hobson/Seconded by Councillor Reid

R808/10/08/23 THAT Bylaw No. 10374 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

- 8.01 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged Richard Montgomery for as the latest recipient of the “Spirit of Kelowna” Acknowledgment for his years of work on the Apple Triathlon.

Mayor Shepherd acknowledged the passing of Derek Waters, who was a member of the City’s Accessibility Advisory Committee.

- 8.02 Councillor Hobson, re: Storm Water Management

Moved by Councillor Hobson/Seconded by Councillor Hodge

R809/10/08/23 THAT Council directs staff to report back to Council with respect to historic storm water management and any challenges it may create.

Carried

Councillor Reid provided an update regarding the recent meeting of the Watercraft Committee.

- 8.03 Mayor Shepherd, re: Notice of Motion

Mayor Shepherd put Council on notice that she intends to bring forward a motion with respect to the Canadian Blood Services and a national donor and transplantation system.

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9. TERMINATION

The meeting was declared terminated at 5:35 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk