

Regular Meeting – P.M.

October 18, 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, October 18th, 2010.

Council members in attendance: Deputy Mayor Charlie Hodge, Councillors Kevin Craig, Robert Hobson, Graeme James, Angela Reid and Michele Rule.

Council members absent: Mayor Sharon Shepherd and Councillors Andre Blanleil and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Manager, Long Range Planning, Gary Stephen*; Director, Regional Services, Ron Westlake*; Manager, Park Services, Ian Wilson*; Revenue Manager, George King*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

Deputy Mayor Hodge advised that Item 5.6 on the Agenda has been withdrawn by the City Manager.

Deputy Mayor Hodge 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 James was requested to check the minutes of the meeting.

3. DEVELOPMENT APPLICATION REPORTS

3.1 Community Sustainability Division, dated September 24, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0008, Text Amendment Application No. TA10-0007 and Rezoning Application No. Z10-0040 – John & Alana Marrington and John Balla (Site 360 Consulting Inc.) – 2149, 2159, 2169, 2179 & 2189 Pandosy Street – Deputy Mayor to invite the Applicants, or the Applicants' Representative, to come forward.

Deputy Mayor Hodge invited the Applicants, or the Applicants' Representative, to come forward.

Andrew Bruce, Consultant, Site 360, Applicants' Representative, and Alana Marrington, Applicant

- Gave a presentation regarding the "Medical Wellness Facility Project".
- Advised that the late, former Councillor Brian Given and the late, former MLA, Sindi Hawkins, both supported the concept.
- This Project will provide the City of Kelowna with:
 - o support for the regional tertiary hospital, UBC Medical School and Cancer Clinic;
 - o advocate for patients, families, social workers, oncologists, physicians etc. who all want resources that are flexible and accessible, and diverse in close proximity to the healthcare campus;
 - o lessen the distance, cost and stress of a medical condition;

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- provide people with what they want; being able to live in close proximity to their employer, the beach, transportation routes and shopping districts; and
- lessen the daily, monthly and yearly trips in order to help reduce the carbon footprint.
- The proposed building incorporates “Collett Manor house” and provides transition to the existing neighbourhood.
- Confirmed that, to date, 495 letters of support have been received.
- Should this application be advanced to a Public Hearing, the Applicants are prepared to provide Council with a Traffic Impact Study.
- Should this application be advanced to a Public Hearing, the Applicants will provide further details regarding the plans for the heritage home on the site.
- The access to the development will be off of Rose Avenue.

Staff:

- Advised that the proposed zone is coming forward to Council in advance of staff’s vision of what a “health district” should look like.

Moved by Councillor James/Seconded by Councillor Hobson

R972/10/10/18 THAT OCP Amendment No. OCP10-0008 to amend Section 19 of the Official Community Plan to add the Health District designation as a new Future Land Use Designation for Development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation. Other uses may include multiple unit residential uses generally consistent with the RM3, RM4 or RM5 zones of the Zoning Bylaw. Limited health and service related commercial uses may be supported. A Development Permit is required for Health District designated properties, the appropriate Development Permit Guidelines for the Form and Character of Commercial or Multiple Unit Development will be applied., be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP10-0008 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by adding Health District as a new designation and by changing the Future Land Use designation of Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, ODYD, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. from the Multiple Unit Residential - Low Density and the Single Two Unit Residential designations to the Health District, as shown on Map “A” attached to the report of the Land Use Management Department, dated September 24, 2010, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Community Sustainability Division dated September 24, 2010;

AND THAT Text Amendment No. TA10-0007 to add the proposed HD1 - Health District 1 zone and the Retail Stores, Health Products definition Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Land Use Management Department dated September 24, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0007 to add the HD1 - Health District 1 zone to Sign Bylaw No. 8235 as outlined in Schedule “A” of the report of the Land Use Management Department dated September 24, 2010 be considered by Council;

AND THAT Rezoning Application No. Z10-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the HD1 - Health District 1 zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0027, Text Amendment No. TA10-0007 and the zone amending bylaw be forwarded to a Public Hearing for further consideration subsequent to the applicant completing a Traffic Impact Study and a comprehensive assessment of supporting infrastructure regarding potential impact of the proposed development and the cost to provide required upgrades, to the satisfaction of the Development Engineering Branch;

AND THAT Council forward a Bylaw authorizing a Housing Agreement between the City of Kelowna and John and Alana Marrington and John Balla subsequent to the applicant providing a Housing Agreement that conforms with OCP Section 8.1.31 on Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. for reading consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the execution of the Housing Agreement;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject properties;

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

Carried

3.2 Land Use Management Department, dated October 5, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0012, Text Amendment Application No. TA10-0008 and Rezoning Application No. Z09-0035 - Matthew Ewonus, Kimberly & John Berg, Shanny & Martin Toews and 567752 BC Ltd. (Protech Consultants Ltd.) - 3130, 3150, 3170 & 3190 Sexsmith Road

(a) Land Use Management Department report dated October 5, 2010.

Staff:

- Confirmed that the properties that front Sexsmith Road will be required to follow the Development Permit Approval Process.

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Moved by Councillor Hobson/Seconded by Councillor James

R973/10/10/18 THAT OCP Bylaw Amendment No. OCP09-0012 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by creating a new future land use designation, Industrial - Limited, as outlined in Schedule "A" of the report of the Land Use Management Department dated October 5, 2010, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP09-0012 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600, by changing the Future Land Use designations of Lot 25 Sections 2 and 3 Township 23 ODYD Plan 18861, Lot 26 Section 3 Township 23 ODYD Plan 18861, Lot 27 Section 3 Township 23 ODYD Plan 18861, Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130, 3150, 3170, and 3190 Sexsmith Road, Kelowna, BC from the Single/Two Unit Residential designation to the Industrial - Limited designation, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA10-0008 to amend City of Kelowna Zoning Bylaw No. 8000, by creating the I6 - Low-Impact Transitional Industrial zone as outlined in Schedules "B" and "C" of the report of the Land Use Management Department dated October 5, 2010, be considered by Council;

AND THAT Rezoning Application No. Z09-0035 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classifications of Lot 25 Sections 2 and 3 Township 23 ODYD Plan 18861, Lot 26 Section 3 Township 23 ODYD Plan 18861, Lot 27 Section 3 Township 23 ODYD Plan 18861, Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130, 3150, 3170, and 3190 Sexsmith Road, Kelowna, BC from the A1 - Agriculture 1 zone to the I6 - Low-Impact Transitional Industrial zone, be considered by Council;

AND THAT the OCP Text/Bylaw Amendment No. OCP09-0012, Zoning Bylaw Text Amendment No. TA10-0008, and Rezoning Application No. Z09-0035 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

Carried

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

- (i) Bylaw No. 10435 (OCP09-0012) - Matthew Ewonus, Kimberly & John Berg, Shanny & Martin Toews and 567752 BC Ltd. (Protech Consultants Ltd.) - 3130, 3150, 3170 & 3190 Sexsmith Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Reid

R974/10/10/18 THAT Bylaw No. 10435 be read a first time;

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AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 10434 (TA10-0008) - City of Kelowna - Industrial Zones - I6-Low Impact Transitional Industrial Zone

Moved by Councillor Reid/Seconded by Councillor Hobson

R975/10/10/18 THAT Bylaw No. 10434 be read a first time.

Carried

- (iii) Bylaw No. 10436 (Z09-0035) - Matthew Ewonus, Kimberly & John Berg, Shanny & Martin Toews and 567752 BC Ltd. (Protech Consultants Ltd.) - 3130, 3150, 3170 & 3190 Sexsmith Road

Moved by Councillor Hobson/Seconded by Councillor Reid

R976/10/10/18 THAT Bylaw No. 10436 be read a first time.

Carried

- 3.3 Land Use Management Department, dated September 30, 2010, re: Rezoning Application No. Z05-0069 - Judston Wickwire (Judston & Karen Wickwire) - 1281 Highway 33 East

Moved by Councillor Hobson/Seconded by Councillor Craig

R977/10/10/18 THAT Council rescind the requirement necessitating registration of a restrictive covenant to prohibit the creation of additional dwellings on the subject property prior to final adoption of the zone amending bylaw;

AND THAT final adoption of the Zone Amending Bylaw No. 9536 be considered by Council.

Carried

- 3.4 Community Sustainability Division, dated September 30, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP08-0027 and Rezoning Application No. Z08-0104 - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road

Moved by Councillor Hobson/Seconded by Councillor Rule

R978/10/10/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No's. 10161 (OCP08-0027) and 10162 (Z08-0104), Block 35 Section 26 Township 26 ODYD Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C.) be extended from October 4, 2010 to April 4, 2011.

Carried

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- 3.5 Community Sustainability Division, dated October 6, 2010, re: Development Permit Application No. DP08-0187 and Development Variance Permit Application No. DVP08-0188 – 0804815 BC Ltd. (Bevanda Architecture Inc.) – 426-436, 440-446 & 450-454 Bernard Avenue

Moved by Councillor Rule/Seconded by Councillor James

R979/10/10/18 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for issuance of Development Permit Application DP08-0187 and Development Variance Permit Application No. DVP08-0188 for 426-436, 440-446, 450-454 Bernard Avenue be extended from October 7, 2010 to April 7, 2011.

Carried
Councillor Reid – Opposed.

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9536 (Z09-0069) – Judston & Karen Wickwire (Jud Wickwire) – 1281 Highway 33 East

Moved by Councillor Reid/Seconded by Councillor Hobson

R980/10/10/18 THAT Bylaw No. 9536 be adopted.

Carried

- 4.2 Bylaw No. 10396 (OCP10-0010) – Kirschner Mountain Estates Ltd. and Donald & Amy Kirschner (Mission Group Creations Ltd.) – 2061 Garner Road and 2045 Loseth Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Reid

R981/10/10/18 THAT Bylaw No. 10396 be adopted.

Carried

- 4.3 Bylaw No. 10397 (Z10-0057) – Kirschner Mountain Estates Ltd. and Donald & Amy Kirschner (Mission Group Creations Ltd.) – 2061 Garner Road and 2045 Loseth Road

Moved by Councillor Rule/Seconded by Councillor James

R982/10/10/18 THAT Bylaw No. 10397 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 General Manager, Community Services, General Manager, Community Sustainability and General Manager, Corporate Sustainability, dated October 13, 2010, re: Quarterly Report Update

General Manager, Community Services:
- Presented the Third Quarter Report.

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Moved by Councillor Craig/Seconded by Councillor Hobson

R983/10/10/18 THAT Council receives, for information, the Third Quarter Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated October 13, 2010.

Carried

5.2 Director, Regional Services, dated October 8, 2010, re: Status of Rutland Centre Initiatives

Moved by Councillor Hobson/Seconded by Councillor James

R984/10/10/18 THAT Council directs staff to defer the design and construction of the Shepherd Road Extension pending confirmation of the location of a proposed Transit Centre consistent with Phase 3 of the Rapid Bus Implementation strategy.

Carried

5.3 Park Services Manager, dated October 1, 2010, re: Boulevard Maintenance Bylaw

Staff:

- Summarized some of the changes affecting boulevard maintenance.
- Advised that it is the responsibility of the adjacent property owner to maintain the backyard alleyways.

Moved by Councillor Hobson/Seconded by Councillor James

R985/10/10/18 THAT Council rescinds City of Kelowna Boulevard Maintenance Bylaw No. 5708-84 and Policy No. 16 - Road Right-of-Way Landscaping & Maintenance Policy;

AND THAT Council rescinds first, second and third readings of Bylaw No. 9585, being Amendment No. 1 to Maintenance of Boulevards Bylaw No. 5708-84;

AND FURTHER THAT Council give reading consideration to Bylaw No. 10425, being "Maintenance of Boulevards by Owners of Land Abutting Thereon".

Carried

5.4 Park Services Manager, dated October 1, 2010, re: Smoking Amendments to Parks and Public Spaces Bylaw

Staff:

- Advised that a "designated smoking area" will be considered for City Park.

Moved by Councillor Craig/Seconded by Councillor James

R986/10/10/18 THAT Council give reading consideration to Bylaw No. 10426, Amendments No. 16 to "City of Kelowna Parks and Public Spaces Bylaw No. 6819-91";

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AND THAT Bylaw No. 10426 shall come into full force and effect on February 1, 2011.

Carried

- 5.5 Park Services Manager, dated October 7, 2010, re: Plaque and Tree Dedication at Kasugai Park

Moved by Councillor Hobson/Seconded by Councillor Rule

R987/10/10/18 THAT Council approve the dedication of a commemorative tree and plaque in Kasugai Garden in recognition of the contributions of Mr. Katsuhiko Kawahara of Kasugai, Japan, as an exception to Council Policy No. 242, "Commemorative Recognitions in City Parks";

AND THAT Council fund the cost of installation of a commemorative plaque from Council Contingency.

Carried

- 5.6 Planner Specialist, dated October 13, 2010, re: City of Kelowna Heritage Grants Administration

This item was withdrawn from the Agenda.

- 5.7 Revenue Manager, dated October 13, 2010, re: 2011 Permissive Tax Exemption Bylaw No. 10430

Staff:

- Explained why "Places of Worship" are given a permissive tax exemption.

Moved by Councillor Hobson/Seconded by Councillor Craig

R988/10/10/18 THAT Council give reading consideration to Bylaw No. 10430, being the "2011 Permissive Tax Exemption Bylaw".

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 10425 - Maintenance of Boulevards by Owners of Lands Abutting Thereon

Moved by Councillor James/Seconded by Councillor Rule

R989/10/10/18 THAT Bylaw No. 10425 be read a first, second and third time.

Carried

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- 6.2 Bylaw No. 10426 - Amendment No. 16 to Parks & Public Spaces Bylaw No. 6819-91

Moved by Councillor James/Seconded by Councillor Rule

R990/10/10/18 THAT Bylaw No. 10426 be read a first, second and third time;

Carried

- 6.3 Bylaw No. 10430 - 2011 Permissive Tax Exemption Bylaw

Moved by Councillor James/Seconded by Councillor Rule

R991/10/10/18 THAT Bylaw No. 10430 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.4 Bylaw No. 10420 - Road Closure Bylaw - Portion of Pandosy Street - Deputy Mayor Hodge to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Deputy Mayor Hodge anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Craig/Seconded by Councillor Rule

R992/10/10/18 THAT Bylaw No. 10420 be adopted.

Carried

- 6.5 Bylaw No. 10421 - Road Closure Bylaw - Portion of Pandosy Street - Walkway - Deputy Mayor Hodge to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Deputy Mayor Hodge anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Craig/Seconded by Councillor James

R993/10/10/18 THAT Bylaw No. 10421 be adopted.

Carried

- 6.6 Bylaw No. 10422 - Amendment No. 1 to Purchasing Bylaw No. 9590

Moved by Councillor James/Seconded by Councillor Craig

R994/10/10/18 THAT Bylaw No. 10422 be adopted.

Carried

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Councillor Reid:

- Provided information regarding the Pacific Carbon Trust and the Small Business Engagement Fund.
- Advised that ClimateSmart is a non-profit organization.
- Advised that the District of Saanich has already provided support for the initiative.
- Advised that the information has been provided to the Kelowna Chamber of Commerce and they have agreed to promote the Small Business Engagement Fund to the business community.

Moved by Councillor Reid/Seconded by Councillor Hobson

R995/10/10/18 THAT Council directs staff to consider the Pacific Carbon Trust's Small Business Engagement Fund program as a contribution towards the Community Climate Action Initiatives and that staff report back to Council on the feasibility of providing some sort of funding for the program.

Carried
Councillor James - Opposed.

7.2 Deputy Mayor Hodge, re: Reconsideration of First Three Readings of Bylaw No. 10430, 2011 Permissive Tax Exemption Bylaw

Deputy Mayor Hodge directed Council to reconsider the first three readings given to Bylaw No. 10430 in order to add the Arion Therapeutic Riding Association to Schedule "H" - Other, prior to any reading considerations.

Moved by Councillor James/Seconded by Councillor Rule

R996/10/10/18 THAT Bylaw No. 10430 be read a first, second and third time.

Carried

8. TERMINATION

The meeting was declared terminated at 3:47 p.m.

Certified Correct:

 Deputy Mayor Hodge

 City Clerk

SLH/dld