

Regular Meeting – P.M.

December 12, 2011

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 12<sup>th</sup>, 2011.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil\*, Maxine DeHart, Gail Given, Robert Hobson\*, Mohini Singh\*, Luke Stack\* and Gerry Zimmermann.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham\*; Manager, Real Estate Services, Jordan Hettinga\*; Director, Land Use Management, Shelley Gambacort\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Sustainability Coordinator, Tracy Guidi\*; Community Planning Manager, Theresa Eichler\*; Manager, Capital Assets & Investment, Joel Shaw\*; Manager, Property Management, Ron Forbes\*; Manager, Strategic Projects, Mark Watt\*; Property Officer, Tammy Abrahamson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

Mayor Gray 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 and a delayed broadcast is shown on Shaw Cable.

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

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1205/11/12/12 THAT Council receives, for information, the Bi-Monthly Policing Report dated December 12, 2011.

Carried

4. COMMITTEE REPORTS

4.01 Youth Advisory Committee, dated December 1, 2011, re: Mayor's Youth Forum, November 2011 – Infrastructure – Preliminary Report

Staff:

- Provided background information with respect to the Youth Advisory Committee.

Hugh Culver, Forum Facilitator, Marathon Communications:

- Introduced the fall Youth Forum presentation and provided survey statistics.

Linda Abbott-Simons, Forum Coordinator, Marathon Communications:

- Reported on the guidelines and format for the fall Youth Forum on Infrastructure.

Terry Lee, Student, Kelowna Senior Secondary School:

- Provided an overview of his experience at the Youth Forum on Infrastructure.

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Jenny Hui, Student, Kelowna Christian School:

- Provided an overview of her experience at the Youth Forum on Infrastructure.

Hannah Jobin, Sabrina Jones & Micah Hilton, Students, KLO Middle School:

- Provided an overview of their experience at the Youth Forum on Infrastructure.

The meeting recessed at 2:16 p.m. The meeting reconvened at 2:24 p.m.

5. DEVELOPMENT APPLICATION REPORTS

- 5.01 Land Use Management Department, dated November 14, 2011, re: Agricultural Land Reserve Appeal Application No. A09-0016 – Kenneth and Belva Casorso (New Town Planning Services) – 3985 Casorso Road

Councillor Singh advised that she is employed by the Ministry of Agriculture and that the Ministry's Conflict Guidelines still need to be finalized. As a result, Councillor Singh declared a conflict of interest with respect to Agenda Item Nos. 5.01 and 5.02 and left the meeting at 2:25 p.m.

Moved by Councillor Hobson/Seconded by Councillor DeHart

R1206/11/12/12 THAT Council defers consideration of Agricultural Land Reserve Appeal No. A09-0016 to the January 9, 2012 P.M. Council Meeting.

DEFEATED  
Mayor Gray and Councillors Basran, Blanleil,  
Given, Stack and Zimmermann – Opposed.

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R1207/11/12/12 THAT Agricultural Land Reserve Appeal No. A09-0016 for Lot C Section 5 Township 26 ODYD Plan KAP58972 Except Plans KAP89916 and KAP89917, located at 3985 Casorso Road, Kelowna, B.C. for non-farm use within the Agricultural Land Reserve, pursuant to Section 20(3) of the *Agricultural Land Commission Act* be supported by Municipal Council;

AND THAT that the Applicant be required to register a restrictive covenant on title to protect those areas of the parcel with slopes exceeding 30%;

AND THAT the Applicant be required to adhere fully to the recommendations of the report entitled "Casorso Road Concrete & Asphalt Recycling Operation", prepared by SLR Consulting (Canada) Ltd, dated July 11, 2011;

AND THAT the Applicant install a protective vegetated berm in accordance with the plan prepared by New Town Planning Services, dated October 19, 2011;

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

AND FURTHER THAT Council directs staff to report back to Council on the long-term considerations for the Priest Creek corridor, together with Council's policy with respect to acquiring property for linear corridors.

Carried

- 5.02 Land Use Management Department, dated November 17, 2011, re: Agricultural Land Reserve Appeal Application No. A11-0012 – ProDev Limited Partnership (NORR Architects Planners) – 2755 McCurdy Road

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1208/11/12/12** THAT Agricultural Land Reserve appeal A11-0012 for Lot 1, District Lots 124 and 415 ODYD, KAP 84653, located at 2755 McCurdy 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;

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

Carried

5.03 Land Use Management Department, dated December 1, 2011, re: Rezoning Application No. Z11-0084 – Mewa and Kulwinder Dosanjh (Axel Hilmer Planning Consultant) – 1135 Schell Court

Councillor Singh rejoined the meeting at 2:46 p.m.

(a) Land Use Management Department report dated December 1, 2011.

Moved by Councillor Stack/Seconded by Councillor Hobson

**R1209/11/12/12** THAT Rezoning Application No. Z11-0084 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Section 26, Township 26, ODYD Plan KAP47186, located on Schell Court, 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 Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10641 (Z11-0084) – Mewa and Kulwinder Dosanjh (Axel Hilmer Planning Consultant) – 1135 Schell Court

Moved by Councillor Stack/Seconded by Councillor Given

**R1210/11/12/12** THAT Bylaw No. 10641 be read a first time.

Carried

5.04 Land Use Management Department, dated November 29, 2011, re: Rezoning Application No. Z11-0077 – Neil & Beverley Beardmore, Scott Beardmore and Noemi Catbagan (Neil & Beverley Beardmore) – 625 Cassiar Crescent

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- (a) Land Use Management Department report dated November 29, 2011.

Moved by Councillor Hobson/Seconded by Councillor Basran

**R1211/11/12/12** THAT Rezoning Application No. Z11-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 24, Sec. 33, Twp. 26, O.D.Y.D., Plan 40570, located on Cassiar Cres., Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) 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 a building permit for the suite be applied for prior to final adoption of the zone.

Carried

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

Bylaw No. 10642 (Z11-0077) - Neil & Beverley Beardmore, Scott Beardmore and Noemi Catbagan (Neil & Beverley Beardmore) - 625 Cassiar Crescent

Moved by Councillor Given/Seconded by Councillor Stack

**R1212/11/12/12** THAT Bylaw No. 10642 be read a first time.

Carried

- 5.05 Land Use Management Department, dated December 1, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0009, Text Amendment Application No. TA11-0008 and Rezoning Application No. Z11-0063 - R366 Enterprises Ltd. (Ekistics Town Planning Inc.) - 2030 Benvoulin Road and 2190 Mayer Road

Councillor stack declared a conflict of interest as the Society he is affiliated with worked in collaboration with the owners of the subject properties and the Society owns property within the notification area of the subject properties and left the meeting at 2:51 p.m.

Councillor Blanleil declared a conflict of interest as his company owns property within the notification area of the subject properties and left the meeting at 2:17 p.m.

- (a) Land Use Management Department report dated December 1, 2011.

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Moved by Councillor Zimmermann/Seconded by Councillor Basran

**R1213/11/12/12** THAT Bylaw 10635 (Text Amendment No. TA11-0008) which contains text amendments to the City of Kelowna Zoning Bylaw No. 8000 be amended to include Map 1 and Map 2 to the proposed CD 23 - Public Market and Open-Air Market zone.

Carried

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

Bylaw No. 10635 (TA11-0008) - R366 Enterprises Ltd. (Ekistics Town Planning Inc.) - Text Amendment to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

**R1214/11/12/12** THAT Bylaw No. 10635 be amended at first reading by adding Map 1 and Map 2 to Appendix "A".

Carried

5.06 Land Use Management Department, Supplemental Report dated December 7, 2011 re: Official Community Plan Bylaw Amendment Application No. OCP11-0003 and Rezoning Application No. Z11-0033 - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road

Councillors Blanleil and Stack rejoined the meeting at 2:54 p.m.

Moved by Councillor Hobson/Seconded by Councillor DeHart

**R1215/11/12/12** THAT Council receives for information the Supplemental Report of the Land Use Management Department, dated December 7, 2011 with respect to the outstanding Traffic Impact Analysis for OCP11-0003/Z11-0033;

AND THAT Council forward the application to the January 10, 2012 Public Hearing.

Carried

5.07 Land Use Management Department, dated November 10, 2011, re: Rezoning Application No. Z10-0045 - Gurmit Sidhu (Gurmit & Naveep Sidhu and Rajwinder & Harparkash Rajan) - 1750 McKenzie Road

Moved by Councillor Hobson/Seconded by Councillor Stack

**R1216/11/12/12** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10394 (Z10-0045, Lot B Section 36 Township 26 ODYD Plan 25654 Except Plan KAP90335 located at 1750 McKenzie Road, Kelowna, B.C.), be extended from September 7, 2011 to March 7, 2012.

Carried

5.08 Land Use Management Department, dated November 14, 2011, re: Rezoning Application No. Z08-0071 - Bill Bonn (Tysen Properties) - 543 South Crest Drive

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Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1217/11/12/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for adoption of Zone Amending Bylaw 10291, for Z08-0071, Tysen Properties, Lot C, Section 24, Township 28, SDYD, Plan 30848, located at 543 South Crest Drive, Kelowna, BC, be extended from September 9, 2011 to March 9, 2012.

Carried

5.09 Land Use Management Department, dated November 28, 2011, re: Rezoning Application No. Z10-0055 - Singla Bros. Holdings Ltd. - 875 Hollywood Road South

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R1218/11/12/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10407, Z10-0055 Lot 12, Section 23, Township 26 ODYD Plan 16489 except Plan 19430 located at Hollywood Road South, Kelowna, BC be extended from September 21, 2011 to March 21, 2012.

Carried

5.10 Land Use Management Department, dated December 6, 2011, re: Rezoning Application No. Z10-0044 - Gordon Kaltenhauser - 120 Homer Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1219/11/12/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw 10403 (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, be extended from September 21, 2011 to March 21, 2012.

Carried

5.11 Land Use Management Department, dated December 6, 2011, re: Rezoning Application No. Z10-0036 - Jeffrey David Kohn (RC Alliance Ltd.) - 4224 Hobson Road

Councillor Hobson declared a conflict of interest as he lives within the notification area of the subject property and left the meeting at 3:00 pm.

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Moved by Councillor Given/Seconded by Councillor Zimmermann

**R1220/11/12/12** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10354 (Z10-0036 - Lot 1 District Lot 167 ODYD Plan 30147, located at 4224 Hobson Rd), be extended from December 29, 2011 to June 29, 2012.

Carried

5.12 Land Use Management Department, dated November 30, 2011, re: Rezoning Application No. Z08-0030 - Paul Warnock - 1220-1222 & 1230 Brookside Avenue

Councillor Hobson rejoined the meeting at 3:01 p.m.

(a) Land Use Management Department report dated November 30, 2011.

Staff:

- Confirmed that the Applicant was notified in writing that this Report would be coming forward to Council on December 12, 2011.

Moved by Councillor Hobson/Seconded by Councillor Singh

**R1221/11/12/12** THAT Council defers consideration of the staff recommendation not to extend the deadline for adoption of Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock) for Lot 1, Plan 4386 (1230 Brookside Avenue) and Lot 5, Plan 5042 (1220-1222 Brookside Avenue) to the January 9, 2012 P.M. Council Meeting;

AND THAT Council directs staff to invite the applicant to attend the January 9, 2012 Council Meeting in order to address any questions from Council.

Carried

(b) **BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING**

Bylaw No. 10105 (Z08-0030) - Paul Warnock - 1220-1222 & 1230 Brookside Avenue

Council deferred consideration of Agenda Item No. 5.12(a) and therefore the Bylaw was not considered by Council.

5.13 Land Use Management Department, dated December 7, 2011, re: Rezoning Application No. Z07-0046 - Terry and Joan Raisanen (Raisanen Construction Ltd.) - 1975 Kane Road

(a) Land Use Management Department report dated December 7, 2011.

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**R1222/11/12/12** THAT Council receives, for information, the report from the Land Use Management Department, dated November 29, 2011 with respect to Rezoning Application Z07-0046 for Lot B, Plan 22004, Sec. 33, Twp. 26, ODYD, located at 1975 Kane Road, Kelowna, BC;

AND THAT Bylaw No. 9886 be forwarded for rescindment consideration and the file be closed.

Carried

(b) **BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING**

Bylaw No. 9886 (Z07-0046) - Terry and Joan Raisanen (Eidse Builders) - 1975 Kane Road

Moved by Councillor Hobson/Seconded by Councillor Basran

**R1223/11/12/12** THAT first, second and third readings given to Bylaw No. 9886 be rescinded;

AND THAT the file for Rezoning Application No. Z07-0046, for the property located at 1975 Kane Road be closed.

Carried

6. **NON-DEVELOPMENT APPLICATION REPORTS**

6.01 Sustainability Coordinator, dated December 1, 2011, re: Climate Action Revenue Incentive Program Reporting Requirement

Moved by Councillor Basran/Seconded by Councillor Given

**R1224/11/12/12** THAT Council receives, for information, the December 1, 2011 report from the Sustainability Coordinator with respect to the Climate Action Revenue Incentive Program reporting requirements.

Carried

6.02 Manager, Real Estate Services, dated December 6, 2011, re: Bylaw No. 10587 - Road Closure Bylaw - Portion of Glenmore Road

Moved by Councillor Hobson/Seconded by Councillor Stack

**R1225/11/12/12** THAT Council receives, for information, the Report from the Manager of Real Estate Services dated December 6, 2011 with respect to Road Closure Bylaw No. 10587 for a portion of Glenmore Road;

AND THAT Bylaw No. 10587 being Road Closure Bylaw for a Portion of Glenmore Road be forwarded for adoption.

Carried



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- 6.03 Manager, Property Management, dated December 2, 2011, re: Stuart Park Ice Rink - Mobile Vendor Contract

Moved by Councillor Blanleil/Seconded by Councillor DeHart

R1226/11/12/12 THAT Council directs staff to contact the sporting goods stores in order to ascertain if there is an interest in providing skate rentals and sharpening at the Stuart Park ice rink and report back to Council.

Carried

Moved by Councillor Hobson/Seconded by Councillor Singh

R1227/11/12/12 THAT Council authorizes the Manager, Property Management to negotiate a mobile vendor contract with Service Stars F&B Services dba Wafelicious to provide concession services to the Stuart Park ice rink for one (1), four (4) month term from December 1, 2011 to March 31, 2012 at a rate of \$250.00 per month, with four (4), four (4) month renewal terms at the City's sole discretion;

AND THAT once the terms of the mobile vendor contract have been finalized, Council authorizes the Director, Real Estate and Building Services to execute the Concession Agreement;

AND FURTHER THAT Council directs staff to ensure that the Concession Agreement includes a requirement that the vendor pick up any garage from the concession.

Carried

- 6.04 Director, Recreation & Cultural Services, dated December 7, 2011, re: Civic & Community Awards Nomination Period

Staff:

- Gave a presentation with respect to Civic & Community Awards categories and nomination period.

Moved by Councillor Basran/Seconded by Councillor Zimmermann

R1228/11/12/12 THAT Council receives as information the report from the Director of Recreation & Cultural Services, dated December 7, 2011, that outlines the Civic & Community Award categories and nomination period.

Carried

Santa and Mrs. Claus stopped by to invite Council to visit the Santa Bus.

- 6.05 Chief Election Officer, dated December 7, 2011, re: Election 2011 Results Report

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**R1229/11/12/12** THAT Council receives, for information, the final report of the Chief Election Officer, dated December 7, 2011 regarding the 2011 Local Government Election.

Carried7. RESOLUTIONS7.01 City Clerk, Draft Resolution, re: Advisory Planning CommissionMoved by Councillor Zimmermann/Seconded by Councillor DeHart

**R1230/11/12/12** THAT Council directs the Director, Land Use Management to waive the requirement to forward applications to the Advisory Planning Commission until the review of the Advisory Planning Commission has been completed.

Carried7.02 City Clerk, Draft Resolution, re: Agricultural Advisory CommitteeMoved by Councillor Stack/Seconded by Councillor Basran

**R1231/11/12/12** THAT Council directs the Director, Land Use Management to waive the requirement to forward applications to the Agricultural Advisory Committee until the review of the Agricultural Advisory Committee has been completed.

Carried7.03 City Clerk, Draft Resolution, re: Community Heritage CommissionMoved by Councillor Zimmermann/Seconded by Councillor DeHart

**R1232/11/12/12** THAT Council directs the Director, Land Use Management to waive the requirement to forward applications to the Community Heritage Commission until the review of the Community Heritage Commission has been completed.

Carried8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR ADOPTION)8.01 Bylaw No. 10549 - Amendment No. 3 to Sanitary Sewer/Storm Drain Regulation Bylaw No. 6618-90Moved by Councillor Hobson/Seconded by Councillor Blanleil**R1233/11/12/12** THAT Bylaw No. 10549 be adopted.Carried

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- 8.02 Bylaw No. 10587 - Road Closure Bylaw - Portion of Glenmore Road - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R1234/11/12/12 THAT Bylaw No. 10587 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

Council:

- Closing remarks were offered by individual Councillors.

10. TERMINATION

The meeting was declared terminated at 4:19 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dld