

Regular Meeting – P.M.

May 28, 2012

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, May 28th, 2012.

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

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: Acting City Manager, John Vos; City Clerk, Stephen Fleming; Acting General Manager, Corporate Sustainability, Doug Gilchrist*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Sustainability Coordinator, Michelle Kam*; Sustainability Coordinator, Tracy Guidi*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Parks & Public Places, Terry Barton*; Manager, Airport Administration & Finance, Noreen Redman*; Subdivision Approving Officer, Ryan Smith*; Planner, James Moore*; and Council Recording Secretary, Sandi Horning.

Guest: RCMP Superintendent, Bill McKinnon*.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:31 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. CONFIRMATION OF MINUTES

Regular PM Meeting – May 7, 2012

Moved by Councillor Singh/Seconded by Councillor Basran

R479/12/05/28 THAT the Minutes of the Regular Meeting of May 7th, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon, re: Kelowna RCMP Report to Council – January to April 2012

Superintendent McKinnon:

- Presented the Kelowna RCMP Report to Council (January to April 2012).
- Responded to inquiries from Council.

Councillor Hobson joined the meeting at 1:48 p.m.

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4. COMMITTEE REPORTS

- 4.1 Airport Director, dated May 8, 2012, re: Airport Advisory Committee - Amendments to Terms of Reference

Staff:

- Advised the Terms of Reference have been amended to refer to the District of West Kelowna rather than the District of Westside and that the minor typographical errors have also been addressed.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R480/12/05/28 THAT Council adopts the amended Terms of Reference for the Airport Advisory Committee as attached to the Report of the Airport Director dated May 8, 2012;

AND THAT Council appoints Meryle Corbett as the City of Kelowna community-at-large representative to the Kelowna International Airport Advisory Committee.

Carried

5. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 5.1 Land Use Management Department, dated May 9, 2012, re: Rezoning Application No. Z12-0015 – Antonio & Jennifer Pagnotta – 1356 Mountainview Street

Moved by Councillor Hobson/Seconded by Councillor Stack

R481/12/05/28 THAT Rezoning Application No. Z12-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, Section 29, Township 26, ODYD Plan 5070, located on Mountainview Street, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone be, considered by Council;

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

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

Carried

- 5.1.1 Bylaw No. 10713 (Z12-0015) – Antonio & Jennifer Pagnotta – 1356 Mountainview Street

Moved by Councillor Given/Seconded by Councillor Stack

R482/12/05/28 THAT Bylaw No. 10713 be read a first time.

Carried

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- 5.2 Land Use Management Department, dated May 18, 2012, re: Rezoning Application No. Z12-0026 – Bhushan & Arunlata Singla – 678 Westpointe Court

Moved by Councillor Given/Seconded by Councillor Basran

R483/12/05/28 THAT Rezoning Application No. Z12-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, ODYD Plan KAP76046 except plan KAP84981 located on Westpointe Court, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone be, considered by Council.

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

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

Carried

- 5.2.1 Bylaw No. 10715 (Z12-0026) – Bhushan & Arunlata Singla – 678 Westpointe Court

Moved by Councillor Stack/Seconded by Councillor Given

R484/12/05/28 THAT Bylaw No. 10715 be read a first time.

Carried

- 5.3 Land Use Management Department, dated May 18, 2012, re: Rezoning Application No. Z12-0025 – David & Monica Haiworonsky – 4155 McClain Road

Moved by Councillor Stack/Seconded by Councillor Basran

R485/12/05/28 THAT Rezoning Application No. Z12-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 2 and 3, Township 26, ODYD Plan KAP91355, located on 4155 McClain Road, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1s – Rural Residential 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 a building permit for the suite be applied for prior to final adoption of the zone;

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

Carried

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- 5.3.1 Bylaw No. 10716 (Z12-0025) - David & Monica Haiworonsky - 4155 McClain Road

Moved by Councillor Given/Seconded by Councillor Stack

R486/12/05/28 THAT Bylaw No. 10716 be read a first time.

Carried

- 5.4 Land Use Management Department, dated May 11, 2012, re: Official Community Plan Bylaw Text Amendment Application No. OCP10-0002 and Temporary Use Permit Application No. TUP10-0001 - City of Kelowna - 3326 Lakeshore Road

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R487/12/05/28 THAT OCP Bylaw Text Amendment No. OCP10-0002 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by deleting the Temporary Use Permit Area Table 4.3 in Chapter 4 - Future Land Use and replacing it with a new Table as per Schedule "A" attached to the report of Land Use Management Department, dated May 11, 2012, be considered by Council;

AND THAT Council waives the Public Hearing requirement for Text Amendment No. OCP10-0002;

AND FURTHER THAT upon adoption of Bylaw No. 10717, Council authorizes a three year extension to June 7th, 2015, of the issued Temporary Use Permit No. TUP10-0001 to allow "Non-Accessory Parking" on Lot 27, District Lot 14, ODYD, Plan 2708, located at 3326 Lakeshore Road, Kelowna, B.C, which was subject to the following conditions:

- a) That the area required for the parking lot be landscaped and treated in accordance with Schedule 'A';
- b) That a hard, dust free surface be maintained for this parking area.

Carried

- 5.4.1 Bylaw No. 10717 (OCP10-0002/TUP10-0001) - City of Kelowna - 3326 Lakeshore Road - Requires a majority of all Members of Council

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R488/12/05/28 THAT Bylaw No. 10717 be read a first time;

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

Carried

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- 5.5 Land Use Management Department, dated May 11, 2012, re: Development Permit Application No. DP12-0025 – McIntosh Properties Ltd. (Brook Pooni Associates Inc.) – 1876 Cooper Road

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R489/12/05/28 THAT Council authorize the issuance of Development Permit No. DP12-0025 for Lot A, D.L. 127, ODYD, Plan KAP48113, located at 1876 Cooper Road, Kelowna, 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;
- 5) The Development Engineering requirements to be satisfied prior to issuance of the Development Permit.

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

- 5.6 Land Use Management Department, dated May 11, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP07-0037 and Rezoning Application No. Z07-0093 – 0781540 BC Ltd. – 560, 561, 580 & 583 McKay Avenue

Moved by Councillor Hobson/Seconded by Councillor Stack

R490/12/05/28 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of OCP and Zone Amending Bylaw Nos. 10245 & 10246 (OCP07-0037 / Z07-0093, 560, 582, 583 and 561 McKay Avenue), be extended from May 3, 2012 to November 3, 2012.

Carried

- 5.7 Land Use Management Department, dated May 24, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP09-0016, Text Amendment Application No. TA09-0007 and Rezoning Application No. Z09-0071 – Calcan Investments Ltd. – 5505 Chute Lake Road

Staff:

- Gave a presentation with respect to Hillside Zones and the Policy Update.

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Council:

- Inquired as to whether the seven (7) proposed RU1 units in two (2) of the smaller development areas could be accommodated elsewhere in the development.

Staff:

- Discussed procedural options with moving the application forward.

Moved by Councillor Given/Seconded by Councillor Basran

R491/12/05/28 THAT Official Community Plan Bylaw Amendment No. OCP09-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, be changing the Future Land Use designation of a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna BC, from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation, as shown on Map "A" attached to the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Land Use Management Department dated May 24, 2012;

AND THAT Zoning Bylaw Text Amendment No. TA09-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by introducing three new hillside zones, including RH1 - Hillside Large Lot Residential, RH2 - Hillside Two Dwelling Housing and RH3 - Hillside Cluster Housing, as outlined in the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10668 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH1 - Hillside Large Lot Residential and P3 - Parks and Open Space zones, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amending Bylaw No. 10669 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, except Plan KAP57304, located at 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH3 - Hillside Cluster Housing zone, as shown on Map "B" attached to the Report of the Land Use Management Department dated May 24, 2012 be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw, Text Amendment Bylaw and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw No. 10669 be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of Zone Amending Bylaw Nos. 10668 and 10669 be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

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AND FURTHER THAT Council directs staff to evaluate the hillside zones and to report back to Council within two (2) years of the adoption of the Text Amendment Bylaw.

Carried

- 5.7.1 Bylaw No. 10673 (OCP09-0016) - Calcan Investments Ltd. - 5505 Chute Lake Road - Requires a majority of all Members of Council (5)

Moved by Councillor Basran/Seconded by Councillor Zimmermann

R492/12/05/28 THAT Bylaw No. 10673 be read a first time;

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

Carried

- 5.7.2 Bylaw No. 10670 (TA09-0007) - City of Kelowna Zoning Bylaw No. 8000 - Section 13, Urban Residential Zones - Adding New Hillside Zones

Moved by Councillor Blanleil/Seconded by Councillor Basran

R493/12/05/28 THAT Bylaw No. 10670 be read a first time.

Carried

- 5.7.3 Bylaw No. 10668 (Z09-0071) - Calcan Investments Ltd. - 5505 Chute Lake Road

Moved by Councillor Basran/Seconded by Councillor Blanleil

R494/12/05/28 THAT Bylaw No. 10668 be read a first time.

Carried

- 5.7.4 Bylaw No. 10669 (Z09-0071) - Calcan Investments Ltd. - 5505 Chute Lake Road

Moved by Councillor Singh/Seconded by Councillor Hobson

R495/12/05/28 THAT Bylaw No. 10669 be read a first time.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 6.1 Director, Recreation & Cultural Services, dated May 23, 2012, re: H₂O Adventure & Fitness Centre Management & Operating Agreement - YMCA-YWCA of the Central Okanagan

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R496/12/05/28 THAT Council approves the Management & Operating Agreement between the City and YMCA-YWCA of the Central Okanagan for the H₂O Adventure & Fitness Centre as attached to the report from the Director, Recreation & Cultural Services dated May 23, 2012;

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AND THAT the Mayor and City Clerk be authorized to execute the Management & Operating Agreement in order to carry out the duties, obligations and intentions of the Management & Operating Agreement;

AND FURTHER THAT Council considers the City's financial obligations in the Management & Operating Agreement during its review of the 2013 Financial Plan.

Carried

6.2 Community Planning Manager, dated May 17, 2012, re: 2012 Recommended Grants for Affordable Rental Housing

Moved by Councillor Stack/Seconded by Councillor Basran

R497/12/05/28 THAT Council approves the following rental grant, in accordance with the Housing Opportunities Reserve Fund Bylaw 8593 and Council Policy No. 335, updated based on the April 23, 2012 report from the Community Planning Manager entitled "Revisions to Rental Housing Grants Policy and Housing Opportunities Reserve Fund Bylaw No. 8593", and Recommendation 18 of the Housing Strategy, approved by Council in November of 2011:

- \$100,679.48 for 8 units at 120 Leathead Rd./555 Montgomery Rd. to Davara Holdings Ltd.

AND THAT Council authorizes payment of the grant subject to final adoption of the Bylaw No. 10697, being Amendment No. 4 to the Housing Opportunities Reserve Fund By-law 8593.

Carried

6.3 Sustainability Coordinator, dated May 15, 2012, re: Community Climate Action Plan

Council agreed to defer consideration of Agenda Item No. 6.3 until after Agenda Item No. 6.4.

6.4 City Clerk, dated May 7, 2012, re: New Bylaw - Elected Officials Oath of Office

City Clerk:

- Reviewed the wording for the new Oath of Office for elected officials.

Council:

- Agreed to a slight revision to the wording for the new Oath of Office.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R498/12/05/28 THAT Council receives, for information, the Report from the City Clerk, dated May 07, 2012 regarding the establishment of an Oath of Office for elected officials;

AND THAT Council gives reading consideration to Bylaw No. 10705, being the "Elected Officials Oath of Office" bylaw.

Carried

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6.4.1 Bylaw No. 10705 - Elected Officials Oath of Office

Moved by Councillor Singh/Seconded by Councillor Hobson

R499/12/05/28 THAT Bylaw No. 10705 be read a first, second and third time.

Carried

6.3 Sustainability Coordinator, dated May 15, 2012, re: Community Climate Action Plan

Staff:

- Gave a presentation regarding the Community Climate Action Plan.

Council:

- Advised that it would be helpful if the 2013 budget submissions explicitly identify any Community Climate Action Plan supplemental requests.

Moved by Councillor Hobson/Seconded by Councillor Given

R500/12/05/28 THAT Council receives, for information, the report from the Sustainability Coordinator dated May 15, with respect to the Community Climate Action Plan;

AND THAT Council endorses the Community Climate Action Plan as attached to the Report of the Sustainability Coordinator dated May 15, 2012;

AND THAT Council directs staff to assign service requests to referenced departments for the 2012 actions and 2013 proposed action items listed in the Community Climate Action Plan;

AND THAT staff report back in 2013 on accomplishments to date and to recommend actions for subsequent implementation;

AND FURTHER THAT the Mayor be authorized to sign and forward the letters to the Provincial and Federal Government included as an attachment of the Council report from the Sustainability Coordinator dated May 15, 2012.

Carried

7. BYLAWS FOR ADOPTION (Non-Development Related)

7.1 City Clerk, dated May 22, 2012, re: Road Closure and Removal of Highway Dedication Bylaw No. 10485 - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

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

Moved by Councillor Blanleil/Seconded by Councillor Singh

R501/12/05/28 THAT Council provided an opportunity for public input on the proposed road closure for a portion of Glenmore Road North (adjacent to 505-525 Snowsell Street North);

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AND THAT Bylaw No. 10485, being the Road Closure Bylaw for a Portion of Glenmore Road North (adjacent to 505-525 Snowsell Street North) be adopted.

Carried

7.2 City Clerk, dated May 22, 2012, re: Amendment No. 4 to Housing Opportunities Reserve Fund Bylaw No. 8593

Moved by Councillor Zimmermann/Seconded by Councillor Given

R502/12/05/28 THAT Bylaw No. 10697, being Amendment No. 4 to the Housing Opportunities Reserve Fund Bylaw No. 8593, be adopted.

Carried

7.3 City Clerk, dated May 22, 2012, re: Amendment No. 5 to Cemetery Bylaw No. 8807

Moved by Councillor Singh/Seconded by Councillor Basran

R503/12/05/28 THAT Bylaw No. 10698, being Amendment No. 5 to the Cemetery Bylaw No. 8807, be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

Councillor Singh:

- Advised that Mayor Gray has proclaimed June 2, 2012 as Access Awareness Day.

Mayor Gray:

- Reminded Council and the public that there is no Council Meeting on June 4, 2012 due to the Federation of Canadian Municipalities Convention.

9. TERMINATION

The meeting was declared terminated at 4:23 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk