

Regular Meeting - P.M.June 18, 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, June 18th, 2012.

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

Council members absent: Councillor Gerry Zimmermann.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; City Clerk, Stephen Fleming*; Director, Communications, Carla Stephens*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Planner Specialist, Pat McCormick*; Fire Chief, Jeff Carlisle*; Property Officer, Tammy Abrahamson*; Director, Development Services, Mo Bayat*; Community Planning Manager, Theresa Eichler*; Planner, Lauren Sanbrooks*; Communications Supervisor, Jodie Foster Sexsmith*; Manager, Property Management, Ron Forbes*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 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

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Moved by Councillor Singh/Seconded by Councillor Given

R562/12/06/18 THAT the Minutes of the Regular PM Meeting of June 11, 2012 be confirmed as circulated.

Carried

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

3.1 Land Use Management Department, dated June 6, 2012, re: Text Amendment Application No. TA12-0006 - Pier Mac Petroleum Installations Ltd. (Robert Morrell) - 1433 Velocity Street

Moved by Councillor Hobson/Seconded by Councillor Stack

R563/12/06/18 THAT Zoning Bylaw Text Amendment No. TA12-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated June 6, 2012, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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- 3.1.1 Bylaw No. 10723 (TA12-0006) - Pier Mac Petroleum Installations Ltd. (Robert Morrell) - 1433 Velocity Street - Zoning Amendments for the CD15 - Airport Business Park

Moved by Councillor Hobson/Seconded by Councillor Singh

R564/12/06/18 THAT Bylaw No. 10723 be read a first time.

Carried

- 3.2 Land Use Management Department, dated June 1, 2012, re: Rezoning Application No. Z11-0081 - Regional District of Central Okanagan, Central Okanagan Land Trust and Crown (Regional District of Central Okanagan) - Various Addresses

Moved by Councillor Hobson/Seconded by Councillor DeHart

R565/12/06/18 THAT Rezoning Application No. Z11-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of those parcels or portions thereof shown on "Attachment 1" attached to the Report of the Land Use Management Department dated June 1, 2012, from the A1 - Agriculture 1 and RU1 - Large Lot Housing zones to the P3 - Major Park / Open Space zone, as shown on Map "B" attached to the Report of the Land Use Management Department dated June 1, 2012, 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 the Development Engineering Branch being completed to their satisfaction.

Carried

- 3.2.1 Bylaw No. 10724 (Z11-0081) - Regional District of Central Okanagan, Central Okanagan Land Trust and Crown (Regional District of Central Okanagan) - Various Addresses

Moved by Councillor Blanleil/Seconded by Councillor Basran

R566/12/06/18 THAT Bylaw No. 10724 be read a first time.

Carried

- 3.3 Land Use Management Department, Supplemental Report dated June 5, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0008 and Rezoning Application No. Z11-0062 - R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) - 2241 Springfield Road

Councillor Stack declared a conflict of interest with respect to Agenda Item Nos. 3.3 & 3.4 as the Society of Hope, which he is affiliated with owns property within the notification area of the subject properties and left the meeting at 1:48 p.m.

Councillor Blanleil declared a conflict of interest with respect to Agenda Item Nos. 3.3 & 3.4 as his business owns property within the notification area of the subject properties and left the meeting at 1:48 p.m.

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Moved by Councillor Given/Seconded by Councillor Hobson

R567/12/06/18 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 5, 2012 with respect to the requested Traffic Impact Study for OCP11-0008, TA12-0001, and Z11-0062;

AND THAT Council waives the requirement for staff to review a Retail Impact Analysis with respect to OCP11-0008 prior to a Public Hearing;

AND FURTHER THAT the Official Community Plan Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.4 Land Use Management Department, Supplemental Report dated June 13, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP11-0009, Text Amendment Application No. TA11-0008 and Rezoning Application No. Z11-0063 - R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) - 2030 Benvoulin Road and 2190 Mayer Road

Moved by Councillor Hobson/Seconded by Councillor Given

R568/12/06/18 THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 13, 2012 with respect to the requested Traffic Impact Study for OCP11-0009, TA11-0008 and Z11-0063;

AND THAT Official Community Plan Bylaw Amendment No. OCP11-0009 (Bylaw 10634) be amended at first reading to include an amendment to Map 5.8 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by adding the Comprehensive Development Permit Area Designation to Lot 3, District Lot 142, ODYD, Plan KAP82214 and Lot 4, District Lot 142, ODYD, Plan KAP82214, located at 2030 Benvoulin Road and 2190 Mayer Road, Kelowna, B.C., as shown on Map "A" attached to the Report of Land Use Management Department dated June 13, 2012, be considered by Council;

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

Carried

3.4.1 Bylaw No. 10634 (OCP11-0009) - R 366 Enterprises Ltd. (Ekistics Town Planning Inc.) - 2030 Benvoulin Road and 2190 Mayer Road - Requires a majority of all Members of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Singh

R569/12/06/18 THAT Bylaw No. 10634 be amended at first reading by deleting in its entirety Map 5.8 - Urban Design DP Area Designation of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and replacing it with a new Map 5.8 - Urban Design DP Area Designation;

AND THAT the Bylaw, as amended at first reading, has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

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- 3.5 Land Use Management Department, dated June 12, 2012, re: Text Amendment Application No. TA12-0005 and Rezoning Application No. Z12-0035 - Secondary Suite Zone

Councillor Stack rejoined the meeting at 1:54 p.m.

Staff:

- Provided an overview of the proposed Text Amendment with respect to the Secondary Suite zone.

Councillor Blanleil rejoined the meeting at 1:58 p.m.

Staff:

- Advised that staff would not be supporting a secondary suite application if the structure did not meet the requirements of the BC Building Code.
- Confirmed that the only tool for compliance is the BC Building Code and that staff are willing to work with any applicant to ensure compliance.
- Responded to questions from Council regarding timelines and proposed fees.
- Advised that the only zones not included are the RU3 zone and the RU1h zone as they provide challenges to the parking requirements.

Moved by Councillor Stack/Seconded by Councillor Basran

R570/12/06/18 THAT Council receives, for information, the report from the Land Use Management Department dated June 12, 2012 with regards to a proposed text amendment that would permit secondary suites within single family dwellings throughout the City of Kelowna and to change the secondary suite zoning classifications;

AND THAT Text Amendment No. TA12-0005 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in "Schedule A" and "Schedule B" attached to the Report of the Land Use Management Department dated June 12, 2012 be considered by Council;

AND THAT Rezoning Application No. Z12-0035 to amend City of Kelowna Zoning Bylaw No. 8000 to change the zoning classifications for all properties with the 's' zone designation with a detached accessory building containing a secondary suite (carriage house) to the 'c' zone; and to remove the 's' zone designation from the properties with a secondary suite contained within a single family dwelling, as identified in Appendix 'A' and Appendix 'B' attached to the report of the Land Use Management Department dated June 12, 2012, be considered by Council;

AND THAT Council give reading consideration to Bylaw No. 10712 being Amendment #12 to City of Kelowna Bylaw No. 7245;

AND THAT Council give reading consideration to Bylaw No. 10665 being Amendment No. 1 to Development Fees Application Bylaw No. 10560;

AND THAT Council give reading consideration to Bylaw No. 10711 being Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82;

AND FURTHER THAT final adoption of the Text Amendment bylaw and corresponding zone amending bylaw be considered concurrently with final adoption of Bylaw Nos. 10665, 10706, 10711 and 10712.

Carried

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3.5.1 City Clerk, dated May 23, 2012, re: Secondary Suite Business Licence Updates

City Clerk:

- Provided an overview of the amendments to the Business Licence Bylaw as they relate to Secondary Suites.

Moved by Councillor Basran/Seconded by Councillor Blanleil

R571/12/06/18 THAT Bylaw 10706, being Amendment No. 16 to Business Licence Bylaw No. 7878 be forwarded for reading consideration;

AND THAT Council may hear submissions directed to the business licence fee increase within the same public hearing in which the secondary suite Zoning Bylaw amendment bylaw is heard;

AND THAT the Zoning Bylaw amendment Public Hearing Notice contain an additional Notice that the public may make representations to Council regarding the business licence fee increase in the same manner as submissions may be made to the secondary suite Zoning Bylaw amendment bylaw.

Carried

3.5.2 Bylaw No. 10686 (TA12-0005) - City of Kelowna - Housekeeping Text Amendments (Secondary Suites and Carriage Houses)

Moved by Councillor Basran/Seconded by Councillor Blanleil

R572/12/06/18 THAT Bylaw No. 10686 be read a first time.

Carried

3.5.3 Bylaw No. 10714 (Z12-0035) - Various Owners (City of Kelowna) Various Addresses

Moved by Councillor Blanleil/Seconded by Councillor Basran

R573/12/06/18 THAT Bylaw No. 10714 be read a first time.

Carried

3.5.4 Bylaw No. 10665 - Amendment No. 1 to Development Application Fees Bylaw No. 10560

Moved by Councillor Stack/Seconded by Councillor DeHart

R574/12/06/18 THAT Bylaw No. 10665 be read a first, second and third time.

Carried

3.5.5 Bylaw No. 10706 - Amendment No. 16 to Business Licence and Regulation Bylaw No. 7878

Moved by Councillor DeHart/Seconded by Councillor Stack

R575/12/06/18 THAT Bylaw No. 10706 be read a first, second and third time.

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- 3.5.6 Bylaw No. 10711 - Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82

Moved by Councillor Stack/Seconded by Councillor GivenR576/12/06/18 THAT Bylaw No. 10711 be read a first, second and third time.Carried

- 3.5.7 Bylaw No. 10712 - Amendment No. 12 to Building Bylaw, 1993, No. 7245

Moved by Councillor Given/Seconded by Councillor StackR577/12/06/18 THAT Bylaw No. 10712 be read a first, second and third time.CarriedMoved by Councillor Given/Seconded by Councillor DeHartR578/12/06/18 THAT Bylaw No. 10686, being Text Amendment TA12-0005, and Bylaw No. 10714, being Rezoning Application No. Z12-0035 be forwarded to the July 24, 2012 Public Hearing for further consideration;Moved by Councillor Hobson/Seconded by Councillor SinghR579/12/06/18 THAT effective June 18, 2012 Council directs staff to NOT accept new rezoning applications for secondary suites contained within a single family dwelling until Text Amendment Bylaw No. 10686 has been adopted.Carried

- 3.6 Land Use Management Department, dated June 5, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP07-0022 and Rezoning Application No. Z07-0073 - Al Stober Construction Ltd. (Meiklejohn Architects Inc.) - 477 Osprey Avenue and 2728 Pandosy Street

Moved by Councillor Hobson/Seconded by Councillor BasranR580/12/06/18 THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Official Community Plan Amending Bylaw No. 10265 and Zone Amending Bylaw No. 10266, for Lot 1, D.L. 14, ODYD, Plan 4280 located on 477 Osprey Avenue, Kelowna, BC, be extended from June 15, 2012 to December 15, 2012.Carried

4. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 4.1 Fire Chief, dated May 25, 2012, re: Fire Underwriters Survey Overview

Fire Chief:

- Introduced the Report and the Consultant

Consultant, Michael Currie, GiFireE. ASCT, Director, Western Canada:

- Displayed a PowerPoint Presentation with respect to the Fire Underwriters Survey and Distribution Policy.

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- Responded to questions from Council.
- Advised that every investment made in Fire Protection could potentially increase the City's Fire Protection Grades.
- Advised that the last time the rates were updated was in 1983.

Moved by Councillor Singh/Seconded by Councillor Blanleil

R581/12/06/18 THAT Council receive for information, the Report and Presentation from the Fire Chief dated May 25, 2012 regarding the Fire Underwriters Survey and Distribution Study.

Carried

4.2 Communications Supervisor, dated May 14, 2012, re: Environmental Achievement Awards

Moved by Councillor DeHart/Seconded by Councillor Singh

R582/12/06/18 THAT Council directs staff to hold the Environmental Achievement Awards event in the fall of 2012 as outlined in the Report of the Communications Supervisor dated May 14, 2012;

AND THAT Council directs staff to replace the Environmental Achievement Awards program with an environmental award as part of the Civic & Community Awards in 2013 and onward;

AND FURTHER THAT Council directs staff to transfer funds in the amount of Three Thousand (\$3,000.00) Dollars from the 2013 Communications budget to the Civic and Community Awards budget for the 2013 Civic & Community Awards event as outlined in the Report of the Communications Supervisor dated May 14, 2012.

Carried

Mayor Gray advised that Agenda Item No. 4.5 would be dealt with immediately after Agenda Item No. 4.3 as they are related.

4.3 Planner, Policy & Planning, dated May 31, 2012, re: Amendments to Statements of Significance for Brents Grist Mill, Surtees and St. Aidan's Church

Staff:

- Confirmed that the original Statements of Significance were prepared by a Consultant.
- Advised that the amended Statements of Significance were prepared by staff and provided to the Community Heritage Committee for comment.

Mayor Gray requested that staff present its recommendations for Agenda Item No. 4.5 prior to considering staff's recommendations for Agenda Item No. 4.4.

4.5 Planner Specialist, Urban Design, dated June 13, 2012, re: Heritage Asset Management Strategy Update

Staff:

- Advised that under "Financial/Budgetary Considerations" in the Report to Council, reference made to the "Surtees House" should read "Fleming House".
- Displayed a PowerPoint Presentation with respect to the Heritage Asset Management Strategy.
- Advised that the next steps in the process are:

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- Draft and distribute Expressions of Interest for each asset (public and invitational);
 - Draft and distribute Requests for Proposals for each asset (short-list based on organizational capacity);
 - Evaluate business case proposals;
 - Seek Council approval of partnerships; and
 - Implement contracts (Winter 2012).
- Advised that in order to move forward with the Heritage Asset Management Strategy, staff will need to:
- identify and execute long-term partnerships for the conservation and operation of non-operational heritage assets; and
 - leverage approved funding for site development and capital improvements.

Moved by Councillor Given/Seconded by Councillor Singh

R583/12/06/18 THAT Council receives for information the Report from the Planner Specialist, Urban Design dated June 13, 2012 with respect to the Heritage Asset Management Strategy Update for six City-owned Heritage buildings.

Carried

- 4.3 Planner, Policy & Planning, dated May 31, 2012, re: Amendments to Statements of Significance for Brents Grist Mill, Surtees and St. Aidan's Church

Moved by Councillor Given/Seconded by Councillor Stack

R584/12/06/18 THAT Council receives, for information, the report from the Policy and Planning Department dated May 31, 2012, with respect to amendments to the Statements of Significance for the Brents Grist Mill, the Surtees property and St. Aidan's church;

AND THAT Council approves the amended Statement of Significance for Brents Grist Mill, Fleming House and Dairy Barn, at 2128 Leckie Place as reflected in Appendix A in the Report from the Policy and Planning Department dated May 31, 2012;

AND THAT Council approves the amended Statement of Significance for Surtees House and Barn, at 4629 Lakeshore Road as reflected in Appendix B in the Report from the Policy and Planning Department dated May 31, 2012;

AND FURTHER THAT Council approves the amended Statement of Significance for St. Aidan's church at 365 Rutland Road as reflected in Appendix C in the Report from the Policy and Planning Department dated May 31, 2012.

Carried

- 4.4 Manager, Property Management, dated June 8, 2012, re: Activity Concession Awards - City Park & Waterfront Park (Tugboat Bay)

Moved by Councillor DeHart/Seconded by Councillor Given

R585/12/06/18 THAT Council approves the City entering into a one (1) year contract, with Cash JC Investments Inc. dba Kelowna Rent a Boat, to provide activity concession services at City Park (Site A) at 1600 Abbott Street, in the form attached to the Report of the Manager, Property Management, dated June 8, 2012;

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AND THAT Council approves the City entering into a three (3) year Contract, with SUP Kelowna, to provide activity concession services at Waterfront Park (Tugboat Bay) (Site B) at 1220 Water Street, in the form attached to the Report of the Manager, Property Management, dated June 8, 2012;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with the contracts.

Carried

5. MAYOR & COUNCILLOR ITEMS - Nil.

6. TERMINATION

The meeting was declared terminated at 4:47 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk

DRAFT

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June 25, 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, June 25th, 2012.

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: Acting City Manager, John Vos; Deputy City Karen Needham; General Manager, Community Sustainability, Jim Paterson*; Manager, Urban Land Use, Danielle Noble*; Manager, Long Range Planning, Gary Stephen*; Manager, Environment & Land Use, Todd Cashin*; Planner, Greg Sauer*; Manager, Property Management, Ron Forbes*; Director, Civic Operations, Joe Creron*; Director, Financial Services, Keith Grayston*; Manager, Park Services, Ian Wilson*; Director, Regional Services, Ron Westlake*; and Council Recording Secretary, Sandi Horning.

(* 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. PUBLIC IN ATTENDANCE

- 2.1 Anna Warwick Sears, Executive Director, Okanagan Basin Water Board, re: Update on the Okanagan Basin Water Board 2012

Anna Warwick Sears, Executive Director, Okanagan Basin Water Board:

- Gave a presentation to Council with respect to the 2012 activities of the Okanagan Basin Water Board.

3. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 3.1 Land Use Management Department, dated June 15, 2012, re: Rezoning Application No. Z12-0050 - City of Kelowna - 645 Dodd Road

Moved by Councillor Basran/Seconded by Councillor Zimmermann

R587/12/06/25 THAT Rezoning Application No. Z12-0050 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan KAP91112, located at 645 Dodd Road, Kelowna, BC, from the P5 - Municipal District Park to the P5 - Municipal District Park (Liquor Primary) zone be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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3.1.1 Bylaw No. 10727 (Z12-0050) - City of Kelowna - 645 Dodd Road

Moved by Councillor Given/Seconded by Councillor Stack

R588/12/06/25 THAT Bylaw No. 10727 be read a first time.

Carried

3.2 Land Use Management Department, dated June 19, 2012, re: Rezoning Application No. Z11-0006 - Domenic & Susanne Panucci (Domenic Panucci) - 3380 Neid Road

Staff:

- Reviewed the points noted in the Supplemental Report that required clarification prior to Council forwarding the application to a Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Basran

R589/12/06/25 THAT Council receives, for information, the Supplemental Report of the Land Use Management Department dated June 19, 2012 with respect to Rezoning Application No. Z11-0006;

AND THAT Bylaw No. 10675 be forwarded to the July 24, 2012 Public Hearing.

Carried

3.3 Bylaw No. 10650 (Z11-0058) - Citizen Management Ltd. (CTQ Consultants Ltd.) - 3327 Lakeshore Road

Moved by Councillor Stack/Seconded by Councillor Given

R590/12/06/25 THAT Bylaw No. 10650 be adopted.

Carried

3.3.1 Land Use Management Department, dated June 20, 2012, re: Development Permit Application No. DP11-0118 - Citizen Management Ltd. (CTQ Consultants Ltd.) - 3327 Lakeshore Road

Moved by Councillor Basran/Seconded by Councillor Stack

R591/12/06/25 THAT Final Adoption of Zone Amending Bylaw No. 10650 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0118 for Strata Lot 1-60, DL 14, ODYD, Strata Plan K533 together with an interest in the common property in proportion to the unit entitlement of Strata Lot as shown on Form 1, located at 3327 Lakeshore Road, 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";

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;

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

- 3.4 Land Use Management, dated June 20, 2012, re: Additional Dwelling for Farm Employee Permit No. FH12-0001 and Farm Protection Development Permit Application No. DP12-0090 - Chanchal & Barbara Bal (Chanchal Bal) - 550 Highway 33 East

Councillor Basran declared a conflict of interest as the applicant is a relative and left the meeting at 2:08 p.m.

Councillor Singh declared a conflict of interest as she has a very close relationship with the applicant and his family and left the meeting at 2:08 p.m.

Staff:

- Provided amended wording for the first paragraph of staff's recommendation in the Report to Council limiting the number of housing units to forty (40).
- Confirmed that the proposal will only allow for occupancy of the temporary housing from April 1st to October 31st and that this condition be dealt with via a Restrictive Covenant on title.
- Advised that the proposed location of the temporary housing is considered the best from a home plating policy perspective.
- Confirmed that staff had a discussion with the applicant with respect to restricting the maximum number of farm worker housing units to forty (40) and advised that the applicant is in agreement with the condition.
- Confirmed that approval of this application by the Agricultural Land Commission is not required as the Agricultural Land Commission has given the City the authority to deal with temporary farm housing applications.
- Confirmed that staff has consulted with the Ministry of Agriculture with respect to this application.

Council:

- Expressed a concern with enforcement of the City's regulations as it relates to this application.

Moved by Councillor Hobson/Seconded by Councillor Given

R592/12/06/25 THAT Council authorizes the issuance of Additional Dwelling for Farm Employee Permit No. FH12-0001 for temporary farm worker housing for Lot A, Section 24, Township 26, ODYD Plan KAP81726, Except Plan EPP6537, located at 550 Hwy 33 E, Kelowna, BC, with the number of housing units limited by City of Kelowna Zoning Bylaw definitions including dwelling and household and as determined by staff, to a maximum of forty (40) farm worker housing units;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0090 for the above-mentioned property subject to the following:

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1. The dimensions and siting of the buildings to be placed 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. Additional landscaping and restoration 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;
5. Registration of a Section 219 Covenant which restricts use of the housing to agricultural workers employed on a full-time, seasonal basis between April 1 and October 31 each year; and
6. Issuance of a Natural Environment Development Permit by the Director, Land Use Management.

Carried

Councillors Basran and Singh rejoined the meeting at 2:35 p.m.

4. BYLAWS FOR ADOPTION (Development Related)

- 4.1 Deputy City Clerk, dated June 19, 2012, re: Official Community Plan Bylaw Amendment Application No. OCP10-0002 - City of Kelowna - 3326 Lakeshore Road - Requires a majority of all Members of Council (5)

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R593/12/06/25 THAT Bylaw No. 10717 be read a second and third time and be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

- 5.1 Special Projects Manager, Financial Services, dated June 25, 2012, re: 2011 Annual Report - Mayor to invite anyone in the public gallery who wished to make comment on the Annual Report.

Staff:

- Responded to questions from Council with respect to the Annual Report, Council Remuneration and Expense Report and the Employee Remuneration Report.

Mayor Gray invited anyone in the public gallery who wished to make comment on the 2011 Annual Report to come forward. No one came forward.

Moved by Councillor Zimmermann/Seconded by Councillor Blanleil

R594/12/06/25 THAT Council receives, for information, the Annual Report for the year ended December 31, 2011 attached to the Report of the Special Projects Manager dated June 25, 2012;

AND THAT Council receives, for information, the Council Remuneration and Expense report, Employee Remuneration report and schedule of Payment for

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the Provision of Goods and Services attached to the Report of the Special Projects Manager dated June 25, 2012.

Carried

5.2 Director, Financial Services, dated June 19, 2012, re: Transit 2012/2013 Annual Operating Agreements

Staff:

- Advised that the budget for 2012 includes the transit expansion to UBC-O and the Quail Ridge Area.
- The current Annual Operation Agreement does not cover all of the costs associated with transit for 2012 and staff is currently working on a Report to Council that will address this issue and as well as include a review of the current routes and a cost recovery analysis.

Moved by Councillor Hobson/Seconded by Councillor Basran

R595/12/06/25 THAT Council approve the 2012/2013 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and FirstCanada ULC covering the period April 1, 2012 to March 31, 2013.

Carried

5.3 Manager, Long Range Planning, dated June 20, 2012, re: Revitalization Tax Exemption Bylaw 9561 - Proposed Amendment

Staff:

- Confirmed that staff will ensure that the development community is aware of the existence of the City's Revitalization Tax Exemption Bylaw.

General Manager, Community Sustainability:

- Responded to concerns raised regarding the proposed amendments as they relate to rental housing.
- Advised that a Housing Agreement would be required and would be considered prior to construction of any proposed development that may take advantage of the Revitalization Tax Exemption Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Stack

R596/12/06/25 THAT Council receives, for information, the report from the Long Range Planning Manager dated June 20, 2012 with respect to the proposed amendment of Bylaw 9561, being City of Kelowna Revitalization Tax Exemption;

AND THAT Council gives initial consideration to Bylaw No. 10674 to enact amendments to Revitalization Tax Exemption Bylaw No. 9561, to expand the City Centre and Rutland Tax Incentive Areas, to provide tax exemptions for rental housing and for renovations of commercial and residential buildings as described in the June 20, 2012 report of the Long Range Planning Manager;

AND THAT Tax Incentive Area 3 be removed once a level of 18,580 m² (200,000 sq. ft.) in new construction has received a building permit;

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AND FURTHER THAT Council directs staff to report back, on an annual basis, with a review of the need for the continuation of the tax exemption for rental housing.

Carried

- 5.3.1 Bylaw No. 10674 - Amendment No. 2 to City of Kelowna Revitalization Tax Exemption Bylaw No. 9561

Moved by Councillor Hobson/Seconded by Councillor Singh

R597/12/06/25 THAT Bylaw No. 10674 be read a first, second and third time.

Carried

- 5.4 Manager, Property Management, dated June 5, 2012, re: Bellevue Creek Elementary School Playground Lease

Moved by Councillor Hobson/Seconded by Councillor Singh

R598/12/06/25 THAT Council authorizes the City to enter into a Lease with the Board of Education of School District No. 23 (Central Okanagan) for that portion of Bellevue Creek Elementary School Lot 4, DL 357, Plan 27149, ODYD in the form attached to the Report of the Property Manager dated June 5, 2012;

AND THAT the Mayor and City Clerk be authorized to execute the Lease.

Carried

- 5.5 Manager, Park Services, dated June 14, 2012, re: Parks and Public Spaces Bylaw Update

Staff:

- Provided an overview of the significant changes in the new Parks and Public Spaces Bylaw.

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R599/12/06/25 THAT Council receives for information the report from the Park Services Manager, dated June 14, 2012 recommending changes to the Parks and Public Spaces Bylaw;

AND THAT Council gives reading consideration to Bylaw No. 10680 being the new "Parks and Public Spaces Bylaw";

AND THAT Bylaw No. 10681 being "Amendment No. 5 to Bylaw Notice Enforcement Bylaw No. 10475" be given reading consideration;

AND FURTHER THAT after adoption of Parks and Public Spaces Bylaw No. 10680 Council rescinds Dog Walking and Dog Off-Leash Areas Policy No. 258.

Carried

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5.5.1 Bylaw No. 10680 - Parks and Public Spaces Bylaw

Moved by Councillor Hobson/Seconded by Councillor Singh

R600/12/06/25 THAT Bylaw No. 10680 be read a first, second and third time.

Carried

5.5.2 Bylaw No. 10681 - Amendment No. 5 to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Blanleil/Seconded by Councillor Basran

R601/12/06/25 THAT Bylaw No. 10681 be read a first, second and third time.

Carried

5.6 Manager, Park Services, dated June 14, 2012, re: Fencing Adjacent to City-Owned Land

Staff:

- Provided an overview of the proposed Policy and responded to questions from Council.
- Advised that the Policy does not specifically deal with hedges along fence lines.

Council:

- Expressed a concern with the provision in the Council Policy that deals with only a 50% cost recovery for a property owner.

Moved by Councillor Hobson/Seconded by Councillor DeHart

R602/12/06/25 THAT Council receives for information the report from the Parks Services Manager, dated June 14, 2012, pertaining to a new Fencing Adjacent to City Owned Land Council Policy.

AND THAT Council approves a new Fencing Adjacent to City Owned Land Council Policy No. 364;

Carried

Moved by Councillor Hobson/Seconded by Councillor DeHart

R603/12/06/25 THAT staff report back to Council with the history of the City Policy that set out that "If a fence directly adjacent to a City walkway is damaged or vandalized by the public, the City will pay the private owner 50% of the cost of repair to the minimum fencing standard, as determined through three quotes";

AND THAT staff report back to Council with other cost sharing options for Council consideration with respect to damaged or vandalized fencing directly adjacent to City walkways, including maintenance, material and labour options.

Carried

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6. MAYOR & COUNCILLOR ITEMS

Councillor Stack:

- Advised that the Downtown Kelowna Association had a presentation with respect to the downtown public pier and marina proposal during their meeting last week and advised that the proposal was well received and has been endorsed by the Downtown Kelowna Association.

Acting City Manager:

- Advised that the Province has provided funding to assist with the removal of debris from Okanagan Lake.
- The removal of the debris will be undertaken by staff once the heavy rains being forecasted have moved through the valley.
- Confirmed that there is an understanding between property owners along the lake and the City, that if debris is collected and left along the beach ends, City staff will take care of the removal of that debris.

7. TERMINATION

The meeting was declared terminated at 3:56 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld

DRAFT