



City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 4, 2013
Time: 1:30 pm
Location: Council Chamber
City Hall, 1435 Water Street

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

Council members absent: Councillor Andre Blanleil

Staff members in attendance: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; GM, Community Services, John Vos*; Manager, Environment and Land Use, Todd Cashin*; Manager, Urban Land Use, Danielle Noble*; Policy & Planning Manager, Theresa Eichler*; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:31

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

Moved by Councillor Singh/Seconded by Councillor Stack

R136/13/03/04 THAT the Minutes of the Regular PM Meetings of February 18, 2013 and February 25, 2013 be confirmed as circulated.

Carried

3. Public in Attendance

3.1. Okanagan Symphony Orchestra - Annual Report

Maestra Rosemary Thomson, Music Director and Scott Wilson, General Manager, Okanagan Symphony Orchestra:

- Displayed a PowerPoint presentation and responded to questions from Council.

4. Development Application Reports & Related Bylaws

4.1. Agricultural Land Reserve Appeal Application No. A13-0001 - 2702 Glenmore Road North

Staff:

- Provided background information and responded to questions from Council.

Mayor Gray invited the Applicant, or Applicant's Representative to come forward.

Jim Simkins, Applicant:

- Confirmed that he lives in the trailer in question.
- Advised that 7 or 8 years ago his family asked him to move onto the property to assist his aging family members with the farm. At this time, I asked staff if I required a permit for the trailer but was told I only required a permit for power.
- Intention is to move forward with the greenhouse operation.
- Stated that a goal would be to start a dog kennel business and noted that he has spoken to the RCMP and would like to host dog agility training for them.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R137/13/03/04 THAT Agricultural Land Reserve appeal A13-0001 for Lot A, Sections 21 and 28, Township 23, Osoyoos Division Yale District Plan 5353, Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083 and KAP78846 located at 2702 Glenmore Road N for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

Carried

4.2. Agricultural Land Reserve Appeal Application No. A13-0002 - 355-357 Valley Road

Staff:

- Provided background information and responded to questions from Council.

Mayor Gray invited the Applicant, or Applicant's Representative to come forward.

Shawn Khurana, Applicant/Owner:

- Provided background information regarding purchase of the property.
- At the time of purchase there was no farming on the property. We had difficulties finding someone to lease the property for Orchard farming due to the frost pockets and concerns with crops not producing.
- Currently have a 5 year verbal contract for the production of hay with only 1 year left and would like to honour that contract.
- The future plan is to turn the property into an Orchard.
- Confirmed that the four plex on that property are separate units.

Moved by Councillor Stack/Seconded by Councillor Given

R138/13/03/04 THAT Agricultural Land Reserve appeal A13-0002 for Lot 7, Block 9, Section 33, Township 26, Osoyoos Division Yale District, Plan 896, Except Plan B3900, located at 355 - 357 Valley Road for a "Non-Farm Use" pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

AND THAT Council NOT forward the subject application to the Agricultural Land Commission for consideration;

AND FURTHER THAT Council direct staff to enter into a Compliance Agreement with the owners to bring the subject property into compliance prior to July 1, 2013.

Carried

4.3. Rezoning Application No. Z13-0001 - 674 Old Meadows Road

Council:

- Raised concern with not seeing a design concept of the development.

Moved by Councillor Given/Seconded by Councillor Hobson

R139/13/03/04 THAT Rezoning Application No. Z13-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the fractional south west ¼ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 674 Old Meadows Road, Kelowna, BC from the A1 zone to the RM4 zone, be considered by Council;

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

AND THAT Council directs staff to encourage the Applicant to submit development permit conceptual drawings for consideration of Council and the public prior to the Public Hearing.

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit for Form and Character and a Natural Environment Development Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant demonstrating that a no disturb/no build Section 219 Restrictive Covenant in favour of the City of Kelowna has been registered under the Land Title Act against the title of the subject property to preserve the Riparian Management Area, measuring 15 m upland from the top of bank of Thompson Brook;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant demonstrating that a Section 219 Restrictive Covenant in favour of the City of Kelowna has been registered under the Land Title Act against the title of the subject property to ensure no vehicular access to the subject property on Gordon Drive;

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

4.3.1. Bylaw No. 10815 (Z13-0001) - 674 Old Meadows Road

Moved by Councillor Stack/Seconded by Councillor Given

R140/13/03/04 THAT Bylaw No. 10815 be read a first time.

Carried

4.4. Bylaw No. 10447 (Z10-0094) - 3190 Sexsmith Road

Moved by Councillor Stack/Seconded by Councillor Given

R141/13/03/04 THAT Bylaw No. 10447 be adopted

Carried

4.4.1. Development Permit Application No. DP12-0210 - 3190 Sexsmith Road

Moved by Councillor Given/Seconded by Councillor Zimmermann

R142/13/03/04 THAT final adoption of Zone Amending Bylaw No. 10447 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0210 for Lot A, Section 2 & 3, O.D.Y.D., Plan EPP15838, Located on 3190 Sexsmith Road, Kelowna BC, 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 conditions within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

Carried

5. Non-Development Reports & Related Bylaws

5.1. Electrical Utility Restructuring Opportunity: Land Disposition Notice Process

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R143/13/03/04 THAT Council receives, for information, the Report from the Acting Director, Real Estate & Building Services dated February 27, 2013, regarding the Electrical Utility Restructuring Opportunity: Land Disposition Notice Process;

AND THAT Council directs staff that notices be given of the proposed disposition of the interests in land arising from the sale of the City's electrical utility assets by the City of Kelowna to FortisBC Inc., under that Asset Purchase Agreement in general accordance with the Land Notice Process;

AND FURTHER THAT Council directs staff that following the Land Notice Process, and without limiting any prior resolutions of Council, the Mayor and City Clerk are authorized to execute all documents necessary to complete the transaction.

Carried

5.2. Housing Strategy Implementation Update

Moved by Councillor Given/Seconded by Councillor Basran

R144/13/03/04 THAT Council receive the report from the Community Planning Manager, dated February 21, 2013, titled "Housing Strategy Implementation Update", for information.

Carried

5.3. Proposed Road Closure - Adjacent to and bisecting 760 and 840 Curtis Road

Moved by Councillor Singh/Seconded by Councillor Basran

R145/13/03/04 THAT Council receives for information, the Report from the Manager, Real Estate Services dated February 25, 2013, recommending that Council adopt the proposed road closure of a portion of land adjacent to and bisecting 760 and 840 Curtis Road (Schedule 'A');

AND THAT Bylaw No. 10811, being proposed road closure of a portion of land adjacent to and bisecting 760 and 840 Curtis Road, be given reading consideration.

Carried

5.3.1. Bylaw No. 10811 - Road Closure Bylaw - Portion of Road adjacent to and bisecting 760 and 840 Curtis Road

Moved by Councillor Singh/Seconded by Councillor Basran

R146/13/03/04 THAT Bylaw No. 10811 be read a first, second and third time.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1. Bylaw No. 10654 - Amendment No. 1 to Development Applications Procedures Bylaw No. 10540 - Adoption Report

Moved by Councillor Hobson/Seconded by Councillor Singh

R147/13/03/04 THAT Bylaw No. 10654 being Amendment No. 1 to Development Applications Procedures Bylaw No. 10540 be adopted.

Carried

6.2. Bylaw No. 10749- Amendment No. 2 to Development Applications Fees Bylaw No. 10560 - Adoption Report

Moved by Councillor Hobson/Seconded by Councillor Singh

R148/13/03/04 THAT Bylaw No. 10749 being Amendment No. 2 to Development Applications Fees Bylaw No. 10560 be adopted.

Carried

6.3. Bylaw No. 10805 - Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Ave - Adoption Report

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

Moved by Councillor Basran/Seconded by Councillor Singh

R149/13/03/04 THAT Council provides an opportunity for public input on the proposed road closure for BL10805 - Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Avenue;

AND THAT Bylaw No. 10805, being Road Closure and Removal of Highway Dedication - A Portion of Land Adjacent to 384 Glenwood Ave be adopted.

Carried

7. Mayor and Councillor Items

Mayor Gray:

- Advised of the new regularly scheduled flights between Kelowna and Abbotsford.

8. Termination

This meeting was declared terminated at 3:37 p.m.

Mayor

/acm

City Clerk