

Regular Meeting – P.M.February 8, 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, February 8<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd\*, Councillors Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: Acting City Manager, Jim Paterson; Deputy City Clerk, Karen Needham; City Clerk, Stephen Fleming\*; Director, Land Use Management, Shelley Gambacort\*; Community Planning Manager, Theresa Eichler\*; Project Manager, Integrated Systems, Mark Watt\*; Sustainability Coordinator, Michelle Kam\*; Environment & Land Use Manager, Todd Cashin\*; Director, Civic Operations, Joe Creron\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 p.m.

2. Councillor Rule was requested to check the minutes of the meeting.

Councillor Rule said a few words on the passing of Art Brown, the President of the Kelowna-Veendam Sister City Association and asked that Council have a moment of silence in remembrance of Mr. Brown.

3. UNFINISHED BUSINESS

- 3.1 (a) Community Sustainability Division, dated February 3, 2010, re: RU1s Rezoning Application – 1294 Black Mountain Drive

Staff:

- Advised that a “no parking” area has been established in the Black Mountain Drive area as a result of the community concerns.

Moved by Councillor Stack/Seconded by Councillor Hodge

**R101/10/02/08** THAT Council receive for information the staff review of on-street parking in the area under consideration, as requested.

AND THAT final adoption of zone amending Bylaw No. 10259 be considered.

Carried

(b) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10259 (Z09-0055) – Arnaldo & Norberta Magsajo – 1294 Black Mountain

Moved by Councillor James/Seconded by Councillor Craig

**R102/10/02/08** THAT Bylaw No. 10259 be adopted.

Carried

4. DEVELOPMENT APPLICATION REPORTS

Mayor Shepherd declared a conflict of interest with respect to Agenda Item #4.1 as a family member resides within the notification area and left the meeting at 1:39 p.m.

Deputy Mayor Stack took over as chair of the meeting at 1:39 p.m.

- 4.1 Community Sustainability Division, dated January 29, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0011 and Rezoning Application No. Z09-0032 - Walter & Cheryl Anne Weisstock (Wise Stock Developments Ltd.) - 739 & 753 Sutherland Avenue Mayor to invite the Applicant or the Applicant's Representative to come forward.

Staff:

- Advised that the future land uses in the area are reflective of the area's current zoning.

Deputy Mayor Stack invited the applicant or the applicant's representative to come forward.

Walter Weisstock, Applicant's Representative

- Advised that he did not have a discussion with City staff with respect to "cash in lieu" for affordable housing.
- Advised that he is not willing to enter into a Housing Agreement as he already has a development that is encumbered by a Housing Agreement and he has encountered problems with respect to disposing of those units.
- Disagrees with Council's direction to have Housing Agreement in perpetuity.
- Advised that the proposed building is only 4'8" higher than a building on an adjacent property and therefore should be supported by Council.
- Provided details regarding what could be built on the subject property under the current zone and what could be built on the subject property under the proposed new zone.
- Advised that he purchased the property back in the 1990's when the OCP in the area was different than it is today.
- Advised that the subject property is on a bus route.
- Advised that the Royal Bank of Canada will not fund projects that are encumbered by Housing Agreements.

Staff:

- Confirmed that this is a case of two (2) increment increase in density above what the OCP allows.
- Provided details regarding the Affordable Housing Policy with respect to density bonuses of two (2) increments and confirmed that the "cash in lieu" policy does not apply to the two (2) increment increase in density.
- Advised that a mortgage default clause was added to the City's Housing Agreement in 2009 after extensive consultation with both CMHC and other lending institutions.
- There is no guarantee that the servicing in the area will not be impacted as a result of the requested increase in density. Any servicing upgrades would be the responsibility of the developer.
- Displayed a table indicating the difference between the RM5 zone the RU6 zone.
- Confirmed that there is no indication from the Development Engineering Branch of any concerns with respect to the site access from the laneway.

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Moved by Councillor Hobson/Seconded by Councillor Reid

**R103/10/02/08** THAT OCP Bylaw Amendment No. OCP09-0011 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lots 3, 4, & 5, D.L. 138, Plan 2925, ODYD, located at Sutherland Avenue, Kelowna, B.C., from the current single/two unit residential designation to the proposed Multiple Unit Residential - Medium Density designation, as shown on Map "A" attached to the report of Land Use Management Department, dated January 29, 2010, not be considered by Council;

AND THAT Rezoning Application No. Z09-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 3, 4, & 5, D.L. 138, Plan 2925, ODYD, located on Sutherland Avenue, Kelowna, B.C. from RU6 - two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone not be considered by Council;

Carried

Mayor Shepherd returned to the meeting at 2:19 p.m. and took over as chair of the meeting.

4.2 Community Sustainability Division, dated January 29, 2010, re: Rezoning Application No. Z08-0071 - Tysen Properties Ltd. (Bill Bonn) - 543 South Crest Drive

(a) Community Sustainability Division report dated January 29, 2010.

Moved by Councillor Rule/Seconded by Councillor James

**R104/10/02/08** THAT Rezoning Application No. Z08-0071 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C, Section 24, Township 28, SDYD, Plan 30848, located at 543 South Crest Drive, Kelowna, B.C. from the from the RU1 - Large Lot Housing zone to the RU2h - Medium Lot Housing (Hillside Area), and RU6 - Two Dwelling Housing zones, as shown on Map "A" attached to the report of the Land Use Management Department, dated January 29, 2010, be considered by Council;

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

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 THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

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

Bylaw No. 10291 (Z08-0071) - Tysen Properties Ltd. (Bill Bonn) - 543 South Crest Drive

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Moved by Councillor Rule/Seconded by Councillor Hodge

R105/10/02/08 THAT Bylaw No. 10291 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST READING)

5.1 Bylaw No. 10290 (Z09-0064) - W.P.C. Holdings Ltd. (CTQ Consultants Ltd.) - 4561 McCulloch Road

Moved by Councillor Hobson/Seconded by Councillor Reid

R106/10/02/08 THAT Bylaw No. 10290 be read a first time.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Environment & Land Use Manager, dated February 3, 2010, re: Pesticide Bylaw Update

Staff:

- Gave a presentation regarding the Pesticide Bylaw.
- Advised that even though Schedule 2 was not included in the Council Package, it does form part of the City's Pesticide Bylaw.
- Explained the difference between the recommendation and the alternate recommendation.
- Addressed the issue of how the pesticide ban affects the maintenance of the City's property and the cost involved to the City. Approximately 1% of the pesticides used in the community are used by the City's Parks Department.
- The information with respect to the safe use of pesticides was provided by Health Canada.
- Will provide Council with a copy of the Response Form once it has been completed by staff.

Moved by Councillor Hodge/Seconded by Councillor Rule

R107/10/02/08 THAT Council receive, for information, the Report of the Environment and Land Use Manager dated February 3, 2010 with respect to an update regarding the Pesticide Bylaw;

AND THAT Council direct staff to complete the *Provincial Response Form for the Cosmetic Use of Pesticides in British Columbia* to indicate City of Kelowna support for Provincial legislation to:

1. Prohibit the sale and use of cosmetic pesticide products by licensed applicators, except for excluded "least toxic" pesticides as defined by Schedule 2 of the Provincial Integrated Pest Management Regulation be reviewed and updated;
2. Prohibit the sale and use of cosmetic pesticide products by homeowners, except for excluded pesticides;
3. Require non-cosmetic and excluded pesticides be sold "behind the counter" to ensure consumers are advised prior to purchasing products;

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4. Prohibit the use of pesticides inside and outside child care centres and schools, except for excluded pesticides; and
5. Prohibit the sale and use of pesticide-fertilizer combination products (such as weed and feed type products) for lawns.

DEFEATED

Mayor Shepherd and Councillors Craig, Hobson, James & Stack - Opposed

Moved by Councillor Hobson/Seconded by Councillor Stack

R108/10/02/08 THAT Council receive, for information, the Report of the Environment and Land Use Manager dated February 3, 2010 with respect to an update regarding the Pesticide Bylaw;

AND THAT Council direct staff to complete the *Provincial Response Form for the Cosmetic Use of Pesticides in British Columbia* to indicate City of Kelowna support for Provincial legislation to:

1. Prohibit the sale and use of cosmetic pesticide products by homeowners, except for excluded "least toxic" pesticides as defined in Schedule 2 of the Provincial Integrated Pest Management Regulation be reviewed and updated;
2. Require that all persons applying cosmetic pesticides, except excluded pesticides, be licensed applicators;
3. Require that all companies applying cosmetic pesticides, except excluded pesticides, be accredited by PlantHealthBC, or similar program;
4. Require pre-posting of signage by licensed applicators prior to the application of cosmetic pesticides, except excluded pesticides;
5. Require non-cosmetic and excluded pesticides be sold "behind the counter" to ensure consumers are appropriately advised prior to purchasing products;
6. Prohibit the use of pesticides inside and outside child care centres and schools, except for excluded pesticides; and
7. Prohibit the sale and use of pesticide-fertilizer combination products (such as weed and feed type products) for lawns.

Carried

6.2 Strategic Projects Manager, dated January 22, 2010, re: Okanagan Basin Water Board Water Conservation and Quality Improvement Grants

Staff:

- Confirmed that all of the grant applications are for the maximum of \$30,000.00.
- Confirmed that there are funds in the City's budget to cover the City's portion of the improvements.

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Moved by Councillor James/Seconded by Councillor Reid

**R109/10/02/08** THAT Council endorses the applications to the Okanagan Basin Water Board (OBWB) Water Conservation and Quality Improvement Grants for the following:

- Source Water Protection Plan for City of Kelowna Water Supply;
- Mill Creek Restoration Plan;
- Grey Water Recycling Plan;
- Landscape and Irrigation Pilot (City Parks) Assessment and Plan;

AND THAT Council also provides a letter of support to the Okanagan Basin Water Board for the following project:

- Valley-wide Goose Egg Adling Program.

Carried

6.3 Deputy City Clerk, dated February 1, 2010, re: Local Government Electoral Process

Deputy City Clerk:

- Advised that there are a lot of issues surrounding electronic (internet) voting.
- Advised that Council has the ability to set the number of nominators and deposit required for potential candidates of municipal elections.

Council:

- Would like to seek public input prior to forwarding any recommendations to the Elections Task Force.

Moved by Councillor Craig/Seconded by Councillor Hodge

**R110/10/02/08** THAT Council defer consideration of the Report of the Deputy City Clerk dated February 1, 2010 regarding the Local Government Electoral Process;

AND THAT Council direct staff to seek public input with respect to amendments to the legislation that currently governs Local Government elections and report back to Council.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

7.1 Bylaw No. 10281 - Amendment No. 23 to the City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Stack/Seconded by Councillor Reid

**R111/10/02/08** THAT Bylaw No. 10281 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

8.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged Celia Brown-Clayton as the latest recipient of the “Spirit of Kelowna” Acknowledgement. Ms. Brown-Clayton organized the march to “Show We Care” in support of the homeless man who was recently beaten in a random attack.

Councillor Hodge:

- Advised that February 12<sup>th</sup> is the deadline for the upcoming Community & Civic Awards Nominations.

8.2 Councillor Stack, re: Advisory Planning Commission Comments

Moved by Councillor Stack/Seconded by Councillor Hobson

**R112/10/02/08** THAT Council direct staff to ensure that the Minutes of the meetings of Advisory Planning Commission, Agricultural Advisory Committee and the Community Heritage Commission include both the negative and positive comments of the members with respect to the Agenda items for consideration;

AND THAT Council direct staff to ensure that the comments of the members are included in the Planning Reports.

Carried

9. TERMINATION

The meeting was declared terminated at 4:34 p.m.

Certified Correct:

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Mayor

\_\_\_\_\_  
Deputy Mayor Stack

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Deputy City Clerk

SLH/dld