

Regular Meeting – P.M.

June 21, 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, June 21st, 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, Paul Macklem; Deputy City Clerk, Karen Needham; City Clerk, Stephen Fleming*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

Councillor Stack joined the meeting at 1:31 p.m.

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

3. UNFINISHED BUSINESS

3.1 Community Sustainability Division, supplemental report dated June 17, 2010, re: Text Amendment Application No. TA09-0006 – City of Kelowna

Councillor James declared a conflict of interest as he has a direct pecuniary interest in this matter as the owner of an agri-tourism business and left the meeting at 1:32 p.m.

Councillor Hobson advised that even though he was not present during the Public Hearing with respect to this matter, staff did provide him with the draft Minutes so that he could participate in the discussion.

Staff:

- Believes that the 30 day clause would be hard to enforce and suggested that it be removed from the Bylaw.
- Would be prepared to amend the “seasonal” definition from April 1 to October 15 of each year.
- Agreeable to removing the distinction between RV sites and other agri-tourism type accommodation as it confusing.
- Not recommending the minimum size be reduced down to 2 hectares, but would recommend that it be reduced from 5 hectares to 4 hectares.
- Believe that water and sewer connections can be permitted for individual recreational vehicle sites; however, where those hook ups are not provided, a sanitary dump facility is required.
- Agreeable to ensuring that the Bylaw is clear that no RV’s or structures are permitted on the site before or after the defined season.
- Believe that of the 16 agri-tourism sites on the grandfathered list, only 7 are less than 4 hectares.
- Would consider changing the seasonal date to October 31 from of October 15.

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City Clerk:

- Advised that the following could be added to the Business Licence Bylaw:
 - o a requirement to keep a register and have it available to City Bylaw staff for inspection upon request;
 - o a requirement to enter into a Good Neighbour Agreement as part of obtaining a business licence; and
 - o a requirement to have the owner, operator or their agent reside on site during tourist season.
- Advised that it may be possible to define “season” in the Business Licence Bylaw, which would make it apply to all licences issued beginning in 2011.
- Advised that there is a provision for Council to hear from impacted business owners and operators prior to adopting an amendment to the Business Licence Bylaw.
- Advised that if an operator allows their business license to lapse for over a year, then they will no longer enjoy the “grandfather” status, nor will they be considered legal non-conforming.
- Provided details with respect to what types of fines could be levied against operators who do not comply.
- Provided details with respect to the procedure the City could follow should an operator lose their “farm status”.

Moved by Councillor Hodge/Seconded by Councillor Craig

R564/10/06/21 THAT Council receive for information, the report of the City Clerk dated June 17, 2010;

AND THAT Council direct staff to amend Bylaw No. 10269 as per Council’s direction.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated June 10, 2010, re: Rezoning Application No. Z10-0004 – 0765777 BC Ltd. (Gail Temple) – 1690-1698 Powick Road

Councillor James rejoined the meeting at 2:37 p.m.

(a) Community Sustainability Division report dated June 10, 2010.

Staff:

- Clarified the principle uses under the proposed C3 zone.
- Confirmed that the C10 zone allows for 3 storeys, while the C3 zone allows for 4 storeys.
- Advised that any development permit application would require Council’s approval.

Moved by Councillor Craig/Seconded by Councillor Hodge

R565/10/06/21 THAT Rezoning Application No. Z10-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 31632 Except Plan KAP72889, located at 1690-1698 Powick Rd, Kelowna, B.C. from the C10 – Service Commercial zone to the C3 – Community Commercial zone be considered by Council;

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

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

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10294 (Z10-0004) - 0765777 BC Ltd. (Gail Temple) - 1690-1698 Powick Road

Moved by Councillor Hodge/Seconded by Councillor RuleR566/10/06/21 THAT Bylaw No. 10294 be read a first time.Carried

4.2 Community Sustainability Division, dated June 11, 2010, re: Rezoning Application No. Z10-0025 - Martin Cleveland, Gregory Allen and Carol Cleveland (Martin Cleveland) - 1336 Mountainview Street

(a) Community Sustainability Division report dated June 11, 2010.

Moved by Councillor Reid/Seconded by Councillor James

R567/10/06/21 THAT Rezoning Application No. Z10-0025 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 20, Section 29, Township 26, ODYD Plan 5070, located at 1336 Mountainview Street, 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 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 the applicant be required to sign a Third Party Work Order for the cost of installing the (IC), prior to issuance of a Development Permit.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10367 (Z10-0025) - Martin Cleveland, Gregory Allen and Carol Cleveland - 1336 Mountainview Street

Moved by Councillor Rule/Seconded by Councillor HodgeR568/10/06/21 THAT Bylaw No. 10367 be read a first time.Carried

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- 4.3 Community Sustainability Division, dated June 10, 2010, re: Rezoning Application No. Z08-0030 - Paul Warnock - 1230 Brookside Avenue and 1220-1222 Brookside Avenue

Moved by Councillor Rule/Seconded by Councillor James

R569/10/06/21 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock - 1230 Brookside Avenue and 1220 - 1222 Brookside) be extended from May 25, 2010 to November 25, 2010.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10296 (Z10-0006) - Kevin & Janet Hertz (Peter Chataway) - 334 Christleton Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R570/10/06/21 THAT Bylaw No. 10296 be adopted.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 10355 - Road Closure Bylaw - A Portion of Lane South of Osprey Avenue

Moved by Councillor James/Seconded by Councillor Craig

R571/10/06/21 THAT Bylaw No. 10355 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 10357 - Amendment No. 23 to Airport Fees Bylaw No. 7982

Moved by Councillor Craig/Seconded by Councillor James

R572/10/06/21 THAT Bylaw No. 10357 be adopted.

Carried

- 6.3 Bylaw No. 10358 - Amendment No. 5 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Moved by Councillor James/Seconded by Councillor Craig

R573/10/06/21 THAT Bylaw No. 10358 be adopted.

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- 6.4 Bylaw No. 10359 - Amendment No. 21 to Development Application Fees
Bylaw No. 8034

Moved by Councillor Reid/Seconded by Councillor Stack

R574/10/06/21 THAT Bylaw No. 10359 be adopted.

Carried

- 6.5 Bylaw No. 10360 - Amendment No. 24 to Electricity Regulation Bylaw
No. 7639

Moved by Councillor Stack/Seconded by Councillor Reid

R575/10/06/21 THAT Bylaw No. 10360 be adopted.

Carried

- 6.6 Bylaw No. 10361 - Amendment No. 2 to Miscellaneous Fees and Charges
Bylaw No. 9381

Moved by Councillor Stack/Seconded by Councillor Reid

R576/10/06/21 THAT Bylaw No. 10361 be adopted.

Carried

- 6.7 Bylaw No. 10362 - Amendment No. 3 to Recreation, Parks and Cultural
Services Fees and Charges Bylaw No. 9609

Moved by Councillor Hobson/Seconded by Councillor Stack

R577/10/06/21 THAT Bylaw No. 10362 be adopted.

Carried

- 6.8 Bylaw No. 10364 - Amendment No. 16 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Reid

R578/10/06/21 THAT Bylaw No. 10364 be adopted.

Carried

- 6.9 Bylaw No. 10365 - Amendment No. 36 to Water Regulation Bylaw No.
2173

Moved by Councillor Hobson/Seconded by Councillor Reid

R579/10/06/21 THAT Bylaw No. 10365 be adopted.

Carried

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7. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged the Kelowna Yacht Club as the latest recipient of the “Spirit of Kelowna” Acknowledgment in recognition of their support for Variety - The Children’s Charity by hosting the Variety Boat for Hope last weekend.

Councillor Reid:

- Advised that the Executive Director of the Uptown Rutland Business Improvement Association (“URBA”) has obtained information on the City of Kamloops’ North Shore Tax Exemption Program. The Program encourages a variety of types of revitalization (neighbourhood rejuvenation and façade improvements) and asked that the Acting City Manager forward the information to the appropriate staff for consideration.
- Advised that URBA inquired about the possibility of the City erecting a “Welcome to Rutland” sign.

Acting City Manager:

- Advised that URBA should write a letter to Mayor & Council with respect to their proposal for signage in the Rutland Urban Centre for consideration.

8. TERMINATION

The meeting was declared terminated at 3:03 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld