

Regular Meeting – P.M.

August 9, 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 August 9, 2010.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Assistant Fire Chief, Jason Brolund\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Planner Specialist, Maria Stanborough\*; Director, Land Use Management, Shelley Gambacort\*; Utility Services Manager, Don Degen\*; Manager, Utility and Building Projects, Joel Shaw\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:37 p.m.

2. Councillor James to check the minutes of the meeting.

Mayor Shepherd advised that Item 3.2 would be heard prior to Item 3.1.

3. COMMUNITY UPDATE

3.2 Assistant Fire Chief, verbal report, re: Stewart Centre Fire - Mill Creek Testing Update

Staff:

- The Assistant Fire Chief provided a detailed verbal report regarding the Stewart Centre Fire and Mill Creek Testing.

PUBLIC IN ATTENDANCE

3.1 Glenn Mandziuk, Chief Executive Officer, re: Thompson-Okanagan Tourism Association's 2010 Activities

Glenn Mandziuk;

- Gave Council a presentation regarding an Update on the Thompson Okanagan Tourism Association's 2010 Activities.

Mayor Shepherd:

- Mayor Shepherd asked that Mr. Mandziuk provide a copy of the tourism package to Council.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated July 20, 2010 re: Agricultural Land Reserve Application No. A10-0003 - Clayton Bruce Ivan - 3399 East Kelowna Road

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R736/10/08/09** THAT Agricultural Land Reserve Application No. A10-0003 for Lot A, Section 15, Township 26, O.D.Y.D., Plan KAP68999, located at 3399 East Kelowna Road, Kelowna, B.C. for a non-farm use of the subject property, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council subject to:

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- the remediation/clean-up of the subject property with respect to the storage and placement of vehicles and other equipment to allow for the provision of future agricultural activities or the expansion of current farm operations.

AND THAT Municipal Council direct staff to forward the subject application to the Agricultural Land Commission.

Carried  
Councillor Hodge - Opposed

- 4.2 Community Sustainability Division, dated July 12, 2010 re: Rezoning Application No. Z10-0047 - Architecturally District Solutions Inc. (M. Johnson) - 700 Barnaby Road

Moved by Councillor Stack/Seconded by Councillor Hobson

**R737/10/08/09** THAT Rezoning Application No. Z10-0047 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, District Lot 357, SDYD Plan KAP69370, located at Barnaby Road, Kelowna, BC, from the RR2 - Rural Residential 2 zone to the RR2s - Rural Residential 2 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.

Carried

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

Bylaw No. 10386 (Z10-0047) - Architecturally District Solutions Inc. (M. Johnson) - 700 Barnaby Road

Moved by Councillor Rule/Seconded by Councillor Hodge

**R738/10/08/09** THAT Bylaw No. 10386 be read a first time.

Carried

- 4.3 Community Sustainability Division, dated July 21, 2010 re: Rezoning Application No. Z10-0062 - Gursewak and Ramandeep Bains - 1494 Montenegro Drive

Moved by Councillor James/Seconded by Councillor Craig

**R739/10/08/09** THAT Rezoning Application No. Z10-0062 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 13, Township 26 ODYD Plan KAP84278 located at Montenegro Drive, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with a secondary suite 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 THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10393 (Z10-0062) - Gursewak and Ramandeep Bains - 1494 Montenegro Drive

Moved by Councillor Hodge/Seconded by Councillor Rule

**R740/10/08/09** THAT Bylaw No. 10393 be read a first time.

Carried

4.4 Community Sustainability Division, dated July 28, 2010 re: Rezoning Application No. Z10-0045 - Interior BC Holdings Ltd. - 1750 McKenzie Road

Moved by Councillor James/Seconded by Councillor Craig

**R741/10/08/09** THAT Rezoning Application No. Z10-0045 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 36 Township 26 ODYD Plan 25654 Except Plan KAP90335 located at 1750 McKenzie Road, Kelowna, B.C. from the from the A1 - Agriculture zone to the A1s - Agriculture 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District and the Interior Health Authority being completed to their satisfaction;

AND THAT final adoption be considered subject to a Building Permit application being made for the suite.

Carried

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

Bylaw No. 10394 (Z10-0045) - Interior BC Holdings Ltd. - 1750 McKenzie Road

Moved by Councillor Rule/Seconded by Councillor Hodge

**R742/10/08/09** THAT Bylaw No. 10394 be read a first time.

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- 4.5 Community Sustainability Division, dated July 15, 2010 re: Rezoning Application No. Z10-0053 - New Town Planning Services (Jeanette Elmore) - 195 Swick Road

Moved by Councillor Hodge/Seconded by Councillor Rule

**R743/10/08/09** THAT Rezoning Application No. Z10-0053 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 16, Township 28, SDYD Plan 17902 located at Swick Road, Kelowna, BC, from the RR1 - Rural Residential 1 zone to the RR1s - Rural Residential 1 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department and the Environmental Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10395 (Z10-0053) - New Town Planning Services (Jeanette Elmore) - 195 Swick Road

Moved by Councillor Hodge/Seconded by Councillor Rule

**R744/10/08/09** THAT Bylaw No. 10395 be read a first time.

Carried

- 4.6 Community Sustainability Division, dated July 29, 2010 re: Official Community Plan Amendment No. OCP10-0010 and Rezoning Application No. Z10-057 - Mission Group Creations Ltd. (Donald and Amy Kirschner) - 2061 Garner Road and 2045 Loseth Road

(a) Community Sustainability Division report dated July 9, 2010.

Moved by Councillor Craig/Seconded by Councillor Hodge

**R745/10/08/09** THAT OCP Bylaw Amendment No. OCP10-0010 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the Major Park/Open Space designation to the Single/Two Unit Residential designation; and changing the Future Land Use designation of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the Single/Two Unit Residential designation to the Major Park/Open Space designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2010, be considered by Council;

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AND THAT Rezoning Application No. Z10-0057 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the P3 - Parks & Open Space zone to the RU4 - Low Density Cluster Housing zone; and changing the zoning classification of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the RU4 - Low Density Cluster Housing zone to the P3 - Parks & Open Space, as shown on Map "B" attached to the report of the Land Use Management Department, dated July 29, 2010, 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 July 29, 2010;

AND THAT OCP Bylaw Amendment No. OCP10-0010 bylaw and 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 receipt of a plan of subdivision in a registrable form.

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10396 (OCP10-0010) - Mission Group Creations Ltd. (Donald and Amy Kirschner) - 2061 Garner Road and 2045 Loseth Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Hobson

R746/10/08/09 THAT Bylaw No. 10396 be read a first time.

Carried

- (ii) Bylaw No. 10397 (Z10-0057) - Mission Group Creations Ltd. (Donald and Amy Kirschner) - 2061 Garner Road and 2045 Loseth Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R747/10/08/09 THAT Bylaw No. 10397 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10353 (Z10-0017) - Dorothy Marshall (Jim Andrews) - 1361 Mountain Avenue

Moved by Councillor Hobson/Seconded by Councillor Stack

R748/10/08/09 THAT Bylaw No. 10353 be adopted.

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

Moved by Councillor Blanleil/Seconded by Councillor Reid

R749/10/08/09 THAT Bylaw No. 10294 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Planner Specialist, dated July 20, 2010, re: City of Kelowna Heritage Grants Program Mid-Year Update

Moved by Councillor Hobson/Seconded by Councillor Reid

R750/10/08/09 THAT Council receive the July 20, 2010 report from the Planner Specialist for information.

AND THAT Council support the continued contract with the Central Okanagan Heritage Society for management of the City of Kelowna's Heritage Grants Program into 2011;

AND THAT staff report back to Council regarding the extended contract and management fees prior to budget.

Carried

- 6.2 Utility Services Manager, dated July 25, 2010, re: Compost Pricing

Moved by Councillor Craig/Seconded by Councillor Hodge

R751/10/08/09 THAT Council give reading consideration to Bylaw No. 10374 being Amendment No. 4 to the City of Kelowna Solid Waste Management Regulation Bylaw No. 10106.

Carried

- 6.3 Director, Recreation & Cultural Services, dated July 19, 2010, re: Annual Civic and Community Awards Format and Venue

Moved by Councillor Craig/Seconded by Councillor Hodge

R752/10/08/09 THAT City Council endorse the format change for the 2011 Annual Civic and Community Awards as outlined in the report from the Director, Recreation & Cultural Services dated July 19, 2010;

AND THAT the Civic & Community Awards Steering Committee report back to Council with an update on the format after the 2011 event prior to planning for 2012.

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- 6.4 Manager, Utility and Building Projects, dated August 3, 2010, re: Family Y Expansion T10-062

Moved by Councillor Rule/Seconded by Councillor Stack

**R753/10/08/09** THAT Council receives, for information, the report from the Manager of Utility and Building Projects regarding the award of the construction contract for the expansion of the Family Y to BPR Construction Ltd.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10374 - Amendment No. 4 to Solid Waste Management Regulation Bylaw No. 10106

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R754/10/08/09** THAT Bylaw No. 10374 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 10248 - City of Kelowna Mill Creek Floodplain Bylaw

Moved by Councillor Craig/Seconded by Councillor James

**R755/10/08/09** THAT Bylaw No. 10248 be adopted.

Carried

- 7.3 Bylaw No. 10392 - Amendment No. 8 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90

Moved by Councillor James/Seconded by Councillor Craig

**R756/10/08/09** THAT Bylaw No. 10392 be adopted.

Carried

- 7.4 Bylaw No. 10384 - Amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Craig/Seconded by Councillor James

**R757/10/08/09** THAT Bylaw No. 10384 be adopted.

Carried



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8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Caring Clowns as the latest recipient of the “Spirit of Kelowna” Acknowledgment.

9. TERMINATION

The meeting was declared terminated at 3:42 p.m.

Certified Correct:

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Mayor

ACM

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City Clerk