

Regular Meeting – P.M.

November 1, 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, November 1st, 2010.

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

Council members absent: Councillors Andre Blanleil, Kevin Craig and Charlie Hodge.

Staff members in attendance were: City Manager, Ron Mattiussi*; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Parks & Public Spaces, Terry Barton*; Director of Strategic Initiatives, David Graham*; Director, Regional Services, Ron Westlake*; Planner Specialist, Kristine Bouw*; Planner Specialist, Pat McCormick*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

Mayor Shepherd 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.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation of the Okanagan Mainline Real Estate Board's Award of Excellence to the City of Kelowna for the H₂O Adventure & Fitness Centre

3.2 Presentation of the Canadian Society of Landscape's Award to the City of Kelowna for the City's Linear Parks Master Plan

Staff:

- Gave a brief overview of the Okanagan Mainline Real Estate Board's Award of Excellence for the H₂O Adventure & Fitness Centre.
- Gave a brief overview of the Canadian Society of Landscape's Award for the City's Linear Parks Master Plan.
- Presented the Awards to Mayor Shepherd.

Moved by Councillor Rule/Seconded by Councillor Hobson

R1031/10/11/01 THAT Council directs staff to develop a policy with respect to awards bestowed on the City of Kelowna, and in particular, where the awards are displayed and how they are recorded.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated October 20, 2010, re: Supplemental Report - Sexsmith Area Low-Impact Transitional Industrial Zone - Text Amendment No. TA10-0008, Official Community Plan Bylaw Amendment Application Nos. OCP09-00012, OCP10-0017, OCP10-0018, OCP10-0019 & OCP10-0020 and Rezoning Application Nos. Z09-0035,

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Z10-0092, Z10-0093 & Z10-0094 - Matthew Ewonus, Kimberly & John Berg, Shanny & Marlin Toews and 567752 BC Ltd. (Protech Consultants Ltd.) - 3130, 3150, 3170 & 3190 Sexsmith Road

- (a) Land Use Management Department Supplemental Report dated October 20, 2010.

Moved by Councillor James/Seconded by Councillor Hobson

R1032/10/11/01 THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

Carried

(b) **BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING**

- (i) Bylaw No. 10435 (OCP09-0012) - To create the Industrial - Limited Designation in Chapter 19 - Future Land Uses - Requires a majority of all Members of Council (5)

Moved by Councillor Rule/Seconded by Councillor James

R1033/10/11/02 THAT Bylaw No. 10433 be amended at first reading by:

- a) Deleting the title in its entirety and renaming the Bylaw:

"Official Community Plan Text Amendment No. OCP09-0012 -
To create the Industrial - Limited Designation in
Chapter 19 - Future Land Uses"

and

- b) Deleting in its entirety Section 2 that reads:

"AND THAT Map 19.1 - **GENERAL FUTURE LAND USE** of Schedule "A" of "Kelowna 2020 - Official Community Plan Bylaw No. 7600" be amended by changing the designation of Lot 25, Sections 2 and 3, Township 23, ODYD, Plan 18861, Lot 26, Section 3, Township 23, ODYD, Plan 18861, Lot 27, Section 3, Township 23, ODYD, Plan 18861, Lot 28, Section 3, Township 23, ODYD, Plan 18861, located on Sexsmith Road, Kelowna, BC

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from the “Single/Two Unit Residential” designation to the “Industrial - Limited” designation.”

Carried

- (ii) Bylaw No. 10436 (Z09-0035) - Matthew James Ewonus (Protech Consultants Ltd.) - 3130 Sexsmith Road

Moved by Councillor James/Seconded by Councillor Rule**R1034/10/11/01** THAT Bylaw No. 10436 be amended at first reading by:

- a) Deleting the title of the Bylaw that reads:

“Z09-0035 - Matthew Ewonus, Kimberly & John Berg, Shanny & Martin Toews and 567752 BC Ltd., 3130, 3150, 3170 and 3190 Sexsmith Road”

and replacing it with the following:

“Z09-0035 - Matthew James Ewonus - 3130 Sexsmith Road”

and

- b) Deleting from Section 1 the texts that reads “Lot 25, Sections 2 and 3, Township 23, ODYD, Plan 18861, Lot 26, Section 3, Township 23, ODYD, Plan 18861, Lot 27, Section 3, Township 23, ODYD, Plan 18861.”

Carried

- (c) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 10441 (OCP10-0017) - Matthew James Ewonus (Protech Consultants Ltd.) - 3130 Sexsmith Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Rule/Seconded by Councillor James**R1035/10/11/01** THAT Bylaw No. 10441 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 10442 (OCP10-0018) - Kimberly and John Berg (Protech Consultants Ltd.) - 3150 Sexsmith Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor James/Seconded by Councillor Rule**R1036/10/11/01** THAT Bylaw No. 10442 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

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- (iii) Bylaw No. 10443 (Z10-0092) - Kimberly and John Berg (Protech Consultants Ltd.) - 3150 Sexsmith Road

Moved by Councillor Rule/Seconded by Councillor James

R1037/10/11/01 THAT Bylaw No. 10443 be read a first time.

Carried

- (iv) Bylaw No. 10444 (OCP10-0019) - Kimberly & John Berg and Shanny & Marlin Toews (Protech Consultants Ltd.) - 3170 Sexsmith Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor James/Seconded by Councillor Rule

R1038/10/11/01 THAT Bylaw No. 10444 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (v) Bylaw No. 10445 (Z10-0093) - Kimberly & John Berg and Shanny & Marlin Toews (Protech Consultants Ltd.) - 3170 Sexsmith Road

Moved by Councillor Reid/Seconded by Councillor Stack

R1039/10/11/01 THAT Bylaw No. 10445 be read a first time.

Carried

- (vi) Bylaw No. 10446 (OCP10-0020) - 567752 BC Ltd. (Protech Consultants Ltd.) - 3190 Sexsmith Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Reid

R1040/10/11/01 THAT Bylaw No. 10446 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (vii) Bylaw No. 10447 (Z10-0094) - 567752 BC Ltd. (Protech Consultants Ltd.) - 3190 Sexsmith Road

Moved by Councillor Reid/Seconded by Councillor Hobson

R1041/10/11/01 THAT Bylaw No. 10447 be read a first time.

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- 4.2 Land Use Management Department, dated October 21, 2010 re: Agricultural Land Reserve Appeal No. A10-0005 – FortisBC Inc. (New Town Planning Services) – 1955 McCurdy Road East

Councillor Reid declared a conflict of interest as she has a professional relationship with FortisBC and left the meeting at 1:54 p.m.

The City Manager joined the meeting at 1:56 p.m.

City Clerk:

- Confirmed that a letter has been submitted by Emil Anderson Construction regarding this application and that the letter has been circulated to Council for consideration.

Staff:

- Advised that the British Columbia Utilities Commission has a public consultation process that FortisBC will have to follow with respect to the expansion of the substation.

Moved by Councillor Hobson/Seconded by Councillor Stack

R1042/10/11/01 THAT Agricultural Land Reserve Appeal No. A10-0005 for Lot 1 Section 31 Township 27 ODYD Plan KAP58736, located at 1955 McCurdy Road East, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council subject to improved landscaping be considered for the entire site similar to the landscaping of the newly developed surrounding area;

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

Carried

- 4.3 Land Use Management Department, dated October 22, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP09-0005 and Rezoning Application No. Z09-0015 – Dorion Developments Ltd. (CEI Architecture) – 565, 591, 615, 641, 657, 683 Osprey Avenue, 564, 594, 616, 636, 656 Raymer Avenue and 2764 Richter Street

Moved by Councillor Rule/Seconded by Councillor James

R1043/10/11/01 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw Nos. 10185 and 10186, for OCP09-0005 / Z09-0015, 565, 591, 615, 641, 657, 683 Osprey Avenue; 564, 594, 616, 636, 656 Raymer Avenue; 2764 Richter Street, by CEI Architecture (Tim M.), be extended from October 19, 2010 to April 19, 2011.

Carried

Councillor Reid rejoined the meeting at 2:02 p.m.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10303 (Z10-0005) - Jason and Natalie Twamley - 1445 Crawford Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R1044/10/11/01 THAT Bylaw No. 10303 be adopted.

Carried

- 5.2 Bylaw No. 10339 (Z10-0015) - Inez, Randolph and Deanna Palatin - 1707 Morrison Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R1045/10/11/01 THAT Bylaw No. 10339 be adopted.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Stack

R1046/10/11/01 THAT Bylaw No. 10393 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 General Manager, Community Services, dated October 26, 2010, re: Historic Storm Water Management and Current Practices

Staff:

- Gave a presentation regarding Storm Water Management.

Moved by Councillor Hobson/Seconded by Councillor Reid

R1047/10/11/01 THAT Council receives, for information, the Report from the General Manager, Community Services dated October 26, 2010 regarding the City's Historic Storm Water Management and Current Practices;

AND THAT Council directs staff to identify any other measures that may be implemented in order to prevent an occurrence similar to what occurred during the recent Stewart Centre fire;

AND FURTHER THAT Council directs staff to consider a Council Policy that addresses the question of liability and/or responsibility should a situation happen in the future similar to the Stewart Centre fire.

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- 6.2 Director, Regional Services, dated October 27, 2010, re: 25 Year Transit Master Plan Update

Staff:

- Introduced Michelle Orfield from BC Transit.

Michelle Orfield, Senior Urban Transportation Planner, BC Transit:

- Gave a presentation regarding the Central Okanagan Transit Master Plan, Route Rationalization Results.

Moved by Councillor Rule/Seconded by Councillor Reid

R1048/10/11/01 THAT Council receives, for information, the presentation by BC Transit attached to the Report of the Director, Regional Services dated October 27, 2010 which provides an update on the 25 Year Transit Master Plan work for Kelowna Regional Transit;

AND THAT the dates and locations of the upcoming BC Transit Open Houses be provided to Council.

Carried

- 6.3 Manager, Parks & Public Places, dated October 27, 2010, re: Enterprise Fire Hall Communication Tower and Traffic Management Centre Funding

Staff:

- Advised that the structure will be located south of the Emergency Operations Centre at the Enterprise Fire Hall.

City Clerk:

- Displayed the site plan for the Communication Tower.

Moved by Councillor Hobson/Seconded by Councillor Reid

R1049/10/11/01 THAT Council approves the transfer of \$250,000 from the Lakeshore Road Powerline Burial project 2918 to the Enterprise Fire Hall Communication Tower and Traffic Management Centre project 2500.

Carried

- 6.4 Planner Specialist, Urban Design, dated October 27, 2010, re: Streetscape Contribution Policy

Councillor Rule:

- Read the email that was submitted by the Downtown Kelowna Association in response to staff's report with respect to the Streetscape Contribution Policy.

Moved by Councillor Rule/Seconded by Councillor James

R1050/10/11/01 THAT Council receives, for information, the Report from the Planner Specialist, Urban Design dated October 27, 2010 regarding cost-sharing of the streetscape portion of the Bernard Avenue revitalization project.

Carried

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7. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Dr. Ian Leitch as the latest recipient of the “Spirit of Kelowna” Acknowledgement. Dr. Leitch is a local dentist who has been involved with the Kelowna Gospel Mission’s dental clinic.

7.2 Mayor Shepherd on behalf of Councillor Hodge, re: Civic Awards

Mayor Shepherd:

- Advised that Dr. Barry Urness has stepped down from the Civic Awards Committee after 25 years of service. Wayne Moore, who has been on the Committee for several years, will take his place.

Mayor Shepherd:

- Advised that the City has received a one-time grant from the Province for hosting the International Children’s Games in January 2011.
- Commented on last week’s Breakfast with Business meeting outcomes.

Councillor Reid:

- Advised that Council considered the Central Okanagan Community Gardens’ Petition during the November 1, 2010 A.M. Regular Council Meeting and directed staff to report back to Council regarding the implications of adopting a bylaw/policy that would require all future multi-family developments to have garden space provided for residents’ use.

8. TERMINATION

The meeting was declared terminated at 3:45 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk