

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

MONDAY, NOVEMBER 22, 2010

1:30 P.M.

1. CALL TO ORDER

This 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 James is requested to check the minutes of the meeting.

3. COMMITTEE REPORTS

- 3.1 Committee Staff Liaison, Accessibility Advisory Committee, dated November 16, 2010, re: [Accessibility Advisory Committee Membership](#)
To appoint Joyce Mainland as a new Member of the Accessibility Advisory Committee; To accept, with regret, the resignation of Ryan Hendricks from the Accessibility Advisory Committee.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated November 15, 2010, re: [Agricultural Land Reserve Appeal Application No. A10-0007 - Oyama Springs Ltd., MacDonnell Farms Ltd., Country Down Estates Ltd., Cloverdale Holdings Ltd. & Woodsdale Estates Ltd. \(Milagro Advisory Services Ltd.\) - 202 Hereron Road](#) - Mayor to invite the Applicants, or the Applicants' Representative, to come forward.
To consider a staff recommendation NOT to support an application to the Agricultural Land Commission under Section 21(2) of the Agricultural Land Commission Act for a subdivision within the Agricultural Land Reserve; To consider a staff recommendation NOT to support an application to the Agricultural Land Commission under Section 30(1) of the Agricultural Land Commission Act for an exclusion from the Agricultural Land Reserve.
- 4.2 Land Use Management Department, dated November 10, 2010, re: [Agricultural Land Reserve Appeal Application No. A10-0004 - FortisBC Inc. \(New Town Planning Services\) - 4716 Stewart Road East](#)
To support an application to the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve in order to allow for an expansion of the existing electrical substation on the subject property.

- 4.3 Land Use Management Department, dated November 9, 2010, re: Rezoning Application No. Z10-0088 - Gordon Kelly & Edwina Flanagan - 735 Hollywood Road South
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone in order to construct a secondary suite within a principal dwelling.
- (a) [Land Use Management Department report dated November 9, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10453 \(Z10-0088\)](#) - Gordon Kelly & Edwina Flanagan - 735 Hollywood Road South
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.
- 4.4 Land Use Management Department, dated November 10, 2010, re: Rezoning Application No. Z10-0083 - Denys & Iryna Storozhuk - 1195 Rio Drive South
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone in order to construct a secondary suite within a single-family dwelling.
- (a) [Land Use Management Department report dated November 10, 2010.](#)
- (b) **BYLAW PRESENTED FOR FIRST READING**
- [Bylaw No. 10455 \(Z10-0083\)](#) - Denys & Iryna Storozhuk - 1195 Rio Drive South
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.
- 4.5 Land Use Management Department, dated November 10, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP10-0011 and Rezoning Application No. Z10-0058 - Various Owners (City of Kelowna) - Various Addresses
To change the future land use designation of: (a) Lots 27 - 33, Plan KAP82069 from the "Major Park/Open Space" designation to the "Single/Two Unit Residential" designation, (b) parts of Lots 10, 11 & 14, Plan KAP84694 and Lots 12 & 13, Plan KAP84694 from the "Major Park/Open Space" designation to the "Single/Two Unit Residential" designation, (c) Lot 27, Plan KAP84694 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation, (d) part of Lot A, Plan KAP68646 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation, (e) part of Lot 3, Plan KAP84653 from the "Industrial" designation to the "Major Park/Open Space" designation, (f) Strata Lot 1, Strata Plan KAS2898 from the "Single/Two Unit Residential" designation to the "Multiple Unit Residential (Low Density)" designation, and (g) Lot 1, Plan KAP56656 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation in order to correct a number of mapping discrepancies that have been discovered; To rezone Lots 27 - 33, Plan KAP82069 from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone; To

rezone parts of Lots 10, 11 & 14, Plan KAP84694 and Lots 12 & 13, Plan KAP84694 from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone; To rezone Lot 27, Plan KAP84694 from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks and Open Space zone; To rezone part of Lot A, Plan KAP68646 from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks and Open Space zone; To rezone Lot 3, Plan KAP84653 from the I2 - General Industrial zone to the P3 - Parks and Open Space zone; To rezone Strata Lot 1, Strata Plan KAS2898 from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone; To rezone part of Lot 27, Plan KAP81891 from the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone to the RU1h - Large Lot Housing (Hillside Area) zone; To rezone part of Lot A, Plan KAP90062 from the C4lp - Urban Centre Commercial (Liquor Primary) zone and the C2 - Neighbourhood Commercial zones to the C4 - Urban Centre Commercial zone.

(a) [Land Use Management Department report dated November 10, 2010.](#)

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

(i) [Bylaw No. 10456 \(OCP10-0011\)](#) - Various Owners and Addresses - OCP Mapping Housekeeping Amendments - **Requires a majority of all Members of Council (5)**

To change the future land use designation of: (a) Lots 27 - 33, Plan KAP82069 from the "Major Park/Open Space" designation to the "Single/Two Unit Residential" designation, (b) parts of Lots 10, 11 & 14, Plan KAP84694 and Lots 12 & 13, Plan KAP84694 from the "Major Park/Open Space" designation to the "Single/Two Unit Residential" designation, (c) Lot 27, Plan KAP84694 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation, (d) part of Lot A, Plan KAP68646 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation, (e) part of Lot 3, Plan KAP84653 from the "Industrial" designation to the "Major Park/Open Space" designation, (f) Strata Lot 1, Strata Plan KAS2898 from the "Single/Two Unit Residential" designation to the "Multiple Unit Residential (Low Density)" designation, and (g) Lot 1, Plan KAP56656 from the "Single/Two Unit Residential" designation to the "Major Park/Open Space" designation.

(ii) [Bylaw No. 10457 \(Z10-0058\)](#) - Various Owners and Addresses - Rezoning Housekeeping Amendments

To rezone Lots 27 - 33, Plan KAP82069 from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone; To rezone parts of Lots 10, 11 & 14, Plan KAP84694 and Lots 12 & 13, Plan KAP84694 from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone; To rezone Lot 27, Plan KAP84694 from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks and Open Space zone; To rezone part of Lot A, Plan KAP68646 from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks and

Open Space zone; To rezone Lot 3, Plan KAP84653 from the I2 - General Industrial zone to the P3 - Parks and Open Space zone; To rezone Strata Lot 1, Strata Plan KAS2898 from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone; To rezone part of Lot 27, Plan KAP81891 from the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone to the RU1h - Large Lot Housing (Hillside Area) zone; To rezone part of Lot A, Plan KAP90062 from the C4Ip - Urban Centre Commercial (Liquor Primary) zone and the C2 - Neighbourhood Commercial zones to the C4 - Urban Centre Commercial zone.

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 [Bylaw No. 10429 \(Z10-0063\)](#) - Morley & Lorraine Soltys (Wolverine Construction) - 1549 Blondeaux Crescent
To rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone.
- 5.2 [Bylaw No. 10431 \(Z10-0066\)](#) - Parmajit & Kiranjit Gill (Axel Hilmer Planning Consultant) - 1331 Samurai Court
To rezone the subject property from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone.
- 5.3 [Bylaw No. 10432 \(Z10-0072\)](#) - Darren & GERALYN Turner (Billeck Construction dba New Kastle Homes) - 2575 Grenfell Road
To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Electrical Administration Manager, dated November 15, 2010, re: [Electrical Utility Rates](#)
To forward Bylaw No. 10452 being Amendment No. 25 to the City of Kelowna Electric Regulation Bylaw No. 7639.
- 6.2 Director, Recreation & Cultural Services, dated November 15, 2010, re: [H₂O Adventure & Fitness Program Update and Expenditures from Improvement Reserve Fund](#)
To Council receive the Report from the Director, Recreation & Cultural Services; To approve the expenditure of \$250,000.00 from the H₂O Facility Improvement Reserve for the acoustic treatment; To approve the expenditure of \$30,000.00 from the H₂O Facility Improvement Reserve for DDC enhancement; To approve the expenditure of \$90,000.00 from the H₂O Facility Improvement Reserve for the purchase of a "personnel lift".

- 6.3 Director, Financial Services, dated November 16, 2010, re: [Transit 2010/11 Annual Operating Agreement Amendments](#)
To approve the 2010/2011 Annual Operating Agreement Amendments for conventional and custom transit Services for the City of Kelowna; To authorize the Mayor and City Clerk to execute the Operating Agreement Amendments.
- 6.4 Manager, Property Management, dated November 17, 2010, re: [Kelowna Radio Control Club](#)
To consider a staff recommendation NOT to support the request by the Kelowna Radio Control Club for the use of City-owned property adjacent to the Kelowna Landfill for the operation of a flying field.
- 6.5 Manager, Real Estate Services, dated November 17, 2010, re: [Road Closures - West of 4753 Gordon Drive, South of 889 Bernard Avenue and Cedar Avenue \(South of 3080 Abbott Street\)](#)
To support City staff bringing forward Road Closure Bylaws to close a portion of road west of 4753 Gordon Drive, south of 889 Bernard Avenue and Cedar Avenue (south of 3080 Abbott Street) for park use.

7. RESOLUTIONS

- 7.1 City Clerk, Draft Resolution, re: [Development Variance Permit Application No. DVP10-0146 - Waiver of Condition to Forward to the Advisory Planning Commission](#)
To waive the condition that Development Variance Permit Application No. DVP10-0146 be forwarded to the Advisory Planning Commission.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 [Bylaw No. 10452](#) - Amendment No. 25 to City of Kelowna Electricity Regulation Bylaw No. 7639
To amend City of Kelowna Electricity Regulation Bylaw No. 7639 by deleting Appendices C-9 and C-10 in their entirety and replacing them with new Appendices C-9 and C-10.

(BYLAWS PRESENTED FOR ADOPTION)

- 8.2 [Bylaw No. 10391](#) - Amendment No. 6 to Development Cost Charge Bylaw No. 9095
To amend Development Cost Charge Bylaw No. 9095 by deleting Part 3 - Development Cost Charges, Section 3.1(b) in its entirety and replacing it with a new Section 3.1(b).

9. MAYOR & COUNCILLOR ITEMS

- 9.1 Mayor Shepherd, re: ["Spirit of Kelowna" Acknowledgment](#)

10. TERMINATION