

Regular Meeting – P.M.

April 11, 2011

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, April 11th, 2011.

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

Council members absent: Mayor Sharon Shepherd.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Director, Real Estate & Building Services, Doug Gilchrist*; Supervisor, Urban Land Use, Danielle Noble*; Director, Policy & Planning, Signe Bagh*; Manager, Long Range Planning, Gary Stephen*; Manager, Strategic Land Development, Derek Edstrom*; Manager, Environment & Land Use, Todd Cashin*; Revenue Manager, George King*; Parks Planner, Barb Davidson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor James called the meeting to order at 1:33 p.m.

Deputy Mayor James 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 and a delayed broadcast is shown on Shaw Cable.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Policy & Planning Department, dated April 6, 2011, re: Bylaw No. 10500 Kelowna 2030 – Official Community Plan

(a) Policy & Planning Department report dated April 6, 2011.

Staff:

- Advised that the staff presentation will not be repeated at Public Hearing when the 2030 Official Community Plan is being considered.
- Gave a presentation with respect to the 2030 Official Community Plan.

Councillor Rule joined the meeting at 1:51 p.m.

Staff:

- Advised that Page 3.3 has been revised to change the number of single / two unit homes from 8,563 to 8,565.
- Advised that Page 3.4 has been revised to change the number of single / two unit homes from 8,563 to 8,565.
- Advised that Page 5.1, Section 5.1.3 has been revised to remove the map references.

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R367/11/04/11 THAT Council receives the Report from the Policy and Planning Department dated April 6, 2011 with respect to Bylaw No. 10500 being Kelowna 2030 - Official Community Plan;

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AND THAT Council gives first reading consideration to Bylaw No. 10500 being Kelowna 2030 - Official Community Plan.

Carried

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

Bylaw No. 10500 - Kelowna 2030 Official Community Plan - Requires a majority of all Members of Council (5)

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R368/11/04/11 THAT Bylaw No. 10500 be read a first time.

Carried

3.2 Land Use Management Department, dated April 1, 2011, re: Rezoning Application No. Z10-0100 - Balwinder and Harbax Khunkhun (Balwinder Khunkhun) - 445 Pearson Road

(a) Land Use Management Department report dated April 1, 2011.

Moved by Councillor Hobson/Seconded by Councillor Craig

R369/11/04/11 THAT Rezoning Application No. Z10-0100 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 67, Section 26, Township 26, O.D.Y.D., Plan 22239, located on Pearson Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District and the Development Engineering Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10522 (Z10-0100) - Balwinder and Harbax Khunkhun (Balwinder Khunkhun) - 445 Pearson Road

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R370/11/04/11 THAT Bylaw No. 10522 be read a first time.

Carried

3.3 Land Use Management Department, dated March 31, 2011, re: Land Use Contract Application No. LUC11-0001 and Rezoning Application No. Z11-0003 - Mark Fipke (Felix Westerkamp) - 5064 Lakeshore Road

(a) Land Use Management Department report dated March 31, 2011.

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Moved by Councillor Craig/Seconded by Councillor Hobson

R371/11/04/11 THAT Application No. LUC11-0001 to discharge the Land Use Contract 77-1012 for Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z11-0003 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT application No. LUC11-0001 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 in conjunction with Council's consideration of a Resolution to discharge Land Use Contract 77-1012 and a Development Variance Permit for the subject property;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10523 (Z11-0003) - Mark Fipke (Felix Westerkamp) - 5064 Lakeshore Road

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R372/11/04/11 THAT Bylaw No. 10523 be read a first time.

Carried

3.4 Land Use Management Department, dated March 23, 2011, re: Rezoning Application No. Z11-0014 - Kelowna Smarthomes Ltd. - 477 Swan Drive

(a) Land Use Management Department report dated March 23, 2011.

Moved by Councillor Hodge/Seconded by Councillor Rule

R373/11/04/11 THAT Rezoning Application No. Z11-0014 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6 Section 24 Township 28 SDYD Plan KAP88425, located at 477 Swan Drive, Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with 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 prior to final adoption of the zone amending bylaw the applicant must submit revised drawings in compliance with applicable Zoning Bylaw height regulations;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10524 (Z11-0014) - Kelowna Smarthomes Ltd., - 477 Swan Drive

Moved by Councillor Hobson/Seconded by Councillor Stack

R374/11/04/11 THAT Bylaw No. 10524 be read a first time.

Carried

3.5 Land Use Management Department, dated April 1, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP10-0014, Text Amendment Application No. TA10-0011 and Rezoning Application No. Z10-0078 - City of Kelowna - 575-599 & 653 Harvey Avenue

(a) Land Use Management Department report dated April 1, 2011.

Moved by Councillor Hobson/Seconded by Councillor Stack

R375/11/04/11 THAT OCP Bylaw Amendment No. OCP10-0014 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designations of Lot A, D.L. 139, ODYD, Plan 20381 Except Plan KAP81041 located at 653 Harvey Avenue and Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471 from Commercial, Education & Minor Institutional and Major Park & Open Space to Commercial, Multiple Unit Residential - Medium Density and Major Parks and Open Space as shown on Map 'A' attached to the report of the Land Use Management Department, dated April 1, 2011, be considered by Council;

AND THAT OCP Amendment No. OCP10-0014 to amend Section 19 of the Official Community Plan to change the definition of Multiple Unit Residential - Medium Density designation to read: "Townhouses, garden apartments, and apartment buildings. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks) which are integral components of urban neighbourhoods would also be permitted. Building densities would be generally consistent with the provisions of the RM4 - Transitional Low Density Housing and RM5 - Medium Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses. This designation provides potential for increased density specific to four (4) buildings that meet the RM5 Zone height regulations as per the Central Green CD 22 Zone. The maximum of Floor Area Ratio (FAR) for sub-area D is 1.5; for sub-areas C & G it is 1.6 and for sub-area H it is 1.7.", be considered by Council;

AND THAT OCP Amendment No. OCP10-0014 to amend Section 19 of the Official Community Plan to change the definition of Commercial designation to read: "Developments for the sale of goods and services. Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres. Building heights of up to four storeys in the South Pandosy

Urban Centre and up to twelve or fourteen storeys at selected locations in the Rutland Urban Centre are encouraged. In the City and Highway Urban Centres buildings up to twelve or sixteen storeys will be encouraged, depending on site specific conditions. Existing Commercial zoning along Highway 97 North is acknowledged. This designation may also include CD Comprehensive Development zoning that includes commercial uses. In the case of CD22, building height will be as per applicable zoning. Exclusively residential projects will be permitted under the commercial land use designation only where such use is supported by the C7 zone in the Downtown and Rutland", be considered by Council

AND THAT Council considers the APC 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 April 1, 2011;

AND THAT Text Amendment No. TA10-0011 to amend City of Kelowna Zoning Bylaw No. 8000 and Sign Bylaw No. 8235 as outlined in Schedule "A" of the report of the Land Use Management Department dated April 1, 2011 be considered by Council;

AND THAT Rezoning Application No. Z10-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot A, D.L. 139, ODYD, Plan 20381 Except Plan KAP81041 located at 653 Harvey Avenue from C4 - Urban Centre Commercial zone to CD22 - Central Green Comprehensive Development zone and Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471 from P2 - Education and Minor Institutional zone to CD22 - Central Green Comprehensive Development zone, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP10-0014, Text Amendment No. TA10-0011 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 in conjunction with Council's consideration of a Development Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Ministry of Transportation being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the submission of a plan to subdivide in registerable form;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of Public Access Easements over Sub Areas A, B, C & G;

AND THAT Council direct Staff to secure an affordable housing agreement for purpose built affordable rental housing on Sub Areas E & H as part of the land purchase and sale agreement;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Covenant outlining the LEED requirements.

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

- (i) Bylaw No. 10520 (OCP10-0014) - City of Kelowna - 575-599 & 653 Harvey Avenue - **Requires a majority of all Members of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Stack**R376/11/04/11** THAT Bylaw No. 10520 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. 10462 (TA10-0011) - Adding a new CD22 - Central Green Comprehensive Development Zone to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Hobson/Seconded by Councillor Stack**R377/11/04/11** THAT Bylaw No. 10462 be read a first time.Carried

- (iii) Bylaw No. 10521 (Z10-0078) - City of Kelowna - 575-599 & 653 Harvey Avenue

Moved by Councillor Craig/Seconded by Councillor Hodge**R378/11/04/11** THAT Bylaw No. 10521 be read a first time.Carried(c) **BYLAW PRESENTED FOR FIRST THREE READINGS**Bylaw No. 10468 - Amendment No. 17 to Sign Bylaw No. 8235Moved by Councillor Hodge/Seconded by Councillor Craig**R379/11/04/11** THAT Bylaw No. 10468 be read a first, second and third time.Carried4. **NON-DEVELOPMENT APPLICATION REPORTS**

- 4.1 Manager, Strategic Land Development, dated April 6, 2011, re: Central Green - Ministry of Transportation Approval

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Moved by Councillor Hobson/Seconded by Councillor Craig

R380/11/04/11 THAT Council acknowledges the proposed infrastructure improvements resulting from approval of the Central Green rezoning and subdivision application by the Ministry of Transportation and Infrastructure;

AND THAT Council supports funding of the proposed infrastructure improvements from the various sources outlined in the Report of the Manager, Strategic Land Development, dated April 6, 2011, and directs staff to make the appropriate budget submissions as required, should Bylaw No. 10521 be adopted;

AND FURTHER THAT, upon adoption of Bylaw No. 10521, the Mayor and City Clerk be authorized to execute the Letter Agreement between Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and the Municipality of the City of Kelowna as attached as Schedule 'A' to the Report of the Manager, Strategic Land Development dated April 6, 2011.

Carried

4.2 Manager, Environment & Land Use, dated April 6, 2011, re: Okanagan Collaborative Conservation Partnership (OCCP) – Update

Staff:

- Introduced the presentation by the OCCP Coordinator.

Carolina Restrepo-Tamayo, OCCP Coordinator, Okanagan Collaborative Conservation Program:

- Gave a presentation with respect to the Okanagan Collaborative Conservation Program (OCCP).

Moved by Councillor Hodge/Seconded by Councillor Hobson

R381/11/04/11 THAT Council receives, for information, the Report from the Manager, Environment & Land Use dated April 6, 2011 with respect to the Okanagan Collaborative Conservation Program;

AND THAT Council receives, for information, the presentation by the Program Coordinator, Okanagan Collaborative Conservation Program;

AND FURTHER THAT Council endorses the Okanagan Collaborative Conservation Program.

Carried

4.3 Revenue Manager, dated April 6, 2011, re: Local Improvement Charge Financing for Energy Efficiency and Renewable Energy Improvements

Moved by Councillor Hobson/Seconded by Councillor Hodge

R382/11/04/11 THAT Council receives, for information, the Report from the Revenue Manager, dated April 6, 2011 regarding local improvement charge financing for energy efficiency and renewable energy improvements;

AND THAT Council directs staff not to pursue this type of property tax financing at this time.

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- 4.4 Revenue Manager, dated April 6, 2011, re: Bylaw to Charge the 2011 Sterile Insect Release (SIR) Parcel Tax to Specified Property Tax Rolls

Moved by Councillor Hodge/Seconded by Councillor Hobson

R383/11/04/11 THAT Council considers the Sterile Insect Release Program Parcel Tax Bylaw No. 10519 charging the 2011 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2011 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan.

Carried

- 4.5 Parks Planner, dated March 29, 2011, re: Dehart Community Park - Temporary Off-Leash Dog Park Cost Estimate

Moved by Councillor Hodge/Seconded by Councillor Rule

R384/11/04/11 THAT Council receives, for information, the report from the Parks Planner dated March 29, 2011, with respect to a temporary off-leash dog park at the future Dehart Community Park site.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 5.1 Bylaw No. 10519 - Sterile Insect Release Program Parcel Tax Bylaw 2011

Moved by Councillor Hodge/Seconded by Councillor Craig

R385/11/04/11 THAT Bylaw No. 10519 be read a first, second and third time.

Carried

6. MAYOR & COUNCILLOR ITEMS

- 6.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

There was no "Spirit of Kelowna" Acknowledgment as Mayor Shepherd was absent from the meeting.

- 6.2 Councillor Items

Councillor Hodge:

- Advised that the City's Women's and Community Advisory Committee is hosting a Community Forum on "Women - Voices for Action!" on Friday, April 15, 2011 from 8:30 am to 4:00 pm at the Ramada Hotel and Conference Centre.

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Councillor Rule:

- Provided details with respect to her recent attendance at the BC Libraries Conference.

Deputy Mayor James:

- Reminded the public that the Public Hearing for the 2030 Official Community Plan is scheduled for May 24 & 25, 2011.

7. TERMINATION

The meeting was declared terminated at 3:53 p.m.

Certified Correct:

Deputy Mayor James

SLH/dld

City Clerk