

Regular Meeting – P.M.

July 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, July 11, 2011.

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

Council members absent: Councillors Angela Reid-Nagy and Michele Rule.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Manager, Environment & Land Use, Todd Cashin*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Property Management, Ron Forbes*; Director, Recreation & Cultural Services, Jim Gabriel*; Manager, Long Range Planning, Gary Stephen*; Architecture Planner, Kristine Bouw*; Accountant, Melanie Antunes*; Manager, Parks & Public Places, Terry Barton*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 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 and a delayed broadcast is shown on Shaw Cable.

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

3. PUBLIC IN ATTENDANCE

3.1 Breanne Cleland, Miss Kelowna Lady of the Lake (2010/2011) and Juliet Kaczmarek, Princess (2010/2011), re: Farewell

Breanne Cleland, Miss Kelowna Lady of the Lake, and Juliet Kaczmarek, Princess:

- Gave a "Farewell" presentation to Council.

3.2 Tom Maxwell, Kelowna Kodiaks Homeless Street Soccer Team, re: Participation in the National Championships

Staff:

- Introduced the Team members that were in the gallery and provided background information with respect to the presentation.

Tom Maxwell, Kelowna Kodiaks Homeless Street Soccer Team:

- Gave a presentation with respect to the Team's participation in the National Championships.
- Advised that two (2) of the Team members, Will and Nicole, have been named to Team Canada and will be travelling to Paris in August to participate in the Homeless World Cup.

Will, Captain, Kelowna Kodiaks Homeless Street Soccer Team:

- Presented Mayor Shepherd with an honorary team jersey.

Regular Meeting – P.M.

July 11, 2011

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated July 5, 2011, re: Agricultural Land Reserve Appeal Application No. A11-0005 – Robert & Katherine Stearns (Robert & Katherine Stearns and John Whittaker) – 2327 Belgo Road Mayor to invite the Applicants, or Applicants' Representative to come forward.

Mayor Shepherd invited the applicant or applicant's representative to come forward.

Robert & Kathy Stearns, Applicants

- Advised that the proposed subdivision would divide the property into 2 lots (approximately 13 acres per lot).
- Advised that there are other agricultural properties in the area that have had similar applications approved by both Council and the Agricultural Land Commission.
- Believes that the smaller lots would make it easier for their children to take over farming the land.
- Advised that the property was originally 2 separate lots, but that as a result of a homesite severance application that was made by Mrs. Stearns' father (who was the original owner of the lands), the Agricultural Land Commission required the properties to be consolidated into 1 parcel.
- Feels that the proposed subdivision provides a net benefit to agriculture.
- Advised that the property was purchased from Mrs. Stearns' parents back in 1980 and that they have been registered owners of the property since that time.
- Advised that Mrs. Stearns' father passed away in January of this year and that he lived in the residence located on the homesite severance portion of the property up until his death.
- Advised that the homesite severance parcel is now part of Mrs. Stearns' father's Estate.
- Advised that they intend to remain on, and farm, the parcel that their home is currently located on.
- Advised that they currently grow a variety of apples on the farm.

Staff:

- Clarified the process for forwarding applications to the Agricultural Land Commission for consideration.

Moved by Councillor James/Seconded by Councillor Blanleil

R684/11/07/11 THAT Agricultural Land Reserve Appeal Application No. A11-0005 for Lot 1, Section 11, Township 26, Osoyoos Division Yale District Plan 33009, located at 2327 Belgo Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act* be supported by Municipal Council;

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

DEFEATED

Mayor Shepherd and Councillors Craig, Hobson and Stack – Opposed.

Regular Meeting – P.M.

July 11, 2011

Moved by Councillor Hobson/Seconded by Councillor Craig

THAT Agricultural Land Reserve Appeal Application No. A11-0005 for Lot 1, Section 11, Township 26, Osoyoos Division Yale District Plan 33009, located at 2327 Belgo Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be forwarded to the Agricultural Land Commission without comment.

Amendment Moved by Councillor Blancheil/Seconded by Councillor Craig

R685/11/07/11 THAT the Municipal Council would prefer that the subject property's lot line be reconfigured to reflect the original lot line of the subject property prior to the homesite severance application that occurred in 1980.

Carried

The original motion, as amended, was voted on as follows:

Moved by Councillor Hobson/Seconded by Councillor Craig

R686/11/07/11 THAT Agricultural Land Reserve Appeal Application No. A11-0005 for Lot 1, Section 11, Township 26, Osoyoos Division Yale District Plan 33009, located at 2327 Belgo Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be forwarded to the Agricultural Land Commission without comment;

AND THAT the Municipal Council would prefer that the subject property's lot line be reconfigured to reflect the original lot line of the subject property prior to the homesite severance application that occurred in 1980.

Carried

4.2 Land Use Management Department, dated June 15, 2011, re: Agricultural Land Reserve Application No. A11-0001 - Domenic & Susanne Panucci (IHS Designs Ltd.) - 3380 Neid Road

Moved by Councillor Stack/Seconded by Councillor Craig

R687/11/07/11 THAT Agricultural Land Reserve Application No. A11-0001 for Lot 2, Section 16, Township 26, ODYD, Plan 8853, located at 3380 Neid Road, 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;

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

Carried

4.3 Land Use Management Department, dated June 21, 2011, re: Rezoning Application No. Z11-0035 - Robert & Michelle Geismayr - 1599 KLO Road

(a) Land Use Management Department report dated June 21, 2011.

Regular Meeting – P.M.

July 11, 2011

Moved by Councillor Hobson/Seconded by Councillor Stack

R688/11/07/11 THAT Rezoning Application No. Z11-0035 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 131, ODYD Plan 17156 except Plan KAP78069, located on KLO road, Kelowna, BC from the RU1 -Large Lot Housing zone to the RU6 -Two Dwelling Housing zone, be considered by Council;

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

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. 10569 (Z11-0035) - Robert & Michelle Geismayr - 1599 KLO Road

Moved by Councillor Hobson/Seconded by Councillor James

R689/11/07/11 THAT Bylaw No. 10569 be read a first time.

Carried

4.4 Land Use Management Department, dated June 21, 2011, re: Rezoning Application No. Z11-0020 - Wayne & Katherine Carter - 705 Camelia Road

(a) Land Use Management Department report dated June 21, 2011.

Moved by Councillor James/Seconded by Councillor Hobson

R690/11/07/11 THAT Rezoning Application No. Z11-0020 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, Section 23, Township 26, ODYD Plan 17890, located on Camelia Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone, be considered by Council;

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

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 Rutland Waterworks being completed to their satisfaction.

Carried

Regular Meeting – P.M.

July 11, 2011

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

Bylaw No. 10570 (Z11-0020) - Wayne & Katherine Carter - 705
Camelia Road

Moved by Councillor James/Seconded by Councillor Stack

R691/11/07/11 THAT Bylaw No. 10570 be read a first time.

Carried

4.5 Land Use Management Department, dated June 24, 2011, re: Rezoning Application No. Z11-0038 - Gary & Darlene Lewis - 3984 Bluebird Road

(a) Land Use Management Department report dated June 21, 2011.

Moved by Councillor Hobson/Seconded by Councillor James

R692/11/07/11 THAT Rezoning Application No. Z11-0038 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel Z, Section 1, Township 25, O.D.Y.D., Amended Plan 1452, located on Bluebird Road Place, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

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

Bylaw No. 10571 (Z11-0038) - Gary & Darlene Lewis - 3984
Bluebird Road

Moved by Councillor Hodge/Seconded by Councillor James

R693/11/07/11 THAT Bylaw No. 10571 be read a first time.

Carried

4.6 Land Use Management Department, dated June 28, 2011, re: Rezoning Application No. Z11-0036 - Bevin & Alvina Buehler - 620 Dougall Road South

(a) Land Use Management Department report dated June 28, 2011.

Moved by Councillor Hobson/Seconded by Councillor Craig

R694/11/07/11 THAT Rezoning Application No. Z11-0036 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 23, Township 26, ODYD, Plan 22418, located at 620 Dougall Road South, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

Regular Meeting – P.M.July 11, 2011

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 subject to the requirements of the Rutland Waterworks District being completed to their satisfaction.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10572 (Z11-0036) - Bevin & Alvina Buehler - 620 Dougall Road South

Moved by Councillor Stack/Seconded by Councillor James

R695/11/07/11 THAT Bylaw No. 10572 be read a first time.

Carried

4.7 Land Use Management Department, dated June 27, 2011, re: Temporary Use Permit Application No. TUP09-0003 - Aqua Resort Ltd. - 550 Truswell Road

Moved by Councillor Stack/Seconded by Councillor James

R696/11/07/11 THAT Council authorize a three year extension to July 14, 2014, of the issued Temporary Use Permit No. TUP09-0003 to allow "on-site fuel dispensing" on Lot 17, DL 134, Plan 2714, Sec 1, Twp 25, ODYD; Plan 2714, Exc. Plan KAP66263, located on Truswell Road, Kelowna, B.C.

Carried

4.8 Land Use Management Department, dated June 27, 2011, re: North Clifton Road Area Structure Plan - Request for Authorization

Councillor Hobson noted that even though he is a client of Site360 Consulting Inc., he has discussed the matter with the City Clerk and can confirm that he does not have a conflict of interest with respect to this Agenda Item.

Moved by Councillor Hobson/Seconded by Councillor Stack

R697/11/07/11 THAT Council authorize the preparation of an Area Structure Plan for a maximum of 200 dwelling units on the following properties, in accordance with Council Policy No. 247:

- Lots 1 and 2, Section 17, Township 23, ODYD, Plan 65503;
- S ½ NE ¼, Section 17, Township 23, ODYD; and
- N ½ NE ¼, Section 17, Township 23, ODYD;

AND THAT Council directs staff to consider the entire property, when preparing the Area Structure Plan, in recognition of the City's permanent growth boundary.

Carried

Councillor Hodge - Opposed.

Regular Meeting – P.M.

July 11, 2011

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9998 (Z08-0012) - 703941 BC Ltd. (Hangingsone Properties/Robert Bennett) - 3665 McCulloch Road

Moved by Councillor Stack/Seconded by Councillor Blanleil

R698/11/07/11 THAT Bylaw No. 9998 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 General Manager, Corporate Sustainability, General Manager, Community Sustainability and General Manager, Community Services, dated July 6, 2011, re: Quarterly Report Update

General Manager, Community Services:

- Presented the Quarterly Report.

Moved by Councillor Hodge/Seconded by Councillor Craig

R699/11/07/11 THAT Council receives, for information, the Quarterly Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated July 6, 2011.

Carried

- 6.2 Director, Policy & Planning, dated July 6, 2011, re: Amendments to Bylaw No. 9561 - Downtown and Rutland Urban Centre Revitalization Tax Exemption Areas

Staff:

- Advised that the information will be forwarded to the Downtown Kelowna Association and the Uptown Rutland Business Association for circulation to their respective membership. The information will also be forwarded to the Urban Development Institute - Kelowna Chapter for circulation to its membership.
- Advised that Land Use Management staff will be asked to ensure that applicants are aware of the expansion of the Program.

Moved by Councillor Hobson/Seconded by Councillor James

R700/11/07/11 THAT Council receives, for information, the Report of the Policy & Planning Department dated July 6, 2011, with respect to proposed interim changes to the Downtown and Rutland Urban Centre Revitalization Tax Exemption Program;

AND THAT Council gives initial consideration to Bylaw No. 10566 to enact interim amendments to Revitalization Tax Exemption Bylaw No. 9561, as described in the Report of the Policy & Planning Department dated July 6, 2011;

Regular Meeting – P.M.

July 11, 2011

AND FURTHER THAT Council Policy No. 314, being Parking Credits for Mixed Use Developments within the Downtown Urban Centre, be amended as outlined in the Report of the Policy and Planning Department dated July 6, 2011.

Carried

- 6.3 Director, Infrastructure Planning, dated July 5, 2011, re: Amendment No. 5 to the Solid Waste Management Regulation Bylaw No. 10106

Staff:

- Gave a presentation with respect to the proposed amendments to the Solid Waste Management Regulation Bylaw No. 10106.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R701/11/07/11 THAT Council receives, for information, the report from the Manager, Strategic Projects dated July 5, 2011 with respect to the proposed rate changes, effective January 1, 2012, to Solid Waste Management Regulation Bylaw No. 10106;

AND THAT Council approves the rate changes to the Collection Fees and Solid Waste Reduction Fees, and the self haul garbage fee, being phased over a two (2) year period;

AND FURTHER THAT Council gives reading consideration to Bylaw No. 10565 being Amendment No. 5 to the Solid Waste Management Regulation Bylaw No. 10106.

Carried

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R702/11/07/11 THAT staff report back to Council with respect to the taxpayer contribution for the remainder of John Hindle Drive and the implications of paying for the road with tipping fee revenues.

Carried

- 6.4 Architecture Planner, dated July 6, 2011, re: Design Update – Parkinson Recreation Centre Multi-Age Activity Centre

Staff:

- Gave a presentation with respect to the Design Update for the Parkinson Recreation Centre Multi-Age Activity Centre.

Moved by Councillor Hodge/Seconded by Councillor Stack

R703/11/07/11 THAT Council receives, for information, the report from the Architecture Planner dated July 6, 2011 regarding the Design Update - Parkinson Recreation Centre Multi-Age Activity Centre.

Carried

Regular Meeting – P.M.July 11, 2011

- 6.5 Manager, Property Management, dated July 5, 2011, re: Activity Concession Tugboat Bay – Kalavida Surf Shop

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R704/11/07/11 THAT Council approve the City entering into a two (2) month License of Occupation with Kalavida Surf Shop, to provide an activity concession services at the north end of Tugboat Bay, in the form attached to the Report of the Manager, Property Management, dated July 5, 2011;

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation.

Carried

- 6.6 Manager, Property Management, dated July 5, 2011, re: Jugo Juice – Charity Contribution

Moved by Councillor Craig/Seconded by Councillor Hobson

R705/11/07/11 THAT Council receives, for information, the Report of the Manager, Property Management, dated July 5, 2011, with respect to Jugo Juice's charity contribution.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10565 – Amendment No. 5 to Solid Waste Management Regulation Bylaw No. 10106
- 7.2 Bylaw No. 10566 – Amendment No. 1 to City of Kelowna Revitalization Tax Exemption Bylaw No. 9561

Moved by Councillor Blanleil/Seconded by Councillor Stack

R706/11/07/11 THAT Bylaw Nos. 10565 and 10566 be read a first, second and third time.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Jerry Schwartz as the latest recipient of the “Spirit of Kelowna” Acknowledgment for being a long-time volunteer for the Kelowna Community Food Bank.

Regular Meeting - P.M.

July 11, 2011

8.2 Councillor Items

Mayor Shepherd:

- Advised that she received a letter from the Local Government Management Association regarding the City's Deputy City Clerk, Karen Needham, and the great input she provided on proposed changes to the local government election legislation, and for providing local government election training in different areas of the Province.

9. TERMINATION

The meeting was declared terminated at 5:38 p.m.

Certified Correct:

Mayor

SLH/jrl

City Clerk