



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, October 1, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack*
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Suburban and Rural Planning Manager, Dean Strachan*, Urban Planning Manager, Terry Barton*; Community Planning Supervisor, Laura Bentley*; Planner Specialist, Adam Cseke*; Planner, Kim Brunet*; Bylaw Services Manager, David Gazley*; Infrastructure Operations Department Manager, Ian Wilson*; Park and Landscape Planner, Melanie Steppuhn*; Parks & Buildings Planning Manager, Robert Parlane*, Divisional Director, Infrastructure, Alan Newcombe*; Parking Services Manager, Dave Duncan*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R935/18/10/01 THAT the Minutes of the Regular Meetings of September 24, 2018 be confirmed as circulated.

Carried

The Mayor recognized Deputy City Clerk Karen Needham on the accomplishment of receiving a Certificate in Statutory Administration from the Provincial Board of Examiners and presented Ms. Needham with the Certificate.

Councillor Sieben joined the meeting at 1:37 p.m.

3. Development Application Reports & Related Bylaws

3.1 Rifle Rd, 575-579, A18-0010 - Marlys Wolfe

Staff:

- Displayed a PowerPoint Presentation summarizing the application and rationale for non-support and responded to questions from Council.

Evan Cooke, Lawyer, Applicant Representative

- Displayed images of the property on screen.
- Provided reasons for the application to be advanced to the ALC with Council support.
- Spoke to concerns raised by the Agriculture Advisory Committee.
- Spoke to the history of the application with Health Canada and responses by Health Canada.
- Spoke to the non-compliance references in the staff report.
- Responded to questions from Council.

Daniel Gagnon, Applicant's brother

- Read a statement on behalf of his sister.
- Confirmed the site is a certified organic farm.
- Provided history of interactions with Health Canada and the City with respect to the Applicant's objective of producing medical cannabis in a structure on her farm.
- Provided reasons for Council to advance the application to ALC.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R936/18/10/01 THAT Agricultural Land Reserve Appeal No. A18-0010 for Lot 8, Block 21, Sections 33 and 34 Township 26 ODYD Plan 1249, located at 575-579 Rifle Road, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act NOT be supported by Council;

AND THAT Council directs Staff NOT to forward application A18-0010 to the Agricultural Land Commission for consideration.

Carried
Councillors Hodge and Sieben - Opposed

3.2 Swainson Rd 1705, A18-0002 - Norman & Linnea Corbett

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R937/18/10/01 THAT Agricultural Land Reserve Appeal No. A18-0002 for Lot D, Section 25, Township 26 and of Section 30, Township 27, ODYD, Plan 2058 located at 1705 Swainson Road, Kelowna for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Council, subject to the following:

The dimensions of the subdivision be in general accordance with Schedule "A";

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

3.3 Pooley Rd 3060, A17-0011 - Lawrence Neid

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R938/18/10/01 THAT Agricultural Land Reserve Appeal No. A17-0011, as amended, for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Agricultural Land Reserve Appeal No. A17-0011, as amended, for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council;

AND FURTHER THAT Council directs Staff to forward the amended subject application to the Agricultural Land Commission for consideration.

Carried

3.4 McClure Rd 679, Z18-0078 - Paul Sexsmith

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R939/18/10/01 THAT Rezoning Application No. Z18-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 357, SDYD, Plan 30569, located at 679 McClure Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated October 1, 2018.

Carried

3.5 McClure Rd 679, BL11691 (Z18-0078) - Paul Sexsmith

Moved By Councillor Sieben/Seconded By Councillor Gray

R940/18/10/01 THAT Bylaw No. 11691 be read a first time.

Carried

3.6 Drummond Ct 649 LUC18-0003 & Z18-0051 - Patrick & Brenda Kryski

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Gray

R941/18/10/01 THAT Application No. LUC 18-0003 to discharge LUC76-1041 from Lot 26 District Lots 357 & 358 ODYD Plan 31179 located at 649 Drummond Court, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z18-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26 District Lots 357 & 358 ODYD Plan 31179, located at 649 Drummond Court, Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large Lot Housing be considered by Council;

AND FURTHER THAT the Land Use Contract Discharge and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration.

Carried

3.7 Drummond Ct 649, BL11693 (LUC18-0003) - Patrick & Brenda Kryski

Moved By Councillor Hodge/Seconded By Councillor Given

R942/18/10/01 THAT Bylaw No. 11693 be read a first time.

Carried

3.8 Drummond Ct 649, BL11694 (Z18-0051) - Patrick & Brenda Kryski

Moved By Councillor Hodge/Seconded By Councillor Donn

R943/18/10/01 THAT Bylaw No. 11694 be read a first time.

Carried

3.9 Nottingham Rd 4465, Z18-0067 - David Jeremy Stevens & Rosemarie Jean Stewart

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R944/18/10/01 THAT Rezoning Application No. Z18-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, Osoyoos Division, Yale District, Plan EPP25655, located at 4465 Nottingham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.10 Nottingham Rd 4465, BL11695 (Z18-0067) - David Jeremy Stevens & Rosemarie Jean Stewart

Moved By Councillor Donn/Seconded By Councillor Hodge

R945/18/10/01 THAT Bylaw No. 11695 be read a first time.

Carried

3.11 Pandosy St 2251-2312, BL11665 (OCP18-0011) - Interior Health Authority

Moved By Councillor Donn/Seconded By Councillor Gray

R946/18/10/01 THAT Bylaw No. 11665 be adopted.

Carried

3.12 Pandosy St 2251-2312, BL11666 (Z18-0055) - Interior Health Authority

Moved By Councillor Gray/Seconded By Councillor Hodge

R947/18/10/01 THAT Bylaw No. 11666 be adopted.

Carried

3.13 Pandosy St 2251-2312, HAP18-0010 - Interior Health Authority

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R948/18/10/01 THAT final adoption of OCP Amendment Bylaw No. 11665 and Rezoning Bylaw No. 11666 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0010 for Lot A District Lot 14 ODYD Plan EPP34913 Except Plan EPP53192, located at 2251-2312 Pandosy Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. Registration of a plan of Subdivision at Land Titles Office to 'unhook' a portion of the subject property into a new titled parcel is required prior to issuance of the Heritage Alteration Permit.

AND THAT Council's consideration of this Heritage Alteration Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated October 1, 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permit to be issued;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.14 Dilworth Dr 1625 & Enterprise Way 2250, BL11493 (Z17-0055) - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Councillor DeHart declared a conflict of interest for items 3.14, 3.15, and 3.16 as her employer owns lands adjacent to the subject properties and left the meeting at 3:42 p.m.

Moved By Councillor Hodge/Seconded By Councillor Donn

R949/18/10/01 THAT Bylaw No. 11493 be amended at third reading and adopted.

Carried

3.15 Dilworth Dr 1625, DP17-0146 - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R950/18/10/01 THAT Rezoning Bylaw No. 11493 (Z17-0055) be amended at Third Reading to reflect the updated legal description from:

Lot 1, District Lots 127 & 531, ODYD, Plan EPP67320, located at 1655 Dilworth Dr, Kelowna, BC
 To:
 Lot A, District Lot 531, ODYD, Plan EPP82754, located at 1625 Dilworth Dr, Kelowna, BC
 Lot B, District Lots 531 & 127, ODYD, Plan EPP82754, located at 2250 Enterprise Way, Kelowna, BC

AND THAT final adoption of Rezoning Bylaw No. 11493 (Z17-0055) be considered by Council;

AND FURTHER THAT Council authorize the issuance of Development Permit No. DP17-0146 for: Lot A, District Lot 531, ODYD, Plan EPP82754, located at 1625 Dilworth Dr, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated May 7th 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND FURTHER THAT the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.16 Enterprise Way 2250, DP18-0169 - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R951/18/10/01 THAT Council authorize the issuance of Development Permit No. DP18-0169 for: Lot B, District Lots 531 & 127, ODYD, Plan EPP82754, located at 2250 Enterprise Way, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated Aug 13th 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND FURTHER THAT the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Councillor DeHart rejoined the meeting at 3:49 p.m.

3.17 Evaluating and prioritizing applications to rezone to a retail cannabis sales subzone

Staff:

- Displayed a PowerPoint Presentation summarizing the application requirements and proposed evaluation process and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R952/18/10/01 THAT Council endorses the revised process for evaluating and prioritizing rezoning applications for retail cannabis sales as outlined in Schedule "A" from the Report from the Community Planning Department dated October 1, 2018.

Carried

Councillors Gray, Hodge and Sieben – Opposed

4. Bylaws for Adoption (Development Related)

4.1 Cary Rd 1639, BL11673 (Z18-0053) - 1124478 BC Ltd.

Moved By Councillor Gray/Seconded By Councillor Given

R953/18/10/01 THAT Bylaw No. 11673 be adopted.

Carried

4.2 BL11616 (OCP18-0003) - Amendments to Address the Agriculture Plan

Moved By Councillor Donn/Seconded By Councillor Gray

R954/18/10/01 THAT Bylaw No. 11616 be adopted.

Carried

4.3 BL11617 (TA18-0002) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Given/Seconded By Councillor Donn

R955/18/10/01 THAT Bylaw No. 11617 be adopted.

Carried

4.4 BL11618 (OCP18-0004) - Amendments to Address the Agriculture Plan

Moved By Councillor Given/Seconded By Councillor Donn

R956/18/10/01 THAT Bylaw No. 11618 be adopted.

Carried

4.5 BL11619 (TA18-0003) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Sieben/Seconded By Councillor Singh

R957/18/10/01 THAT Bylaw No. 11619 be adopted.

Carried

4.6 BL11659 (TA18-0008) - Text Amendment for Cannabis Production and Retail Cannabis Sales

Moved By Councillor Stack/Seconded By Councillor DeHart

R958/18/10/01 THAT Bylaw No. 11659 be read a second and third time.

Carried

Councillor Hodge - Opposed

4.7 Enterprise Way 2092, BL11668 (TA18-0004) - 0838232 BC Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R959/18/10/01 THAT Bylaw No. 11668 be adopted.

Carried

4.8 Fawn Run Dr 1795, (S of) Steele Rd, BL11669 (OCP18-0009) - Pamela Blaskovich, Ponds Ventures Inc., Inc. No. BC 0862732

Moved By Councillor Stack/Seconded By Councillor DeHart

R960/18/10/01 THAT Bylaw No. 11669 be amended at third reading.

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R961/18/10/01 THAT Bylaw No. 11669 as amended be adopted.

Carried

4.9 Fawn Run Dr 1795, (S of) Steele Rd, BL11670 (Z18-0043) - Pamela Blaskovich, Ponds Ventures Inc. Inc. No. BCo862732

Moved By Councillor Singh/Seconded By Councillor Sieben

R962/18/10/01 THAT Bylaw No. 11670 be amended at third reading.

Carried

Moved By Councillor Singh/Seconded By Councillor Sieben

R963/18/10/01 THAT Bylaw No. 11670 as amended be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Kelowna Memorial Park Cemetery Bylaw Update

Staff:

- Displayed a PowerPoint Presentation summarizing the Kelowna Memorial Park Cemetery bylaw changes and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

R964/18/10/01 THAT Council receives the report from the Cemetery Manager, dated October 1, 2018 with respect to the Kelowna Memorial Park Cemetery Bylaw update;

AND THAT Council gives reading consideration to Kelowna Memorial Park Cemetery Bylaw No. 11664.

Carried

5.2 BL11664 - Kelowna Memorial Park Cemetery Bylaw

Moved By Councillor DeHart/Seconded By Councillor Stack

R965/18/10/01 THAT Bylaw No. 11664 be read a first, second and third time.

Carried

5.3 Interim Parks Access – Poplar Point

Staff:

- Displayed a PowerPoint Presentation summarizing the Poplar Point interim park location and access and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

R966/18/10/01 THAT Council receives, for information, the report from the Park and Landscape Planner dated October 1, 2018, to improve access and signage at the existing Poplar Point #1 Beach Access;

AND THAT Council approve the revision to the scope of the Interim Park Access project in the 2018 Financial Plan to include Poplar Point #1 -Beach Access within the works.

Carried

5.4 Budget Amendment for 2018 Freshet Recovery Works on Bellevue Creek

Staff:

- Provided an overview of the reasons for the budget amendment request.

Moved By Councillor Sieben/Seconded By Councillor Singh

R967/18/10/01 THAT Council receives, for information, the report from the Infrastructure Divisional Director dated October 1, 2018 with respect to the 2018 Freshet Recovery;

AND THAT The 2018 Financial Plan be amended to include up to \$600,000 for the 2018 Freshet Infrastructure Recovery of which up to \$400,000 is recoverable through the provincial Disaster Financial Assistance (DFA) program;

AND FURTHER THAT Council authorize the expenditure for the City's portion of costs that are not recoverable from the provincial DFA program of up to \$200,000 funded from the Flood Control Averaging Reserve.

Carried

5.5 Complimentary Saturday On-Street Parking in December 2018

Staff:

- Provided an overview of the complimentary on street parking in the downtown area.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R968/18/10/01 THAT Council receives, for information, the report from the Manager, Parking Services dated October 1, 2018 with respect to Complimentary Saturday On-Street Parking in December 2018;

AND THAT Council approves waiving on-street parking fees in the Downtown area on the five (5) Saturdays in December 2018.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11684 - Amendment No. 7 to Development Application Fees Bylaw No. 10560

Moved By Councillor Stack/Seconded By Councillor DeHart

R969/18/10/01 THAT Bylaw No. 11684 be adopted.

Carried

6.2 Highway 33 E 1759, BL11688 - Housing Agreement Authorization Bylaw - Ki-Low-Na Friendship Society

Moved By Councillor Singh/Seconded By Councillor DeHart

R970/18/10/01 THAT Bylaw No. 11688 be adopted.

Carried

6.3 Nickel Rd 200-220, BL11689 - Housing Agreement Authorization Bylaw - 554764 BC Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R971/18/10/01 THAT Bylaw No. 11689 be adopted.

Carried

6.4 Richter St 1730 & 1740, BL11690 - Housing Agreement Authorization Bylaw - 1017476 BC Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R972/18/10/01 THAT Bylaw No. 11690 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Made comments on the Council term and congratulated Councillor Gray for her service the past four years.

Councillor DeHart:

- Reminder that October 11 is the 20th Annual Grand Finale of the United Way Drive Through Breakfast. Encouraged everyone to attend and support the last event.

Councillor Singh:

- Paid tribute to Tracy Gray and thanked her for her service.

Councillor Sieben:

- Spoke to his attendance at the Vancouver Canucks-Arizona Coyotes game this past weekend.
- Pleasure working with each of his Council colleagues and passed along best wishes to Councillor Gray.

Councillor Hodge:

- Thanked Mayor Basran and his Council colleagues for the past four years; in particular, the support he received while he was ill.
- Passed along best wishes to Councillor Gray.

Councillor Gray:

- Spoke to her four-year term on Council, and thanked those who made it possible, in particular her family.

Councillor Donn:

- Spoke to his four-year term on Council, and thanked his Council colleagues for helping him to become a better communicator.
- Thanked Councillor Gray for her support and stability she brings to the Council table.
- Reminder that Breakout West will showcase some great events next week.

Councillor Given:

- Made comments on the challenges and rewards that service to the community brings.
- Passed along best wishes to Councillor Gray.
- Reminder of the Artists Among Us event on October 4th.

City Manager:

- Thanked Council for their efforts and professional relationship with staff and strong guidance in setting priorities including policy and vision and healthy debate on a variety of issues.

Mayor Basran:

- Thanked Council for their collective sense of teamwork, even in the face of differences, over the course of the term.
- Spoke to some of the significant issues faced over the Council term.
- Provided comments on the positive work by Councillor Gray.

8. Termination

This meeting was declared terminated at 4:57 pm.

Mayor Basran

/cm/acm

City Clerk