



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, March 11, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine Dehart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Community Planning Supervisor, Laura Bentley*; Utility Planning Manager, Rod MacLean*; Divisional Director, Infrastructure, Alan Newcombe*; Acting Community Safety Director, Lance Kayfish*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 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 Wooldridge

(R0232/19/03/11) THAT the Minutes of the Regular Meetings of March 4, 2019 be confirmed as circulated.

Carried

Councillor Sieben joined the meeting at 1:33 pm.

3. Development Application Reports & Related Bylaws

3.1 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 - Multiple Owners

Staff displayed a PowerPoint presentation summarizing the applications for items 3.1, 3.3, 3.5, 3.7, 3.9, and 3.11 and responded to questions from Council regarding the priority in which existing land use contracts are being terminated and regarding the application for Slater Rd (item 3.5).

Moved By Councillor Stack/Seconded By Councillor Donn

(R0233/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 and RR2 – Rural Residential 2 zones in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject properties under Land Use Contract No. 76-1104;

THAT Application No. LUCT18-0006 to terminate LUC76-1104 from Lot 1,2,3 & 4, Section 34, Township 23, ODYD, Plan KAP28056, located at 7770,7782,7800, & 7810 Hwy 97 N, Kelowna, BC, be considered by Council.

AND THAT the Land Use Contract Termination be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Land Use Contract Termination Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

3.2 HWY 97 N 7770, 7782, 7800 and 7810, LUCT18-0006 (BL11762) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0234/19/03/11) THAT Bylaw No. 11762 be read a first time.

Carried

3.3 Pioneer Rd 1485 & 1535, LUCT18-0008 - Patricia Phelan and Michael & Cathy Kosick

Moved By Councillor Dehart/Seconded By Councillor Donn

(R0235/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract LUC77-1046;

THAT Application No. LUCT18-0008 to terminate LUC77-1046 from Lot A District Lot 132 ODYD Plan 28646, Plans 27094 and 28646 located on 1485 and 1535 Pioneer Road, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Land Use Contract Termination Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

3.4 Pioneer Rd 1485 & 1535, LUCT18-0008 (BL11764) - Patricia Phelan and Michael & Cathy Kosick

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0236/19/03/11) THAT Bylaw No. 11764 be read a first time.

Carried

3.5 Slater Rd 3308 & 3318, LUCT18-0004 - Steven & Adele Williams and Gerald Bugera and Sandra Cooney

Moved By Councillor Hodge/Seconded By Councillor Woolridge

(R0237/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract LUC76-1033;

THAT Application No. LUCT18-000 to terminate LUC76-1033 from Lot 1, Section 28, Township 23, ODYD, Plan 27206, located on 3308 Slater Road, Kelowna, BC, and Lot B Section 28 Township 28 ODYD Plan 25331 Except Plan 27206, located on 3318 Slater Road, Kelowna, BC, be considered by Council;

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.6 Slater Rd 3308 & 3318, LUCT18-0004 (BL11765) - Steven & Adele Williams and Gerald Bugera and Sandra Cooney

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0238/19/03/11) THAT Bylaw No. 11765 be read a first time.

Carried

3.7 Snowsell St 155, LUCT18-0010 - Joanne & Kevin Tribiger

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0239/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract No. LUC77-1072;

THAT Application No. LUCT18-0010 to terminate LUC77-1072 from Lot A, Section 4, Township 23, ODYD, Plan 29850, located on 155 Snowsell Street, Kelowna, BC, be considered by Council.

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

Carried

3.8 Snowsell St 155, LUCT18-0010 (BL11767)- Joanne & Kevin Tribiger

Moved By Councillor Hodge/Seconded By Councillor Woolridge

(R0240/19/03/11) THAT Bylaw No. 11767 be read a first time.

Carried

3.9 Tronson Ct 841, LUCT18-0005 - Isaac Potash & Jennifer Large

Moved By Councillor Dehart/Seconded By Councillor Donn

(R0241/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THAT Application No. LUCT18-0005 to terminate LUC76-1063 from Lot A Section 29 Township 26 ODYD Plan 27577, located on 841 Tronson Court, Kelowna, BC, be considered by Council.

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

Carried

3.10 Tronson Ct 841, LUCT18-0005 (BL11768) - Isaac Potash & Jennifer Large

Moved By Councillor Woolridge/Seconded By Councillor Hodge

(R0242/19/03/11) THAT Bylaw No. 11768 be read a first time.

Carried

3.11 Yates Rd 373 & 379, LUCT18-0009 - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0243/19/03/11) WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU1 – Large Lot Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to both subject properties under Land Use Contract No. LUC77-1052;

THAT Application No. LUCT18-0009 to terminate LUC77-1052 from Lot A & B, Section 32, Township 26, ODYD, Plan 29878, located on 373 & 379 Yates Road, Kelowna, BC, be considered by Council.

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

Carried

3.12 Yates Rd 373 & 379, LUCT18-0009 (BL11769) - Kenneth & Holly Finney and Jordan Huculak & Kayla Madsen

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0244/19/03/11) THAT Bylaw No. 11769 be read a first time.

Carried

3.13 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 Z17-0098 - Blenk Development Corp

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0245/19/03/11) THAT Official Community Plan Map Amendment Application No. OCP17-0023 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of:

1. Lot A Sections 4, 5, 8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;
2. Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
3. That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
4. The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the S2RES – Single / Two Unit Residential, S2RESH – Single / Two Unit Residential – Hillside, MRC – Multiple Unit Residential – Cluster Housing, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations to the MRL –

Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space (Public) designations as shown on Map “A” attached to the Report from the Community Planning Department dated March 11, 2019, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 11, 2019;

AND THAT Rezoning Application No. Z17-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of:

1. Lot A Sections 4,5,8 and 9 Township 23 ODYD Plan KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750 and EPP24895, located at 2025 Begbie Road, Kelowna, BC;
2. Lot D Section 8 Township 23 ODYD Plan KAP75116 Except Plans EPP24895, EPP24897, EPP64871 and EPP77782, located at 225 Clifton Road N, Kelowna, BC;
3. That Part Closed Road Lying Within Sections 8 and 9 Township 23 ODYD Shown as Parcel 2 on Plan KAP86749, located at (W of) Union Road, Kelowna, BC; and
4. The North East 1/4 of Section 8 Township 23 ODYD Except Plan KAP69724, located at (W of) Union Road, Kelowna, BC

from the RU2h – Medium Lot Housing (Hillside Area), RU3h – Small Lot Housing (Hillside Area), RM2h – Low Density Row Housing (Hillside Area), RM3 – Low Density Multiple Housing, C2 – Neighbourhood Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones to the RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, C3 – Community Commercial, P2 – Education and Minor Institutional, and P3 – Parks and Open Space zones as shown on Map “B” attached to the Report from the Community Planning Department dated March 11, 2019, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Community Planning Department dated March 11, 2019.

Carried

3.14 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, OCP17-0023 (BL11781) - Blenk Development Corp

Moved By Councillor Stack/Seconded By Councillor Dehart

(R0246/19/03/11) THAT Bylaw No. 11781 be read a first time.

Carried

3.15 Union Rd (W of), Clifton Rd N 225, Begbie Rd 2025, Z17-0098 (BL11785) - Blenk Development Corp

Moved By Councillor Dehart/Seconded By Councillor Stack

(R0247/19/03/11) THAT Bylaw No. 11785 be read a first time.

Carried

4. Non-Development Reports & Related Bylaws

4.1 UBCM - Community Emergency Preparedness Fund (CEPF) - Kelowna Flood Mitigation Plan for Okanagan Lakeshore application

Staff provided background information in support of the grant.

Moved By Councillor Hodge/Seconded By Councillor Woolridge

(R0248/19/03/11) THAT Council receives, for information, the report from the Utilities Planning Manager dated March 11, 2019, with respect to the UBCM - Community Emergency Preparedness Fund (CEPF) - Kelowna Flood Mitigation Plan for Okanagan Lakeshore application;

AND THAT Council authorizes staff to apply for a UBCM - Community Emergency Preparedness Fund - Flood Risk Assessment, Flood Mapping and Flood Mitigation Planning Program Grant;

AND THAT upon confirmation of the grant award, the 2019 Financial Plan be amended to include the receipt of up to \$75,000 in grant funding.

Carried

4.2 Budget adjustment for Spencer Road Mill Creek Drainage Improvements

Staff provided background for the budget amendment to cover the Spencer Road Mill Creek Drainage Improvements.

Moved By Councillor Dehart/Seconded By Councillor Woolridge

(R0249/19/03/11) THAT Council receives, for information, the report from the Infrastructure Divisional Director, dated March 11, 2019 regarding the Budget adjustment for Spencer Road Mill Creek Drainage Improvements;

AND THAT the 2019 Financial Plan be amended to include up to \$280,000 funded from capital drainage funds currently held in reserve.

Carried

4.3 Loseth Road Slope Stability – Remediation Budget

Mayor:

- Confirmed a reconsideration request was received from Ms.Potton and Mr.Smth, owners of 2001 Kloppenburg Ct.

City Clerk:

- Each property owner subject to the remedial action order has a right to ask Council for reconsideration of Council's decision to impose the remedial action against their respective properties.

Stephen Smith and Sara Potton, Owners, Kloppenburg Ct:

- Doesn't believe there is significant problem as the soils in the back of their property are glacier till and not fill.

- Doesn't believe there is an immediate threat to their property.

- Placing an unfair burden and rushing the process.

- Asking for time for all people or organizations involved to get together to try and work something out.

- Not our responsibility and placing financial burden costs unfair, as is having to take other parties to court to recover costs.
- Want time for further independent investigations but cannot pay for them by themselves.
- Suggested conclusions from City's geotechnical reports not agreed with by all parties and should be independently verified.
- Willing to work with City should Council not grant them additional time.

Staff:

- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

(R0250/19/03/11) THAT Council, upon hearing the reconsideration request from Ms. Potton and Mr. Smith, stands by its decision of February 25, 2019 regarding the remedial action against 2001 Kloppenburg Court.

Carried

Staff identified reasons for budget and to obtain funding approvals and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0251/19/03/11) THAT Council receives, for information, the report from the Divisional Director, Infrastructure dated March 11, 2019 with respect to Loseth Road Slope Stability – Remediation Budget;

AND THAT Council authorizes City staff to proceed with the procurement of services to undertake the design and construction of emergency works to mitigate the hazardous conditions at, and around, 2045 Loseth Road and 2001 Kloppenburg Court;

AND THAT the 2019 Financial Plan be amended to include the initial use of up to \$1,200,000 funded from the Insurance Deductible Reserve to support remediation works at, and around, 2045 Loseth Road and 2001 Kloppenburg Court.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 BL11760 - Amendment No. 9 to Development Application Fees Bylaw No. 10560

Moved By Councillor Stack/Seconded By Councillor Dehart

(R0252/19/03/11) THAT Bylaw No. 11760 be adopted.

Carried

6. Mayor and Councillor Items

Councillor Dehart:

- Will be representing Mayor and Council at the Canadian Firefighters Curling Championships this coming weekend.
- Will be attending the Martin Ave Boys and Girls Club ribbon cutting this up coming weekend.

Councillor Sieben:

- Noted there were three Kelowna area boys basketball teams competing for the Provincial Championships this past weekend.

- Girls KSS Basketball team finished top five provincially.
- KCS boys basketball team won 1st place.

Councillor Hodge:

- Attended the Seedy Sunday event at PRC on Sunday.

Councillor Wooldridge:

- Attended with Councillor Donn the Co-Housing event at the Innovation Centre last week.
- Attended multiple events on behalf of the Mayor.

7. Termination

This meeting was declared terminated at 2:48 p.m.

Mayor Basran

sf/rvh

City Clerk