



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, March 25, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Luke Stack* and Loyal Wooldridge
Members Absent	Councillor Brad Sieben and Mohini Singh
Staff Present	Acting City Manager, Genelle Davidson; City Clerk, Stephen Fleming; Community Planning Supervisor, Laura Bentley*; Planner Specialist, Alex Kondor*; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Ross Soward*; Long Range Policy Planning Manager, James Moore*; Transit Service Coordinator, Mike Kittmer*; Transit and Programs Manager, Jerry Dombowsky*; Cultural Services Manager, Christine McWillis*; Community & Neighbourhood Services Manager, Mariko Siggers*; PT Community Development Coordinator, Tanya Sletten*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 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 Wooldridge/Seconded By Councillor Hodge

(R0296/19/03/25) THAT the Minutes of the Regular Meeting of March 18, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Joe Riche Rd 2450, A19-0002 - Coral Beach Farms Ltd

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

Moved By Councillor Donn/Seconded By Councillor Given

(R0297/19/03/25) THAT Agricultural Land Reserve Appeal No. A19-0002 for Part of Lot 7 Sections 18 and 19 TWP 27 ODYD Plan 1991 except (1) Parcel A (Plan A1441) (2) Plan 16599, located at 2450 Joe Riche Rd, Kelowna, for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Council.

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

Carried

3.2 Gallagher Rd 2975, FH19-0001 A19-0005 - David Geen

Staff displayed a PowerPoint presentation summarizing the application, noting restrictive covenant recommendation should read "10 months" rather than "8 months" and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0298/19/03/25) THAT Agricultural Land Reserve Appeal No. A19-0005 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC for a non-adhering residential use permit pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

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

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH19-0001 for Lot A, Section 12, Township 26, ODYD, Plan EPP71625 located at 2975 Gallagher Drive, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application #A19-0005;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
3. A minimum 3-metre-wide vegetated buffer is provided for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.
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 landscape buffer, as determined by a Registered Landscape Architect;
5. Registration of a Section 219 restrictive covenant on title that states:
 - The dwellings will be used for temporary farm workers only;
 - The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
 - The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
 - The maximum number of accommodation permitted on this farm unit within this City sector is 60 workers; and,
 - The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

Carried

3.3 Leon Ave 815, 823-825, 829 & 831 and Harvey Ave 814 & 822 Z15-0027 - 1409493 Alberta Inc.

Staff summarized reasons for rescindment of the application.

Moved By Councillor Given/Seconded By Councillor Hodge

(R0299/19/03/25) THAT Council receives, for information, the Report from the Community Planning Department dated March 7, 2019 with respect to Rezoning Application No. Z15-0027 for the property located at 815, 823-825, 829 & 831 Leon Avenue and 814 & 822 Harvey Avenue;

AND THAT Bylaw No. 11354 be forwarded for rescindment consideration and the file be closed.

Carried

3.4 Leon Ave 815, 823-825, 829 & 831 and Harvey Ave 814 & 822 Z15-0027 (BL11354) - 1409493 Alberta Inc.

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0300/19/03/25) THAT Bylaw No. 11354 be rescinded after first, second and third reading.

Carried

3.5 Bernard Ave 547-559, Z19-0005 - Salco Management Ltd, Inc. No. BCo744182

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

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0300/19/03/25) THAT Rezoning Application No. Z19-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 139 Osoyoos Division Yale District Plan 5470, located at 547-559 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7 – Central Business Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and

- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.6 Bernard Ave 547-559, Z19-0005 (BL11775) - Salco Management Ltd, Inc. No. BC0744182

Moved By Councillor Donn/Seconded By Councillor Stack

(R0301/19/03/25) THAT Bylaw No. 11775 be read a first time.

Carried

3.7 Glenmore Rd 401, Z19-0006 - 653332 BC Ltd, Inc. No. 653332

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0302/19/03/25) THAT Rezoning Application No. Z19-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 Section 32 Township 26 Osoyoos Division Yale District Strata Plan KAS3545 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V, located at 401 Glenmore Road, Kelowna, BC from the C3 – Community Commercial zone to the C3rcs – Community Commercial (Retail Cannabis Sales) zone, be considered by Council;

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

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.8 Glenmore Rd 401, Z19-0006 (BL11778) - 653332 BC Ltd, Inc. No. 653332

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0303/19/03/25) THAT Bylaw No. 11778 be read a first time.

Carried

3.9 Gordon Dr 3818, TA19-0008 Z19-0013 - Save on Shoes Ltd Inc No 397854

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

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0304/19/03/25) AND THAT Zoning Bylaw Text Amendment Application No. TA19-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated March 11, 2019 be considered by Council;

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

AND THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0008 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT Rezoning Application No. Z19-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 134 Osoyoos Division Yale District Plan 40137, located at 3818 Gordon Drive, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C2rcs – Neighbourhood Commercial (Retail Cannabis Sales) zone, be considered by Council;

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

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.10 Gordon Drive 3818, TA19-0008 (BL11782) - Save on Shoes Ltd Inc No 397854

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0305/19/03/25) THAT Bylaw No. 11782 be read a first time.

Carried

3.11 Gordon Dr 3818, Z19-0013 (BL11783) - Save on Shoes Ltd Inc No 397854

Moved By Councillor DeHart/Seconded By Councillor Stack

(R0306/19/03/25) THAT Bylaw No. 11783 be read a first time.

Carried

3.12 Rutland Rd S 140-160, Z19-0026 - Canada West Realty Ltd, Inc. No. 71313

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

Moved By Councillor Hodge/Seconded By Councillor Given

(R0307/19/03/25) THAT Rezoning Application No. Z19-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 23 Township 26 Osoyoos Division Yale District Plan 18642, located at 140-160 Rutland Road South, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.13 Rutland Rd S 140-160, Z19-0026 (BL11779) - Canada West Realty Ltd, Inc. No. 71313

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0308/19/03/25) THAT Bylaw No. 11779 be read a first time.

Carried

3.14 Springfield Rd 2121, Z19-0029 - 417414 BC Limited, Inc No 417414

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0309/19/03/25) THAT Rezoning Application No. Z19-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 128 Osoyoos Division Yale District Plan 18971 Except Plan 20452 and 42606, located at 2121 Springfield Road, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and

- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.15 Springfield Rd 2121, Z19-0029 (BL11780) - 417414 BC Limited, Inc No 417414

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0310/19/03/25) THAT Bylaw No. 11780 be read a first time.

Carried

3.16 Harvey Ave 1455-1475, Z19-0010 - 449048 British Columbia Ltd, 1145399

Staff displayed a PowerPoint presentation summarizing the application

Moved By Councillor Donn/Seconded By Councillor Hodge

(R0311/19/03/25) THAT Rezoning Application No. Z19-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 137 Osoyoos Division Yale District Plan KAP54811, located at 1455-1475 Harvey Avenue, Kelowna, BC from the C3 – Community Commercial zone to the C3rcs – Community Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.17 Harvey Ave 1455-1475, Z19-0010 (BL11792) - 449048 British Columbia Ltd, 1145399

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0312/19/03/25) THAT Bylaw No. 11792 be read a first time.

Carried

3.18 Harvey Ave 2090, Z19-0008 - T 252 Enterprises Ltd Inc No BC1184462

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Donn

(R0313/19/03/25) THAT Rezoning Application No. Z19-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 127 Osoyoos Division Yale District Plan 34162 Except Plan EPP5106, located at 2090 Harvey Avenue, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

3.19 Harvey Ave 2090, Z19-0008 (BL11793) - T 252 Enterprises Ltd Inc No BC1184462

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0314/19/03/25) THAT Bylaw No. 11793 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Taylor Rd 545, BL11757 (Z18-0114) - Jessica Michelle Rypstra

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0315/19/03/25) THAT Bylaw No. 11757 be adopted.

Carried

4.2 Altura Rd 30, BL11759 (Z18-0102) - David & Camille Harkins

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0316/19/03/25) THAT Bylaw No. 11759 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Housing Agreement Bylaws - Spring 2019

Councillor Stack declared a perceived conflict of interest on items 5.1 to 5.5 as his employer applies for the housing grants from time to time and left the meeting at 2:06 p.m.

Staff provided a summary of the housing agreements and associated projects and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

(R0317/19/03/25) THAT Council, receives, for information, the Report from the Planner Specialist dated March 25, 2019 recommending that Council adopt the following Housing Agreement Bylaws to secure 351 purpose-built rental housing units.

AND THAT Council approves the staff recommendation that affordable rental projects with long-term operating agreements with BC Housing shall not be required to enter into Housing Agreements with the City of Kelowna as described in the Report from the Planner Specialist dated March 25, 2019.

AND THAT Bylaw No. 11776 authorizing a Housing Agreement between the City of Kelowna and Okanagan Opportunity (Pacific) GP Inc., Inc. No. BC1188652 which requires the owners to designate 31 dwelling units in a purpose-built rental housing for Lot A, District Lot 137 ODYD, Plan EPP84914 at 1145 Pacific Avenue, Kelowna, BC, be forwarded for reading consideration.

AND THAT Bylaw No. 11777 authorizing a Housing Agreement between the City of Kelowna and Okanagan Opportunity GP Inc., Inc. No. BC1188652 which requires the owners to designate 58 dwelling units in a purpose-built rental housing for Lot A, District Lot 139 ODYD, Plan EPP82176 at 573-599 Clement Avenue, Kelowna, BC, be forwarded for reading consideration.

AND THAT Bylaw No. 11786 authorizing a Housing Agreement between the City of Kelowna and 0904419 B.C. LTD., which requires the owners to designate 87 dwelling units in a purpose-built rental housing for Lot B, Section 29 Township 26 District Lot 139 ODYD, Plan EPP54061 at 773 Glenmore Road, Kelowna, BC, be forwarded for reading consideration

AND THAT Bylaw No. 11784 authorizing a Housing Agreement between the City of Kelowna and Drysdale Blvd Kelowna Apartments 2019 Ltd. Inc. No. BC1193818, which requires the owners to designate 175 dwelling units in a purpose-built rental housing for Lot 2 Section 33 Township 26 ODYD, Plan EPP48909 at 333 Drysdale Road, Kelowna, BC, be forwarded for reading consideration

AND FURTHER THAT Bylaws Nos. 11776, 11777, 11786 and 11784 be forwarded for final reading consideration.

Carried

5.2 Pacific Ave 1145, BL11776 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Moved By Councillor DeHart/Seconded By Councillor Donn

(R0318/19/03/25) THAT Bylaw No. 11776 be read a first, second and third time.

Carried

5.3 Clement Ave 573-599, BL11777 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0319/19/03/25) THAT Bylaw No. 11777 be read a first, second and third time.

Carried

5.4 Drysdale Blvd 333, BL11784 - Housing Agreement Authorization Bylaw - Drysdale Blvd. Kelowna Apartments 2019 Ltd.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0320/19/03/25) THAT Bylaw No. 11784 be read a first, second and third time.

Carried

5.5 Glenmore Rd 773, BL11786 - Housing Agreement Authorization Bylaw - 0904419 B.C. Ltd.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

(R0321/19/03/25) THAT Bylaw No. 11786 be read a first, second and third time.

Carried

Councillor Stack returned to the meeting at 2:15 p.m.

5.6 September 2019 Transit Service Expansion and Optimization Plan

Staff displayed a PowerPoint presentation summarizing the proposed expansion and optimization plan and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

(R0322/19/03/25) THAT Council, receives, for information, the Report from the Transit and Programs Manager dated March 25, 2019 with respect to the September 2019 Transit Service Expansion and Optimization Plan;

AND THAT Council approve the recommended service plan and direct Staff and BC Transit to initiate detailed service design and ultimately implementation of the Plan.

Carried

5.7 Update of the 2020-2025 Cultural Plan Process

Staff displayed a PowerPoint presentation summarizing the public engagement process to date and early findings and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

(R0323/19/03/25) THAT Council receives, for information, the report from the Cultural Services Manager dated March 25, 2019, regarding the activities related to the development of an updated Cultural Plan.

Carried

5.8 Neighbourhood Grant Program Renewal

Staff displayed a PowerPoint Presentation summarizing the program and proposed memorandum of understanding.

Moved By Councillor DeHart/Seconded By Councillor Stack

(R0324/19/03/25) THAT Council receives, for information, the report from the Community Development Coordinator dated March 25, 2019, with respect to the Neighbourhood Grant program;

AND THAT Council endorses the Memorandum of Understanding between the City of Kelowna and the Central Okanagan Foundation to support the continuation of the Neighbourhood Grant program as outlined in the report dated March 25, 2019;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Memorandum of Understanding as attached to the report dated March 25, 2019.

Carried

6. Mayor and Councillor Items

Councillor Donn:

- Attended World Down Syndrome Day, the 2nd annual in Kelowna and read a poem by Dale Froese.

Councillor Wooldridge:

- Attended on behalf of the Mayor various events including the BC Land Surveyors AGM and convention.

- Attended the Daughter of the Wolf movie premiere on Saturday.

Councillor Given:

- Attended prayers with Councillor Wooldridge on behalf of the Muslim community in light of the recent attacks in New Zealand.

- Mentioned Stunt Man Steve provided April is Cancer Month daffodils.

- Mentioned this Saturday, Mar 30th is the Repair Café at Okanagan College from 10-2, details on the RDCO website.

7. Termination

This meeting was declared terminated at 3:06 p.m.

Mayor Basran

sf/rvh

City Clerk