



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, August 12, 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*, Mohini Singh, Luke Stack* and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Urban Planning and Development Policy Manager, Laura Bentley*; Development Planning Department Manager, Terry Barton*; Suburban and Rural Planning Manager, Dean Strachan*; Planner, Lydia Korolchuk*; Planner Specialist, Ross Soward*; Long Range Policy Planning Manager, James Moore*; Integrated Transportation Department Manager, Raphael Villarreal*; Strategic Transportation Planning Manager, Mariah VanZerr*; Divisional Director, Infrastructure, Alan Newcombe*; Infrastructure Engineering Manager, Joel Shaw*; Parks & Buildings Planning Manager, Robert Parlane*; Utility Planning Manager, Rod MacLean*; Policy & Planning Department Manager, Danielle Noble-Brandt; OCP Project Planner, Robert Miles*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Senior Airport Operations Manager, Phillip Elchitz*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:35 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

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 Donn/Seconded By Councillor Wooldridge

R764/19/08/12 THAT the Minutes of the Regular Meetings of July 29, 2019 be confirmed as circulated.

Carried

### 3. Development Application Reports & Related Bylaws

#### 3.1 Hartman Rd 280 and Maygard Rd 940, Z18-0001 - JE Holdings Inc.

Moved By Councillor Stack/Seconded By Councillor Sieben

**R765/19/08/12** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11597, Z18, 0001, for Lots 1 & 2 Section 26 Township 26 Osoyoos Division Yale District Plan 22455, 280 Hartman Road and 940 Maygard Road, be extended from May 1, 2019 to May 1, 2020;

AND THAT Council directs Staff to not accept any further extension requests.

**Carried**

#### 3.2 Holland Road 3010, Z18-0010 - Scott R. and Chandra S.Payer, John W. and Alexandra T. Woodfield

Moved By Councillor Hodge/Seconded By Councillor Donn

**R766/19/08/12** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11620, be extended from June 12, 2019 to June 12, 2020.

AND THAT Council directs Staff to not accept any further extension requests.

**Carried**

#### 3.3 Hwy 97 N 2339-2397, Z19-0018 Dilworth Shopping Centre Ltd, Inc. No. 319846

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Sieben

**R767/19/08/12** THAT Rezoning Application No. Z19-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, District Lots 126 and 532 Osoyoos Division Yale District Plan 40108, located at 2339-2397 Hwy 97 N, Kelowna, BC, from the C4 - Urban Centre Commercial and C4rls - Urban Centre Commercial (Retail Liquor Sales) zones to C4rcs - Urban Centre Commercial (Retail Cannabis Sales) and C4rls/rcs - Urban Centre Commercial (Retail Liquor Sales/ Retail Cannabis Sales) zones as shown on Map "A" attached to the report from the Development Planning Department dated August 12, 2019, 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**

**3.4 Hwy 97 N 2339-2397, BL11919 (Z19-0018) - Dilworth Shopping Centre Ltd, Inc. No. 319846**

Moved By Councillor Stack/Seconded By Councillor Hodge

**R768/19/08/12** THAT Bylaw No. 11919 be read a first time.

**Carried**

**3.5 Findlay Rd 1308, Z18-0107 - R 547 Enterprises Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R769/19/08/12** THAT Rezoning Application No. Z18-0107 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 14612 located at 1308 Findlay Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the I2 – General Industrial 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 Schedule "A" attached to the Report from the Development Planning Department dated August 12<sup>th</sup>, 2019;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the dedication of the linear park and riparian management area along Francis Brook.

**Carried**

**3.6 Findlay Rd 1308, BL11920 (Z18-0107) - R 547 Enterprises Ltd**

Moved By Councillor Stack/Seconded By Councillor Hodge

**R770/19/08/12** THAT Bylaw No. 11920 be read a first time.

**Carried**

**3.7 Greene Road 604, Z19-0073 - James A. Baumgartner and Elanda C. Baumgartner**

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Donn

**R771/19/08/12** THAT Rezoning Application No. Z19-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 358 ODYD Plan 9564, located at 604 Greene 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

**3.8 Greene Road 604, BL11921 (Z19-0073) - James A. Baumgartner and Elanda C. Baumgartner**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R772/19/08/12 THAT Bylaw No. 11921 be read a first time.

Carried

**3.9 Lakeshore Rd 110-3140, Z19-0059 - D and R Properties Ltd, Inc. No BC0562497**

Councillor Sieben declared a conflict of interest as he provides insurance services for the applicant and departed the meeting at 1:44 p.m.

Staff:

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

Moved By Councillor Singh/Seconded By Councillor DeHart

R773/19/08/12 THAT Rezoning Application No. Z19-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14 Osoyoos Division Yale District Plan 35059, located at 3140 Lakeshore Rd, Kelowna, BC, from the C4lp - Urban Centre Commercial (Liquor Primary) zone to the C4lp/rcs - Urban Centre Commercial (Liquor Primary/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 Lakeshore Rd 110-3140, BL11922 (Z19-0059) - D and R Properties Ltd, Inc. No BC0562497**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R774/19/08/12 THAT Bylaw No. 11922 be read a first time.

Carried

Councillor Sieben returned to the meeting at 1:48 p.m.

**3.11 McIntosh 280, DP19-0059 - Provincial Rental Housing Corporation, Inc. No BC0052129**

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**R775/19/08/12** THAT Council hear from the Applicant with respect to the Open House held in January 2019.

**Carried**

Chuck Davani, BC Housing

- Held a public information session in January at the Rutland Centennial Hall.
- Estimated that there were 200 people in attendance.
- Present were various stakeholders of their team; including the operational side, the John Howard Society, Interior Health partners, Communications, Developers and Contractors to answer questions that the neighbours or any of the public had.
- Did take feedback on a common form section that asked various questions that had been provided to the city.
- Regarding the form and character the original colour was not desirable so that was changed to a darker grey.
- The original plan was to have 52 units; through the development permit process and working on units and space requirements on the ground floor where there are services, 2 units were removed to accommodate more livable area space on the ground floor.
- Responded to questions from Council.

Dawn Heimer, John Howard Society

- Advised that staff are on site 24/7 with a minimum of 2 staff on at all times; Case Management that work with individuals, a full time Manager on site, Director of Housing First available 24/7 as well as Outreach.
- During week days there are more people on site and shifts are adjusted according to peak times.

Moved By Councillor Given/Seconded By Councillor Stack

**R776/19/08/12** THAT Council authorizes the issuance of Development Permit No. DP19-0059 for Lot 1 Section 26 Township 26 ODYD Plan 6518, located at 280 McIntosh Road, 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;

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

**Carried**

Councillors DeHart, Hodge and Singh - Opposed

**4. Bylaws for Adoption (Development Related)**

**4.1 Airport Way 5505-5507, BL11828 (Z19-0034) - Midwest Ventures Ltd., Inc. No. BC0046021**

Moved By Councillor Hodge/Seconded By Councillor Singh

R777/19/08/12 THAT Bylaw No. 11828 be adopted.

Carried

**4.2 Commerce Ave 1675-1677, BL11855 (Z19-0004) - Braemar Properties Ltd, Inc. No. BC1023360**

Moved By Councillor Hodge/Seconded By Councillor Singh

R778/19/08/12 THAT Bylaw No. 11855 be adopted.

Carried

**5. Non-Development Reports & Related Bylaws**

**5.1 Transportation Master Plan Existing and Future Conditions**

Staff:

- Displayed a PowerPoint Presentation providing an overview of the existing and projected future transportation conditions and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Hodge

R779/19/08/12 THAT Council receives, the report from the Integrated Transportation Department dated August 12<sup>th</sup>, 2019, with respect to the Existing and Future Conditions Technical Report for the Transportation Master Plan.

Carried

**5.2 2040 Infrastructure Impact Analysis**

Staff:

- Displayed a PowerPoint Presentation providing a high-level overview of the infrastructure impacts associated with the 2040 Official Community Plan growth scenario and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R780/19/08/12 THAT Council receives for information, the report from the Infrastructure Engineering Manager dated August 12, 2019, with respect to the 2040 Infrastructure Impact Analysis.

Carried

**5.3 OCP 2040: Draft Land Use Map and Public Engagement Process**

Staff:

- Displayed a PowerPoint Presentation providing an overview of the 2040 OCP draft Land Use Map and Public Engagement Process and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R781/19/08/12** THAT Council receives the report from Policy and Planning Department, dated August 12, 2019, for information;

AND THAT Council direct staff to initiate the public engagement process, as outlined in this report, and include the initial draft Land Use Map in that process to gain community feedback.

**Carried**

**5.4 Healthy Housing Strategy Implementation - Rental Housing Incentives Update**

Councillor Stack declared a conflict of interest for items 5.4, 5.5 and 5.6 as his employer is a non-profit organization that could benefit from the proposed amendments and departed the meeting at 4:34 p.m.

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

**R782/19/08/12** THAT Council receives, for information, the Report from the Planner Specialist dated August 12, 2019 with respect to the policy and bylaw updates to support the City's Healthy Housing Strategy;

AND THAT Council Policy No. 335, being the Rental Housing Grants Policy, be revised as outlined in the Report from the Planner Specialist dated August 12, 2019;

AND THAT Bylaw No. 11911 being Amendment No. 6 to Housing Opportunities Reserve Fund Bylaw No. 8593, be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 11912 being Amendment No. 7 to Revitalization Tax Exemption Bylaw No. 9561, be forwarded for reading consideration.

**Carried**

**5.5 BL11911 - Amendment No. 6 to the Housing Opportunities Reserve Fund Bylaw No. 8593**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R783/19/08/12** THAT Bylaw No. 11911 be read a first, second and third time.

**Carried**

**5.6 BL11912 - Amendment No. 7 to Revitalization Tax Exemption Bylaw No. 9561**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R784/19/08/12** THAT Bylaw No. 11912 be read a first, second and third time.

**Carried**

Councillor Stack rejoined the meeting at 4:43 p.m.

**5.7 Subdivision, Development and Servicing Bylaw 7900 - Schedule 4 and 5 Update - Stormwater**

Mayor Basran advised that Items 5.7 and 5.8 would be withdrawn and will appear on a future agenda.

**5.8 Bylaw No.11913 - Amendment No.20 to the Subdivision, Development and Servicing Bylaw No.7900**

**5.9 2019 Financial Plan Amendment - Kelowna International Airport**

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed amendments and their rationale and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**R785/19/08/12** THAT Council receives, for information, the report from the Senior Airport Finance and Corporate Services Manager dated August 12, 2019, with respect to a budget amendment for \$695,000;

AND THAT the 2019 Financial Plan be amended to increase facility maintenance fees by \$695,000 to be funded from the Airport's Airside, Groundside and Terminal reserves.

**Carried**

**6. Bylaws for Adoption (Non-Development Related)**

**6.1 BL11851 - Amendment No. 34 to Traffic Bylaw No. 8120**

Moved By Councillor Donn/Seconded By Councillor Sieben

**R786/19/08/12** THAT Bylaw No. 11851 be adopted.

**Carried**

**6.2 BL11852 - Amendment No. 25 to Bylaw Notice Enforcement Bylaw No. 10475**

Moved By Councillor Donn/Seconded By Councillor Sieben

**R787/19/08/12** THAT Bylaw No. 11852 be adopted.

**Carried**

**6.3 BL11853 - Amendment No. 2 to Payment in Lieu of Parking Bylaw No. 8125**

Moved By Councillor Donn/Seconded By Councillor Sieben

**R788/19/08/12** THAT Bylaw No. 11853 be adopted.

**Carried**

**7. Mayor and Councillor Items**

Mayor Basran, re: Development Permit at 786 Cooplund Crescent:

- Requested that Council consider waiving the six-month time restriction for re-application.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R789/19/08/12** THAT Council waive the six-month restriction for re-application and allow the owner of 786 Cooplund Crescent to re-apply for a Development Permit for that address.

**Carried**



Councillor DeHart:

- Spoke to new sunscreen protector dispensers available at various locations in Kelowna.
- Appeared in a "Do Good" video that rewarded citizens that were wearing a helmet while riding their bicycle.

**8. Termination**

This meeting was declared terminated at 4:52 pm

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Mayor Basran

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City Clerk

/acm