



**City of Kelowna
Regular Council Meeting
Minutes**

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| Date: | Monday, August 23, 2021 |
| Location: | Council Chamber City Hall, 1435 Water Street |
| Members Present | Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Luke Stack and Loyal Wooldridge |
| Members participating remotely | Councillors Charlie Hodge, Brad Sieben* and Mohini Singh |
| Members Absent | Councillor Ryan Donn |
| Staff Present | City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Bylaw Services Manager, Ken Hunter*; Building Inspection & Licensing Manager, Terry Kowal*; Senior Bylaw Enforcement Officer (ret'd), Kurt Szalla*; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Urban Planning Manager, Jocelyn Black*; Planner, Tyler Caswell* |
| Staff participating remotely | Legislative Coordinator (Confidential), Arlene McClelland |

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:37 p.m.

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

In accordance with the most recent Interior Health Restrictions regarding gatherings and events, a maximum of 39 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council.

As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro805/21/08/23 THAT the Minutes of the Regular Meetings of August 9, 2021 be confirmed as circulated.

Carried

3. Remedial Action Order Appeal Process

3.1 Remedial Action Process

Staff:

- Outlined Council's option to confirm, amend, or cancel remedial action requirements from the Council meeting held July 26, 2021.
- Advised that documents received from the property owner's representative were circulated to Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro8o6/21/o8/23 THAT Council receive, for information, the report from the Office of the City Clerk dated August 23, 2021 regarding Remedial Action Order Appeal Process.

Carried

3.2 Appeal Remedial Action - 424 Gibson Road

Janusz Grelecki, Owner, Gibson Road

- Moved to Canada in 1990; this is the first home renovation and did not know the rules of building in Canada.
- Made comment on the lack of action and communication from the City in the last four years.
- Commented that there hadn't been any complaints from neighbours in the last four years either and believed everything was alright with his property.
- Spoke to the progress made on the property over the last several years.
- Made comment that the remedial action requirement came as a surprise.
- Responded to questions from Council.
- Advised that the property can be cleaned up and permit requirements can be met in one year; have spoken to professionals to assist.

Paul Davies, Gibson Road

- Representing the property owner as a neighbour, not legal counsel.
- Advised that he would help the property owner move forward to meet requirements.
- Made comment on the personal background of the property owner as well as the history of the structures on the property.
- Spoke to errors identified in the staff report dated July 26, 2021.
- Commented on the absence of health or safety orders and no communication from the City since 2017.
- Spoke to engineering reports from the City and Elemental Structural Engineers hired by the property owner.
- Requested that requirements be amended to allow 60 days to remove debris and garbage from the site; 120 days to have design work and building permits in place and one year to complete work required through building permits.
- Responded to questions from Council.

Councillor Sieben disconnected from the meeting at 2:11 p.m.

Staff:

- Responded to questions from Council.
- Commented on the newly created Property Standards Compliance Team recently taking over longstanding files.
- Provided history of the efforts to address issues and assist the property owner to bring the property into compliance.
- Spoke to previous building permit applications on the property that had expired.
- Made comment on several unsightly premise complaints on another property on Gibson Road where the property owner was a tenant.

- Spoke to bylaw complaints on the subject property and a bylaw enforcement penalty being paid by the property owner.
- Advised that staff were last at the property in January 2021 and more recently viewed the activity on site.

Councillor Sieben rejoined the meeting virtually at 2:43 p.m.

Moved By Councillor Stack/Seconded By Councillor Singh

Ro807/21/08/23 THAT Council confirms the Remedial Action Requirement dated July 26, 2021;

AND THAT the requirements for work to be completed be upon the date of Council reconsideration;

AND FURTHER THAT under Section 78(5) notice of Council's decision be sent to the persons entitled to notice under Sections 77(1) and 77(2) of the *Community Charter*.

Carried

4. Development Application Reports & Related Bylaws

4.1 Pandosy St 2949, 2955 and Tutt St 2918, 2970 - LUCT20-0011 (BL12260) - Multiple Owners

Staff:

- Provided an update on the land use contract termination process.
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro808/21/08/23 THAT Land Use Contract Termination Application No. LUCT20-0011 to terminate LUC76-1044 from the subject properties identified in 'Schedule A' located on Tutt Street and Pandosy Street, Kelowna, BC, be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

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

Carried

4.2 Pandosy St 2949, 2955 and Tutt St 2918, 2970 - BL12260 (LUCT20-0011) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro809/21/08/23 THAT Bylaw No. 12260 be read a first time.

Carried

4.3 Gray Rd 350 - LUCT20-0018 (BL12265) - 0897252 BC Ltd., Inc. No. BC0897252

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro810/21/08/23 THAT Land Use Contract Termination Application No. LUCT20-0018 to terminate LUC77-1058 from Lot A Section 23 Township 26 ODYD Plan 28897 located at 350 Gray Road, Kelowna, BC, be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

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

Carried

4.4 Gray Rd 350 - BL12265 (LUCT20-0018) - o897252 BC Ltd., Inc. No. BC0897252

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro811/21/08/23 THAT Bylaw No. 12265 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.5 Knowles Rd 472 - Z21-0026 (BL12266) - Vision Excavating Ltd., Inc. No. BC0707315

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Given

Ro812/21/08/23 THAT Rezoning Application No. Z21-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 167 ODYD Plan 9341 Except Plans 13481 and 19834, located at 472 Knowles 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 condition of approvals as set out in Schedule "A" attached to the Report from the Development Planning Department dated August 23rd, 2021;

AND THAT final adoption the Rezoning Bylaw be considered subsequent to a Section 219 Covenant being registered on the property limiting the site coverage and future building heights;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried

4.6 Knowles Rd 472 - BL12266 (Z21-0026) - Vision Excavating Ltd., Inc. No. BC0707315

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro813/21/08/23 THAT Bylaw No. 12226 be read a first time.

Carried

4.7 Cawston Ave 604-626 - OCP21-0020 (BL12267) Z21-0069 (BL12268) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro814/21/08/23 That Official Community Plan Map Amendment Application No. OCP21-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 23, District Lot 139, ODYD, Plan 1037, located at 604 Cawston Avenue, Kelowna, BC;
- Lot 22, District Lot 139, ODYD, Plan 1037, located at 608 Cawston Avenue, Kelowna, BC;
- Lot 21, District Lot 139, ODYD, Plan 1037, located at 612 Cawston Avenue, Kelowna, BC;
- Lot A, District Lot 139, ODYD, Plan EPP49686, located at 626 Cawston Avenue, Kelowna, BC.

from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation, be considered by Council;

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 Development Planning Department dated August 23, 2021;

AND THAT Rezoning Application No. Z21-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- Lot 23, District Lot 139, ODYD, Plan 1037, located at 604 Cawston Avenue, Kelowna, BC;
- Lot 22, District Lot 139, ODYD, Plan 1037, located at 608 Cawston Avenue, Kelowna, BC;
- Lot 21, District Lot 139, ODYD, Plan 1037, located at 612 Cawston Avenue, Kelowna, BC;
- Lot A, District Lot 139, ODYD, Plan EPP49686, located at 626 Cawston Avenue, Kelowna, BC.

from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone, be considered by Council;

AND THAT the Official Community Plan Map Amendment Bylaw and 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 identified in Schedule "A" associated to the report from the Development Planning Department dated August 23, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the legal consolidation of all the lots into one parcel.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject properties.

Carried

4.8 Cawston Ave 604-626 - BL12267 (OCP21-0020) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro815/21/08/23 THAT Bylaw No.12267 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.9 Cawston Ave 604-626 - BL12268 (Z21-0069) - Sole Cawston Developments Ltd., Inc. No. BC1270856

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro816/21/08/23 THAT Bylaw No. 12268 be read a first time.

Carried

4.10 Springfield Rd 1994 - OCP21-0009 (BL12269) Z21-0035 (BL12270) - 1295991 B.C. Ltd., Inc. No. BC1295991

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor DeHart

Ro817/21/08/23 THAT Official Community Plan Map Amendment Application No. OCP21-0009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC from the SC – Service Commercial designation to the MXR - Mixed Use (Residential / Commercial) designation, 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 Development Planning Department dated August 23, 2021;

AND THAT Rezoning Application No. Z21-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC from the C10 – Service Commercial zone to the C4 – Urban Centre Commercial 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 23, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

Carried

4.11 Springfield Rd 1994 - BL12269 (OCP21-0009) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro818/21/08/23 THAT Bylaw No. 12269 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.12 Springfield Rd 1994 - BL12270 (Z21-0035) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro819/21/08/23 THAT Bylaw No. 12270 be read a first time.

Carried

4.13 Supplemental Report - Trumpeter Rd 494 - Z20-0103 (BL12254) - 1033095 B.C. Ltd., Inc. No. BC1033095

Moved By Councillor DeHart/Seconded By Councillor Given

Ro820/21/08/23 THAT Council receives, for information, the report from the Office of the City Clerk dated August 23, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12254;

AND THAT Rezoning Bylaw No. 12254 be forwarded for further reading consideration.

Carried

4.14 Trumpeter Rd 494 - BL12254 (Z20-0103) - 1033095 B.C. LTD., INC.NO. BC1033095

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro821/21/08/23 THAT Bylaw No. 12254 be read a second and third time.

Carried

4.15 Supplemental Report - Braeloch Rd 385 - Z21-0053 (BL12255) - Michael Christopher Smith and Brigitte Diane Smith

Moved By Councillor DeHart/Seconded By Councillor Hodge

Ro822/21/08/23 THAT Council receives, for information, the report from the Office of the City Clerk dated August 23, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12255;

AND THAT Rezoning Bylaw No. 12255 be forwarded for further reading consideration.

Carried

4.16 Braeloch Rd 384 - BL12255 (Z21-0053) - Michael Christopher Smith and Brigitte Diane Smith

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro823/21/08/23 THAT Bylaw No. 12255 be read a second and third time.

Carried

4.17 Rutland Rd N 2100 - BL12053 (OCP18-0005) - Reid's Crossing Development. Inc., Inc. No. BC1165652

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro824/21/08/23 THAT Bylaw No. 12053 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro825/21/08/23 THAT Bylaw No. 12053, as amended, be adopted.

Carried

4.18 Rutland Rd N 2100 - BL12054 (Z18-0019) - Reid's Crossing Development Inc., Inc. No. BC1165652

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro826/21/08/23 THAT Bylaw No. 12054 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro827/21/08/23 THAT Bylaw No. 12054, as amended, be adopted.

Carried

4.19 Rutland Rd N 2100 - BL12055 (TA18-0011) - Reid's Crossing Development. Inc., Inc. No. BC1165652

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro828/21/08/23 THAT Bylaw No. 12055 be amended at third reading by deleting the legal descriptions that read:

- Lot A Section 35 Township 26 ODYD Plan EPP56074
- Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072;
- Lot 4 Section 35 Township 26 ODYD Plan 4170;
- Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073

And replacing it with:

- Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro829/21/08/23 THAT Bylaw No. 120554, as amended, be adopted.

Carried

4.20 Rutland Rd N 2100 - DP18-0243 - Reid's Crossing Development Inc., Inc. No. BC1165652

Staff:

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

Moved By Councillor Given/Seconded By Councillor DeHart

Ro830/21/08/23 THAT Official Community Plan Map Amending Bylaw No. 12053 be amended at third reading to revise the legal description of the subject property from portions of Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073 to portions of Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT Rezoning Bylaw No. 12054 be amended at third reading to revise the legal description of the subject property from Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP 56073 to Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT Zoning Bylaw Text Amendment Bylaw No. 12055 be amended at third reading to revise the legal description of the subject property from Lot A Section 35 Township 26 ODYD Plan EPP56074; Lot 1 Section 35 Township 26 ODYD Plan 4375 Except Plan EPP56072; Lot 4 Section 35 Township 26 ODYD Plan 4170; and Lot A Section 35 Township 26 ODYD Plan 23482 Except Plan EPP56073 to Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12053, Rezoning Bylaw No. 12054 and Zoning Bylaw Text Amendment Bylaw No. 12055 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0243 for Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan EPP105620, located at 2100 Rutland Road North, 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 THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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 Hodge and Wooldridge - Opposed

5. Resolutions

5.1 Draft Resolution - City of Kelowna Tax Sale

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro831/21/08/23 THAT Council designates the Kelowna Community Theatre, 1375 Water St to be the location for the September 27, 2021 City of Kelowna Tax Sale.

Carried

6. Mayor and Councillor Items

Councillor Sieben:

- Commented on the recent Provincial directive for vaccine cards to access non-essential businesses as a way for economic recovery and encouraged citizens to get vaccinated.

Councillor Stack:

- Recognized and expressed appreciation to frontline firefighters working on the White Rock Lake and Mount Law wildfires.

Councillor Wooldridge:

- Expressed sympathy to those who have lost their homes in these wildfires.
- Agreed that vaccinations are key to economic recovery of our personal businesses.

Councillor Given:

- Acknowledged the work of those in the Emergency Operations Centre and the seamless cooperation between jurisdictions.

Mayor Basran:

- Recognized the efforts of those working in the Emergency Operations Centre and Emergency Support Services.
- Reminder of the Public Hearing on August 24, 2021.
- Acknowledged and applauded the Province's announcement today regarding the implementation of BC vaccine cards as a positive step.

City Manager:

- Made comment that staff are working on regulations for electric vehicle charging stations, however, at this point inclusion is voluntary.

7. Termination

This meeting was declared terminated at 3:31 p.m.

Mayor Basran

Deputy City Clerk

/acm