



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, September 13, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members participating remotely	Councillor Charlie Hodge
Members Absent	Councillor Gail Given
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith*; Divisional Director, Partnership & Investments, Derek Edstrom*; Urban Planning Manager, Jocelyn Black*; Planner, Tyler Caswell*; Planner Specialist, Lydia Korolchuk*; Planner, Mark Tanner*; Planner Specialist, Alex Kondor*
Staff participating remotely	Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:33 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 Wooldridge/Seconded By Councillor Hodge

**R0839/21/09/13** THAT the Minutes of the Regular Meetings of August 23, 2021 be confirmed as circulated.

**Carried**

### 3. Development Application Reports & Related Bylaws

#### 3.1 Highway 97 N 4690 - A20-0008 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Made comment on proposed mitigation, alternative sites that were considered and potential funding.
- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

**Ro840/21/09/13** THAT Agricultural Land Reserve Appeal No. A20-0008 for The South West ¼ of Section 11 Township 23 ODYD Except: (1) Those Parts Shown on Plan Attached to DD 1953D (2) Plans 10273, 18883, H764, H16596 And KAP83101 (3) Parcel A (E10197) and The North West ¼ of Section 2 Township 23 ODYD Except: (1) Those Parts Shown on Plan Attached to DD1953D (2) Part Described in DD 169668F (3) Plans 12349, H764, H16596, KAP83101 and EPP76079 located at 4690 Highway 97 North, Kelowna, BC for an "Exclusion" under Section 29(1) of the Agricultural Land Commission Act, be supported by Council;

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

**Carried**

Councillors Hodge and Singh - Opposed

#### 3.2 Takla Rd 4380 - A21-0006 - Lark Farms Inc., In. No. 537531

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**Ro841/21/09/13** THAT Agricultural Land Reserve Appeal No. A21-0006 for Lot 1, Sections 32, Township 29, ODYD Plan KAP74909 located at 4380 Takla Road, Kelowna, BC for a "Non-Adhering Residential Use Permit" under Section 20.1(2) of the Agricultural Land Commission Act, be supported by Council;

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

**Carried**

#### 3.3 East Kelowna Rd 2981 - A21-0009 - Edithe Kathlien Ross

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

**Ro842/21/09/13** THAT Agriculture Land Reserve Appeal No. A21-0009 for Lot 2 Section 15 Township 26 ODYD Plan 736 located at 2981 East Kelowna Road, Kelowna, BC 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**

### 3.4 Sherwood Rd 639 - Z21-0067 (BL12264) - Yunfang Gao

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**Ro843/21/09/13** THAT Rezoning Application No. Z21-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 358 ODYD Plan 16547, located at 639 Sherwood Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464 (2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Application 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 September 13<sup>th</sup>, 2021;

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

**Carried**

### 3.5 Sherwood Rd 639 - BL12264 (Z21-0067) - Yunfang Gao

Moved By Councillor Wooldridge/Seconded By Councillor Donn

**Ro844/21/09/13** THAT Bylaw No. 12264 be read a first time.

**Carried**

### 3.6 Fleming Rd 470 - Z21-0027 (BL12273) - 1306876 BC Ltd., Inc. No. BC13066876

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Donn

**Ro845/21/09/13** THAT Rezoning Application No. Z21-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C Section 27 Township 26 ODYD Plan KAP79327, located at 470 Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density 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 Schedule "A" attached to the Report from the Development Planning Department dated September 13, 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 for the subject property.

**Carried**

**3.7 Fleming Rd 470 - BL12273 (Z21-0027) - 1306876 BC Ltd., Inc. No. BC13066876**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro846/21/09/13** THAT Bylaw No. 12273 be read a first time.

**Carried**

**3.8 Gerstmar Rd 440 - Z21-0063 (BL12274) - Benjamin Cherney**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Singh

**Ro847/21/09/13** THAT Rezoning Application No. Z21-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan 29966, located at 440 Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

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 September 13, 2021;

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

**Carried**

**3.9 Gerstmar Rd 440 - BL12274 (Z21-0063) - Benjamin Cherney**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro848/21/09/13** THAT Bylaw No. 12274 be read a first time.

**Carried**

**3.10 Buckhaven Crt 4973 - Z21-0036 (BL12276) - Mair Developments Ltd., Inc. No. BC0753083**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Sieben

**Ro849/21/09/13** THAT Rezoning Application No. Z21-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1, Sections 20 and 29, Township 29, SDYD, Plan EPP100536, located at 4973 Buckhaven Court, Kelowna, BC from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the Report from the Development Planning Department dated September 13, 2021, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

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**

**3.11 Buckhaven Crt 4973 - BL12276 (Z21-0036) - Mair Developments Ltd., Inc. No. BC0753083**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro850/21/09/13** THAT Bylaw No. 12276 be read a first time.

**Carried**

**3.12 Radant Rd 575 - Z21-0074 (BL12277) - Lihua Feng**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Donn

**Ro851/21/09/13** THAT Rezoning Application No. Z21-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054, located at 575 Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464 (2), waive the Public Hearing for the Rezoning Bylaw.

**Carried**

**3.13 Radant Rd 575 - BL12277 (Z21-0074) - Lihua Feng**

Moved By Councillor Wooldridge/Seconded By Councillor Donn

**Ro852/21/09/13** THAT Bylaw No. 12277 be read a first time.

**Carried**

**3.14 Supplemental Report - Gaspardone Rd 4554 - Z21-0057 (BL12257) - Jeffrey and Ingrid Douziech**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro853/21/09/13** THAT Council receives, for information, the report from the Office of the City Clerk dated September 13, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12257;

AND THAT Rezoning Bylaw No. 12257 be forwarded for further reading consideration.

**Carried**

**3.15 Gaspardone Rd 4554 - BL12257 (Z21-0057) - Jeffrey and Ingrid Douziech**

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**Ro854/21/09/13** THAT Bylaw No. 12257 be read a second and third time and be adopted.

**Carried**

**3.16 Supplemental Report - Paret Pl 681 - Z21-0052 (BL12261) - Derek J. Klask**

Moved By Councillor Hodge/Seconded By Councillor Stack

**Ro855/21/09/13** THAT Council receives, for information, the report from the Office of the City Clerk dated September 13, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12261;

AND THAT Rezoning Bylaw No. 12261 be forwarded for further reading consideration.

**Carried**

**3.17 Paret Pl 681 - BL12261 (Z21-0052) - Derek J. Klask**

Moved By Councillor DeHart/Seconded By Councillor Stack

**Ro856/21/09/13** THAT Bylaw No. 12261 be read a second and third time and be adopted.

**Carried**

**3.18 Pandosy St 2340 - BL12056 (Z19-0135) - Rezoning Bylaw Extension Request**

Moved By Councillor Sieben/Seconded By Councillor Singh

**Ro857/21/09/13** THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amendment Bylaw No. 12056, for Lot 2 District Lot 14 ODYD Plan 12868, located at 2340 Pandosy St, Kelowna, BC, be extended from July 13, 2021 to July 13, 2022.

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

**Carried**

**3.19 Cara Glen Crt 1455 - DP21-0115 - Prime Clifton Homes Inc., Inc. No. A0116073**

Mayor Basran declared a conflict of interest as he owns property nearby and departed the meeting at 3:02 p.m.

Deputy Mayor Stack took over Chairing the meeting at 3:02 p.m.

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**Ro858/21/09/13** THAT Council authorizes the issuance of Development Permit No. DP21-0115 for Lot 3 Section 31 Township 26 ODYD Plan EPP100150, located at 1455 Cara Glen Court, 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"; and

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.

Carried  
Councillor Hodge - Opposed

Mayor Basran returned and resumed Chairing the meeting at 3:22 p.m.

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

- 4.1 South Ridge Dr 5008 - BL12222 (Z21-0049) - Nonis Developments LTD., INC.NO BC0938873**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0859/21/09/13 THAT Bylaw No. 12222 be amended at third reading by deleting from the legal description:

- "Lot 1"

And replacing with:

- "Lot 2"

Carried

Moved By Councillor DeHart/Seconded By Councillor Stack

R0860/21/09/13 THAT Bylaw No. 12222, as amended, be adopted.

Carried

- 4.2 Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12258 (OCP21-0005) - RDCO, David and Laura Geen**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0861/21/09/13 THAT Bylaw No. 12258 be adopted.

Carried

- 4.3 Mantle Crt 1870 Walburn Rd 2903 Gallagher Rd 2975 - BL12259 (Z21-0010) - RDCO, David and Laura Geen**

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0862/21/09/13 THAT Bylaw No. 12259 be adopted.

Carried

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

- 5.1 Kelowna International Airport Fees Bylaw Change**

Staff:

- Provided an overview of the proposed program and fees for UBCO staff and student parking and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

**Ro863/21/09/13** THAT Council receive for information the report of the Kelowna International Airport dated September 13, 2021;

AND FURTHER THAT Bylaw No. 12278 being Amendment No. 37 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

**Carried**

**5.2 BL12278 - Amendment No. 37 to Airport Fees Bylaw No. 7982**

Moved By Councillor DeHart/Seconded By Councillor Sieben

**Ro864/21/09/13** THAT Bylaw No. 12278 be read a first, second and third time.

**Carried**

**6. Mayor and Councillor Items**

Councillor Stack:

- Commented on ease of experience with proof of vaccination process.

Councillor DeHart:

- Commented on ease of experience with proof of vaccination process.

Councillor Sieben:

- Commented on the economic benefits with proof of vaccination process.
- Questioned whether local restrictions would be lifted with passport usage.

Councillor Wooldridge:

- Provided condolences to Vernon Councillor Dalvir Nahal that recently passed away.

Councillor Singh:

- Encouraged citizens to vote in the Federal election.

Councillor Donn:

- Commented that the Kelowna Fringe Festival begins this week and encouraged citizens to support and attend these events.

Mayor Basran:

- On behalf of Council provided support for businesses enforcing proof of vaccination requirements.
- Commented on the role of Bylaw Enforcement Services in supporting proof of vaccination.

**7. Termination**

This meeting was declared terminated at 3:34 p.m.

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Mayor Basran

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Deputy City Clerk

lb/acm