

City of Kelowna

Regular Council Meeting

AGENDA



Monday, October 4, 2021
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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 50 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

4 - 6

PM Meeting - September 27, 2021

3. Development Application Reports & Related Bylaws

3.1. Richter St 2590 - Z21-0040 (BL12282) - Linguo Zhang

7 - 31

To consider an application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of multiple dwelling housing, and to waive the Public Hearing.

3.2. Richter St 2590 - BL12282 (Z21-0040) - Linguo Zhang

32 - 32

To give Bylaw No. 12282 first reading in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone.

3.3. Supplemental Report - Sherwood Rd 639 - Z21-0067 (BL12264) - Yunfang Gao

33 - 34

To receive a summary of correspondence for Rezoning Bylaw No. 12264 and to forward the Bylaw to a Public Hearing for further consideration.

3.4. Supplemental Report - Gerstmar Rd 440 - Z21-0063 (BL12274) - Benjamin Cherney

35 - 36

To receive a summary of correspondence for Rezoning Bylaw No. 12274 and to give the bylaw further reading consideration.

- 3.5. Gerstmar Rd 440 - BL12274 (Z21-0063) - Benjamin Cherney** 37 - 37
- To give Bylaw No. 12274 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
- 3.6. Supplemental Report - Buckhaven Crt 4973 - Z21-0036 (BL12276) - Mair Developments Ltd., Inc. No. BCo753083** 38 - 39
- To receive a summary of correspondence for Rezoning Bylaw No. 12276 and to give the bylaw further reading consideration.
- 3.7. Buckhaven Crt 4973 - BL12276 (Z21-0036) - Mair Developments Ltd., Inc. No. BCo753083** 40 - 41
- To give Bylaw No. 12276 second and third reading and adopt in order to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone.
- 3.8. Supplemental Report - Radant Rd 575 - Z21-0074 (BL12277) - Lihua Feng** 42 - 43
- To receive a summary of correspondence for Rezoning Bylaw No. 12277 and to give the bylaw further reading consideration.
- 3.9. Radant Rd 575 - BL12277 (Z21-0074) - Lihua Feng** 44 - 44
- To give Bylaw No. 12277 second and third reading and adopt in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
- 3.10. Pacific Ave 1144 - Z20-0013 (BL12084) - Rezoning Bylaw Extension Request** 45 - 46
- To extend the deadline for adoption of Rezoning Bylaw No. 12084 from August 11, 2021 to August 11, 2022.

4. Non-Development Reports & Related Bylaws

- 4.1. 2022 Permissive Tax Exemption - Bylaw 12240** 47 - 68
- To consider a property tax exemption for those organizations that have met the qualifications as outlined in Permissive Tax Exemption Policy #327.
- 4.2. BL12240 - 2022 Permissive Tax Exemption Bylaw** 69 - 81
- To give Bylaw No. 12240 first, second and third reading.

4.3. Electronic Meeting and Public Hearing Implementation

82 - 99

To amend Council Procedure Bylaw No. 9200, and to adopt a new Council policy and amend Council Policy No. 307 to introduce electronic meeting and public hearing procedures.

4.4. BL12283 - Amendment No. 7 to the Council Procedure Bylaw No. 9200

100 - 102

To give Bylaw No. 12283 first, second and third reading.

5. Mayor and Councillor Items

6. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, September 27, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given*, Ryan Donn, Mohini Singh, Luke Stack and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge and Brad Sieben*

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning and Development Manager, Dean Strachan*; Strategic Transportation Planning Manager, Mariah VanZerr*; Transportation Planner, Cameron Noonan*; Divisional Director, Infrastructure, John Vos*; Transportation Engineering Manager, Gordon Foy*; Champion of the Environment, Chris Ray*

Staff participating remotely Infrastructure Operations Department Manager, Ian Wilson*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

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

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2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro898/21/09/27 THAT the Minutes of the Regular Meetings of September 20, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Valley Rd 355-357 - A21-0004 - Dilbag Singh and Sarabjeet Kaur Brar

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Hodge

Ro899/21/09/27 THAT Agricultural Land Reserve Appeal No. A21-0004 for Lot 7 Block 9 Section 33 Township 26 ODYD Plan 896 Except Plan B3900 located at 355-357 Valley Road, 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.

Carried

Councillor Given joined the meeting at 1:43 p.m.

4. Non-Development Reports & Related Bylaws

4.1 Draft 2040 Transportation Master Plan and Engagement Launch

Staff:

- Displayed a PowerPoint Presentation providing an overview of the Draft 2040 Transportation Master Plan and Engagement Launch and responded to questions from Council.

Councillor Sieben disconnected from the meeting at 2:18 p.m.

Moved By Councillor Donn/Seconded By Councillor Singh

Ro900/21/09/27 THAT Council receives, for information, the report from the Integrated Transportation Department dated September 27, 2021 regarding the Draft 2040 Transportation Master Plan.

AND THAT Council direct staff to initiate the public and stakeholder engagement process for the draft 2040 Transportation Master Plan.

Carried

4.2 Community Electric Vehicle and E-Bike Strategy

Staff:

- Introduced new Community Energy Specialist, Todd Brunner.
- Displayed a PowerPoint Presentation outlining the Electric Vehicle and E-Bike Strategy and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro901/21/09/27 THAT Council receives, for information, the report from Planning and Development Services, with respect to the City of Kelowna Community Electric Vehicle & E-Bike Strategy.

AND THAT Council endorse the objectives and recommended actions outlined in the City of Kelowna Community Electric Vehicle & E-Bike Strategy.

AND FURTHER THAT Council directs staff to include electric vehicle (EV) charging infrastructure requirements for new residential, institutional, commercial, industrial, and service station developments as outlined in the attached City of Kelowna Community Electric Vehicle & E-Bike Strategy in the forthcoming Kelowna Zoning Bylaw update.

AND FURTHER THAT Council directs staff to pursue stakeholder engagement, as part of the Zoning bylaw update engagement, for EV charging infrastructure requirements in new residential, institutional, commercial, industrial, and service station developments.

Carried

5. Mayor and Councillor Items

Councillor Donn:

- Made comment on significant items coming before Council recently.
- Commented on Truth and Reconciliation efforts and believes much more is needed to be done.

Councillor Wooldridge:

- Will be attending the Ki-Low-Na Friendship Society ceremony honouring those affected by residential schools on Wednesday, September 29, 2021 at 3:00 p.m.

Councillor Singh:

- Will be joining Councillor Wooldridge at the Ki-Low-Na Friendship Society ceremony honouring those affected by residential schools.
- Made comment on a recent ALC vote against the City's exclusion from ALR application for the proposed Transit facility and upon reflection now supports the application and will be providing a letter of support to the ALC.

Councillor DeHart:

- Commented that the Golf BC Championship was held in Kelowna this past weekend which is the first major sporting event in the area in several months; the Organizers donated \$75,000 to local charities.

Councillor Stack:

- Will be joining Councillor colleagues at the Ki-Low-Na Friendship Society ceremony.

Mayor Basran:

- Provided comments on the first National Day of Truth and Reconciliation; City flags will be at half mass on September 30th.
- Commented that Kelowna Culture Days has begun and encouraged residents to attend the many events.

6. Termination

This meeting was declared terminated at 3:24 p.m.

Mayor Basran



City Clerk

/acm

REPORT TO COUNCIL



Date: October 4, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0040

Owner: Linguo Zhang

Address: 2590 Richter Street

Applicant: Calgreen Homes

Subject: Rezoning Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28 District Lot 14 ODYD Plan 3249, located at 2590 Richter Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple 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 October 4, 2021;

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.

2.0 Purpose

To consider an application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of multiple dwelling housing, and to waive the Public Hearing.

3.0 Development Planning

Staff are supportive of the proposed rezoning application to facilitate the development of a 5-unit multiple dwelling housing project located at 2590 Richter Street. The site has an Official Community Plan (OCP) future land use designation of MRL – Multiple Unit Residential (Low Density). Rezoning the property to the RM3 – Low Density Multiple Housing zone aligns with the OCP direction for the area.

The subject property is located on the west side of Richter Street between Patterson Avenue and Wardlaw Avenue. The South Pandosy Urban Centre boundary and Osprey Park are one block south of the site. On-site parking access will be taken from the laneway adjacent to the north property line. The parcel has a walk score of 80 – Very Walkable meaning that most errands can be accomplished on foot and a Bike Score is 93 – Biker's Paradise as the site provides easy access to the Abbott Street active transportation corridor and the Richter Street bike lanes. The development is in proximity to many nearby amenities including Okanagan Lake, parks, schools, restaurants and shopping opportunities in the immediate area.

4.0 Proposal

4.1 Background

The initial proposal submitted to staff considered 6 dwelling units and additional site variances were requested. Staff suggested the consideration of lot consolidation with the adjacent parcel to the south to the applicant. As the parcel houses a semi-detached dwelling, the applicant determined that this was cost-prohibitive and chose to move forward with development of the single property.

Based on the above information, it was suggested the proposal be scaled down from 6 units to 5 units. This has allowed for better site circulation, reduced building massing and the elimination of all but one variance.

4.2 Project Description

The applicant is proposing to construct a 3-storey 5-unit townhouse development on the subject property. Two units provide ground-oriented entries fronting onto Richter Street. The project benefits from having a laneway adjacent to the side of the parcel. This allows for easy access to the individual garages.

4.3 Site Context

The subject property is located beyond the South Pandosy Urban Centre on the west side of Richter Street one block north of Osprey Park. The property is between Patterson and Wardlaw Avenues.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Semi-Detached Dwelling
West	RM1 – Four Dwelling Housing	Fourplex

Subject Property Map: 2590 Richter Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.2 Develop Sustainability.

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes.

Objective 5.3 Focus development to designated growth areas.

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400-metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments

6.1 Development Engineering Department

Refer to Schedule 'A' dated May 4, 2021.

7.0 Application Chronology

Date of Application Accepted: April 28, 2021

Date Public Consultation Completed: July 12, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant's Rationale Letter

Attachment B: Conceptual Drawing Package



CITY OF KELOWNA

Planner
Initials

LK

City of
Kelowna
DEVELOPMENT PLANNING

MEMORANDUM

Date: September 1, 2021
File No.: Z21-0040
To: Urban Planning (AT)
From: Development Engineering Manager (RO)
Subject: 2590 Richter St. RU6 to RM3

The Development Engineering Department has the following comments and requirements associated with this rezoning application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of multiple dwelling housing. The Development Engineering Technologist for this project is Aaron Sangster.

1. General

- a. The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.

2. Domestic Water and Fire Protection

- a. This property is currently serviced with 19mm-diameter water service. One metered water service will be required for each of the properties. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiry's please contact Aaron Sangster by email asangster@kelowna.ca or phone, 250-469-8487.

3. Sanitary Sewer

- a. Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be confirmed/installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate

inquiry's please contact Aaron Sangster by email asangster@kelowna.ca or phone, 250-469-8487.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b. On site storm drainage systems for the site will be reviewed and approved by Engineering in accordance with bylaw 7900, when a site servicing design is submitted.
- c. There is a possibility of a high-water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a. Richter St must be upgraded to an arterial standard along the full frontage of this proposed development, including sidewalk, pavement removal and replacement, boulevard landscaping, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a modified SS-R5.
- b. Laneway must be upgraded to a SS-R2 standard along the full frontage of this proposed development including drainage system including catch basins, manholes or drywells and pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

6. Electric Power and Telecommunication Services

- a. All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost
- b. Re-locate existing utilities, where necessary.

7. Design and Construction

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs

8. Servicing Agreements for Works and Services

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9. Development Permit and Site Related Issues

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c. Access to the property must be from the lane only.

10. Geotechnical Study

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.

- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

12. **Charges and Fees**

- (a) Development Cost Charges (DCC's) are payable
- (b) Fees per the "Development Application Fees Bylaw" include:
 - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - (ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - (iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



Ryan O'Sullivan
Development Engineering Manager

AS

PROJECT STATEMENT

The proposed subject site and project is located on 2590 Richter Street, Kelowna, BC. The applicant seeks to rezone the project parcel from RU6 to RM3 and undertake a concurrent Development application. The concurrent process ensures a high-quality design outcome that aligns with the proposed land use change.

REZONING

Current Zoning: RU6

Proposed Zoning: RM3

The proposed site is located in Multiple Unit Residential (Low Density) (MRL) zoning in the City of Kelowna Official Community Plan- Chapter 4 Future Land Use.

Townhouses, garden apartments, apartments, buildings containing three or more residential units. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks), that are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM1 – Four-plex Housing, RM2 – Low Density Row Housing, or **RM3 – Low Density Multiple Housing zones of the Zoning Bylaw** and may include CD Comprehensive Development zoning for similar densities or land uses.



---City of Kelowna Official Community Plan- Chapter 4 Future Land Use.

The proposed Land redesignation aligns with City's future development policy.

PROPOSED DEVELOPMENT

This development proposal is a multi-residential townhouse building that will be comprised of 5 dwelling units in a mix of two and three bedroom units in a 2.5 and 3 storey built form.

Instead of the usual row house building stretching along the flank street, we are proposing 3 units facing the back lane and two units facing Richter Street. This creates a better architectural treatment along Richter Street, also giving outdoor private amenity spaces facing Richter Street. The use of planting screens can not only provide screens between the visitor parking and street, but also provide fantastic streetscape along Richter street.

The proposed development has been refined in alignment with future land use in the City of Kelowna. The proposal represents a lesser impact to neighbouring forms from a massing, shadowing and overlooking perspective and create a proper building scale alone Richter Street.

PROPOSED DEVELOPMENT VARIANCE

Rear Setback

Required Rear setback: 7.5m

Proposed Rear setback: 5.08m

Rational:

1: Most of the lots in this block face north and south. The propose parcel is facing west and east, the west (rear) setback yard of this proposed parcel abuts the side setback yard of the adjacent neighbour, which is the sidewall of the detached garage.

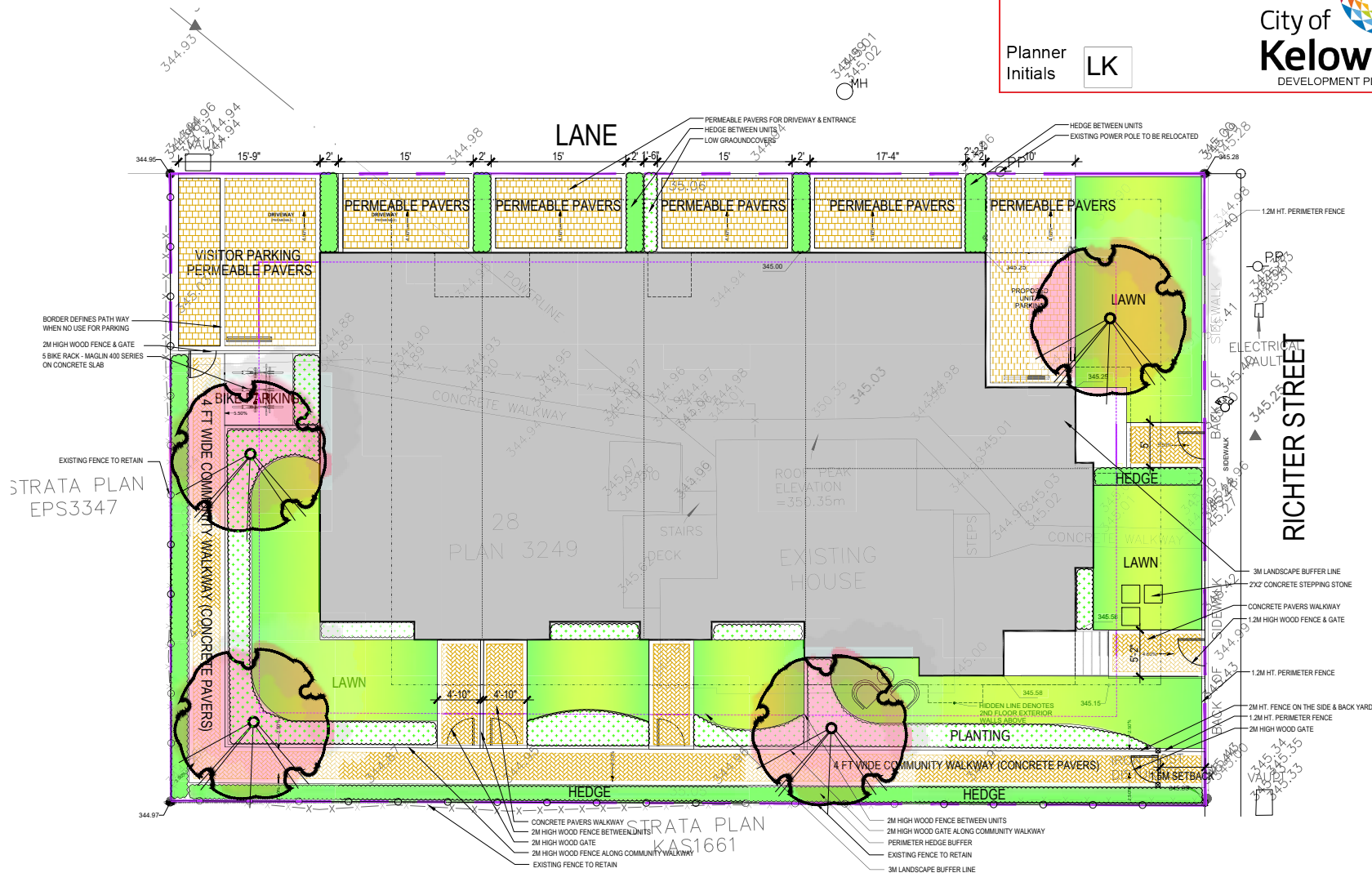
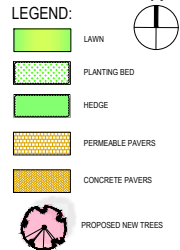
2: The standard front setback is 1.5m from Richter Street, As the main power line is alone the Richter Street, FortisBC requests at least 5 meters setback area. The proposed development has to be move 3.5m west more than required. More landscaping is compensated in the front setback area.

Therefore, we kindly request the rear setback could be relax to 5.08m also the landscaping buffer.

E

Planner Initials LK

City of Kelowna
DEVELOPMENT PLANNING



1 LANDSCAPE SITE PLAN
SCALE 3/16" = 1' - 0"

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1	ISSUED FOR DP	2021 08.24
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PROJECT NUMBER		LG20
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I ROYAL PACIFIC LANDING LTD. 太平洋皇家园林设计有限公司		
www.royalpl.com 604-338-5035 lu@royalpl.com		
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PROJECT		
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2590 RICHTER ST KELOWNA, BC		
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DRAWING TITLE		
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LANDSCAPE SITE PLAN		
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DRAWING No.		
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This forms part of application

Z21-0040

Planner
Initials **LK**

City of
Kelowna
DEVELOPMENT PLANNING



THIS PLAN IS PROTECTED UNDER COPYRIGHT LAW AND REPRODUCTION OF THE ILLUSTRATIONS OR WORKING DRAWINGS IS STRICTLY PROHIBITED. ~~ABOUT DESIGN~~ PERMITS THE PURCHASER OF THESE PLANS THE RIGHT TO CONSTRUCT ONLY ONE STRUCTURE AND THESE PLANS ~~CANNOT~~ BE RESOLD.

CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS ON THE JOB AND THIS OFFICE SHALL BE INFORMED OF ANY DISCREPANCIES AND VARIATIONS SHOWN ON DRAWING.

PERMIT NUMBERS:

DATE	No.	REVISION	BY
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SEALS

SCALE	AS NOTED	FILE	R2019-0201
DATE	2021-08-25 10:07:56 PM		
DRAWN	作者	CHECKED	审核员

CLIENT

Linteng

PROJECT

6-Plex Townhouse

2590 Richter Street, Kelowna, BC

DRAWING

Renderings

DWG. No.

A203

**Unick
Design**
Architecture & Interior
Tel: 587-578-1425





Z21-0040 2590 Richter Street

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone to facilitate the development of multiple dwelling housing.

Development Process

Apr 28, 2021

Development Application Accepted

Staff Review & Circulation

Jul 12, 2021

Public Information Session

Oct 4, 2021

Initial Consideration

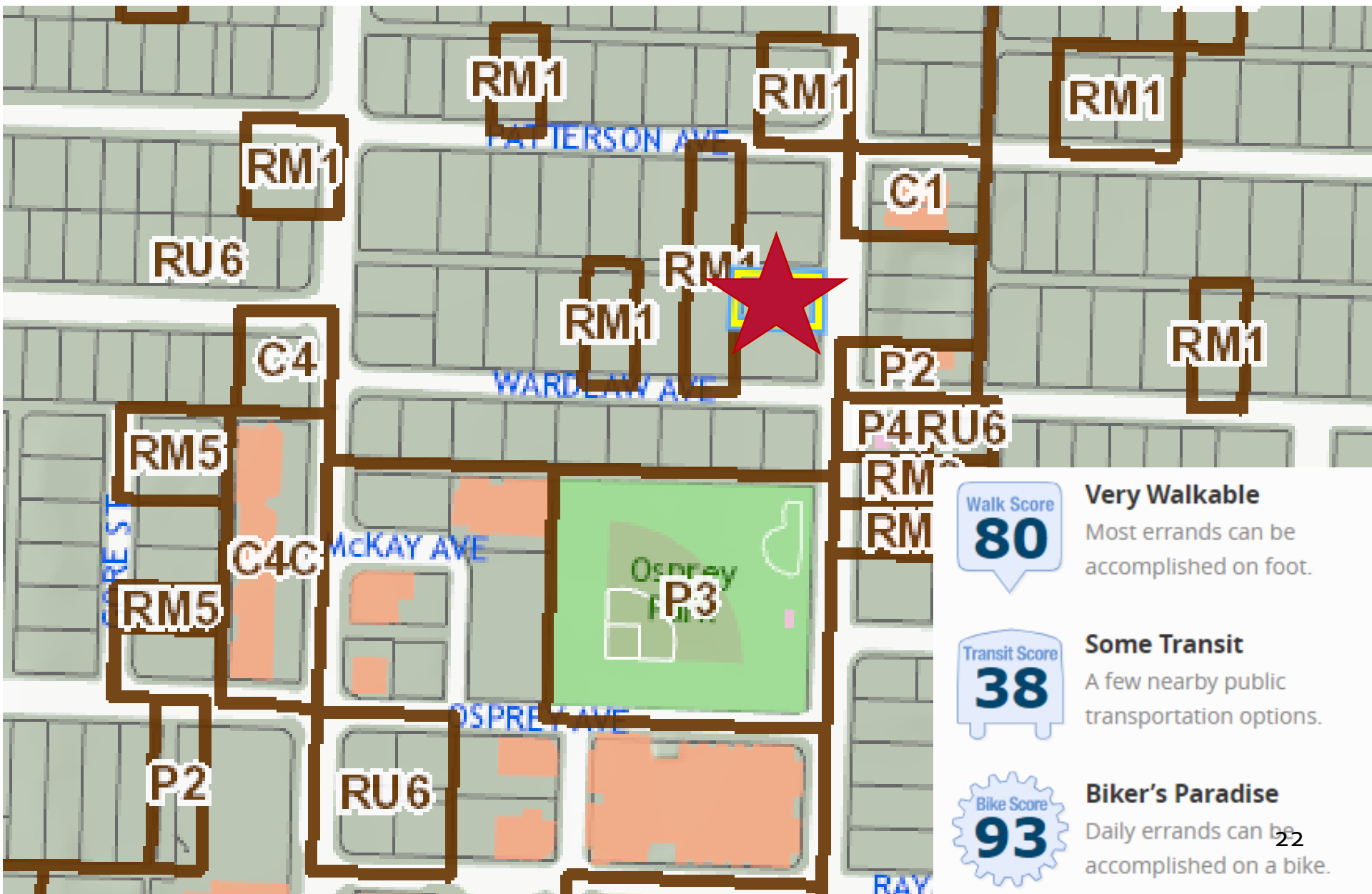
Public Hearing
Second & Third Readings

Final Reading and DP & Variances

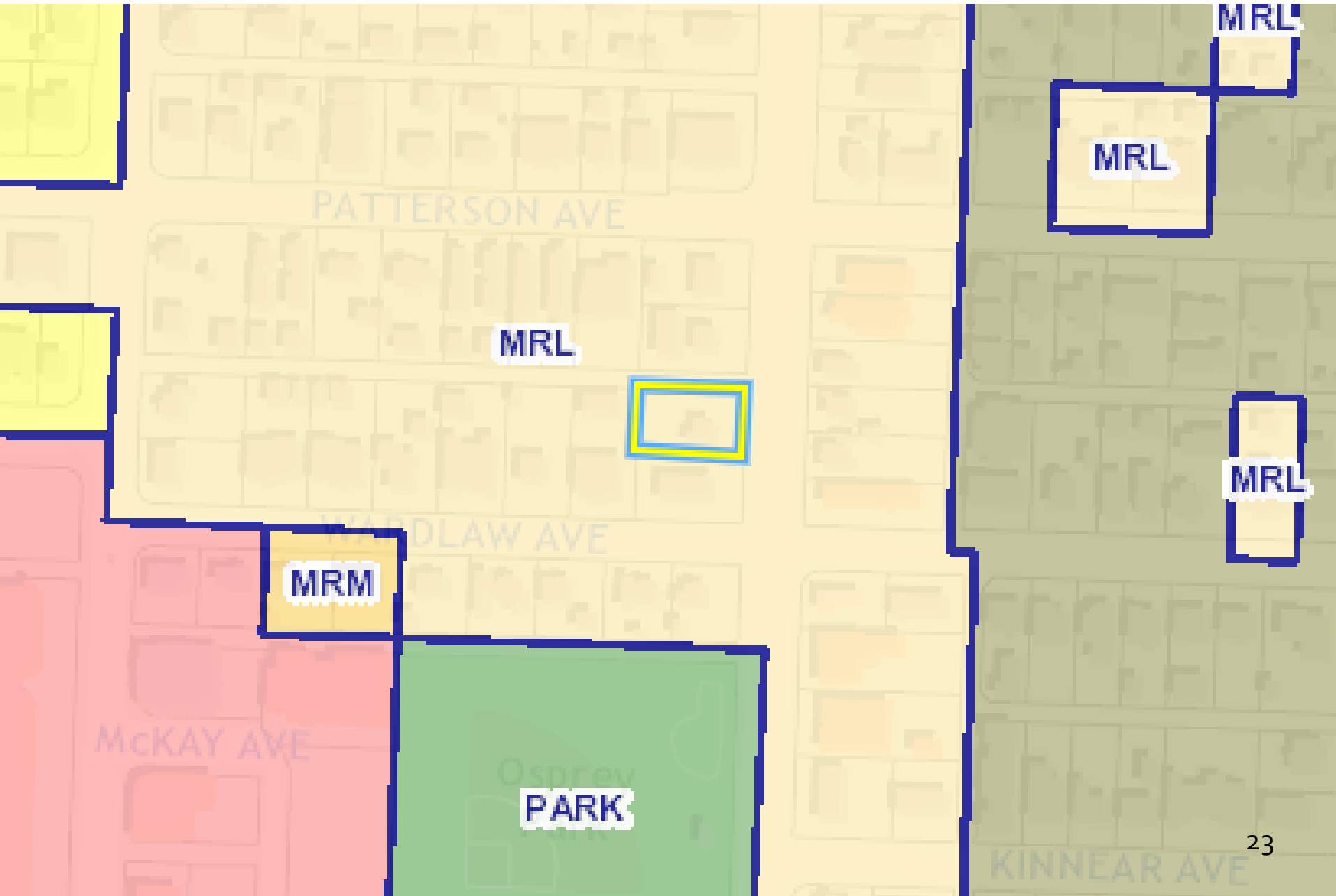
Building Permit

Council
Approvals

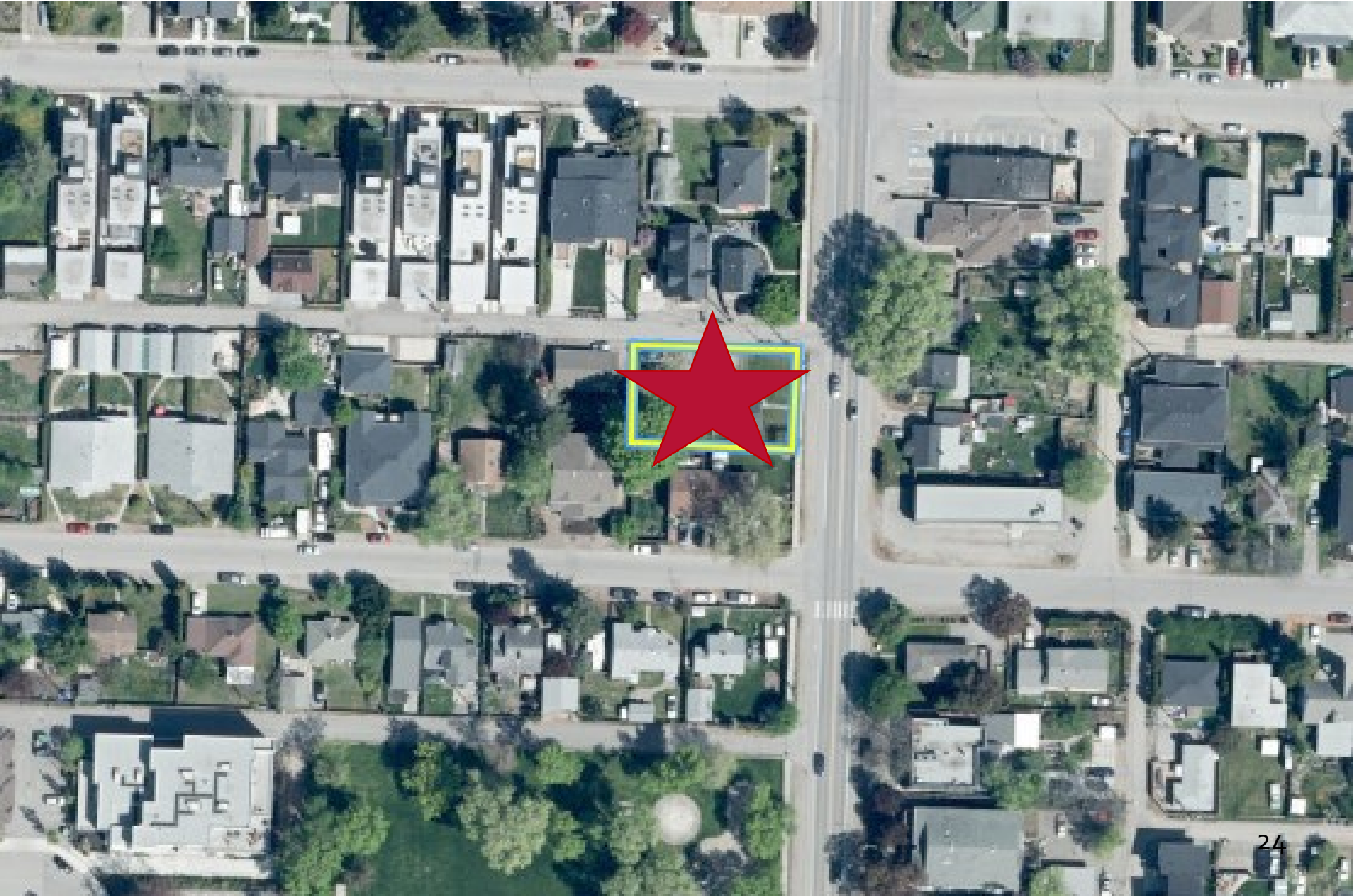
Context Map



Future Land Use



Subject Property Map





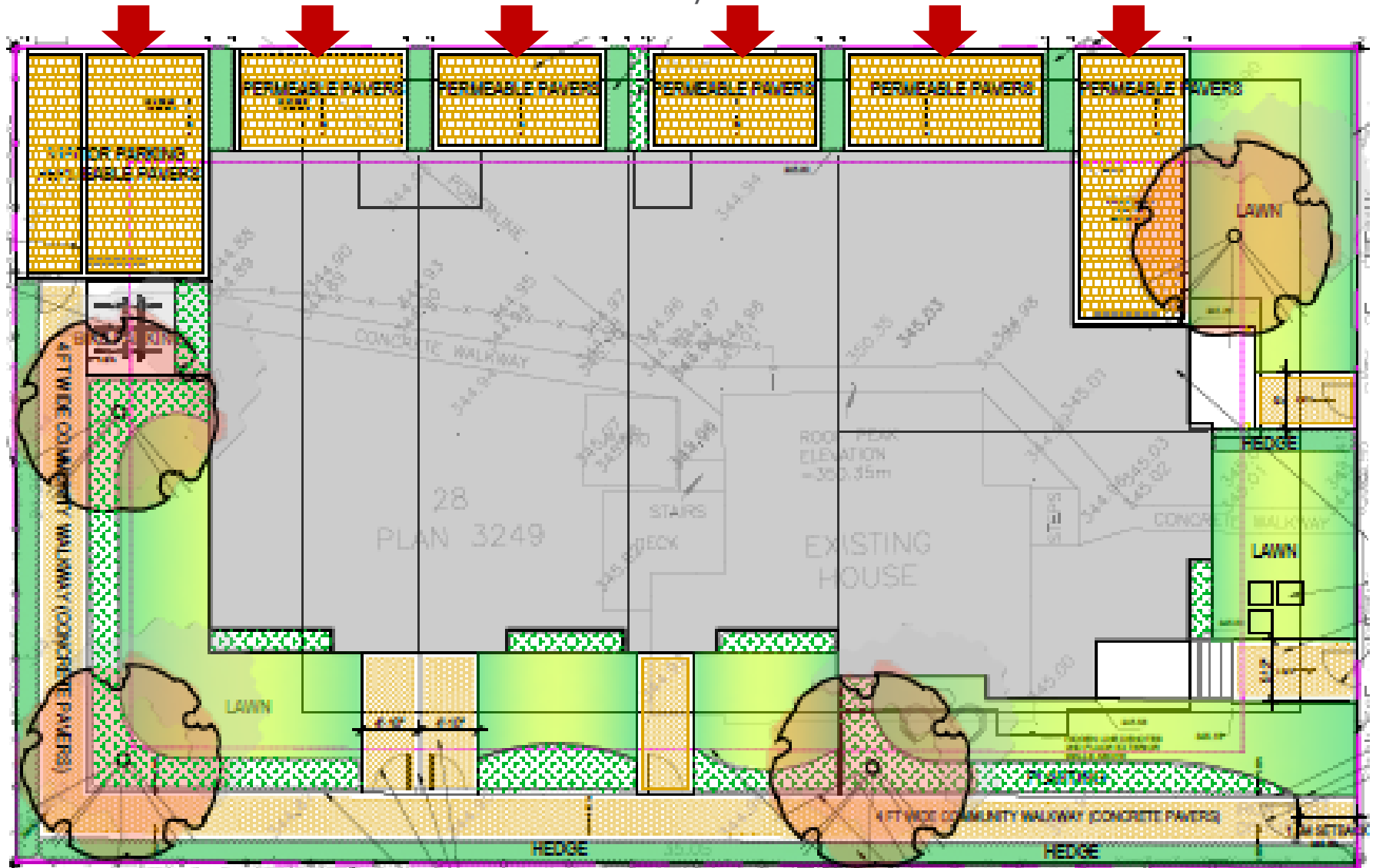
Project Details

- ▶ 5 - 3-storey townhouses
- ▶ Two ground-oriented units fronting Richter Street
- ▶ Attached garages with site access from laneway adjacent to the north property line.

Conceptual Site Plan



Laneway



Richter Street

Development Policy

- ▶ Consistent with Future Land Use: MRL – Multiple Unit Residential (Low Density)
- ▶ OCP Urban Infill Policies:
 - ▶ Complete Communities:
 - ▶ Support the development of complete communities with a minimum of intensity of approximately 35 – 40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes.
 - ▶ Compact Urban Form
 - ▶ Focus growth with compact, connected mixed-use developments in Urban & Village Centres.

Staff Recommendation

- ▶ **Support** of the proposed Rezoning:
 - ▶ Meets many objectives in the OCP
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.



Conclusion of Staff Remarks



CITY OF KELOWNA

BYLAW NO. 12282

Z21-0040

2590 Richter Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 28 District Lot 14 ODYD Plan 3249 located on Richter Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12264 for Z21-0067 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12264;

AND THAT Rezoning Bylaw No. 12264 be forwarded to a Public Hearing for further consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12264 and to forward the Bylaw to a Public Hearing for further consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official	July 12, 2021

Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
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Discussion:

Rezoning Application Z21-0067 for 639 Sherwood Road was brought forward to Council for initial consideration on [September 13, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between September 15, 2021 and September 27, 2021.

The Office of the City Clerk received six pieces of correspondence and these have been circulated to Council. They are summarized as follows:

- 6 letters of concern/opposition

Conclusion:

Following the public notification period, staff are recommending that Council forward Rezoning Bylaw No. 12264, located at 639 Sherwood Road, to a Public Hearing for further consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk
cc: Development Planning

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12274 for Z21-0063 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12274;

AND THAT Rezoning Bylaw No. 12274 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12274 and to give the bylaw further reading consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official	July 12, 2021

Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
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Discussion:

Rezoning Application Z21-0063 for 440 Gerstmar Road was brought forward to Council for initial consideration on [September 13, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between September 15, 2021 and September 27, 2021.

The Office of the City Clerk received one piece of correspondence and this has been circulated to Council. They are summarized as follows:

- 1 letter of support

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12274, located at 440 Gerstmar Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA

BYLAW NO. 12274

Z21-0063

440 Gerstmar Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 22 Township 26 ODYD Plan 29966 located on Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of September, 2021.

Public Hearing waived by the Municipal Council this 13th day of September, 2021.

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: October 4, 2021

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12276 for Z21-0036 Summary of Correspondence

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12276;

AND THAT Rezoning Bylaw No. 12276 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12276 and to give the bylaw further reading consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official	July 12, 2021

Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
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Discussion:

Rezoning Application Z21-0036 for 4973 Buckhaven Court was brought forward to Council for initial consideration on [September 13, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between September 15, 2021 and September 27, 2021.

The Office of the City Clerk received one piece of correspondence and this has been circulated to Council. They are summarized as follows:

- 1 letter of support

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12276, located at 4973 Buckhaven Court, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12276
Z21-0036
4973 Buckhaven Court

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 1 Sections 20 and 29 Township 29 SDYD Plan EPP100536 located on Buckhaven Court, Kelowna, BC from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone as per Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of September, 2021.

Public Hearing waived by the Municipal Council this 13th day of September, 2021.

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: October 4, 2021

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12277 for Z21-0074 Summary of Correspondence

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12277;

AND THAT Rezoning Bylaw No. 12277 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12277 and to give the bylaw further reading consideration.

Background:

On July 12, 2021, Council passed a resolution directing staff to continue to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received at the time of the report to Council. This resolution is in effect until Council decides on a long-term option for electronic Council meetings and public hearings, expected later in 2021.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official	July 12, 2021

Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;	
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Discussion:

Rezoning Application Z21-0074 for 575 Radant Road was brought forward to Council for initial consideration on [September 13, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between September 15, 2021 and September 27, 2021.

The Office of the City Clerk received zero pieces of correspondence.

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12274, located at 575 Radant Road, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA

BYLAW NO. 12277

Z21-0074

575 Radant Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054 located on Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of September, 2021.

Public Hearing waived by the Municipal Council this 13th day of September, 2021.

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Z20-0013 for 1144 Pacific Avenue – Rezoning Bylaw No.12084 Extension Request
Department: Development Planning

Recommendation:

THAT in accordance with Development Application Procedures Bylaw No 10540, the deadline for the adoption of Rezoning Bylaw No. 12084 for Parcel A (DD KL82857), District Lot 137, ODYD, Plan 2862 located at 1144 Pacific Avenue, Kelowna, BC, be extended from August 11, 2021 to August 11, 2022;

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

Purpose:

To extend the deadline for adoption of Rezoning Bylaw No. 12084 from August 11, 2021 to August 11, 2022.

Development Planning

An application for the subject property was made on February 7, 2020 to rezone the property from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of a 4-storey mixed use building with both commercial and residential uses.

Rezoning Bylaw No. 12084 received second and third readings at a Regular meeting of Council held on Tuesday, August 11, 2020. Final adoption of the zone amendment bylaw was subject to the applicant meeting the requirements of the Development Engineering memorandum.

The applicant has made progress and Staff are recommending that Council supports extending the deadline for adoption of Rezoning Bylaw No. 12084 by one year to August 11, 2022.

Subject Property Map: 1144 Pacific Avenue



Submitted by: Heather Benmore, Development Planning

Approved for inclusion: Terry Barton, Development Planning Department Manager

Cc: KB

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: 2022 Permissive Tax Exemption Bylaw No. 12240
Department: Financial Services

Recommendation:

THAT Council receives, for information, the Report from the Revenue Supervisor dated October 4, 2021 with respect to the 2022 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 12240, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Purpose:

To consider a property tax exemption for those organizations that have met the qualifications as outlined in Permissive Tax Exemption Policy #327.

Background:

Section 224 of the Community Charter provides the authority for permissive tax exemptions. Council may exempt land and improvements in their entirety or a portion thereof for a period of up to 10 years. Authority to grant permissive tax exemptions is a policy tool available to Council to promote or achieve specific goals. As a general rule when Council grants a permissive tax exemption on a specific property, that property is automatically exempted from municipal, school, regional district, hospital and BC Assessment taxes. The permissive tax exemption does not apply to utility fees such as garbage/landfill/recycle charges or to parcel taxes such as the Water Parcel tax.

Permissive Tax Exemption Policy #327 sets out the extent, conditions, and penalties, along with the general process and the eligibility criteria used by the City of Kelowna to determine property eligibility for Permissive Tax Exemptions.

There is no obligation on the part of Council to grant a permissive tax exemption in any year. Permissive tax exemptions that are granted in any year reduce the total value of the tax base for that year and thereby increase the burden of taxation to properties that are not exempt.

Discussion:

The process requires the completion of applications on a five-year basis for places of worship, private schools and hospitals, with other non-profit organizations reapplying and being reconsidered annually. The year 2022 is the second in this five-year cycle for places of worship, private schools and hospitals.

Renewal applications for all currently exempt applicants as well as new applicants were reviewed by staff in relation to Council Policy # 327 and the below recommendations represent the changes to the status of each applicant.

The estimated municipal tax impact related to the 2022 permissive exemptions is \$2,051,365.

The following changes to Schedules A through H of the 2021 Tax Exemption Bylaw No. 12034 for 2022 property tax exemption are placed before Council for consideration:

Schedule A, Public Worship: No Change

Schedule B, Private Schools: No Change

Schedule C, Hospitals: No Change

Schedule D, Special Need Housing: No Change

Schedule E, Social Services:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT
072685	Lot G, Plan KAP31716	YMCA of Okanagan Association/School District No. 23 (Central Okanagan)	Addition

Schedule F, Public Park or Recreation Ground, Public Athletic or Recreational: No Change

Schedule G, Cultural Organizations:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT
05669.001	Plan EPP51686, Lot A, Section 26	Okanagan Buddhist Cultural Centre	Addition

Schedule H, Other Non-Profit Societies:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT
023422	Strata Lot 2, Plan EPS6884, DL 137	Columbus Holding Society	Addition

Conclusion:

It is recommended that Council approve the changes to Schedules A through H shown in the tables above and approve the complete Schedules A through H in the attached proposed Bylaw No. 12240.

Internal Circulation:

Active Living & Culture
Cultural Services
Partnership and Investments

Considerations applicable to this report:***Legal/Statutory Authority:***

Council may, by bylaw in accordance with sections 220, 224 and 225 of the Community Charter exempt land or improvements, or both, from taxation to the extent, for the period and subject to the conditions provided in the bylaw

Legal/Statutory Procedural Requirements:

Under section 227 of the Community Charter, Council must give notice of a proposed bylaw in accordance with section 94 [public notice must be once a week for 2 consecutive weeks], identifying the property that would be subject to the bylaw, describe the proposed exemption, state the number of years that the exemption may be provided and provide an estimate of the amount of taxes that would be imposed on the property if it were not exempt, for the year in which the proposed bylaw is to take effect and the following 2 years.

Under Division 7 – Permissive Exemptions of the Community Charter a bylaw may only be adopted by an affirmative vote of the majority of Council and does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.

Existing Policy:

Permissive Tax Exemption Policy 327

Financial/Budgetary Considerations:

Tax exemptions are not financed through a budgetary line item in the same way as municipal spending, nor do they affect the amount that has to be raised through property taxes. Nevertheless, tax exemptions do impose a cost on taxpayers who are not exempt. Tax exemptions reduce the total value of the tax base (i.e. the taxable value of property). Therefore, tax exemptions transfer the burden of taxation from properties that are exempt to properties that are taxable. An increase in the value of tax exemptions increases the taxes paid by properties that are not tax exempt. Refer to Appendix A, 2022 Tax Exemptions Summary – Municipal Tax Impact related to General Exemption and Permissive Exemption; Appendix B, 2022 Tax Exemptions Summary – Municipal Tax Impact related to Permissive Exemption only; and Appendix C – Municipal Tax Impact related to Permissive Tax Exemption for the Years 2022-2024.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by: P. Gramiak, Revenue Supervisor

Approved for inclusion:



G. Davidson, Divisional Director, Financial Services

cc: BC Assessment

Attachments:

PTE 2022 Permissive Tax Exemptions Presentation

Appendix A, 2022 Tax Exemptions Summary –Municipal Tax Impact related to General Exemption and Permissive Exemption

Appendix B, 2022 Tax Exemptions Summary –Municipal Tax Impact related to Permissive Exemption only

Appendix C, Municipal Tax Impact related to Permissive Exemption for the Years 2022-2024

Appendix D, Policy # 327

Appendix E, Tax Exemption Bylaw –Schedules Background



PERMISSIVE TAX EXEMPTIONS 2022



PERMISSIVE TAX EXEMPTION 2022

A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Kelowna.

PERMISSIVE TAX EXEMPTION 2022

The 2022 taxation year is the second year of the five-year cycle for the City of Kelowna's Permissive Tax Exemption process.

PERMISSIVE TAX EXEMPTION 2022

- ▶ No Changes for 2022
 - ▶ Schedule A, Public Worship
 - ▶ Schedule B, Private Schools
 - ▶ Schedule C, Hospitals
 - ▶ Schedule D, Special Need Housing
 - ▶ Schedule F, Public Park or Recreation Ground, Public Athletic or Recreational

PERMISSIVE TAX EXEMPTION 2022

► Schedule E, Social Services

ROLL NO.	ORGANIZATION	Change
072685	YMCA of Okanagan Association/School District No. 23 (Central Okanagan)	Addition

PERMISSIVE TAX EXEMPTION 2022

► Schedule G, Cultural Organizations

ROLL NO.	ORGANIZATION	Change
05669.001	Okanagan Buddhist Cultural Centre	Addition

PERMISSIVE TAX EXEMPTION 2022

► Schedule H, Other Non-Profit Societies

ROLL NO.	ORGANIZATION	Change
023422	Columbus Holding Society	Addition

PERMISSIVE TAX EXEMPTION 2022

- ▶ 2022 Tax Exemptions Summary – Estimated Municipal Tax Impact related to Permissive Exemption only:

Municipal Tax Impact	Class o1: Residential	Class o6: Business	Class o8: Recreation/ Non-Profit	Total
Assessed Values	\$45,741,800	\$154,645,900	\$214,239,450	\$414,627,150
Municipal Taxes	\$154,091	\$1,175,553	\$721,721	\$2,051,365



Questions?

For more information, visit kelowna.ca.

Appendix A, 2022 Tax Exemptions Summary – Municipal Tax Impact related to General Exemption and Permissive Exemption:

Schedule	Class 01: Residential	Class 06: Business	Class 08: Recreation / Non-Profit	Total
A - Public Worship				
Assessed Values	0	8,042,650	186,698,250	194,740,900
Municipal Taxes	\$0	\$61,113	\$628,939	\$690,052
B - Private Schools				
Assessed Values	0	77,021,950	12,828,850	89,850,800
Municipal Taxes	\$0	\$585,262	\$43,218	\$628,480
C - Hospitals				
Assessed Values	0	5,944,400	0	5,944,400
Municipal Taxes	\$0	\$45,169	\$0	\$45,169
D - Special Need Housing				
Assessed Values	17,963,000	443,500	0	18,406,500
Municipal Taxes	\$60,512	\$3,370	\$0	\$63,882
E - Social Services				
Assessed Values	5,107,000	37,976,500	3,917,000	47,000,500
Municipal Taxes	\$17,204	\$288,569	\$13,195	\$318,968
F - Public Park or Recreation Ground, Public Athletic or Recreational				
Assessed Values	21,503,300	10,675,300	85,087,050	117,265,650
Municipal Taxes	\$72,438	\$81,116	\$286,638	\$440,192
G - Cultural				
Assessed Values	483,500	57,405,800	3,841,800	61,731,100
Municipal Taxes	\$1,629	\$436,206	\$12,942	\$450,777
H - Other Non-Profit				
Assessed Values	685,000	8,176,000	500,000	9,361,000
Municipal Taxes	\$2,308	\$62,126	\$1,684	\$66,118
Grand Total				
Assessed Values	45,741,800	205,686,100	292,872,950	544,300,850
Municipal Taxes	\$154,091	\$1,562,931	\$986,616	\$2,703,638

Appendix B, 2022 Tax Exemptions Summary – Municipal Tax Impact related to Permissive Exemption only:

Schedule	Class 01: Residential	Class 06: Business	Class 08: Recreation / Non-Profit	Total
A – Public Worship				
Assessed Values	0	2,596,500	116,626,100	119,222,600
Municipal Taxes	\$0	\$19,730	\$392,886	\$412,616
B - Private Schools				
Assessed Values	0	35,335,500	4,267,500	39,603,000
Municipal Taxes	\$0	\$268,503	\$14,376	\$282,879
C - Hospitals				
Assessed Values	0	2,649,000	0	2,649,000
Municipal Taxes	\$0	\$20,129	\$0	\$20,129
D - Special Need Housing				
Assessed Values	17,963,000	423,500	0	18,386,500
Municipal Taxes	\$60,512	\$3,218	\$0	\$63,730
E - Social Services				
Assessed Values	5,107,000	37,754,300	3,917,000	46,778,300
Municipal Taxes	\$17,204	\$286,881	\$13,195	\$317,280
F - Public Park or Recreation Ground, Public Athletic or Recreational				
Assessed Values	21,503,300	10,565,300	85,087,050	117,155,650
Municipal Taxes	\$72,438	\$80,280	\$286,638	\$439,356
G - Cultural				
Assessed Values	483,500	57,265,800	3,841,800	61,591,100
Municipal Taxes	\$1,629	\$435,142	\$12,942	\$449,713
H - Other Non-Profit				
Assessed Values	685,000	8,056,000	500,000	9,241,000
Municipal Taxes	\$2,308	\$61,670	\$1,684	\$65,662
Grand Total				
Assessed Values	45,741,800	154,645,900	214,239,450	414,627,150
Municipal Taxes	\$154,091	\$1,175,553	\$721,721	\$2,051,365

Note: Schedules A, B & C include the land assessed values of the buildings footprint which is a general exemption.

Appendix C - Municipal Tax Impact related to Permissive Exemption for the Years 2022-2024:

Schedule	Property Classification	2022	2023	2024
A - Public Worship				
	Class 01 - Residential	0	0	0
	Class 06 - Business	19,730	20,684	21,456
	Class 08 - Recreation/Non-Profit	392,886	411,905	427,268
	Total Municipal Taxes	\$412,616	\$432,589	\$448,724
B - Private Schools				
	Class 01 - Residential	0	0	0
	Class 06 - Business	268,503	281,497	291,996
	Class 08 - Recreation/Non-Profit	14,376	15,072	15,634
	Total Municipal Taxes	\$282,879	\$296,569	\$307,630
C - Hospitals				
	Class 01 - Residential	0	0	0
	Class 06 - Business	20,129	21,103	21,890
	Class 08 - Recreation/Non-Profit	0	0	0
	Total Municipal Taxes	\$20,129	\$21,103	\$21,890
D - Special Need Housing				
	Class 01 - Residential	60,512	63,439	65,804
	Class 06 - Business	3,218	3,374	3,500
	Class 08 - Recreation/Non-Profit	0	0	0
	Total Municipal Taxes	\$63,730	\$66,813	\$69,304
E - Social Services				
	Class 01 - Residential	17,204	18,037	18,709
	Class 06 - Business	286,881	300,767	311,987
	Class 08 - Recreation/Non-Profit	13,195	13,834	14,350
	Total Municipal Taxes	\$317,280	\$332,638	\$345,046
F - Public Park or Recreation Ground, Public Athletic or Recreational				
	Class 01 - Residential	72,438	75,944	78,776
	Class 06 - Business	80,280	84,166	87,304
	Class 08 - Recreation/Non-Profit	286,638	300,511	311,717
	Total Municipal Taxes	\$439,356	\$460,621	\$477,797
G - Cultural Organizations				
	Class 01 - Residential	1,629	1,708	1,772
	Class 06 - Business	435,142	456,203	473,219
	Class 08 - Recreation/Non-Profit	12,942	13,569	14,075
	Total Municipal Taxes	\$449,713	\$471,480	\$489,066
H - Other Non-Profit Societies				
	Class 01 - Residential	2,308	2,420	2,510
	Class 06 - Business	61,670	64,656	67,067
	Class 08 - Recreation/Non-Profit	1,684	1,766	1,832
	Total Municipal Taxes	\$65,662	\$68,842	\$71,409
Total Impact				
	Class 01 - Residential	154,091	161,548	167,571
	Class 06 - Business	1,175,553	1,232,450	1,278,419
	Class 08 - Recreation/Non-Profit	721,721	756,657	784,876
	Total Municipal Taxes	\$2,051,365	\$2,150,655	\$2,230,866



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Permissive Tax Exemption Policy

APPROVED August 8, 2005

RESOLUTION R840/17/10/16

REPLACING: R375/10/04/26; R446/06/05/15; R759/05/08/08

DATE OF LAST REVIEW: October 2017

A. PREAMBLE

The City of Kelowna recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Kelowna.

The Permissive Tax Exemption Policy is intended to:

- Provide clarity, consistency and certainty to the municipality, the public and prospective applicants.

B. EXTENT, CONDITIONS, AND PENALTIES

1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:
 - a. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.
 - b. The applicant already receives grant in aid from the municipality, provincial or federal government.
 - c. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.
2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:
 - a. Registration of a covenant restricting use of the property.
 - b. An agreement committing the organization to continue a specific service/program
 - c. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of time
 - d. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates.
 - e. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government)
3. Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:
 - a. Revoking exemption with notice.
 - b. Disqualifying any future application for exemption for specific time period.
 - c. Requiring repayment of monies equal to the foregone tax revenue.

C. PROCESS

Council will consider permissive tax exemption applications from Places of Worship, Private Schools and Hospitals for a period of up to 5 years. Other Non-Profit organizations will be considered annually.

The opportunity to apply for a permissive tax exemption will be advertised in the local newspaper once in the month of June. Application forms can be downloaded from the City of Kelowna website, or picked up at City Hall in the Revenue Branch of the Financial Services Department.

Application Forms

Places of Worship, Private Schools and Hospitals are required to complete the Place of Worship, Private School, and Hospital 5 Year Application. The City of Kelowna will administer these applications on a 5-year cycle. If the application is approved the organization will be exempt for the number of years remaining in the cycle. At the end of the 5 year cycle all organizations must complete an application for the next 5 years. It is the organization's responsibility to notify the City of Kelowna of any changes in property ownership and/or use of the property.

For example:

Application Period	Number of Years Exempt	Application Due Date
2011 – 2015	5 Years	July 15, 2010
2012 – 2015	4 Years	July 15, 2011
2013 – 2015	3 Years	July 15, 2012
2014 – 2015	2 Years	July 15, 2013
2015	1 Year	July 15, 2014

Other Non-Profit Organizations will be required to complete a Comprehensive Non-Profit Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 4 tax years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

The Place of Worship, Private Schools and Hospital applications and the Comprehensive Non-Profit applications must have the following information attached before consideration of a 5-year permissive tax exemption:

- Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CCRA
- Copy of most current Audited Financial Statements
- Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months
- Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.
- Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to July 15th of each year to be considered for the next permissive tax exemption year or cycle.

Additional Information

Council may request a presentation from applying organization.

The City of Kelowna may request additional information.

The City of Kelowna reserves the right to review records and/or property to verify information provided in support of application.

Successful applicants may be asked to publicly acknowledge the exemption.

Council may, at its discretion, reject any or all applicants in any given year.

This policy does not apply to permissive tax exemptions for heritage revitalization, riparian, and other special exemption authority.

Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the Community Charter, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).
3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization.

The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for its not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the City of Kelowna. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Kelowna.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to the use related directly to the principal purpose of the organization **owning** the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Kelowna. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Kelowna residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

8. provides short term housing with length of stay up to a maximum of two years.

This would include: emergency shelters, transitional housing, supportive housing for people with special needs, and group homes.

9. that have a residence in the building or on the property will only be exempt if a caretaking function is performed and the property owner (organization) can provide a copy of an agreement demonstrating:

- a. rent is not collected on the residence, and
- b. there is a caretaker agreement in place.

Administration

The Revenue Branch in the Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Revenue Branch will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

- Property subject to bylaw
- Description of the proposed exemption
- Number of years the exemption will be provided

- Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the Community Charter.

Places of Worship, Private Schools, and Hospitals that have been approved for permissive tax exemption will be exempt for up to 5 years.

All other Non-Profit Organizations that have been approved will be exempt for 1 year. To be considered for future years a renewal application must be submitted prior to July 15th of each year of the next 4 tax years. A comprehensive application must be submitted at least every 5 years.

Late Application

Applications that meet the qualification requirements for permissive tax exemption that are received after the July 15th application deadline may be considered for inclusion in the Permissive Tax Exemption Bylaw to be presented to Council in October of the same year. No further consideration will be given to applications received after the current year's Bylaw has been presented to Council.

REASON FOR POLICY

Provide clarity for permissive property tax exemption applications.

LEGISLATIVE AUTHORITY

Section 224 – *Community Charter*

PROCEDURE FOR IMPLEMENTATION

Council Resolution

APPENDIX E PERMISSIVE TAX EXEMPTION SCHEDULES BACKGROUND

(all references to “Section” relate to the Community Charter)

SCHEDULE A – Public Worship:

Statutory Exemption

A building set apart for public worship, and the land on which the building stands is exempt from taxation (Section 220(1)(h)) if title to the land is registered in:

- the name of the religious organization using the building,
- the trustees for the use of that organization, or
- religious organization granting a lease of the building and land to be used solely for public worship

A permissive tax exemption may be provided for the land surrounding the exempt building that Council considers necessary (Section 224(2)(f)).

A permissive tax exemption may be provided for land and improvements used or occupied by a religious organization, as a tenant or licensee, for the purpose of public worship (Section 224(2)(g)). The lessee under the lease must be required to pay property taxes directly to the City of Kelowna.

SCHEDULE B – Private Schools:

Statutory Exemption

A building and the land on which the building stands if owned by an incorporated institution of learning that is regularly giving children instruction accepted as equivalent to that given in a public school, is exempt from taxation (Section 220(1)(l)).

A permissive tax exemption may be provided for the land surrounding the exempt building (Section 224(2)(h.1)).

SCHEDULE C – Hospitals:

Statutory Exemption

A building set apart and used solely as a hospital under the Hospital Act, except a private hospital under that Act, together with the land on which the building stands is exempt from taxation (Section 220(1)(j)).

A permissive tax exemption may be provided for the land surrounding the exempt building (Section 224(2)(h)).

A permissive tax exemption may be provided for land or improvements owned or held by a person or organization and operated as a private hospital licensee under the Hospital Act, or an institution licensed under the Community Care Facility Act (Section 224(2)(j)).

SCHEDULE D – Special Need Housing:

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or non-profit, and Council considers are used for a purpose that is directly related to the purposes of the corporation (Section 224(2)(a)). Special needs housing to members of the community such as:

- Short term emergency or protection housing
- Halfway houses, group homes, or supportive housing for people with special needs

SCHEDULE E – Social Services:

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or non-profit, and Council considers are used for a purpose that is directly related to the purposes of the corporation (Section 224(2)(a)). Social services to members of the community such as:

- Food banks, drop in centres for people with special needs, seniors or youth.
- Support services and programs for people with special needs, who are in some way disadvantaged and need assistance in maximizing their quality of life. (i.e. counselling for substance abuse, employment re-entry programs)

SCHEDULE F – Public Park or Recreation Ground, Public Athletic or Recreational

A permissive tax exemption may be provided for land or improvements owned or held by a person or athletic or service club or association and used as a public park or recreational ground or for public athletic or recreational purposes (Section 224(2)(i)).

- Facilities must be available to the public; exclusive membership clubs or associations not eligible for exemption.
- Council may impose covenant restricting use of property or require agreement committing organization to offer the field/facility to certain groups free of charge or at reduced rates.

A permissive exemption may be provided when land and improvements are owned by public authority or local authority and used by a non-profit organization for the purpose of public park or recreation ground or athletic or recreational purposes, which would have been exempt if land and improvements were owned by that organization (Section 224(2)(d)). The lessee under the lease must be required to pay the property taxes directly to the City of Kelowna, or have a partnership agreement with the City of Kelowna.

SCHEDULE G – Cultural Organizations

A permissive exemption may be provided for land and improvements that are owned or held by a non-profit that provides cultural education and recreation (Section 224(2)(a)). The Facility must be available for members of the public.

SCHEDULE H – Other Non-Profit Societies

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or nonprofit society that Council deems beneficial to the community, such as museums, animal shelters, property to preserve wildlife and environmental areas (Section 224(2)(a)).

A permissive tax exemption may be provided for land or improvements, for which a grant has been made, after March 31, 1974, under the Housing Construction (Elderly Citizens) Act before its repeal (Section 224(2)(k)).

CITY OF KELOWNA

BYLAW NO. 12240

2022 Permissive Tax Exemption Bylaw

A bylaw pursuant to Sections 220, 224 and 225 of the Community Charter, to exempt from taxation certain lands and improvements situated in the City of Kelowna

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. Those certain parcels or tracts of land and improvements, situated, lying and being in the City of Kelowna, as described in Schedules "A" to "H" attached hereto and forming part of this bylaw, shall be exempt from taxation.
2. This bylaw shall come into full force and effect and is binding on all persons during the 2022 taxation year.
3. This bylaw may be cited as "2022 Permissive Tax Exemption Bylaw No. 12240".

Read a first, second and third time by the Municipal Council this

Adopted by 2/3 of the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
001230	Lot 1, Blk 13, Plan 202, DL138	The Union of Slavic Churches of Evangelical Christians c/o Trustees	
001350	Lots 2 and 3, Blk 15, Plan 202, DL 138	Trustees of First United Church	
001360	Lot 4, Blk 15, Plan 202, DL 138 In Trust - DD 197582F	Trustees of First United Church	
001370	Lot 5, Blk 15, Plan 202, DL 138 In Trust - DD 197582F	Trustees of First United Church	
006911	Lot 25, Plan 578, DL 138, Except PL H16278, Lot A, PL KAP5277	Kelowna Buddhist Society	
018380	Lot 2, Plan KAP1319, DL 138	Truth Now Tabernacle United Pentecostal Church	
021300	Lot 19-20, Plan 2085, District Lot 139	Unitarian Fellowship of Kelowna Society	Daycare excluded
022500	Lot 6, Plan 2271, DL 139	Kelowna Tabernacle Congregation - Trustees	
051070	Lot 1, Plan 11332, DL 137	Governing Council of the Salvation Army in Canada	
057510	Lot A, Plan 16013, DL 137	Convention Baptist Churches of BC	
062110	Lot A, KAP65650	The Trustees of Congregation of Kelowna Bible Chapel	
062120	Lot 2, Plan 17933	Congregation of Kelowna Bible Chapel	
068680	Lot 3, Plan 25524	Trustees Congregation - Grace Baptist Church	
069380	Lot A, Plan 27070	Roman Catholic Bishop of Nelson	Residence excluded
071130	Lot 1, Plan 30180, DL137	Governing Council of the Salvation Army in Canada (Community Church)	
071680	Lot 4, Plan 30824	BC Corp of the Seventh-Day Adventist Church	
074502	Lot A, Plan 33076, DL138	Roman Catholic Bishop of Nelson	Residence excluded
075210	Lot 1, Plan 34637	Trustees of The Congregation of the Christ Evangelical Lutheran Church	
076394	Lot C, Plan 40170, DL137	The Congregation of the First Mennonite Church	
078266	Lot 1, Plan KAP47242	Ukrainian Catholic Eparchy of New Westminster	Residence excluded
083239	Lot A, Plan KAP91385, DL 14	Synod of the Diocese of Kootenay	
03255.224	Lot 1, Plan KAP56294	Trust Cong St David's Presbyterian Church	
03337.370	Lot A, Plan 23927	Kelowna Christian Reformed Church	Daycare excluded

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
03337.769	Lot A, Plan KAP83760	Okanagan Jewish Community Association	Daycare excluded
03378.102	Lot A, Plan 44041	Trustees of the Glenmore Congregation of Jehovah's Witnesses	
03922.000	Lot A, Plan 5223	BC Association of Seventh Day Adventists	
04310.442	Lot A, Plan 31085	Seventh-Day Adventist Church (BC Conference)	
04423.888	Lot PT 26, Plan 187 Except Plan 3067, That PT of L 25 PL 187 S/O PL B130	Synod of the Diocese of Kootenay	
04571.592	Lot 1, Sec 19, Twp 26, Plan 37842	Kelowna Full Gospel Church Society	Housing society residences excluded
04645.000	Lot 7, Plan 3727	Church of the Nazarene - Canada Pacific	
04660.000	Lot 1, Plan 4877	Serbian Orthodox Par-Holy Prophet St Ilija (Parish)	Residence excluded
04803.157	Lot A, Sec 22, Twp 26, Plan 71145	Seventh-Day Adventist Church (BC Conference)	Residence excluded
04804.250	Lot A, Plan 29696	Gurdwara Guru Amardas Darbar Sikh Society	Residence excluded
05475.931	Lot Pcl Z, Sec 23, Twp 26, Plan 24426, Except Plan KAP69971, DD J53659	Evangelical Missionary Church of Canada	
05476.791	Lot B, Plan 41234	BC Conference of Mennonite Brethren Churches	Housing society residences excluded
05606.001	Lot A, Plan KAP76650	Okanagan Sikh Temple & Cultural Society	Residence excluded
05611.000	Lot PT 2, Plan 2166	Roman Catholic Bishop of Nelson	Residence excluded
05752.000	Lot A, Plan 4841	Okanagan Chinese Baptist Church	
06198.870	Lots 78, 79 & 80, Sec 26, Twp 26, Plan 22239	Pentecostal Assemblies of Canada	
06199.358	Lot H, Sec 26, Twp 26, Plan 26182	Faith Lutheran Church of Kelowna	Daycare excluded
06337.001	Lot 1, Sec 27, Twp 26, Plan 63747	BC Muslim Association	
06370.120	Lot A, Plan 19465, DL 143, Sec 27, Twp 26	Trustees of Spring Valley Congregation of Jehovah's Witnesses	
06372.497	Lot 1, Plan KAP55460	Kelowna Christian Centre Society Inc	Property 50/50 split church/school
06372.506	Lot A, Plan KAP56177	New Apostolic Church of Canada Inc.	
06496.742	Lot 1, Sec 29 & 32, Plan KAP64073	The Church of Jesus Christ of Latter-Day Saints	
06735.000	Lot A, Plan 11320	Trustees Rutland United Church Pastoral Charge of the United Church	Daycare excluded
06198.872	Parcel A, Plan 22239	Synod of the Diocese of Kootenay	
07212.492	Lot 1, Plan 37256	Synod of the Diocese of Kootenay	

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
10407.200	Lot A, Plan 20452, DL 128	Christian & Missionary Alliance - Canadian Pacific District	
10468.000	Lot 2, Plan 9491, DL 129	St. Peter & Paul Ukrainian Greek Orthodox Church of Kelowna	Housing society residences excluded
10519.844	Lot A, Plan 37351 (Portion of Lot)	Apostolic Resource Centre Society	Commercial lease space excluded
10519.903	EPP64708, Lot A, DI 129, LD 41	Kelowna Trinity Baptist Church	
10738.366	Lot 2, Plan KAP44292, DL 131	Evangel Tabernacle of Kelowna	Property 50/50 split church/school
10768.002	Lot 2, Plan KAP81588	Roman Catholic Bishop of Nelson	Residence excluded
10936.348	Lot 1, Plan 35917	Kelowna Gospel Fellowship Church	
10936.653	Lot 1, Plan 41844	Canadian Mission Board of the Church of God in Canada	Housing society residences excluded
10937.443	Lot A, Plan KAP76720	First Lutheran Church of Kelowna BC	Property 50/50 split church/school
11025.140	Lot 1, Plan 25466, DL 135	Trustees of The Lakeshore Congregation of Jehovah's Witnesses	
11025.172	Lot 7, Plan 25798, DL 135	Congregation of Bethel Church of Kelowna	
11059.000	Lot 1, Plan 12441, DL 136 Trustees	Providence Baptist Church	
11097.073	Lot 1, Plan KAP52447, DL 136	C3 Church	
016620	Lot 8, Plan 1303 & Lot 1, DL 139 PL13585 & Lot 1 DL139 PL 3585	The BC Conference of the Mennonite Brethren Church	
016680	Plan KAP 1303, Lot 17, DL 139	The BC Conference of Mennonite Brethren Church & Chronos Properties Ltd.	Partial exemption as 48% ownership (property utilized 100% by Church)

Schedule B – Private Schools			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
025561	LT 1, PL EPP68016, DL 138	Catholic Independent Schools of Nelson Diocese	
074502	Lot A, Plan 33076, DL 138	Roman Catholic Bishop of Nelson	Residence excluded
03458.033	Lot 1, KAP86356	Aberdeen Hall Senior School Society	Vacant land excluded
04417.000	Lot A, Plan KAP1725	Okanagan Montessori Elementary School Society	
05122.000	Lot 2, KAP3849	Seventh-Day Adventist Church - BC Conference	
06372.497	Lot 1, Plan KAP55460	Kelowna Christian Centre Society Inc	Property 50/50 split church/school
06372.527	Lot A, Plan KAP71175	Vedanta Educational Society Inc	
07212.595	Lot A, Plan KAP48732	Lakeside Educational Society of Kelowna	
07212.596	Lot B, Plan KAP48732	Lakeside Educational Society of Kelowna	
10589.111	Lot 1, Plan KAP59724	Kelowna Society for Christian Education	
10738.366	Lot 2, Plan KAP44292, DL 131	Evangel Tabernacle of Kelowna	Property 50/50 split church/school
10738.378	Lot A, Plan KAP54674, DL 131	The Catholic Independent Schools of Nelson Diocese	
10937.443	Lot A, Plan KAP76720	First Lutheran Church of Kelowna	Property 50/50 split church/school

Schedule C – Hospitals			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
079392	Lot A, Plan KAP60581, DL 14	Canadian Cancer Society	

Schedule D – Special Need Housing			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
004340	Lot 15, Plan 462, DL 139	Kelowna Gospel Mission Society	
007270	Lot 4, Plan 635, DL 14	The Bridge Youth & Family Services Society	
023390	Lot 10, Plan 2498, DL 137	Bridges to New Life Society	
033110	Lot 2, Plan 3929	New Opportunities for Women (NOW) Canada Society	
048500	Lot 8, Plan 10011	Okanagan Halfway House Society Inc	
048770	Lot 35, Plan 10011	Okanagan Halfway House Society	
048730	Lot 31, Plan 10011, DL 137	Resurrection Recovery Resource Society	
048740	Lot 32, Plan 10011, DL 137	Resurrection Recovery Resource Society	
048750	Lot 33, Plan 10011, D.L. 137	Resurrection Recovery Resource Society	
050050	Lot 22, Plan KAP10689	Resurrection Recovery Resource Society	
050060	Lot 23, Plan 10689	Resurrection Recovery Resource Society	
050070	Plan 10689, Lot 24	Resurrection Recovery Resource Society	
050080	Lot 25, Plan 10689	Resurrection Recovery Resource Society	
050650	Lot A, PL 11018	Society of St. Vincent De Paul of Central Okanagan	
055030	Lot 4, Plan 14741	Central Okanagan Emergency Shelter Society	
055040	Lot 5, Plan 14741	Central Okanagan Emergency Shelter Society	
055150	Lot A, Plan 14836	Okanagan Halfway House Society	
080873	Plan KAS2634, Lot 1	Okanagan Mental Health Services Society	
05476.630	Plan KAP33003, Lot A	The Bridge Youth & Family Services Society	
06370.241	Plan KAP22268, Lot D	The Bridge Youth & Family Services Society	
11097.075	PCL A, Plan KAP52447, DL 136	National Society of Hope /Provincial Rental Housing Corp	

Schedule E – Social Services			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
004330	Lot 14, Plan 462 Block 5	Kelowna Gospel Mission Society	
004580	Lots 3 and 4, Blk 8, DL 139, Plan 462	Ki-Low-Na Friendship Society	
009900	Plan 830, Lot 2, DL 14, Blk 21 exc Parcel 2A, B1750	Canadian Mental Health Association	
010470	Lot 11, Plan 922	Kelowna & District S.H.A.R.E. Society	
016740	Lot A, Plan 46222	Pathways Abilities Society	
026190	Lot 138, Plan 3163	Okanagan Boys & Girls Clubs/City of Kelowna	
045862	Lot A, Plan 9012	Okanagan Boys & Girls Clubs/City of Kelowna	
052700	Lot C, Plan 12546, DL 138	Roman Catholic Bishop of Nelson	
055261	Plan EPP11464, Lot A	Daycare Connection Childcare Society	
057060	Plan 15778, Lot B	Ki-Low-Na Friendship Society	
059530	Lot A, Plan 16898	Okanagan Boys & Girls Clubs/City of Kelowna	
066250	Lot 1, Plan 22678	Kelowna (#26) Royal Canadian Legion	Criteria #7: 1,786 sq ft taxable for liquor/food services
070175	Lot A, Plan 28500	Central Okanagan Community Food Bank Society	
076262	Lot 1, Blk 6, Sec 20, Twp 26, ODYD, Plan 39580	Central Okanagan Child Development Association	
072685	Lot G, Plan KAP31716	YMCA of Okanagan Association/School District No. 23 (Central Okanagan)	
079078	Lot A, FL 139, LD 41, Plan KAP58056	Kelowna Community Resources Society	
04918.002	Lot A, Plan KAP90062	Governing Council of the Salvation Army in Canada	
05477.053	Lot 5, Plan KAS2126	MADAY Society for Seniors	
06198.704	Lot 1, Plan KAP91112	Boys & Girls Clubs/City of Kelowna	
06370.273	Lot 19, Plan 23749	Ki-Low-Na Friendship Society	
06371.030	Lot 2, Plan KAP30323	Pathways Abilities Society	
06774.486	Lot 2, Plan KAS2048	Big Brothers Big Sisters of the Okanagan Society	
06774.491	Lot 7, Plan KAS2048	Big Brothers Big Sisters of the Okanagan Society	

Schedule E – Social Services			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
10508.002	Lot 2, Plan 15777	Kalano Club of Kelowna	
10519.925	Lot A, Plan KAP54261	Reach Out Youth Counselling & Services Society	
10519.958	Lot 4, Plan KAS1717	Kelowna Child Care Society	
10707.000	Lot 1, Plan 15596, Except Plan KAP73753	BHF Building Healthy Families Society	
057010	Lot 1, Sec 20, Twp 26, ODYD, Plan 15741	Starbright Children's Development Centre Assoc.	Criteria #5: 7,568 sq ft taxable for lease/rental to third parties

Schedule F – Public Park or Recreation Ground, Public Athletic or Recreational			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
000571	Part DL 14 (.727 Acres) Lot A, Plan 5352	Kelowna Lawn Bowling Club/City of Kelowna	
037220	Lot 4, Plan 4921	Kelowna Badminton Club/City of Kelowna	
073507	Lot 2, Plan 32159	Kelowna Cricket Club/City of Kelowna	
080966	Lot B, Plan KAP76448	Kelowna Major Men's Fastball Association/City of Kelowna	
080967	Lot A, Plan KAP76448	Kelowna Curling Club/City of Kelowna	Criteria #7: 2,000 sq ft taxable for liquor/food services
083521	Lot 1, Plan EPP29214	Kelowna Yacht Club	Criteria #7: 21,168 sq ft taxable for liquor/food services
04009.000	Plan 2020, Parcel A , PCL A (KG34204)	Kelowna & District Fish & Game Club	Exemption for Class 8 portion only
04078.511	Lot 2, KAP80134	Kelowna United Football Club/City of Kelowna	
04078.511	Lot 2, KAP80134	RG Arenas (Kelowna) Ltd/City of Kelowna	H2O Centre (except retail on folio 04078.513)
04453.000	Lot 1 & 2, Plan 3067	East Kelowna Community Hall Association	Criteria#9: Caretaker Agreement in place
04525.505	Lot 1, KAP61083	Central Okanagan Land Trust/Central Okanagan (Regional District)	Land Conservation (Parkland)
06198.705	Lot 1, Plan KAP91112	Okanagan Gymnastic Centre/City of Kelowna	
06225.585	Lot B, Plan KAP53836	Rutland Park Society	Criteria #5: 1,200 sq ft taxable for lease/rental to third parties
06935.000	Part S 1/2 of SW 1/4	Central Okanagan Land Trust/Central Okanagan (Regional District)	Land Conservation (Parkland)
06936.000	Part N 1/2 of SW 1/4	Central Okanagan Land Trust/Central Okanagan (Regional District)	Land Conservation (Parkland)
06961.000	Lot Fr E 1/2 Sec 17, Twp 28 exc Plan B4553	Nature Trust of BC	Land Conservation (Parkland)
06962.004	Fr NE 1/4 Sec 17, Twp 28 SDYD, shown Amended Plan B4553, exc Plan 26911	Nature Trust of BC	Land Conservation (Parkland)
06962.006	Lot A, Sec 17, Twp 28, Plan 41403	Nature Trust of BC	Land Conservation (Parkland)
06962.008	Lot B, Plan 41403	Nature Trust of BC	Land Conservation (Parkland)
06974.000-06974.001	Lot 11, Sec. 22, Plan 4080	Scout Properties (BC/Yukon) Ltd	
06976.000	Lot 14, Sec. 28, Plan 8258	Scout Properties (BC/Yukon) Ltd	
09461.002-09461.005	Lot A-D, DL 14, Plan EPP96732	Kelowna Outrigger Racing Canoe Club Association/City of Kelowna	Criteria #9: Caretaker Agreement in place

Schedule F – Public Park or Recreation Ground, Public Athletic or Recreational			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
10776.000	Plan 9359, Lot 2	Kelowna Riding Club	Criteria #9: Caretaker Agreement in place
11501.989/ 11501.979	Lot 1, Plan 35229	Central Okanagan Small Boat Association/City of Kelowna	Criteria #9: 541 sq ft taxable for residence
11151.004	Lot 1, Plan 11796	Kelowna Minor Fastball Society/City of Kelowna	
12184.556	Lot 1, Plan KAP69898	Okanagan Mission Community Hall Association	

Schedule G – Cultural Organizations			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
000950	Lot 1, Block 12, Plan 202	Centre Cultural François De L' Okanagan	
001830	Lot 49, Plan 262, Blk 15	Kelowna Canadian Italian Club	
038641	Lot A, Plan 5438	Kelowna Museums Society/City of Kelowna	
038644	Plan 5438, D.L. 139	Kelowna Museums Society/City of Kelowna	
075959	Lot 2, Plan 37880	Kelowna Music Society	
077062	Lot 1, Plan 42511	City of Kelowna/Kelowna Museums Society	Criteria #3: 200 sq ft taxable for retail space
079932	Lot A, Plan KAP67454	Kelowna Art Gallery	
080250	Lot A, KAP67454	Kelowna Visual & Performing Arts Centre Society/City of Kelowna	
080252	Lot A, KAP67454	Kelowna Visual & Performing Arts Centre Society/City of Kelowna	
080256	Lot A, KAP67454	Kelowna Visual and Performing Arts Centre Society/City of Kelowna	
080259	Lot A, KAP67456	Kelowna Visual & Performing Arts Centre Society/City of Kelowna	
083355	Lot 1, KAP92254	Okanagan Symphony Society/City of Kelowna	
05669.001	Plan EPP51686, Lot A, Section 26	Okanagan Buddhist Cultural Centre	
07212.624	Lot 10, KAP72245	Westbank First Nation	
10349.220	Lot B, Plan 28112	German-Canadian Harmonie Club	Criteria #7: 4,413 sq ft taxable for liquor/meal services
10388.000	Lots 15 and 16, Blk. 7, Plan 415B	Central Okanagan Heritage Society	Criteria #9: Caretaker agreement in place
10768.001	Lot A, Plan 6710	Roman Catholic Bishop of Nelson Pandosy Mission	
04571.614	Plan KAS944, Lot 1, Section 19, Township 26	OCCA Communities Association	

Schedule H – Other Non-Profit Societies			
FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENTS
000641	Plan EPP 74060, Lot 1527	Tourism Kelowna Society	Criteria #3: 165 sq ft taxable for retail space
016670	Lot 16, Plan 1303	Kelowna Yoga House Society	
023422	Strata Lot 2, Plan EPS6884, DL 137	Columbus Holding Society	
028740	Lot 8, Plan 3398	Kelowna Centre for Positive Living Society	
077364	Lot A, Plan 43658	Kelowna Sr. Citizens Society of BC	Criteria #9: Caretaker agreement in place
05763.001	Lot A, Plan KAP82536	Kelowna General Hospital Foundation	
06198.706	PL KAP91112, LT 1, SEC 26, TWP 26	Kelowna & District Safety Council Society/City of Kelowna	
10759.011	Lot 11, Plan 515, Blk 1	BC Society for Prevention of Cruelty to Animals	

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Electronic Meeting & Public Hearing Implementation
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 regarding Electronic Meeting & Public Hearing Bylaw Amendments;

AND THAT Bylaw No. 12279, being Amendment No. 7 to Council Procedure Bylaw No. 9200 be forwarded for reading consideration;

AND THAT Council adopts Council Policy No. 386, being Electronic Council Meetings as outlined in the report from the Office of the City Clerk dated October 4, 2021;

AND THAT Council Policy No. 307, being Waiver of Public Hearing, be amended as outlined in the report from the Office of the City Clerk dated October 4, 2021.

Purpose:

To amend Council Procedure Bylaw No. 9200, and to adopt a new Council policy and amend Council Policy No. 307 to introduce electronic meeting and public hearing procedures.

Background:

New provincial legislation allowing electronic Council and committee meetings and public hearings came into effect on September 29, 2021. These bylaw amendments and policies will implement the direction Council provided on September 13, 2021 regarding electronic meetings and public hearings.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to prepare amendments to Council Procedure Bylaw No. 9200 and relevant policies in accordance with Options 1B, 2C, and 3C in the report from the Office of the City Clerk dated September 13, 2021;	September 13, 2021

Discussion:

Electronic meetings and electronic participation should reflect in-person meetings as closely as possible to maintain core Council governance principles of openness, transparency, and accountability while allowing for the flexibility and accessibility offered by electronic meetings and public hearings. The bylaw amendments and policies account for both electronic meetings, where all members of Council participate electronically, and electronic participation, where one or some members of Council participate electronically in an otherwise in-person meeting. The bylaw and policies apply to Council as well as Council committees.

Council Procedure Bylaw No. 9200

Amendments to Council Procedure Bylaw No. 9200 expand existing electronic meeting provisions and introduce new ones to align with the Community Charter. The following items are addressed in the amendments with details provided in Schedule A:

- Public hearing and Tuesday regular meeting start times, scheduling, and order of proceedings;
- Special and regular electronic meetings with Mayor authorization or during state of emergency;
- Electronic participation if unable to attend in person;
- Notice of electronic meetings, including a location where the public can watch proceedings;
- Voting procedures for electronic participation; and
- Electronic committee meetings and notices.

Council Policy No. 386 Electronic Council Meetings

A Council policy to accompany the bylaw provisions provides guidance on matters that require some flexibility to account for different circumstances. The guiding principle is to maintain openness, transparency, and accountability by reflecting in-person meeting procedures as closely as possible. The policy applies to members of Council, committees, and the public participating electronically in meetings.

The policy:

- Addresses when and how electronic participation is permitted;
- Requires that meeting participants be able to hear, and preferably watch and hear, each other;
- States that participation is expected for the entire meeting unless a conflict of interest is declared; and
- Refers to meeting legislative requirements for confidentiality and protection of privacy, as needed.

Council Policy No. 307 Waiver of Public Hearing

The revised Council Policy No. 307 reflects Council's direction for staff to recommend that public hearings be waived for rezoning applications that:

- Are consistent with the Official Community Plan;
- Have a recommendation of support from staff; and
- Are not expected to generate significant public input based on correspondence received at the time the report is submitted to Council.

The policy also speaks to public notice, written correspondence, and supplemental reports to Council. Finally, the policy establishes regular reporting to Council on waived public hearing statistics. This will allow staff and Council to monitor the effectiveness of the policy criteria.

Conclusion:

New provincial legislation allows Council to implement electronic Council meetings and public hearings for the long-term. The bylaw amendments and policies are designed to maintain openness, transparency, and accountability while providing for more flexibility and accessibility to account for different circumstances.

Considerations applicable to this report:

Legal/Statutory Authority:

Bill 10 – 2021 Municipal Affairs Statutes Amendments Act

Legal/Statutory Procedural Requirements:

Public notice of proposed amendments to Council Procedure Bylaw No. 9200 must be given before a bylaw is adopted, in accordance with Community Charter s. 124(3).

Existing Policy:

[Council Policy No. 307 Waiver of Public Hearing](#)

Financial/Budgetary Considerations:

One additional staff is needed to moderate electronic participation at public hearings and Tuesday regular meetings. The estimate staffing cost is \$250 per public hearing for hybrid public hearings.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachments:

Schedule A – Council Procedure Bylaw Amendments
Draft Council Policy No. 386– Electronic Council Meetings
Draft Council Policy No. 307 – Waiver of Public Hearing

Schedule A – Council Procedure Bylaw Amendments

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Part 2 – Schedule and Notice of Council Meetings Schedule of Meetings – Section 2.4	Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless Council passes a resolution to change the time of a particular hearing, and Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or if there is no public hearing, at 6:00 p.m.	Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless <u>the agenda volume requires a start time of 4:00 p.m. or</u> Council passes a resolution to change the time of a particular hearing. Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or, if there is no public hearing, <u>at 6:00 p.m. in the manner provided for public hearings. The City Clerk will set hearing and meeting start times in accordance with this bylaw.</u>	Provides option to start public hearings and Tuesday regular meetings as early as 4 p.m. to account for scheduling format, hybrid procedures, and occasional large agenda volumes.
2.	Part 2 – Schedule and Notice of Council Meetings Electronic Meetings – Section 2.6	<p>Provided the conditions set out in the Community Charter are met;</p> <ul style="list-style-type: none"> • A special council meeting may, upon authorization of the Mayor, be conducted by means of electronic or other communication facilities. • A member of Council who is unable to attend at a council meeting, may, upon authorization of the Mayor, participate in the meeting by means of electronic or other communication facilities. • The member presiding at a council meeting must not participate electronically. 	<p>Provided the conditions set out in the Community Charter are met;</p> <ul style="list-style-type: none"> • A special council meeting may, upon authorization of the Mayor <u>or during a state of local, provincial, or national emergency</u>, be conducted by means of electronic or other communication facilities. • <u>A regular Council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.</u> • A member of Council who is unable to attend at a council meeting, may, upon authorization of the Mayor, participate in the meeting by means of electronic or other communication facilities. • The member presiding at a council meeting must not participate electronically <u>unless the meeting is</u> 	Expands options for electronic meetings and allows for electronic participation without Mayor authorization.

No.	Section	Current Wording	Proposed Wording	Reason for Change
			<u>conducted by means of electronic or other communication facilities.</u>	
3.	Part 2 – Schedule and Notice of Council Meetings Location of Council Meetings and Public Hearings – Section 2.7	All Council meetings and public hearings shall take place within City Hall unless Council passes a resolution to hold a particular meeting elsewhere.	All Council meetings and public hearings shall take place within City Hall unless Council passes a resolution to hold a particular meeting elsewhere <u>or the meeting is conducted by means of electronic or other communication facilities.</u> (a) <u>For meetings that are conducted by means of electronic or other communication facilities, the City Clerk will designate a location for the public to hear, or watch and hear, the meeting proceedings. A designated municipal officer must be in attendance at that location.</u>	Clarifies that electronic meetings do not need to be held at City Hall. Authorizes the City Clerk to designate a location for the public to watch an electronic meeting in accordance with Community Charter requirements.
4.	Part 2 – Schedule and Notice of Council Meetings Notice of Special Council Meetings – Section 2.11	At least 24 hours before a special Council meeting the City Clerk must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for agendas in section 2.8 of this bylaw.	At least 24 hours before a special Council meeting the City Clerk must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for agendas in section 2.8 <u>2.9</u> of this bylaw.	Corrects section reference.
5.	Part 2 – Schedule and Notice of Council Meetings Notice of Electronic Meetings – Section 2.14	n/a	Notice of Electronic Meetings <u>2.14 For a meeting conducted by means of electronic or other communication facilities, the City Clerk must give notice, in the same manner as provided for agendas in section 2.9 of this bylaw for a regular Council meeting or in the same manner as provided for agendas in sections 2.11 through 2.13 of this bylaw for a special Council meeting, of:</u> (a) <u>the meeting agenda, including confirmation of the time and date;</u> (b) <u>the way in which the meeting is to be conducted; and</u>	Introduces notice requirements for electronic meetings, including notice of the place where the public can watch meeting proceedings.

No.	Section	Current Wording	Proposed Wording	Reason for Change
			(c) <u>the place where the public may attend to hear, or watch and hear, the proceedings.</u>	
6.	Part 4 – Public Attendance at Council Meetings Proceedings at Public Hearings	n/a	<u>4.19 Owners, applicants, and members of the public may participate in the public hearing by means of electronic or other communication facilities.</u>	Allows members of the public to participate electronically in public hearings.
7.	Part 4 – Public Attendance at Council Meetings	n/a	Electronic Participation <u>4.20 Persons who are authorized to present at a Council meeting and who are unable to attend at City Hall may participate in the meeting by means of electronic or other communication facilities.</u>	Allows members of the public who are authorized to present to Council to participate electronically if unable to attend in person.
8.	Part 5 – Rules of Procedure at Council Meetings Agenda Preparation and Order of Proceedings – Section 5-4	(c) Tuesday Regular Meeting (following Public Hearing, if applicable) <ul style="list-style-type: none"> • Call to order • Reaffirmation of Oath of Office • Confirmation of minutes • Bylaws considered at public hearing • Liquor license application reports <ul style="list-style-type: none"> ○ Summary of correspondence received (number and type) • Development permit, development variance permit and Provincial Referral Reports <ul style="list-style-type: none"> ○ Summary of correspondence received (number and type) • Reports • Resolutions • Reminders • Termination 	(c) Tuesday Regular Meeting (following Public Hearing, if applicable) <ul style="list-style-type: none"> • Call to order • Reaffirmation of Oath of Office • Confirmation of minutes • Bylaws considered at public hearing • Liquor license application reports <ul style="list-style-type: none"> ○ Summary of correspondence received (number and type) • Development permit, development variance permit, <u>heritage alteration permit</u> and Provincial Referral Reports <ul style="list-style-type: none"> ○ Summary of correspondence received (number and type) • Reports • Resolutions • Reminders • Termination 	Moves bylaw consideration to immediately after each public hearing. Reflects practice regarding summary of correspondence.

No.	Section	Current Wording	Proposed Wording	Reason for Change
9.	Part 5 – Rules of Procedure at Council Meetings Agenda Preparation and Order of Proceedings – Section 5.4	(d) Public Hearing <ul style="list-style-type: none"> • Call to order • Territorial Acknowledgement • Staff presentation • Summarizing the number and type of correspondence received (number in support, number in opposition) in relation to the item being heard • Presentation by owner or applicant • Call for any person to speak in relation to the item being heard • Owner or Applicant to respond to concerns raised by speakers or Council • Termination 	(d) Public Hearing <u>and Regular Meeting</u> <ul style="list-style-type: none"> • Call to order <u>public hearing</u> • Territorial Acknowledgement <u>Acknowledgement</u> • Staff presentation • Summarizing the number and type of correspondence received (number in support, number in opposition) in relation to the item being heard • Presentation by owner or applicant • Call for any person to speak in relation to the item being heard • Owner or Applicant to respond to concerns raised by speakers or Council • Termination <u>of public hearing</u> • <u>Call to order regular meeting</u> • <u>Bylaws considered at public hearing</u> • <u>Termination of regular meeting</u> 	Moves bylaw consideration to a regular meeting portion immediately after each public hearing item. Reflects Council direction and practice regarding summary of correspondence.
10.	Part 5 – Rules of Procedure at Council Meetings Voting at Meetings – Section 5.12	Voting shall be by show of hands or by electronic vote, if facilities are so provided, and a member of Council shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.	Voting shall be by show of hands or by electronic vote, if facilities are so provided, and a member of Council shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order. <u>A member of Council participating by means of electronic or other communication facilities shall vote by show of hand with video facilities, by electronic vote, if facilities are so provided, or verbally with audio facilities.</u>	Clarifies voting procedures for electronic participation.
11.	Part 9 – Council Committees	n/a	<u>Electronic Committee Meetings</u> <u>9.26 Committee meetings may be conducted by means of electronic or other communication facilities and committee members may participate by means of electronic or other communication facilities in accordance with sections 2.6, 4.20, and 5.12 of this bylaw.</u>	Applies electronic meeting and participation provisions to committee meetings.

No.	Section	Current Wording	Proposed Wording	Reason for Change
			<p>9.27 For a meeting conducted by means of <u>electronic or other communication facilities</u>, <u>public notice will be given in the same manner as provided for agendas in section 9.13 of this bylaw of:</u></p> <p>(a) <u>the meeting time and date; and</u></p> <p>(b) <u>the way in which the meeting is to be conducted.</u></p>	



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Electronic Council Meetings

ESTABLISHED: October 4, 2021

Contact Department: Office of the City Clerk

Guiding Principle

Electronic meetings and electronic participation in meetings offer flexibility and accessibility for Council, committees, and the public to engage in City business when in-person access is not possible. Electronic meetings and participation should reflect in-person meetings as closely as possible to maintain openness, transparency, and accountability.

Council Procedure Bylaw No. 9200, as amended or replaced from time to time, establishes circumstances and procedures for electronic meetings and electronic participation. This policy provides additional guidance on electronic meetings and participation for members of Council, committees, and the public.

Purpose

To establish guidance for electronic Council and committee meetings and public hearings, and for electronic participation in Council and committee meetings and public hearings.

Application

Electronic meeting: Meeting where all members of Council or a committee participate electronically.

Electronic participation: Remote attendance by an individual member or members of Council, a committee, or the public, when authorized, in a meeting that is otherwise conducted in-person.

This policy applies to Council and committee members participating electronically in a Council or committee meeting. It also applies to members of the public participating electronically when authorized by Council Procedure Bylaw No. 9200.

Policy Statements

1. Council and committee members are expected to attend meetings in-person whenever possible.
 - a) In extenuating circumstances, Council and committee members may participate electronically in meetings. Such circumstances may include, but are not limited to, illness, injury, or out of town travel.
 - b) Electronic participation by Council or committee members is permitted without Mayor or Chair authorization, respectively, for up to two consecutive meetings. The Mayor or Chair, respectively, will decide on requests to continue with electronic participation beyond that.
 - c) The Community Charter recognizes that Council members may be absent from meetings from time to time. Attendance at all meetings is neither required nor expected and Council members may be absent for various professional and personal reasons.
2. Electronic participation should reflect in-person participation as closely as possible.
 - a) Meeting participants must be able to hear each other and should be able to watch and hear each other whenever possible.
 - b) Participation by Council and committee members is expected for the entire meeting, unless a member declares a conflict of interest in accordance with the Community Charter and Council Procedure Bylaw No. 9200, as amended or replaced from time to time.
3. Electronic meetings and electronic participation must meet the requirements of confidentiality in the Community Charter and the requirements for protection of privacy in the Freedom of Information and Protection of Privacy Act.
 - a) Anyone participating electronically in a meeting that is closed to the public must be able to maintain confidentiality.
 - b) Anyone participating electronically in a meeting where personal information is being discussed must be located in Canada.

Amendments

Resolution:

Replacing:



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Waiver of Public Hearing

ESTABLISHED: November 4, 2002

Contact Department: Office of the City Clerk

Guiding Principle

The Local Government Act allows for Council to waive a public hearing on a proposed zoning bylaw if an Official Community Plan is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the Official Community Plan. Council has chosen to establish additional criteria to determine when to waive a public hearing.

Purpose

To establish criteria for waiving public hearings under section 464(2) of the Local Government Act.

Application

Council may waive a public hearing on a proposed zoning bylaw if:

1. The bylaw is consistent with the Official Community Plan;
2. The bylaw has a supporting recommendation from staff; and
3. The bylaw is not expected to generate significant public input based on correspondence received at the time of writing of the Council report.

Staff will provide a recommendation in accordance with the above criteria. Council may choose to waive the requirement for a public hearing, direct the bylaw to a public hearing, or defeat the bylaw.

Notice of a waived public hearing will be given in accordance with Development Application Procedures Bylaw No. 10540, as amended or replaced from time to time, and written correspondence will be circulated to Council. Staff will prepare a supplemental report summarizing the correspondence and recommending that Council give the bylaw further readings, direct the bylaw to a public hearing, or defeat the bylaw.

Staff will report on waived public hearing statistics a minimum of twice per year.

Policy Statements

The City will provide the public with an opportunity to provide input to Council on proposed land use bylaws in accordance with the Local Government Act.

Amendments

Resolution: *to be added*

Replacing: R375/10/04/26; R407/02/11/04



Electronic Meeting & Public Hearing Implementation

October 4, 2021



Background

- ▶ New legislation allows for electronic meetings and electronic participation
- ▶ Electronic meetings: meeting conducted electronically, everyone is remote
- ▶ Electronic participation: meeting conducted in-person, one or some members remote

Guiding Principles

- ▶ Reflect in-person meeting procedures as closely as possible
- ▶ Maintain openness, transparency, and accountability
- ▶ Account for flexibility and accessibility

Council Procedure Bylaw

- ▶ Public hearing start times, scheduling, order of proceedings
- ▶ Electronic meetings with Mayor authorization or during state of emergency
- ▶ Electronic participation if unable to attend in person
- ▶ Notice of electronic meetings
- ▶ Location where public can watch electronic meeting proceedings
- ▶ Voting procedures
- ▶ Electronic committee meeting procedures

Electronic Council Meetings Policy

- ▶ Accompanies bylaw provisions
- ▶ Circumstances for electronic participation
- ▶ Reflect in-person participation
- ▶ Meet confidentiality and protection of privacy requirements

Waiver of Public Hearings Policy

- ▶ Criteria to waive public hearings
- ▶ Public notice, written correspondence, supplemental reports
- ▶ Regular reporting to Council on waived public hearing statistics

Recommendation

- ▶ Give the bylaw first, second & third readings
 - ▶ Public notice prior to adoption
- ▶ Adopt Electronic Council Meetings policy
- ▶ Amend Waiver of Public Hearing policy



Questions?

CITY OF KELOWNA

BYLAW NO. 12283

Amendment No. 7 to Council Procedures Bylaw No. 9200

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Council Procedures Bylaw No. 9200 be amended as follows:

1. **THAT PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS, 2.4 Schedule of Meetings** be amended as follows:

Deleting the sentence that reads:

“Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless Council passes a resolution to change the time of a particular hearing, and Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or if there is no public hearing, at 6:00 p.m.”

And replace it with:

“Public hearings shall begin at 6:00 p.m. on Tuesday evening, unless the agenda volume requires a start time of 4:00 p.m. or Council passes a resolution to change the time of a particular hearing. Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or, if there is no public hearing, in the manner provided for public hearings. The City Clerk will set hearing and meeting start times in accordance with this bylaw.”;

2. **AND THAT PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS, 2.6 Electronic Meetings** be amended as follows:

Deleting the following that reads:

“A special council meeting may, upon authorization of the Mayor, be conducted by means of electronic or other communication facilities.”

“A member of Council who is unable to attend at a council meeting, may, upon authorization of the Mayor, participate in the meeting by means of electronic or other communication facilities.”

“The member presiding at a council meeting must not participate electronically.”

And replace with:

“A special council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.”

“A regular Council meeting may, upon authorization of the Mayor or during a state of local, provincial, or national emergency, be conducted by means of electronic or other communication facilities.”

“A member of Council who is unable to attend at a council meeting, may, participate in the meeting by means of electronic or other communication facilities.”

"The member presiding at a council meeting must not participate electronically unless the meeting is conducted by means of electronic or other communication facilities.";

3. **AND THAT PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS, 2.7 Location of Council Meetings and Public Hearings** be amended by adding the following after the word "elsewhere":

"or the meeting is conducted by means of electronic or other communication facilities.

(a) For meetings that are conducted by means of electronic or other communication facilities, the City Clerk will designate a location for the public to hear, or watch and hear, the meeting proceedings. A designated municipal officer must be in attendance at that location.";

4. **AND THAT PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS, 2.11 Notice of Special Council Meetings** be amended by deleting "2.8" and replacing it with "2.9";

5. **AND THAT PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS, 2.14 Notice of Electronic Meetings** be added as follows:

"2.14 For a meeting conducted by means of electronic or other communication facilities, the City Clerk must give notice, in the same manner as provided for agendas in section 2.9 of this bylaw for a regular Council meeting or in the same manner as provided for agendas in sections 2.11 through 2.13 of this bylaw for a special Council meeting, of:

- a. the meeting agenda, including confirmation of the time and date;
- b. the way in which the meeting is to be conducted; and
- c. the place where the public may attend to hear, or watch and hear, the proceedings.";

6. **AND THAT PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS, Proceedings at Public Hearings** be amended by adding the following:

"4.19 Owners, applicants, and members of the public may participate in the public hearing by means of electronic or other communication facilities;"

7. **AND THAT PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS** be amended by adding the following:

"Electronic Participation

4.20 Persons who are authorized to present at a Council meeting and who are unable to attend at City Hall may participate in the meeting by means of electronic or other communication facilities.";

8. **AND THAT PART 5 – RULES OF PROCEDURE AT COUNCIL MEETINGS, 5.4 Agenda Preparation and Order of Proceedings**, (c) Tuesday Regular Meeting (following Public Hearing, if applicable) be amended by deleting reference to the following:

(a) "Bylaws considered at public hearing"

(b) "Summary of correspondence received (number and type)";

And adding the following after "development variance permit":

"heritage alteration permit";

9. **AND THAT PART 5 – RULES OF PROCEDURE AT COUNCIL MEETINGS, 5.4 Agenda Preparation and Order of Proceedings**, (d) Public Hearing be amended by

- (a) Adding "and Regular Meeting" to the title "Public Hearing"
- (b) Adding "public hearing" after "Call to order"
- (c) Deleting "Acknowledgement" and replacing it with "Acknowledgement"
- (d) Deleting "Summarizing the number and type of correspondence received (number in support, number in opposition) in relation to the item being heard"
- (e) Adding "of public hearing" after "Termination"
- (f) Adding the following to the end of the section after the word "Termination":

"Call to order regular meeting
Bylaws considered at public hearing
Termination of regular meeting";

10. AND THAT **PART 5 – RULES OF PROCEDURE AT COUNCIL MEETINGS, 5.12 Voting at Meetings** be amended by adding the following to the end of the section:

"A member of Council participating by means of electronic or other communication facilities shall vote by show of hand with video facilities, by electronic vote, if facilities are so provided, or verbally with audio facilities";

11. AND FURTHER THAT **PART 9 – COUNCIL COMMITTEES** be amended by adding the following:

Electronic Committee Meetings

9.26 Committee meetings may be conducted by means of electronic or other communication facilities and committee members may participate by means of electronic or other communication facilities in accordance with sections 2.6, 4.20, and 5.12 of this bylaw.

9.27 For a meeting conducted by means of electronic or other communication facilities, public notice will be given in the same manner as provided for agendas in section 9.13 of this bylaw of:

- (a) the meeting time and date; and
- (b) the way in which the meeting is to be conducted.

12. This bylaw may be cited for all purposes as "Bylaw No. 12283 being Amendment No. 7 to Council Procedures Bylaw No.9200".
13. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk