

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, November 22, 2021

10:00 am

Council Chamber

City Hall, 1435 Water Street

Pages

**1. Call to Order**

**2. Confirmation of Minutes**

3 - 5

Regular AM Meeting - November 15, 2021

**3. Reports**

**3.1. Council and Development Application Procedure  
Legislative Amendments**

30 m

6 - 19

To receive information about recent amendments to legislation regarding Council, public notices, and development application procedures.

**3.2. City Clerk, Verbal Report, Meeting with Board of  
Education**

5 m

20 - 20

To set a date for Council to meet with the Board of Education.

**4. Resolution Closing the Meeting to the Public**

THAT this meeting be closed to the public pursuant to Sections 90(1) (e), 90(2)(b) of the Community Charter for Council to deal with matters relating to the following:

- Labour Relations
- Confidential Information from the Province

**5. Adjourn to Closed Session**

**6. Reconvene to Open Session**

**7. Issues Arising from Correspondence & Community Concerns**

7.1. Mayor Basran, re: Issues Arising from Correspondence

15 m

8. Termination



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date: Monday, November 15, 2021  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Luke Stack\* and Loyal Wooldridge

Members participating remotely Councillor Charlie Hodge

Members Absent Councillor Mohini Singh

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Infrastructure Engineering Manager, Joel Shaw\*; Divisional Director, Financial Services, Genelle Davidson\*; Divisional Director, Partnership & Investments, Transportation Engineering Manager, Gordon Foy\*; Building Services Manager, Steve Perry\*; Asset & Facilities Supervisor, Adam Rumpel\*; Community Theatre Manager, Carolyn Ivey\*; Cultural Services Manager, Christine McWillis\*; Divisional Director, Active Living & Culture, Jim Gabriel\*, Theatre Technician, Nick Bonnet\*

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland\*

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 9:06 a.m.

**2. Confirmation of Minutes**

Moved By Councillor Donn/Seconded By Councillor Hodge

R1022/21/11/15 THAT the Minutes of the Regular AM Meeting of November 8, 2021 be confirmed as circulated.

Carried

**3. Resolution Closing the Meeting to the Public**

Moved By Councillor Given/Seconded By Councillor Stack

**R1023/21/11/15** THAT this meeting be closed to the public pursuant to Section 90(1) (f), (l), (g) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

- Law Enforcement
- Litigation
- Community Objectives
- Confidential information from Provincial and Federal Government

**Carried**

**4. Adjourn to Closed Session**

The meeting adjourned to a closed session at 9:07 a.m.

**5. Reconvene to Open Session**

The meeting reconvened to an open session at 11:27 a.m. with Councillors Singh and Stack absent.

**6. Reports**

**6.1 10-Year Capital Plan (2021-2030) Part 2**

Staff:

- Displayed a PowerPoint Presentation.
- Spoke to the areas of investment in the 10-Year Capital Plan; big investment areas in the next 10 years include Buildings, Parks, Transportation, Water, Wastewater and the Airport.
- Made comment that over the next 10-years the plan is to invest close to \$1.5 billion in infrastructure to support growth, improve services and renew existing assets.
- Made comment that the 10-Year Capital Plan is closely integrated with the OCP, Imagine Kelowna and all the City's infrastructure master plans and is updated annually to remain accurate and responsive to emerging issues.
- Spoke to areas not forecasted to be funded in the next 10 years which are referred to as Priority 2 projects.
- Spoke to Infrastructure deficit from 2018-2021.
- Made comment that in conjunction with the adoption of the 2040 OCP, the City will begin updating the City's strategic Capital Plan, called the 2040 Infrastructure Plan, and will set the new direction for infrastructure investment up until 2040.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R1024/21/11/15** THAT Council receives, for information, the second of three reports from Infrastructure Engineering dated November 15, 2021, to review the 10-Year Capital Plan (2021 to 2030);

AND THAT Staff will amend the 10-Year Capital Plan based on Council's feedback and return to Council for final endorsement.

**Carried**

The meeting reconvened to a closed session at 11:53 a.m.

The meeting reconvened to an open session and adjourned at 11:58 a.m.

## 7. Issues Arising from Correspondence & Community Concerns

There were no issues arising.

The meeting reconvened at 1:01 p.m. at the Kelowna Community Theatre with Mayor Basran, Councillors Given, DeHart, Donn, Sieben, Wooldridge present and Councillor Hodge participating via Face Time. Councillors Singh and Stack were absent.

Staff:

- Gave a tour of the recently renovated Kelowna Community Theatre.

## 8. Termination

The meeting was declared terminated at 1:20 p.m.

\_\_\_\_\_  
Mayor Basran

sf/acm

\_\_\_\_\_  
A. McClelland

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City Clerk

# Report to Council



**Date:** November 22, 2021

**To:** Council

**From:** City Manager

**Subject:** Council and Development Application Procedure Changes

**Department:** Office of the City Clerk

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## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated November 22, 2021, with respect to legislative amendments affecting Council, public notices, and development application procedures;

AND THAT Council directs staff to report back to Council with options to implement the legislative amendments;

AND FURTHER THAT, once the legislative amendments come into effect, Council directs staff to make recommendations on public hearings for zoning applications as outlined in the report from the Office of the City Clerk dated November 22, 2021, pending bylaw and policy amendments.

## **Purpose:**

To receive information about recent amendments to legislation regarding Council, public notices, and development application procedures.

## **Background:**

On November 3, the Province gave third reading to Bill 26 – 2021. When given Royal Assent, the legislation will introduce changes in four main areas: Council code of conduct, public notices, public hearings, and development variance permits (DVPs). The code of conduct amendments follow on work being done by the Province, the Union of BC Municipalities, and the Local Government Management Association regarding responsible conduct in local government. The changes affecting notices, public hearings, and DVPs implement opportunities identified in the Province's 2019 [Development Approvals Process Review](#) report. That initiative's objective is to increase housing supply by improving the efficiency and effectiveness of the development approval process.

Bylaw and policy amendments are needed to implement the new legislation. This report summarizes the legislative changes and staff will prepare implementation options for Council to consider in early 2022.

## **Discussion:**

### *Code of Conduct*

Starting next Council term, a Council will be required to publicly consider developing a code of conduct or revising an existing one within six months of being sworn in. If a code of conduct is not established or revised, reasons for that decisions must be made available upon request and Council must reconsider the decision before the year of the next general local election.

A provincial regulation, expected in 2022, will bring the code of conduct amendments into effect and will establish principles to guide Council discussions. The change will apply to the newly elected Council following the 2022 election, and no action by Council is required at this time.

### *Public Notice*

Currently, statutory public notices must be published in a local newspaper and posted in the public notice posting place. Under the new legislation, Council can either follow the default newspaper requirements or establish, by bylaw, at least two alternative ways to publish notices in addition to the public notice posting place. This modernizes public notice requirements, allowing some flexibility to determine the most appropriate publication method for the local context.

A provincial regulation, expected in 2022, will bring the public notice amendments into effect and will define principles of effective notice for Council to consider, including accessibility, suitability, and reliability. Staff will bring forward amendments to Council Procedure Bylaw 9200 for Council's consideration once the regulation is enacted.

### *Public Hearings*

Zoning bylaws (i.e., rezoning or text amendment) that are consistent with the OCP will no longer require a public hearing by default, though Council can choose to send individual applications to a public hearing. As such, waiving a public hearing will no longer be an option. Public notice will be required before first reading of a zoning bylaw that is not going to a public hearing. This is different from the current process where public notice of a public hearing or waived public hearing is after first reading. The legislative changes remove the requirement for Council to provide an opportunity for public input (in person or in writing) prior to Council's consideration of a zoning amendment. Zoning bylaws that are in conjunction with an application to amend the OCP will require a public hearing.

Staff will prepare options to amend the Development Application & Heritage Procedures Bylaw No. 12310 and Council Policies No. 307 and 367 to reflect the legislative changes. In the interim, staff recommend using the criteria established in Council Policy No. 307 to make recommendations on public hearings for zoning bylaws. Specifically, staff will recommend that zoning bylaws that are consistent with the OCP, have a supporting recommendation from staff, and are not expected to generate significant public input based on correspondence received at the time of writing of the Council report to not be scheduled to a public hearing. Staff will recommend that zoning bylaws that do not meet those

criteria be forwarded to a public hearing. Council will continue to receive any correspondence submitted.

The public hearing amendments can streamline zoning applications that are consistent with the OCP and will come into effect when Bill 26 receives Royal Assent.

#### *Development Variance Permits*

Council will have the option to delegate approvals for DVPs that meet certain conditions. To be delegated to staff, a variance must be minor and vary one or more of the following regulations: siting, size, or dimensions of buildings, structures, and permitted uses; parking and loading space requirements; signs; or screening and landscaping.

Council must establish, by bylaw, criteria for determining if a proposed variance is minor and guidelines the delegate must consider in deciding whether to issue a direct DVP. As with other delegated authorities, the applicant can request Council reconsider staff's decision. Public notice will not be required for delegated DVPs.

The amendments align DVP approvals with other types of land use permits and will come into effect when Bill 26 receives Royal Assent.

#### *Summary*

<b>Change</b>	<b>Come into Effect</b>	<b>City Implementation (Based on Council Direction)</b>
Code of conduct	By regulation, expected in early 2022	Following 2022 election
Public notice	By regulation, expected in early 2022	New bylaw
Public hearings	Date of Royal Assent	Criteria in Council Policy No. 307 (interim) Bylaw and policy amendments (long-term)
DVPs	Date of Royal Assent	Bylaw and policy amendments

#### **Conclusion:**

The legislative amendments introduce new requirements and options for Council to consider. The code of conduct change will be in effect for the new Council following the 2022 general local election. The public notice, public hearing, and DVP changes give Council new options to inform the public and streamline development approvals. Once the legislation comes into effect, a subsequent Council report will outline implementation options for further Council direction.

#### **Internal Circulation:**

Planning & Development Services Division

#### **Considerations applicable to this report:**

##### ***Legal/Statutory Authority:***

Bill 26 – 2021: Municipal Affairs Statutes Amendment Act (No. 2), 2021

##### ***Legal/Statutory Procedural Requirements:***



Amendments to Council Procedure Bylaw No. 9200, Development Application & Heritage Procedures Bylaw No. 12310, and related Council policies will be needed to implement changes.

***Existing Policy:***

Council Policy No. 307 Waiver of Public Hearing

Council Policy No. 367 Public Notification & Consultation for Development Applications

**Considerations not applicable to this report:**

*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by:

L. Bentley, Deputy City Clerk

**Approved for inclusion:** S. Fleming, City Clerk

cc:

R. Smith, Divisional Director, Planning & Development Services



# Council & Development Application Procedure Changes

November 2021

# Background

- ▶ Bill 26 will amend the Community Charter & Local Government Act
- ▶ Four main areas:
  - ▶ Council code of conduct
  - ▶ Public notices
  - ▶ Public hearing
  - ▶ Development variance permits

# Council Code of Conduct

- ▶ Requirement to publicly consider developing a code of conduct or revising an existing one
- ▶ Comes into effect: by Regulation in 2022
- ▶ Implementation: will apply to newly elected Council following 2022 election

# Public Notices

- ▶ Two options:
  - ▶ Default newspaper requirements (status quo)
  - ▶ Bylaw establishing at least 2 alternative ways to publish notices
- ▶ Comes into effect: by Regulation in 2022
- ▶ Implementation: bylaw amendments

# Public Hearings

- ▶ Zoning bylaws that are consistent with the OCP will not require a public hearing by default
  - ▶ Council can send individual applications to public hearing
- ▶ Public notice before first reading of a bylaw not going to public hearing
- ▶ Comes into effect: when Bill 26 receives Royal Assent
- ▶ Implementation: bylaw and policy amendments

# Public Hearings – Interim Implementation

- ▶ Follow criteria established in Council Policy No. 307
- ▶ Staff will recommend no public hearing for bylaws that:
  - ▶ Are consistent with the OCP
  - ▶ Have a supporting recommendation from staff
  - ▶ Are not expected to generate significant public input



# Development Variance Permits

- ▶ Option to delegate DVP approvals to staff
  - ▶ Variance must be minor
  - ▶ Vary specific development regulations, parking, signs, or landscaping requirements
- ▶ Establish criteria and guidelines by bylaw
- ▶ Applicant can request Council reconsideration of staff decision
- ▶ Comes into effect: when Bill 26 receives Royal Assent
- ▶ Implementation: bylaw and policy amendments



# Summary

Change	Come into Effect	City Implementation (Based on Council Direction)
Code of conduct	By regulation, expected in early 2022	Following 2022 election
Public notice	By regulation, expected in early 2022	New bylaw
Public hearings	Date of Royal Assent	Criteria in Council Policy No. 307 (interim) Bylaw and policy amendments (long-term)
DVPs	Date of Royal Assent	Bylaw and policy amendments

# Next Steps

- ▶ Bill 26 to receive Royal Assent
  - ▶ Council consider implementation options for public hearings & DVPs
  - ▶ Bylaw & policy amendments
- ▶ Regulations for Council code of conduct & public notices
  - ▶ Council consider implementation options for public notices
  - ▶ Bylaw amendments



*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).



November 2, 2021

Via email: [mayorandcouncil@kelowna.ca](mailto:mayorandcouncil@kelowna.ca)

Mayor Colin Basran  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Mayor Basran:

The Board of Education extends an invitation to the Mayor and Council to meet with the Board in order to discuss matters of mutual interest. The last time the Board of Education met with the City of Kelowna Mayor and Council was at a Joint Board of Education and City Council Workshop on August 26, 2019 regarding the Joint Education Health and Wellness Facility. It is the Board's belief that meeting with its local municipalities is valuable to both the Board and Council, and to the community at large.

If there is a willingness to meet, would you please suggest several dates and times that work best for Council (morning, afternoon or evening). The Board would prefer to meet in-person (physically distanced), however recognizes that a *Zoom* meeting may be required. The meetings have customarily lasted two hours.

Please contact the Secretary-Treasurer's office at 250-470-3216, or e-mail [michelle.desrochers@sd23.bc.ca](mailto:michelle.desrochers@sd23.bc.ca), to finalize the details.

The Board looks forward to hearing from you.

Yours sincerely,

Moyra Baxter, Chairperson  
Board of Education

copy: Central Okanagan Board of Education Trustees

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