



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, September 26, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Mohini Singh, Brad Sieben, Luke Stack and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Community Planning & Development Manager, Dean Strachan*; Planner, Tyler Caswell*; Environmental Coordinator, Jennifer Miles*; Planner Specialist, Wesley Miles*; Planner, Trisa Atwood*; Revenue Supervisor, Patrick Gramiak*; Fire Chief, Travis Whiting*; Mobility Specialist, Cameron Noonan*; Utility Planning Manager, Rod MacLean*; Partnership Manager, Sandra Kochan*; Grant & Special Projects Manager, Michelle Kam*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guests	Jamie Needham*, URBA Past President and Karen Beaubier*, URBA Executive Director

(\* Denotes partial attendance)

### 1. Call to Order

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

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

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

Mayor Basran made an announcement regarding the City winning the 2022 UBCM President's Committee Excellence Award for the Real Time Flood Response EOC Dashboard and thanked staff for their efforts in creating the Dashboard.

### 2. Development Application Reports & Related Bylaws

2.1 Ward Rd 1989 - A22-0004 FH22-0006 - Gill Family Orchards Inc., Inc. No. BC1159244

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Stack

**Ro697/22/09/26** THAT Agricultural Land Reserve Application No. A22-0004 for Lot 1, Section 5, Township 26, ODYD, Plan EPP95434, located at 1989 Ward Road, Kelowna, BC for a Non-Adhering Residential Use pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration;

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH22-0006 for Lot 1, Section 5, Township 26, ODYD, Plan EPP95434, located at 1989 Ward Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A22-0004;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;
4. The applicant is required to post to the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 Restrictive Covenant on the Title that states:
  - a. The dwellings will be used for temporary farm workers only;
  - b. The owner will remove the dwellings if the farm operation changes such that they are no longer required;
  - c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and
  - e. The temporary farm worker housing building footprint is a maximum of 0.3 ha.

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

**Carried**

## **2.2 Tower Ranch Blvd 2160 - OCP20-0006 Z20-0023 - Supplemental Report**

Staff:

- Provided rationale for waiving the development permits at this time and confirmed they will be required at the time of subdivision and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

**Ro698/22/09/26** THAT Council waives the requirement of a Development Permit related to the Natural Environment and Hazard Development Permit Areas for the adoption of Zoning Bylaw Amendment Bylaw No. 12380;

AND THAT final adoption of OCP Bylaw Amendment Bylaw No. 12379 and Zoning Bylaw Amendment Bylaw No. 12380 be considered by Council.

**Carried**

**2.3 Tower Ranch Blvd 2160 - BL12379 (OCP20-0006) - 0977415 BC Ltd., Inc. No. BC0977415**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0699/22/09/26 THAT Bylaw No. 12379 be adopted.

Carried

**2.4 Tower Ranch Blvd 2160 - BL12380 (Z20-0023) - 0977415 BC Ltd., Inc. No. BC0977415**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0700/22/09/26 THAT Bylaw No. 12380 be adopted.

Carried

**2.5 Supplemental Report - Lakeshore 3773-3795 - TA20-0009 (BL12366) - Westcorp on the Lake Inc., Inc. No. A75763**

Staff:

- Summarized the Master Development Agreement.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0701/22/09/26 THAT Council authorize staff to enter into a 'Master Development Agreement' for the subject property attached as Schedule "A" to the report from the Development Planning Department dated September 26<sup>th</sup> 2022 for Lot 1, DL 134, ODYD, Plan EPP41204 located at 3773-3795 Lakeshore Road;

AND THAT Final Adoption of Zoning Bylaw Amendment Bylaw No. 12366 be considered by Council.

Carried

**2.6 Lakeshore 3773-3795 - BL12366 (TA20-0009) - Westcorp on the Lake Inc., Inc. No. A75763**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0702/22/09/26 THAT Bylaw No.12366 be adopted.

Carried

**2.7 Lakeshore 3773-3795 - DP21-0183 - Westcorp on the Lake Inc, Inc. No. A75763**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R0703/22/09/26 THAT Council authorizes the issuance of Development Permit No. DP21-0183 for Lot 1, DL 134, ODYD, Plan EPP41204 Except Plan EPP112300, located at 3773-3795 Lakeshore Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,";

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

**Carried**  
Councillor Hodge - Opposed

### **2.8 Hilltown Dr 3310 - DP22-0112 - Kinnikinnik Developments Inc., Inc. No. BCo622664**

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

**R0704/22/09/26** THAT Council authorizes the issuance of Development Permit No. DP22-0112 for Lot B Section 28 Township 23 ODYD Plan EPP101581, located at 3310 Hilltown Drive, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

**Carried**

### **3. Bylaws for Adoption (Development Related)**

#### **3.1 BL12375 - Zoning Bylaw**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

**R0705/22/09/26** THAT Bylaw No. 12375 be adopted.

**Carried**

#### **3.2 BL12386 - Density Bonusing for Public Amenities and Streetscape Reserve Fund**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R0706/22/09/26** THAT Bylaw No. 12386 be adopted.

**Carried**

#### 4. Non-Development Reports & Related Bylaws

##### 4.1 Tree Protection Bylaw No. 8041 Amendments

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R0707/22/09/26** THAT Council receives, for information, the report from the Development Planning Department dated September 26, 2022, with respect to updating the Tree Protection Bylaw No. 8041;

AND THAT Bylaw No. 12025, being Bylaw Amendment No. 2 to the Tree Protection Bylaw No. 8041 be forwarded for reading consideration.

**Carried**

##### 4.2 BL12025 - Amendment No. 2 to the Tree Protection Bylaw No. 8041

Moved By Councillor Stack/Seconded By Councillor DeHart

**R0708/22/09/26** THAT Bylaw No. 12025 be read a first, second and third time.

**Carried**

##### 4.3 Development Application and Heritage Procedures Bylaw No. 12310 - Landscape Amendments

Staff:

- Displayed a PowerPoint Presentation summarizing the proposed amendments to the Development Application and Heritage Procedures Bylaw and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R0709/22/09/26** THAT Council receives, for information, the report from the Development Planning Department, dated September 26, 2022, with respect to amending the Development Applications and Heritage Procedures Bylaw for changes to the landscape procedure requirements;

AND FURTHER THAT Bylaw No. 12423 being Amendment No. 1 to the Development Applications and Heritage Procedures Bylaw be advanced for reading consideration.

**Carried**

##### 4.4 BL12423 - Amendment No. 1 to the Development Applications and Heritage Procedures Bylaw No. 12310

Moved By Councillor DeHart/Seconded By Councillor Stack

**R0710/22/09/26** THAT Bylaw No. 12423 be read a first, second and third time.

**Carried**

##### 4.5 Policy Amendments Related to Zoning Bylaw No. 12375 and 2040 OCP Bylaw No. 12300 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation outlining the proposed amendments to various Council Policies.

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0711/22/09/26** THAT Council Policy No. 301, being Private Docks Abutting City-Owned Lots Severed from Upland Lakefront Parcels, be revised as outlined in the Report from Development Planning dated September 26, 2022;

AND THAT Council Policy No. 329, being Downtown Commercial Building Encroachment Policy, be revised as outlined in the Report from Development Planning dated September 26, 2022;

AND THAT Council Policy No. 366, being Residential Parking Permit Program, be revised as outlined in the Report from Development Planning dated September 26, 2022;

AND THAT Council Policy No. 367, being Public Notification & Consultation for Development Applications, be revised as outlined in the Report from Development Planning dated September, 2022;

AND FURTHER THAT Council Policy No. 374, being Snow and Ice Control for Parks and Civic Properties, be revised as outlined in the Report from Development Planning dated September 26, 2022.

**Carried**

#### **4.6 Uptown Rutland BIA Bylaw Renewal 2023 - 2027**

Staff:

- Introduced the presentation and guests Jamie Needham, URBA Past President and Karen Beaubier, URBA Executive Director

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- Displayed a Video and PowerPoint Presentation providing a summary of the Strategic Plan and proposed BIA budget and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R0712/22/09/26** THAT Council approve the renewal of a specified area for the purpose of annually funding, over a 5 year period, the Uptown Rutland Business Improvement Area pursuant to Sections 215 of the Community Charter, for the properties included within the boundary as outlined on Schedule "A" to the Report of the Revenue Supervisor dated September 26, 2022;

AND THAT Bylaw 12427 being Uptown Rutland Business Improvement Area Bylaw be advanced for reading consideration;

AND FURTHER THAT 4:00 p.m., Friday, October 28, 2022 be set as the deadline for receipt of petitions against the proposed Uptown Rutland Business Improvement Area renewal bylaw.

**Carried**

#### **4.7 BL12427 - Uptown Rutland Business Improvement Area Bylaw 2023 - 2027**

Moved By Councillor DeHart/Seconded By Councillor Stack

**R0713/22/09/26** THAT Bylaw No. 12427 be read a first, second and third time.

**Carried**

#### **4.8 Contract Renewals for Regional District of Kootenay Boundary, City of Vernon and Okanagan Indian Band**

Staff:

- Provided comments regarding contract renewals for fire dispatch services and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

**R0714/22/09/26** THAT Council approves the City's renewal of a 5-year contract with Vernon Fire Rescue (VRS) to provide fire dispatch services in the form attached to the Report of the Fire Chief dated September 26, 2022,

AND THAT Council approves the City's renewal of a 5-year contract with Regional District of Kootenay Boundary (RDKB) to provide fire dispatch services in the form attached to the Report of the Fire Chief dated September 26, 2022;

AND THAT Council approves the City's renewal of a 5-year contract with Okanagan Indian Band (OKIB) to provide fire dispatch services in the form attached to the Report of the Fire Chief dated September 26, 2022;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with these transactions.

**Carried**

#### **4.9 Regional Emergency Management Contracts**

Staff:

- Provided comments regarding the Regional Emergency Management contracts.

Moved By Councillor Hodge/Seconded By Councillor Sieben

**R0715/22/09/26** THAT Council receives, for information, the report from the Fire Chief dated September 26, 2022, with respect to the Regional Rescue Program contract and the Regional Dispatch contract;

AND THAT the Mayor and City Clerk be authorized to execute the contracts on behalf of the City of Kelowna.

**Carried**

#### **4.10 BC Active Transportation Infrastructure Grant Application - 2022;2023**

Staff:

- Provided comments on the BC Active Transportation Infrastructure Grant application.

Moved By Councillor Given/Seconded By Councillor DeHart

**R0716/22/09/26** THAT Council receives for information, the report from Integrated Transportation dated September 26, 2022, with respect to the 2022/2023 BC Active Transportation Infrastructure Grant Application;

AND THAT Council authorize staff to apply for two Active Transportation Infrastructure Grants for the Casorso 3 (KLO to Lanfranco) and Houghton 2 (Hollywood to Rutland) active transportation projects, as outlined in this report;

AND THAT The City of Kelowna confirms the above-mentioned projects are municipal priorities, planned for construction in 2023 and intended to be complete within the required timeline for the grant;

AND THAT Council support staff to manage all tasks necessary to complete the grant, if successful;

AND THAT, if the grant application is successful, the 2022 Financial Plan will be amended to include receipt of funds;

AND FURTHER THAT The City of Kelowna will be responsible for its share of eligible costs, ineligible costs, and potential overruns related to the project.

**Carried**

#### **4.11 GEID Water Supply Boundary Exclusion for 2025 Begbie Rd**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R0717/22/09/26** THAT Council receives for information, the report from Utility Services dated September 26, 2022, relating to the Glenmore Ellison Improvement District (GEID) Boundary Exclusion for 2025 Begbie Rd;

AND THAT Council support the request by the GEID to amend its water service area boundary to exclude 2025 Begbie Rd as outlined in this report.

**Carried**

#### **4.12 Accelerate Okanagan Talent and Compensation Study**

Staff:

- Provided comments on the request for funds for the Talent and Compensation Study and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

**R0718/22/09/26** THAT Council receives for the information the report from the Partnership Office dated September 26, 2022 regarding a proposed Talent and Compensation Study to be commissioned by Accelerate Okanagan;

AND THAT Council approves a financial contribution of \$5,000 from Council contingency in support of the Talent and Compensation Study to be commissioned by Accelerate Okanagan.

**Carried**

#### **4.13 UBCM Community Emergency Preparedness Fund Support**

Staff:

- Provided comments on the reasons for Council approval for the UBCM Community Emergency Preparedness Fund.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R0719/22/09/26** THAT Council receives, for information, the report from the Partnership Office dated September 26, 2022, with respect to UBCM Community Emergency Preparedness Fund Support;

AND THAT Council approves the Regional District of Central Okanagan applying for, receiving, and managing the UBCM Community Emergency Preparedness Fund grant funding to



complete the Extreme Heat Risk Mapping, Assessment and Planning project on behalf of the City of Kelowna.

**Carried**

## 5. **Bylaws for Adoption (Non-Development Related)**

### 5.1 **BL12390 - Road Closure Bylaw - Adjacent to 657 Clement Ave**

Mayor Basran asked anyone in the gallery affected by the proposed road closure to come forward.

No one came forward.

Moved By Councillor Stack/Seconded By Councillor DeHart

**Ro720/22/09/26** THAT Bylaw No. 12390 be adopted.

**Carried**

## 6. **Mayor and Councillor Items**

Mayor Basran:

- Spoke to this Friday September 30<sup>th</sup> being the National Day for Truth and Reconciliation; made comment on events scheduled for this day and online resources for additional information.

Councillor Wooldridge:

- Will be attending the Truth and Reconciliation event at the Kelowna Museum on Friday.

Councillor Hodge:

- Encouraged citizens to mark and participate in Truth and Reconciliation events.
- Spoke to their attendance at the DKA Small Shop Saturday and DKA After 5 events.

Councillor Sieben:

- Noted the Mayor's earlier media release and spoke to the recent overdose deaths in the community and overarching issues in the region.

Councillor DeHart:

- Invited everyone to the United Way Drive Thru Breakfast on Thursday, October 6th.

Councillor Stack:

- Made comment on the death of Queen Elizabeth II and invited the public to a memorial service at The Cathedral Church of St. Michael and All Saints on September 27th at 7:00 p.m.

Mayor Basran:

- Thanked colleagues for their support last week when he attended the Provincial Government recommendations report on prolific offenders.

Councillor Sieben:

- Thanked the Mayor for his leadership efforts on the BC Urban Mayors Caucus.

## 7. **Termination**

This meeting was declared terminated at 3:21 p.m.

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Mayor Basran

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City Clerk

/acm