

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, March 6, 2023
10:00 am
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Confirmation of Minutes** 2 - 3
Regular AM Meeting - February 27, 2023
3. **Reports**
 - 3.1 **Council Decision-Making Workshop** 60 m 4 - 23
4. **Resolution Closing the Meeting to the Public**

THAT this meeting be closed to the public pursuant to Section 90(1) (i) of the Community Charter for Council to deal with matters relating to the following:

 - Legal Advice
5. **Adjourn to Closed Session**
6. **Reconvene to Open Session**
7. **Termination**



City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, February 27, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Gord Lovegrove, Luke Stack and Rick Webber
Members participating Remotely	Councillor Charlie Hodge
Members Absent	Councillors Mohini Singh and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming

1. Call to Order

Mayor Dyas called the meeting to order at 9:00 a.m.

2. Confirmation of Minutes

Moved By Councillor Lovegrove/Seconded By Councillor Stack

THAT the Minutes of the Regular AM Meeting of February 13, 2023 be confirmed as circulated.

Carried

3. Resolution Closing the Meeting to the Public

Moved By Councillor Webber/Seconded By Councillor Hodge

THAT this meeting be closed to the public pursuant to Section 90(1)(g) and (k) and Section 90(2)(b) of the Community Charter for Council to deal with matters relating to the following:

- Litigation affecting the City
- Provision of a Municipal Service
- Confidential Information from the Provincial Government

- Confidential Information from the Federal Government

Carried

4. Adjourn to Closed Session

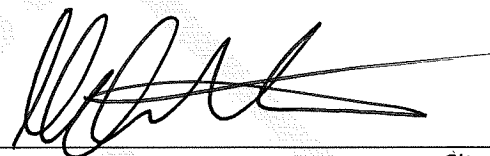
The meeting adjourned to a closed session at 9:01 a.m.

The meeting adjourned at 11:42 a.m.

The meeting reconvened at 5:45 p.m.

5. Reconvene to Open Session and Terminated

The meeting reconvened to an open session and terminated at 5:45 p.m.



Mayor Dyas

City Clerk

sf/cm

DRAFT

Report to Council



Date: March 6, 2023
To: Council
From: City Manager
Subject: Council Decision-Making Considerations
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated March 6, 2023 with respect to Council decision-making considerations.

Purpose:

To receive information about different types of Council decisions and factors to consider.

Discussion:

Council is presented with a range of recommendations and decisions to make during Council meetings. This workshop and attached presentation provides an overview of Council decision-making, Council meetings, and factors Council should consider when making decisions. There is a particular focus on development application decisions due to their legislative framework, complexity, and overlap.

Internal Circulation:

Planning & Development Services

Considerations applicable to this report:

Legal/Statutory Authority & Procedural Requirements:

Community Charter s. 115 Responsibilities of council members
Local Government Act Part 14, Divisions 3-10

Existing Policy:

[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 Decision Making Workshop

March 6, 2023

Council Member Responsibilities

- ▶ Council = Mayor & Councillors
- ▶ Community Charter s. 115
- ▶ Consider the City's well-being and interests
- ▶ Contribute to development & evaluation of City policies & programs about services & other activities
- ▶ Participate in Council & committee meetings
- ▶ Note broad City-focused scope in the legislation

Council Decision-Making

- ▶ How Council makes decisions
 - ▶ At a Council meeting
 - ▶ by Bylaw
 - ▶ by Resolution
- ▶ Types of decisions
 - ▶ Receive for information
 - ▶ Take action (e.g., direct staff, approve a plan, give reading to a bylaw)
 - ▶ Council wears different "hats" depending on the decision before you

Types of Council Meetings

- ▶ Monday AM Open
 - ▶ Whitepapers / workshops
- ▶ Closed
 - ▶ Reasons Council may or must consider in closed session
- ▶ Monday PM
 - ▶ Development applications
 - ▶ Non-development reports
- ▶ Tuesday meetings
 - ▶ Public input on development bylaws, liquor licences, DVPs

Monday AM Open Decisions

- ▶ Part of decision-making continuum
- ▶ Receiving information
- ▶ Providing direction to staff for further action

Monday PM Development Decisions

Application	Decision
OCP amendment	Approve or defeat first reading & sending to public hearing
Rezoning	<p>Consistent with OCP: Approve or defeat initial consideration, supplemental for bylaw readings</p> <p>Inconsistent with OCP: Approve or defeat first reading & sending to public hearing</p>
Development permit	Approve or deny issuance based on consistency with DP guidelines
Agricultural Land Commission	<p>Support or non-support</p> <p>ALC is final decision-maker if Council supports</p>

Monday PM Development Considerations

- ▶ Many factors related to development
- ▶ What considerations apply when?
 - ▶ Depends on type of application & decision
 - ▶ Depends on scale of development
 - ▶ Area Structure Plan vs single property

Monday PM Development Considerations

Application Type	OCP policies	Land use & density	Financial Plan & Waste Management Plan	Relevant Council policies (e.g., Policy 367)	Other relevant plans (e.g., Urban Centres, Agriculture)	Servicing needs	DP guidelines (form & character, landscaping)	Public input*
OCP	✓	✓	✓	✓	✓	✓**		✓
Rezoning	✓	✓		✓	✓	✓		✓
DP							✓	✓
ALC	✓	✓		✓	✓	✓		✓

* Public input is non-statutory at this stage (e.g., applicant consultation, Mayor & Council correspondence)

** Depends on scale of development

Monday PM Non-Development Decisions

- ▶ Business of the City
- ▶ Regulatory bylaws, agreements, plans, policies, direction to staff
- ▶ What Council should consider:
 - ▶ Staff's recommendation
 - ▶ Based on research, expertise, public engagement, City plans & policies
 - ▶ Relevant bylaws, plans & policies
 - ▶ Public & stakeholder input
 - ▶ City's well-being and interests as a whole

Public Hearing

- ▶ OCP amendment & rezoning bylaws
- ▶ No form & character discussion
- ▶ Questions for clarification only during public hearing
- ▶ No representations to Council after public hearing closes
- ▶ May weight input differently based on several factors
 - ▶ Proximity to subject property
 - ▶ Relevance to Council considerations

Tuesday Regular Meeting

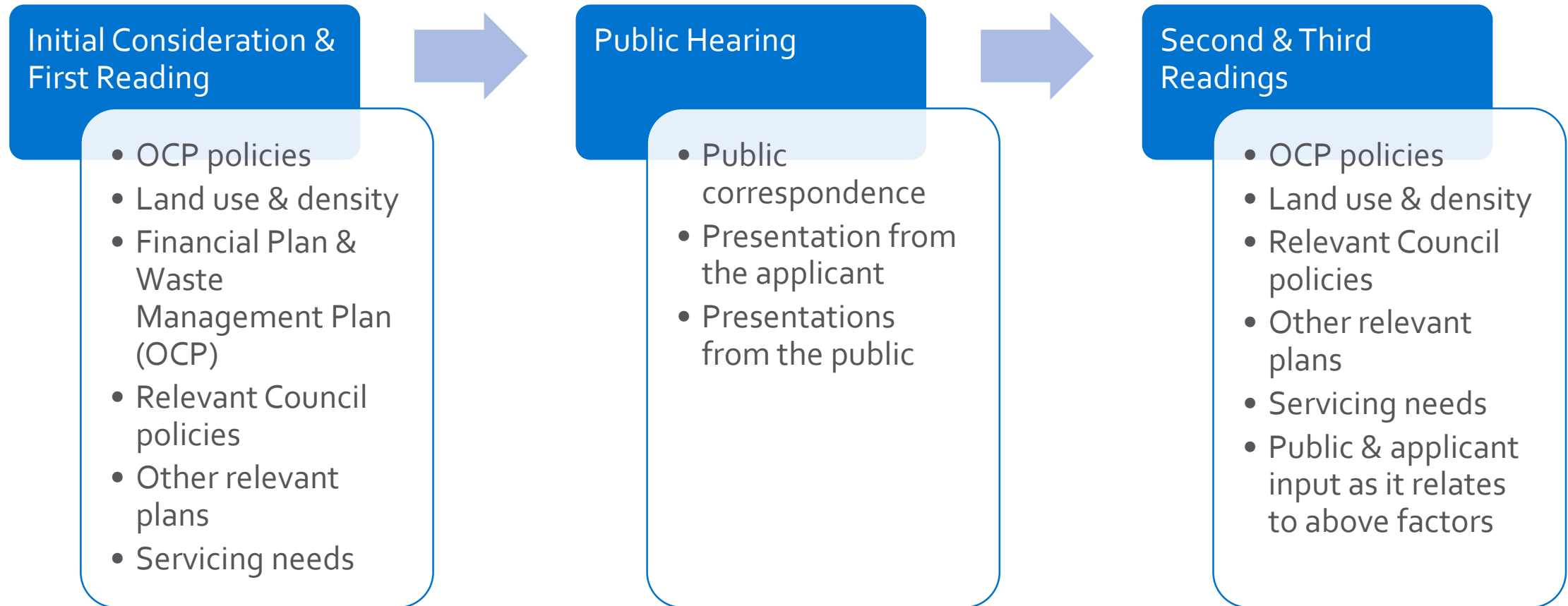
- ▶ Liquor licence
 - ▶ LCRB is final decision-maker
- ▶ Temporary use permit
- ▶ Development variance permit
 - ▶ Development permit with development variance permit
- ▶ Heritage alteration permit with variances
- ▶ May weight input differently based on several factors
 - ▶ Proximity to subject property
 - ▶ Relevance to Council considerations

Tuesday Application Considerations

Application Type	OCP policies	Land use & density	Relevant Council policies (e.g., Policy 367)	Other relevant plans (e.g., Urban Centres, Agriculture)	Servicing needs	DP guidelines (form & character, landscaping)	Applicant & Public Input
OCP	✓	✓	✓	✓	✓*		✓
Rezoning	✓	✓	✓	✓	✓		✓
DP/DVP			✓			✓	✓
HAP			✓			✓	✓
Liquor licence			✓				✓
TUP	✓	✓	✓	✓	✓	✓	✓

* Depends on scale of development

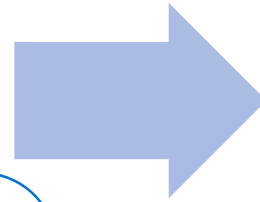
OCP & Rezoning Decision-Making (Public Hearing)



Rezoning Decision-Making (No Public Hearing)

Initial Consideration

- OCP policies
- Land use & density
- Relevant Council policies
- Other relevant plans
- Servicing needs



First Reading

- Public input (Council discretion)
- OCP policies
- Land use & density
- Relevant Council policies
- Other relevant plans
- Servicing needs

Development Permit

Monday Meeting

- DP guidelines (form & character, landscaping)
- Approve if consistent with guidelines

Development Variance Permit or Heritage Alteration Permit with Variances

Tuesday Meeting

- Council policies relevant to variances
- DP/HAP guidelines (form & character, landscaping)
- Public & applicant input as it relates to above factors

Liquor Licence

Tuesday Meeting

- Policies relevant to application
- LCRB criteria (e.g., noise, community impact)
- Public & applicant input as it relates to above factors



Questions?

For more information, visit kelowna.ca.