



**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*, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Safety Director, Darren Caul*; Divisional Director, Planning & Development Services, Ryan Smith*, Development Planning Department Manager, Terry Barton*; Community Planning & Development Manager, Dean Strachan*; Planner, Alissa Cook*; Planner, Tyler Caswell*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Long Range Policy Planning Manager, Robert Miles*; Planner Specialist, Daniel Sturgeon*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Financial Director, Joe Sass*; Financial Analyst, James Lawson*; Corporate Finance Manager, Shelly Little*; Financial Analyst, Nicole Morris
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guest	Inspector Beth McAndie*, Kelowna RCMP Detachment

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:30 p.m.

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

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Singh

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

Carried

3. Reports

3.1 RCMP 2022 Annual Report

Inspector Beth McAndie, Acting Officer in Charge

- Displayed a PowerPoint Presentation providing an update regarding the 2022 annual activity on public safety and crime data and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council receive the RCMP 2022 Year in Review Report from the Acting Officer in Charge, Kelowna RCMP Detachment, dated February 27, 2023.

Carried

4. Development Application Reports & Related Bylaws

4.1 Shanks Rd 4351 - A22-0006 - Jeffrey Dale Pater Polovick

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support.

Birte Decloux, Urban Options Planning Corp.

- Displayed a PowerPoint Presentation.
- Commented that this application seeks to vary an Agriculture Land Reserve regulation to allow the existing sales area to be larger than permitted in ALR regulations.
- Spoke to the Zoning Bylaw regulations and noted the most current Agriculture Land Reserve regulations.
- Provided background of the site and noted the current owners purchased the land in September 2020 and were not aware of the existing bylaw action against the site, however, working to bring the property into compliance.
- Met with ALC enforcement for BC and Okanagan South on site and they were pleased with the rehabilitation and expressed support for making the non-farm use application.
- Spoke to agriculture activities on site; green houses and plant nurseries.
- Spoke to the 2040 Official Community Plan Policies and how they would apply to the property.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

THAT Agricultural Land Reserve Application No. A22-0006 for Lot 14 Section 34 Township 23 and Section 3 Township 20 ODYD Plan 500 Except Plan 44031, located at 4351 Shanks Road, Kelowna, BC for a non-farm use application in the Agricultural Land Reserve pursuant to Section 20(2) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

Carried

Councillor Hodge - Opposed

4.2 Fuller Rd 4644 - Z22-0057 (BL12482) - James Davidson and Anne Davidson

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Cannan

THAT Rezoning Application No. Z22-0057 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot A Section 25 Township 28 SDYD Plan 39139, located at 4644 Fuller Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a 219 Do-Not-Disturb Covenant for riparian area protection;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated February 27, 2023.

Carried

4.3 Coronation Ave 979 983 - Z22-0075 (BL12484) - 979 Coronation GP Ltd. and Jamie Dennis Haynes

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Rezoning Application No. Z22-0075 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 46 District Lot 138 ODYD, Plan 1271 and Lot 47, District Lot 138, ODYD, Plan 1271, located at 979 & 983 Coronation Ave, Kelowna, BC, from the MF1 – Infill Housing zone to the MF2 – Townhouse Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated February 27, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject properties.

Carried

Councillor Hodge and Lovegrove - Opposed

4.4 Graham Rd 1385 - Z22-0074 (BL12485) - Gurmit Singh Mann

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Rezoning Application No. Z22-0074 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 86 Section 22 Township 26 ODYD PLAN 19162, located at 1385 Graham Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated February 27, 2023.

Carried

4.5 Temple Crt 252 - Z22-0045 (BL12486) - Giovanni Lenza and Stonewood Development Corp., Inc. No. BCo671615

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Rezoning Application No. Z22-0045 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT 19 SECTION 27 TOWNSHIP 26 ODYD PLAN 37210, located at 252 Temple Crt, Kelowna, BC from the RU2 – Medium Lot Housing zone to the MF2 – Townhouse Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated February 27th, 2023;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

Carried

4.6 Lochview Rd 380 - TA21-0014 (BL12487) - Michael Georg Anton Holzhey

Councillor DeHart declared a conflict of interest due to their employment in the hotel industry and departed the meeting at 3:18 p.m.

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Stack

THAT Zoning Bylaw Text Amendment Application No. TA21-0014 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated February 27th, 2023, for Lot A Sections 7 and 8 Township 23 ODYD Plan KAP88538 located at 380 Lochview Road, be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated February 27th, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a road reserve covenant on the Title of the subject property for the area shown on Attachment "B".

Carried

4.7 Lochview Rd 380 - BL12487 (TA21-0014) - Michael Georg Anton Holzhey

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Bylaw No. 12487 be read a first time.

Carried

Councillor DeHart rejoined the meeting at 3:29 p.m.

4.8 Multiple Properties - Z22-0056 (BL12483, 12490, 12491, 12492) - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Rezoning Application No. Z22-0056 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of several parcels described in Schedule 'A';

AND THAT the Rezoning Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Bylaw No. 12483 and Bylaw No. 12490 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Carried

4.8.1 Multiple Properties - BL12483 (Z22-0056) - Various Owners

4.8.2 Multiple Properties - BL12490 (Z22-0056) - Various Owners

4.8.3 Multiple Properties - BL12491 (Z22-0056) - Various Owners

4.8.4 Multiple Properties - BL12492 (Z22-0056) - Various Owners

Moved By Councillor Singh/Seconded By Councillor Lovegrove

THAT Bylaw Nos. 12483, 12490, 12491 and 12492 be read a first time.

Carried

4.9 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Confirmed no correspondence had been received for the rezoning of Hoover Road and Union Road.

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Council receives, for information, the report from the Office of the City Clerk dated February 27, 2023 with respect to two rezoning applications;

AND THAT Rezoning Bylaws No. 12479 and 12481 be forwarded for further reading consideration.

Carried

4.9.1 Hoover Rd 1065 - BL12479 (Z21-0098) - Neelam Kumari Khuttan

4.9.2 Union Rd 1975 - BL12481 (Z21-0056) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw Nos. 12479 and 12481 be read a first, second and third time.

Carried

The meeting recessed at 3:37 p.m.

The meeting reconvened at 3:47 p.m.

4.10 Casorso Site Area Redevelopment Plan Authorization

Staff:

- Displayed a PowerPoint Presentation summarizing the Area Redevelopment Plan process and Terms of Reference for the Casorso Neighbourhood Plan Area and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council **defer** the preparation of an Area Redevelopment Plan as outlined in the report and attached Terms of Reference from the Policy & Planning Department, dated February 27, 2023, for the following ten properties:

- Lot A, Plan 37230, District Lot 134, ODYD
- Lots 3, 4, 5, and 6, Plan 3463, District Lot 135, ODYD
- Lots 1, 2, 3, 4, and 5, Plan 10171, District Lot 135, ODYD

Carried

The meeting recessed at 4:41 p.m.

The meeting reconvened at 4:46 p.m.

5. Non-Development Reports & Related Bylaws

5.1 Kelowna International Airport Terminal Expansion Loan Authorization Bylaw Amendment

Staff:

- Displayed a PowerPoint Presentation summarizing the Loan Authorization bylaw amendment and provided an update on information from the Ministry confirming elector approval is not required.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council receive for information the report from Kelowna International Airport and Financial Services dated February 27, 2023, regarding the amendment to Bylaw No. 12480 being Kelowna International Airport Terminal Expansion Loan Authorization Bylaw at third reading;

AND THAT Bylaw No. 12480 being Kelowna International Airport Terminal Expansion Loan Authorization Bylaw be amended at third reading by removing the requirement for elector approval.

Carried

5.2 **BL12480 - Kelowna International Airport Terminal Building Expansion Loan Authorization Bylaw**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12480 be amended at third reading by adding the following after "AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

AND WHEREAS approval of the electors for the Loan Authorization Bylaw is not required under section 180 of the Community Charter as the liability is within the approval-free liability zone determined in accordance with section 7 of the Municipal Liabilities Regulation (BC Reg. 254/2004);

And deleting:

AND WHEREAS approval of the electors has been obtained:"

"Received Approval of the Electorship this"

Carried

5.3 **2023 Value for Money Program**

Staff:

- Displayed a PowerPoint Presentation providing an overview on the existing and proposed future of the Value for Money Assurance Program and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor DeHart

THAT Council approve the selected assurance engagements for 2023 in the report titled "Value for Money Assurance Program" and receive for information the proposed evolution of the Value for Money program.

Carried

6. **Resolutions**

Councillor Stack:

- Provided comments on the draft resolution and reasons for bringing the recommendation forward.

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Council defer consideration a bylaw to amend the OCP 2040 Future Land Use Map 3.1 designation for 480 Penno Rd from the "IND - Industrial" designation to the "REC – Private Recreational" designation.

Defeated

Mayor Dyas, Councillors DeHart, Hodge, Lovegrove, Singh, Stack & Webber - Opposed

Moved By Councillor Stack/Seconded By Mayor Dyas

THAT Council direct staff to bring forward for Council consideration a bylaw to amend the OCP 2040 Future Land Use Map 3.1 designation for 480 Penno Rd from the "IND - Industrial" designation to the "REC – Private Recreational" designation.

Carried

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Council direct staff to invite the winners of the 2023 Sustainable Development challenge as a delegation to a Monday afternoon Council meeting.

Carried

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Council direct staff to bring forward a report on the impacts and feasibility of permitting alcohol consumption on public beaches on a trial basis.

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Council direct staff to bring forward a detailed report on forecasted need for industrial use in Kelowna and contemplated locations.

Carried

7. Mayor and Councillor Items

Councillor Lovegrove:

- Provided comments on a previous Public Hearing item regarding radon gas in homes.

8. Termination

This meeting was declared terminated at 5:41 p.m.

Mayor Dyas

/acm

City Clerk