



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date:	Tuesday, February 14, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas*, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Luke Stack*, Rick Webber and Loyal Wooldridge
Members participating Remotely	Councillor Mohini Singh
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan; Legislative Coordinator Confidential (FOI), Rebecca Van Huizen*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Dyas called the meeting to order at 4:00 p.m.

Mayor Dyas advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend Kelowna 2040- Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 12375, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor DeHart.

Councillor Stack joined the meeting at 4:03 p.m.

**3. Confirmation of Minutes**

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT the Minutes of the Public Hearing and Regular Meeting of January 17, 2023 be confirmed as circulated.

**Carried**

#### 4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:04 p.m.

#### 5. Individual Bylaw Submissions

##### 5.1 START TIME 4:00 PM - Berk Court 662 - Z22-0054 (BL12461) - Siyu Li

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

##### Birte Decloux, Urban Options Planning Corp.

- Displayed a PowerPoint Presentation.
- Spoke to land use history of the RU6 zone and secondary suites.
- Made comment that the suburban areas are generally large older stock housing (1970's and 1980's) on very large lots.
- Commented that the biggest growth demographic want townhouses instead of single family dwellings.
- Spoke to methods used for neighbourhood consultation.
- Spoke to the RU6 zone being changed to RU4 - Duplex housing in the new Zoning Bylaw 12375.
- Displayed a table graph from the Zoning Bylaw showing all the residential zones available; the proposed application has the size and frontage to exceed the minimum requirements identified.
- Displayed a map showing the neighbourhood context in relation to the size of the proposed dwelling.
- Spoke to the buildable area should the proposed lots be rezoned; the largest possible principal unit is less than 2,300 sq. ft and if a secondary suite were included at the maximum size permitted, the principal dwelling would be 1332 sq. ft. including the 2 car garage.
- Identified the various uses of having a secondary suite.
- The proposal meets the following OCP pillars:
  - Stop planning new suburban neighbourhoods;
  - Promote more housing diversity;
  - Protect the environment.
- The proposal is consistent with other properties in the immediate area and is close to amenities including multiple schools, shopping, recreation, transit and multi-modal routes.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

##### Ardiss Mackie, Berk Court

- Opposed to amount of density beside their property.
- Not opposed to development.
- Commented that along with the neighbours really like the current vibe in the neighbourhood.
- Spoke to the cul-de-sac as an area that children learn to ride their bikes and play as there is very little traffic.
- Believes the proposed application would negatively impact the neighbourhood.
- Raised concern with increased traffic and on street parking.

##### Dallas Zimmer, Buck Road

- Bought home 6 years ago as it's a quiet single family neighbourhood.
- Opposed to this application.
- Raised concern that this proposal will change the character of this neighbourhood.
- Spoke to the increase in residences with other applications in the area; may be an alarming amount of density for this neighbourhood with only one way in and out of Berk Court.
- Raised concern with increased traffic and access on Gordon Drive.
- Suggested the developer find an appropriate solution that is not the RU4 zone.

- Asked Council to not rezone the property to RU4.

#### Kyla Bresch, Berk Court

- Not opposed to growth or planning.
- Raised concern with the scale of the proposed development on the cul de sac.
- Made comment on the cul de sac being the hub for the community to gather and for children to play.
- Raised concern with the potential removal of mature trees on the property and protecting the environment.
- Unclear if secondary suites would be included or not.
- Raised concern with increased traffic.
- Raised concern with snow removal around the cul de sac with on-street parking.

#### Michael Murdoch, Buck Road

- Commented on families wanting to live in quiet subdivisions and not an urban environment.
- Strongly opposed to this application.
- Raised concern with housing units negatively affecting housing affordability and displacement of residents.
- Believes this proposal will negatively impact the neighbourhood.
- Raised concern with increased traffic.
- Raised concern that there was no consultation between developer and residents.

#### Hans Slang, Buck Road

- Lives on the property right behind the proposed development; has lived in the neighbourhood growing up and now as an adult.
- Strongly opposed to this application.
- Objects to the property being rented out due to past issues.
- Made comment on minimal water use for lawns in the summer so that care can be given to the trees.
- Commented that their family feels safe in this neighbourhood and is a safe area for children to play on streets.
- Raised concern with snow removal and on-street parking.

#### Birte Decloux, Applicant in response:

- Acknowledged and agreed that the neighbourhood is great for families and that the property has the potential for additional families to live in such a great area.
- Spoke to City regulations to control on-street and on-site parking and noted that parking is required on-site when the development is built.
- Made comment that the intent is to retain all mature trees but noted that there is no development permit so cannot guarantee.
- Responded to questions from Council.

#### Staff:

- Responded to questions from Council.

There were no further comments.

## **6. Termination**

The Hearing was declared terminated at 5:02 p.m.

## **7. Call to Order the Regular Meeting**

Mayor Dyas called the meeting to order at 5:02 p.m.

## **8. Bylaws Considered at Public Hearing**

**8.1 START TIME 4:00 PM - Berk Court 662 - BL12461 (Z22-0054) - Siyu Li**

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12461 be read a second and third time.

Mayor Dyas, Councillors Cannan, DeHart, Hodge, Lovegrove, Singh, Stack and Webber - **Defeated** - Opposed

**9. Termination**

The meeting was declared terminated at 5:19 p.m.

The meeting recessed at 5:19 p.m.

The meeting reconvened at 5:29 p.m.

**10. Call to Order the Public Hearing**

Mayor Dyas called the Hearing to order at 5:29 p.m.

**11. Individual Bylaw Submissions**

**11.1 START TIME 4:00 PM - Lakeshore Rd 4371 - Z22-0062 (BL12469) - Yong Zhang**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning Corp.

- Displayed a PowerPoint Presentation.
- Spoke to the neighbourhood context noting that the property to the south is zoned RU<sub>4</sub>, a multi-family complex is directly across the street and that Lakeshore Road is classified as a major arterial suburban road.
- Made comment that the neighbourhood is in transition and that several properties in the immediate area have subdivided, constructed new homes and others are in the PLR process.
- Willing to enter into a Section 219 Covenant through the subdivision process to restrict secondary suites on the property.
- Commented that maximizing the future properties for duplexes will leave no space or room for parking for secondary suites, making secondary suites unattainable.
- Made comment that the mature trees on the property will be retained.
- Spoke to neighbourhood concerns and the benefits of this proposed application.
- Commented that the RU<sub>4</sub> zone meets several Official Community Plan pillars and objectives.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

Birte Decloux, Applicant in response:

- Responded to questions from Council.

There were no further comments.

**12. Termination**

The Hearing was declared terminated at 5:40 p.m.

**13. Call to Order the Regular Meeting**

Mayor Dyas called the meeting to order at 5:40 p.m.

**14. Bylaws Considered at Public Hearing**

**14.1 START TIME 4:00 PM - Lakeshore Rd 4371 - BL12469 (Z22-0062) - Yong Zhang**

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12469 be read a second and third time.

**Carried**

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council direct staff to bring forward a report regarding the implications associated with the possible elimination of secondary suites within the RU4 zone for Council's review.

**Carried**

**15. Development Permit and Development Variance Permit Reports**

**15.1 START TIME 4:45 PM - Clifton Rd N 500 - DVP22-0150 - Ian Robertson and Jennifer Robertson**

Staff:

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

Ian Robertson, Clifton Rd, Owner/Applicant

- Present in the gallery and available for questions.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Cannan

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0150 for Lot 1 Section 17 Township 23 ODYD Plan EPP93314, located at 500 Clifton Road North, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

**Section 6.1.3: Swimming Pool Development Regulations**

To vary the required minimum rear yard from 0.9 m permitted to 0.71 m proposed.

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

**Carried**

**15.2 START TIME 4:45 PM - Red Sky Pl 156 - DVP22-0215 - 1059430 Ontario Inc**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Whitney Smith, Kelview Street

- Here on behalf of the owners who are out of town.
- Available for questions.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0215 for Lot 58 Section 5 Township 23 ODYD PLAN EPP64875, located at 156 Red Sky Place, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

**Section 11.5: RU1 – Large Lot Housing Development Regulations**

To vary the required minimum side yard setback from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard.

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

**Carried**

Staff:

- Responded to questions from Council regarding delegation of development variance permits..

There were no further comments.

**16. Termination**

The meeting was declared terminated at 6:00 p.m.

The meeting recessed at 6:00 p.m.

The meeting reconvened at 6:30 p.m.

**17. Call to Order the Public Hearing**

Mayor Dyas called the Hearing to order at 6:30 p.m.

**18. Individual Bylaw Submissions**

**18.1 START TIME 6:30 PM - Hilltown Drive 3500 - OCP23-0002 (BL12477) Z22-0076 (BL12478) - Grant Wayne Gaucher and Lorrie Ann Rockl**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Grant Gaucher, Owner/Applicant

- Present in gallery and available for questions.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

**19. Termination**

The Hearing was declared terminated at 6:32 p.m.

**20. Call to Order the Regular Meeting**

Mayor Dyas called the meeting to order at 6:32 p.m.

**21. Bylaws Considered a Public Hearing**

**21.1 START TIME 6:30 PM - Hilltown Drive 3500 - BL 12477 (OCP23-0002) - Grant Wayne Gaucher and Lorrie Ann Rockl**

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Bylaw No. 12477 be read a second and third time.

Carried

**21.2 START TIME 6:30 PM - Hilltown Drive 3500 - BL12478 (Z22-0076) - Grant Wayne Gaucher and Lorrie Ann Rockl**

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Bylaw No. 12478 be read a second and third time.

Carried

**22. Termination**

The meeting was declared terminated at 6:33 p.m.

**23. Call to Order the Public Hearing**

Mayor Dyas called the Hearing to order at 6:33 p.m.

**24. Individual Bylaw Submissions**

**24.1 START TIME 6:30 PM - Hewetson Ct 949 - Z22-0042 (BL 12473) - Upper Mission Development Inc., Inc. No. BC1224405**

Mayor Dyas declared a conflict of interest due to previous business connection with the applicant and architectural company and departed the meeting at 6:34 p.m.

Deputy Mayor Hodge took over the chair.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Robert Fraser, Audubon Court (Kettle Valley)

- Displayed a PowerPoint Presentation.

- Spoke to the history of the site development and the revisions that have been made in consultation with staff.
- Displayed a site plan of how the proposed development will fit; with access from a different level to ensure access will not affect streets below the development.
- Spoke to the neighbourhood context and surrounding land uses that have the same type of structures; trying to keep a similar look and feel to be conducive to the area.
- Made comment that all construction teams will be contained within the site.
- Spoke to the climate initiative design considerations and noted that solar panels and EV Charging will be roughed into every unit; green and sustainable Building Practices will be employed.

#### Carlos Ponce, GTA Architecture Ltd.

- Spoke to the rezoning proposal and number of proposed units with no variances.
- Spoke to site access with a new road from Hewetson Court, parking provisions and public access to trails.
- Spoke to the OCP Future Land Use and meeting Zoning Bylaw regulations.
- The proposal is designed to blend into the site topography and natural environment.
- Commented on access to Hewetson Court with a continuous sidewalk that provides safe pedestrian travel through the site.
- Spoke to meeting the form and character of the neighbourhood.
- Spoke to climate initiative design considerations.

#### David Keyes, Project Manager, North Vancouver

- Spoke to the landscape design and amount of greenery to be added to the site.
- Outlined the three permanent public accesses through the site to Kuipers Peak Mountain Park by way of statutory rights-of-way and sidewalk.
- Spoke to project amenities including solar panel covered visitor parking with EV charging and bicycle lock ups on site.
- Spoke to the three years of consultation with City staff with multiple design updates to meet changing requirements.
- Spoke to the neighbourhood consultation process and noted that neighbourhood letters and concerns had been reviewed and addressed.

Deputy City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

#### Ryan Archambault, Hewetson Court

- Lives across the street from the proposal.
- Speaking on behalf of Hewetson Residents Group.
- Spoke to previously submitted statements and petition with 300 signatories in opposition.
- Spoke to previous proposals for the site.
- Would like Council to consider the development proposal in tandem with rezoning.
- Spoke to the 2030 Official Community Plan and potential development under the previous MRC Future Land Use designation.
- Commented on the 2040 Official Community Plan expanding the original future land use with a significantly wider allowance to permissible density and development and also removing previous provisions for preservation of the natural landscape, environmental impact and site grades.

#### Helena Duarte, Hewetson Court

- Raised concern with road and traffic safety.
- Commented on the 2007 Area Structure Plan created in accordance with design guidelines put out by the Ministry of Transportation.
- Spoke to the cul-de-sac length and width guidelines for the maximum number of dwellings.
- Raised concern with access to the property from Hewetson Court and the hairpin turn and lack of visibility.
- Spoke to the removal of all parking from the park that has increased on-street parking and park access issues.
- Raised concern with emergency vehicle accessibility.



#### Siavish Atrchian, Hewetson Court

- Spoke to health hazards caused by radon exposure and in relation to this project.
- Spoke to blasting and rocky site increasing the potential for high radon levels and raised concerns about negative health impacts.
- Commented that many residents on Hewetson Court have spent thousands of dollars to mitigate radon issues in their home and blasting will reduce the effectiveness of their system besides creating new issues.

#### Patrick Tutty, Hewetson Court

- Opposed to this rezoning.
- Commented on the previously submitted correspondence of evidence to support their opposition to this rezoning.
- Spoke to the lack of suitability for multi-development due to the site topography, the distance from amenities; is not within walking distance to transit, village centres or schools.
- Raised concern that the proposal needs significant blasting and the impacts it would have to existing properties in the neighbourhood.
- Would be in support of large lot single family homes on this property for which it is already zoned.
- Raised concern with residents safety and increased traffic.
- Spoke to geotechnical concerns with steep slopes with unstable bedrock and risk of damage to surrounding properties from blasting.
- Spoke to the objectives of the 2040 OCP Hillside Design Guidelines.

#### David Marinucci, Hewetson Court

- Opposed to this rezoning.
- Spoke to potential development and density identified in the Area Structure Plan and noted that this development proposal is greater than what was estimated.
- Raised concern with increased traffic and congestion, particularly in the winter.
- Raised concern with blasting of rocky knoll and impacts on existing properties.
- Spoke to previous indications of potential development of this lot and former Official Community Plan Future Land Use designation.
- Spoke to Official Community Plan Hillside Development Guidelines.
- Raised concern that blasting for density increases the risk of radon exposure.
- Asked that the current RU1 zone remain and to consider zoning in conjunction with specific development proposal so that property concerns can be part of the rezoning discussion.
- Requested that blasting be a technique used for neighbourhood development not neighbourhood expansion.

#### Steven Bleacher, Ellis Street

- Commented on the neighbourhood being okay with development in the area as long as it is not increasing density.
- Questioned the neighbourhood concerns of blasting for multi-family but not single-family development.

#### Carlos Ponce, Applicant in Response:

- Spoke to the density being consistent with that identified in the Area Structure Plan; commented that this development could be doubled.
- Commented that the units in this proposal are consistent with the existing density in the neighbourhood.
- Stated that blasting would be required for both single family and multi-family development.
- Commented that blasting will comply with safety requirements and regulations.
- Made comment that there are Building Code requirements for radon mitigation in the development.
- Commented that traffic concerns to be addressed to the city as the road is already there and not required to conduct a traffic impact assessment to the lower density that is being proposed.

#### Staff:

- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council continue the Public Hearing and Regular meeting past 8:00 p.m.

Carried

Carlos Ponce, Applicant

- Responded to questions from Council.

There were no further comments.

**25. Termination**

The Hearing was declared terminated at 8:00 p.m.

**26. Call to order the Regular Meeting**

Deputy Mayor Hodge called the meeting to order at 8:00 p.m.

**27. Bylaws Considered at Public Hearing**

**27.1 START TIME 6:30 PM - Hewetson Ct 949 - BL12473 (Z22-0042) - Upper Mission Development Inc., Inc. No. BC1224405**

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Bylaw No. 12473 be read a second and third time.

Defeated

Councillors Cannan, DeHart, Hodge, Lovegrove, Singh and Webber - Opposed

**28. Reminders – Nil.**

**29. Termination**

The meeting was declared terminated at 8:18 p.m.

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Mayor Dyas

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Deputy City Clerk

/acm