



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, August 12, 2024
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, Laura Bentley; Community Planning & Development Manager, Dean Stachan*; Urban Planning Manager, Jocelyn Black*; Development Planning Department Manager, Nola Kilmartin*; Infill Housing Planning Manager, James Moore*; Planner, Mark Tanner*; Controller, Matt Friesen*; General Manager, Corporate Services, Joe Sass*; Budget Supervisor, Jay Jean*; Financial Planning Manager, Melanie Antunes*; Fire Chief, Dwight Seymore*; Senior Transportation Planning Engineer, Chad Williams*; Business Performance and Advisory Services Manager, Shelly Little*; Corporate Assurance Supervisor, Jennifer Grills*; Utility Planning Manager, Rod MacLean*; General Manager, Infrastructure, Mac Logan*; Legislative Technician, Natasha Beauchamp
Staff Participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:33 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.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Regular Meetings of July 22, 2024 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Morrison Rd 2062 - A24-0001 - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk:

- Invited the Applicant or the Applicant's representative to come forward.

No one in the Gallery came forward.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Agricultural Land Reserve Application No. A24-0001 for Lot 14 Section 36 Township 26 ODYD Plan 425, located at 2062 Morrison 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

3.2 Jim Bailey Cr 8860 - Z24-0020 (BL12689) - 0983997 B.C. Ltd., Inc. No. BC0983997

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Rezoning Application No. Z24-0020 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 Section 2 Township 20 ODYD PLAN KAP71932, located at 8860 Jim Bailey Cr, Kelowna, BC from the I3 – Heavy Industrial zone to the I2 – General Industrial zone be considered by Council.

Carried

3.3 St. Amand Rd 3150 3210 3220 KLO Rd 1559 - Z24-0002 (BL12690) - Acacia Garden Properties Development Corp., Inc. No. BC1440521

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Rezoning Application No. Z24-0002 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

- Lot 1 District Lot 131 ODYD Plan 15011 Except Plan KAP78065, located at 1559 KLO Rd, Kelowna, BC;
- Lot 1 District Lot 131 ODYD Plan 17156, located at 3150 St. Amand Rd, Kelowna, BC;
- Lot 2 District Lot 131 ODYD Plan 17156, located at 3210 St. Amand Rd, Kelowna, BC; and,
- Lot 3 District Lot 131 ODYD PLAN 17156, located at 3220 St. Amand Rd, 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 August 12, 2024.

Carried

3.4 St. Paul St 1428 - Z24-0025 (BL12691) - City of Kelowna

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Rezoning Application No. Z24-0025 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 18 District Lot 139 ODYD Plan 800, located at 1428 St Paul St, Kelowna, BC and Lot 19 District Lot 139 ODYD Plan 800, located at 1428 St Paul St, Kelowna, BC, from the UC1 – Downtown Urban Centre zone to the UC1r – Downtown Urban Centre Rental Only zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding condition of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated August 12, 2024;

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

Carried

3.5 Badke Rd 765 - Z24-0021 (BL12692) - Kerr Properties 002 Ltd., Inc. No. BCo813930

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Rezoning Application No. Z24-0021 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot E Section 27 Township 26 ODYD Plan 22268, located at 765 Badke Road, Kelowna, BC from the UC4 – Rutland Urban Centre zone to the UC4r – Rutland Urban Centre Rental Only zone, be considered by Council;

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

Carried

3.6 Swainson Rd 1785 - Z24-0012 (BL12693) - G.P. Sandher Holdings Ltd., Inc. No. BC1392723

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Rezoning Application No. Z24-0012 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot A Sections 19 and 30 Township 27

and of Section 24 Township 26 ODYD Plan EPP120799 located at 1785 Swainson Rd, Kelowna, BC, from the A1 – Agriculture zone to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the Report from the Development Planning Department dated August 12, 2024, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

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 August 12, 2024.

Carried

3.7 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Commented on notice of first reading and correspondence received for Cerise Drive.

3.8 Rezoning Applications

3.8.1 Cerise Dr 1236 - BL12680 (Z24-0023) - Anira Properties Ltd

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12680 be read a first, second and third time and adopted.

Carried

3.7 Rezoning Bylaws Supplemental Report to Council

Councillor DeHart declared a conflict of interest as their employer is involved in this application and left at 1:58 p.m.

City Clerk:

- Commented on notice of first reading and correspondence received for Solly Court.

3.8.2 Solly Ct 865 - BL12681 (Z24-0004) - 865 Solly Court Ltd., Inc. No. BC1389060

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12681 be read a first, second and third time and adopted.

Carried

Councillor DeHart returned to the meeting at 2:00 p.m.

3.9 Wilkinson St 2110-2140 - BL12517 (Z22-0068) - Wilkinson St Holdings Ltd., Inc. No. BC1321697

Councillor Lovegrove declared a perceived conflict of interest for item 3.9 and 3.10 as they know the Applicant and departed the meeting at 2:01 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Bylaw No. 12517 be amended at third reading by deleting ",2120-2122, 2128-2130 &" and replacing it with "-";

AND THAT Bylaw No. 12517 be amended at third reading by deleting the Legal Description that reads:

- "a. Lot 3 Section 19 Township 26 Osoyoos Division Yale District Plan 10906 Except Plans H14021 and 36316 located on Wilkinson Street Kelowna, BC;
- b. Lot 4 Section 19 Township 26 Osoyoos Division Yale District Plan 10906 Except Plan H14021 located on Wilkinson Street Kelowna, BC;
- c. Lot 5 Section 19 Township 26 Osoyoos Division Yale District Plan 10906 located on Wilkinson Street Kelowna, BC; and
- d. Lot 6 Section 19 Township 26 Osoyoos Division Yale District Plan 10906"

And replacing it with "Lot 1 Section 19 Township 26 ODYD Plan EPP135640";

AND THAT Bylaw No. 12517 be amended at third reading by deleting the underlying zone that reads "RU4 – Duplex Housing" and replacing it with "MF1 – Infill Housing".

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Bylaw No. 12517, as amended, be adopted.

Carried

3.10 Wilkinson St 2110-2140 - DP22-0196 - Wilkinson St Holdings Ltd., Inc. No. BC1321697

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Rezoning Bylaw No. 12517 be amended at third reading to revise the legal description of the subject property from:

- Lot 3 Section 19 Township 26 ODYD Plan 10906 Except Plans H14021 and 36316 located at 2110 Wilkinson St, Kelowna, BC;
- Lot 4 Section 19 Township 26 ODYD Plan 10906 Except Plan H14021 located at 2120-2122 Wilkinson St, Kelowna, BC;
- Lot 5 Section 19 Township 26 ODYD Plan 10906 located at 2128-2130 Wilkinson St, Kelowna, BC; and,
- Lot 6 Section 19 Township 26 ODYD Plan 10906 located at 2140 Wilkinson St, Kelowna, BC,

to Lot 1 Section 19 Township 26 ODYD Plan EPP135640 located at 2110-2140 Wilkinson St, Kelowna, BC;

AND THAT final adoption of Rezoning Bylaw No. 12517 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0196 for Lot 1 Section 19 Township 26 ODYD Plan EPP135640, located at 2110-2140 Wilkinson St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment "C" attached to the Report from the Development Planning Department dated August 12, 2024;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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 Lovegrove returned to the meeting at 2:10 p.m.

3.11 Montgomery Rd 450 - BL12591 (Z23-0060) - Montgomery Living Ltd., Inc. No. BC1423482

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12591 be amended at third reading by deleting the Legal Description that reads:

"Lot 11 Section 26 Township 26 ODYD Plan 7783"

And replacing it with:

"Lot 11 Section 26 Township 26 ODYD Plan 7783 Except Plan EPP137940"

Carried

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12591, as amended, be adopted.

Carried

3.12 Montgomery Rd 450 - DP23-0157 - Montgomery Living Ltd., Inc. No. BC1423482

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Rezoning Bylaw No. 12591 be amended at third reading to revise the legal description of the subject property from Lot 11 Section 26 Township 26 ODYD Plan 7783 to Lot 11 Section 26 Township 26 ODYD Plan 7783 Except Plan EPP137940;

AND THAT final adoption of Rezoning Bylaw No. 12591 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0157 for Lot 11 Section 26 Township 26 ODYD Plan 7783 Except Plan EPP137940, located at 450 Montgomery Rd, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

Carried

Councillors Cannan, Hodge and Webber – Opposed

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Council directs staff to consider common parking concerns relative to some recent multi-family development projects and bring forward for discussion and evaluation, options for possible amendments to select sections of the associated regulations and policies, inclusive of cash-in-lieu.

Carried

Councillor Lovegrove – Opposed

3.13 Hiram Walker Ct 270 - BL12648 (Z23-0019) - 270 HWC GP Inc., Inc. No. A0124511

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12648 be adopted.

Carried

3.14 Hiram Walker Ct 270 - DP23-0026 - 270 HWC GP Inc., Inc. No. A0124511

Staff:

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

Moved By Councillor Webber/Seconded By Councillor Stack

THAT final adoption of Rezoning Bylaw No. 12648 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0026 for Lot 3 Section 2 Township 20 ODYD Plan EPP98124, located at 270 Hiram Walker Ct, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

Carried

3.15 Gore St 2654 - DP24-0005 - H&H Joint Ventures Ltd., Inc. No. BC1185908

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Council authorizes the issuance of Development Permit No. DP24-0005 for Lot 4 District Lot 14 ODYD Plan 7927, located at 2654 Gore St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

Carried

4. Bylaws for Adoption (Development Related)

4.1 Glenmore Dr 1232 -1250 - BL12659 (Z24-0009) - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12659 be amended at 3rd reading as follows:

By deleting the Legal Description that reads:

" a. Lot B Section 29 Township 26 ODYD Plan 39467, located on Glenmore Drive, Kelowna, BC;

1. Lot 2 Section 29 Township 26 ODYD Plan 16352, located on Glenmore Drive, Kelowna, BC;
2. Lot A Section 29 Township 26 ODYD Plan KAP47536, located on Glenmore Drive, Kelowna, BC;,"

And replacing it with:

"Lot 1 Section 29 Township 26 ODYD Plan EPP137397, located on Glenmore Drive, Kelowna, BC";

And by deleting "1232, 1240, 1250 Glenmore Drive,";

And replacing it with "1232-1250 Glenmore Drive-".

Carried
Councillor Cannan – Opposed

Staff:

- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12659, as amended, be adopted.

Carried
Councillors Cannan and Singh - Opposed

The meeting recessed at 3:07 p.m.

The meeting reconvened at 3:18 p.m.

5. Non-Development Reports & Related Bylaws

5.1 Enhanced Rental Housing Grant Program - Eligibility Criteria

Councillor Stack declared a perceived conflict of interest as clients they have worked with in the past have applied for grants under this policy and departed the meeting at 3:18 p.m.

Staff:

- Spoke to the changes to the eligibility criteria for the enhanced Rental Housing Grants Program for 2024/2025.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council receives, for information, the report from Housing Policy and Programs dated August 12, 2024, with respect to changes to the eligibility criteria for the Rental Housing Grants Program;

AND FURTHER THAT Council approves changes to the eligibility criteria of the Rental Housing Grants Program for 2024/2025 as outlined in the Report from Planning, Climate Sustainability, and Development Services dated August 12, 2024.

Councillor Stack returned to the meeting at 3:20 p.m. Carried

5.2 Second Quarter 2024 Financial Performance

Staff:

- Displayed a PowerPoint Presentation summarizing the second quarter financial activity for the City of Kelowna and responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor DeHart

THAT Council receives, for information, the Second Quarter 2024 Financial Performance Report from the Financial Services Controller as a continued approach of presenting timely and relevant financial information.

Carried

5.3 Quarter two Amendment to the 2024 Financial Plan

Staff:

- Displayed a PowerPoint Presentation outlining the quarter two amendments to the 2024 Financial Plan and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Hodge

THAT Council receives, for information, the Report from Financial Services dated August 12, 2024 with respect to quarter two amendments to the 2024 Financial Plan;

AND THAT the 2024 Financial Plan be amended to include budget amendments detailed in this report.

Carried

5.4 Unsheltered Community Costs-Phase 1 Value for Money

Staff:

- Displayed a PowerPoint Presentation summarizing the results of the Unsheltered Community Costs and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Council receives, for information, the report from the Audit Committee dated August 12, 2024, with respect to the results of the Unsheltered Community Costs (Phase 1) Value for Money engagement as of the end of June 2024.

Carried

5.5 2024-2034 Community Works Fund Agreement

Staff:

- Displayed a PowerPoint Presentation providing an overview of the 2024-2034 Community Works Fund Agreement investment categories and changes made from the previous agreement and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Hodge

THAT Council authorizes the Mayor and Corporate Officer to sign the 2024-2034 Canada Community-Building Agreement;

AND THAT the 2024 Financial Plan be amended to reflect the renewed funding agreement.

Carried

5.6 Diking Authority Designation - Mill Creek Flood Protection Project

Staff:

- Provided an overview of the application process in order to have Diking Authority for flood control structures as part of the Mill Creek Flood Protection project and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Lovegrove

THAT Council receives, for information, the report from Utility Services dated August 12, 2024, with respect to the Diking Authority designation for sub-projects as part of the Mill Creek Flood Protection Project;

AND THAT Council agrees, pursuant to the *Dike Maintenance Act*, to the City of Kelowna assuming the role of Diking Authority with respect to the necessary dikes or berms to be constructed along Mill Creek in accordance with the Mill Creek Flood Protection Project.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12685 - Amendment No. 27 to Bylaw No. 7900

Moved By Councillor Webber/Seconded By Councillor Stack

THAT Bylaw No. 12685 be adopted.

Carried

6.2 BL12686 - Amendment No. 2 to Development Application Fees Bylaw No. 12552

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Bylaw No. 12686 be adopted.

Carried

6.3 BL12688 - Amendment No. 2 to Revitalization Tax Exemption Program Bylaw No. 12561

Councillor Stack declared a perceived conflict of interest as clients they have worked with in the past have applied for grants under this policy and departed the meeting at 4:12 p.m.

Moved By Councillor Webber/Seconded By Councillor DeHart

THAT Bylaw No. 12688 be adopted.

Carried

Councillor Stack returned to the meeting at 4:13 p.m.

6.4 BL12674 - Amendment No. 3 to Good Neighbour Bylaw 11500

Moved By Councillor Stack/Seconded By Councillor Webber

THAT Bylaw 12674 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Lovegrove:

- Spoke to their attendance at the Apple Triathlon sprint series.
- Made a Notice of Motion regarding automated noise cameras for traffic noise.

Councillor Singh:

- Congratulated Kelowna's Jerome Black for winning the Olympic Gold Medal in the Canadian Men's Relay team.
- Made a Notice of Motion to shorten timeframe for a reapplication of rezoning at 1064-1084 Glenmore Drive.

Councillor DeHart:

- Commented on the history of traffic noise enforcement and support from the Province and other local governments.

Councillor Cannan:

- Congratulated Malindi Elmore on her Marathon at the 2024 Olympic Games.
- Asked the community to support local arts and performers.
- Requested staff contact for the dog park in City Park.
- Seeking information on fruit packing facilities to support farmers affected by the closure of BC Tree Fruits.

City Manager

- Enquiries for the dog park in City Park can be sent to his office to be directed accordingly.
- Commented on the review of options to support fruit packing needs and advanced options within the City's bylaw.

Mayor Dyas:

- Commented on the City's role in facilitating meetings with farmers and supporting the agricultural industry following the closure of BC Tree Fruits.

Councillor Hodge:

- Spoke to their attendance at two Water Basin Board Meeting with global warming and mussels as topics.

8. Termination

This meeting was declared terminated at 4:31 p.m.

Mayor Dyas

City Clerk

lb/acm