



City of Kelowna Regular Council Meeting Minutes

Date: Monday, March 19, 2018
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack

Members Absent Councillors Gail Given and Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist*; Long Range Policy Planning Manager, James Moore*; Policy & Planning Department Manager Danielle Noble-Brandt*; Utility Services Manager, Kevin Van Vliet*; Community Planning Department Manager, Ryan Smith*; Planner Specialist, Adam Cseke*; Planner Specialist, Laura Bentley*; Divisional Director, Financial Services, Genelle Davidson*; Revenue Supervisor, Angie Schumacher*; Financial Analyst, James Sexton*; Financial Planning Manager, George King*; Real Estate Services Manager, Johannes Saufferer*; Parking Services Manager, Dave Duncan*; Parks & Buildings Planning Manager, Robert Parlane*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Gray

R265/18/03/19 THAT the Minutes of the Regular Meetings of March 12, 2018 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Diamond Mountain Area Structure Plan Consideration

Staff:

- Introduced the Diamond Mountain Area Structure Plan report.
- Displayed a PowerPoint Presentation.
- Made comment on the purpose of an Area Structure Plan.
- Displayed a map identifying lands for an Area Structure Plan and noted that through an ASP, the City and an applicant are intended to examine the feasibility of development on a site.
- An ASP is a policy document and should not be understood to grant development rights.
- Made comment on the Diamond Mountain Area Structure Plan proposal and noted that this area is not a critical growth node.
- Made comment on the landfill interface concerns:
 - the ASP process has highlighted nuisance impact and risk to the City for these lands;
 - there is also nuisance impact on surrounding lands; Some more clear now, some a result of changing regulations;
 - incompatible development adjacent to our facilities is a substantial risk to the City;
 - need to address this land use issue to by further assessing the impacted adjacent lands and the current Future Land Uses as assigned in the OCP; work with neighbouring land owners to ensure compatible use.
- Made comments on nuisance modelling:
 - Residents of proposed site will be affected by Dust, Odour, Noise and Visual impacts;
 - From site and from landfill traffic
 - Significant political pressure on future Councils
 - Significant pressure towards future Councils and from Ministry of Environment.
- Responded to questions from Council.

John Ferguson, GHD Consulting

- Provided technical comments on the nuisance modelling.
- Responded to comments from Tetra Tech regarding validity of the GDH modelling study.
- There will be nuisance impact and stand by GHD's report.
- Responded to questions from Council.

The meeting recessed at 2:55 p.m.

The meeting reconvened at 3:03 p.m.

Renee Wasylyk, 1160 Bernard Avenue, Troika Developments

- Displayed a PowerPoint Presentation.
- This site will be developed into a comprehensive sustainable community.
- Noted the vision for Diamond Mountain:
 - Embrace and respect the spectacular natural setting;
 - Integrate progressive sustainable design principles;
 - Provide many opportunities to live, work and play;
 - Deliver a complete range of housing options;
 - Serve as a benchmark project for sustainable neighbourhood land development in Kelowna.
- Will create a Green Standard for communities through:
 - Innovative community water recycling;
 - Development compact clusters of housing where needed for hillside sensitivity using only 45% of our site, with the remainder being open parkland;
 - Requirement sustainable building design elements;
 - Diverse Housing product types for a complete community;
 - Incorporation sustainable energy systems;
 - Sensitive Landscaping with Required xeriscaping and native plantings;
 - Excessive parkland dedication;
 - Transit route through the site;
 - Promotion active living through an extensive trail network and recreation opportunities.

- Spoke to the purpose and benefits of using the Three Pillars model and the Economic, Social and Environmental advantages this ASP project would bring to the City.
- Spoke to the timeline of the application from 2011 to present with staff's support last March and then pulled by staff without explanation.
- Raised issues with the modeling and policy decision recommendations from GHD Consulting.
- Diamond Mountain is the least impacted area for any odour nuisances identified in the scientific report.
- The Area Structure Plan includes mitigation measures to alleviate visual impacts, odour, dust and noise nuisances.
- Spoke to the lack of any complaints to City Bylaw Department for landfill related nuisances over the past few years and that there has been only 1 shutdown ever.
- Questioned how much development on Diamond Mountain would actually increase any of the regulatory risks identified by staff.
- There is no scientific or regulatory reason for Diamond Mountain to not move forward.
- Tetra Tech reviewed the City studies and disagree with the conclusions regarding their impacts on the Diamond Mountain Area Structure Plan.
- Believes the wrong modelling technique was used and is grossly over conservative.
- Responded to questions from Council.

John Muller and Jeremy Travis, Tetra Tech

- Critiqued the modelling on the fact that it does not adhere to BC Guidelines of the Ministry of Environment. Calpuff modelling is the choice in the Okanagan Valley; the treatment of missing data is not adhering to BC Guidance.
- Believes Diamond Mountain is the least affected from the figures that have been seen.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Singh

R266/18/03/19 THAT Area Structure Plan Application No. ASP12-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for portions of:

Lot B Section 9 Township 23 ODYD Plan 30819 Except Plan 38902, located at 2250 Galiano Road, Kelowna, BC;

Lot A Sections 9, 10 and 16 Township 23 ODYD Plan 30819 Except Plan KAP81434, located at 1555 Glenmore Road North, Kelowna, BC; and

Lot 1 Sections 9 and 10 Township 23 ODYD Plan 1884 Except Plan 31642, located at 855 Packinghouse Road, Kelowna, BC

from the FUR – Future Urban Reserve designation to the REP – Resource Protection Area, S2RES – Single / Two Unit Residential, and S2RESH – Single / Two Unit Residential – Hillside, MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), COMM – Commercial, and PARK – Major Park / Open Space (Public) designations, as shown on Map "A" attached to the Report from the Policy & Planning and Utility Services Departments dated March 19, 2018 NOT be considered by Council.;

AND THAT Council direct staff to further investigate the nuisance analysis as it relates to the Glenmore Landfill Fill Plan and report back on mitigation and preventative options as it relates to adjacent land uses, on-site activities, and financial impacts to the City of Kelowna.

Carried

Councillors Gray and Sieben – Opposed

3.2 Richter St 1205-1241, OCP18-0001 & Z18-0003 - 1120797 BC Ltd Inc.

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Donn

R267/18/03/19 THAT Official Community Plan Map Amendment Application No. OCP18-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of each of the following parcels:

Lot 8 District Lot 138 ODYD Plan 1039, located at 1241 Richter Street, Kelowna, BC
 Lot 9 District Lot 138 ODYD Plan 1039, located at 1235 Richter Street, Kelowna, BC
 Lot 10 District Lot 138 ODYD Plan 1039, located at 1229 Richter Street, Kelowna, BC
 Lot 11 District Lot 138 ODYD Plan 1039, located at 1223 Richter Street, Kelowna, BC
 Lot 12 District Lot 138 ODYD Plan 1039, located at 1215 Richter Street, Kelowna, BC
 Lot 13 District Lot 138 ODYD Plan 1039, located at 1205 Richter Street, Kelowna, BC
 from the MRM – Multiple Unit Residential (Medium Density) designation to the MRH – Multiple Unit Residential (High Density) designation, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 12, 2018;

THAT Rezoning Application No. Z18-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of each of the following parcels:

Lot 8 District Lot 138 ODYD Plan 1039, located at 1241 Richter Street, Kelowna, BC
 Lot 9 District Lot 138 ODYD Plan 1039, located at 1235 Richter Street, Kelowna, BC
 Lot 10 District Lot 138 ODYD Plan 1039, located at 1229 Richter Street, Kelowna, BC
 Lot 11 District Lot 138 ODYD Plan 1039, located at 1223 Richter Street, Kelowna, BC
 Lot 12 District Lot 138 ODYD Plan 1039, located at 1215 Richter Street, Kelowna, BC
 Lot 13 District Lot 138 ODYD Plan 1039, located at 1205 Richter Street, Kelowna, BC
 from the RU6 – Two Dwelling Housing zone to the RM6 – High Rise Apartment Housing zone, be considered by Council;

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

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 12, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the registration of a height restriction covenant to a maximum of six (6) storeys and a land use restriction covenant on the subject property;

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

Carried

Councillor Stack– Opposed

3.3 Richter St 1205, 1215, 1223, 1229, 1235 & 1241, OCP18-0001 (BL11574) - 1120797 BC Ltd Inc.

Moved By Councillor Gray/Seconded By Councillor Donn

R268/18/03/19 THAT Bylaw No. 11574 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried
Councillor Stack– Opposed

3.4 Richter St 1205, 1215, 1223, 1229, 1235 & 1241, Z18-0003 (BL11575) - 1120797 BC Ltd Inc.

Moved By Councillor Gray/Seconded By Councillor Donn

R269/18/03/19 THAT Bylaw No. 11575 be read a first time.

Carried
Councillor Stack– Opposed

3.5 South Ridge Dr 5008, Z17-0114 - Emil Anderson Construction Co. Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R270/18/03/19 THAT Bylaw No. 11198 be forwarded for rescindment consideration and the file be closed;

AND THAT Rezoning Application No. Z17-0114 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 16885 SDYD Plan KAP68647 located at 5008 South Ridge Drive, Kelowna, BC from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the Rezoning 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 Schedule "A" attached to the Report from the Community Planning Department dated January 8, 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a restrictive covenant on title precluding the use of the property for a gas bar.

Carried

3.6 South Ridge Dr 5008, Z15-0064 (BL11198) - Emil Anderson Construction Co

Moved By Councillor Donn/Seconded By Councillor Gray

R271/18/03/19 THAT Bylaw No. 11198 be rescinded at first, second and third readings and the file be closed.

Carried

3.7 South Ridge Dr 5008, Z17-0114 (BL11576) - Emil Anderson Construction Co

Moved By Councillor Stack/Seconded By Councillor DeHart

R272/18/03/19 THAT Bylaw No. 11576 be read a first time.

Carried

3.8 Agassiz Rd 2025, Z16-0052 - Exceling Investments Inc. BC No 1062096

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Gray/Seconded By Councillor Donn

R273/18/03/19 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11358, be extended from March 7, 2018 to March 7, 2019;

AND THAT Council directs Staff to not accept any further extension requests.

Carried

3.9 Nickel Rd 230, DP17-0095 - James Zeleznik

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Donn

R274/18/03/19 THAT Rezoning Bylaw No. 11429 be amended at third reading to revise the legal description of the subject properties from "Lot A, Section 27, Township 26, ODYD, Plan 25115, located at 230 Nickel Rd, Kelowna, BC, and Lot B, Section 27, Township 26, ODYD, Plan 25115 Except Plan KAP65522, located at 170 Nickel Rd, Kelowna, BC" to "Lot 1, Section 27, Township 26, ODYD, Plan EPP73636 located at 200 Nickel Rd, Kelowna, BC";

AND THAT final adoption of Rezoning Bylaw No. 11429 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0095 for Lot 1, Section 27, Township 26, ODYD, Plan EPP73636 located at 200 Nickel 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 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 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.

Defeated

Mayor Basran, Councillors DeHart, Gray, Singh and Stack - Opposed

3.10 Valley Rd 720, DP17-0237 - Kane 2 Resources Ltd., Inc. No. BCo807695

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

R275/18/03/19 THAT final adoption of Official Community Plan Bylaw No. 11527 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 11536 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0237 for Lot E Sections 29 and 32 Township 26 ODYD Plan EPP75038, located at 720 Valley Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the buildings 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 the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit 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 TA16-0002 (BL11552) - General Text Amendments

Moved By Councillor DeHart/Seconded By Councillor Stack

R276/18/03/19 THAT Bylaw No. 11552 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Downtown Kelowna Association 2018 Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the Downtown Kelowna Association 2018 Budget.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R277/18/03/19 THAT Council approves the Downtown Kelowna Association 2018 Budget as outlined in the report of the Accountant dated March 19, 2018;

AND THAT Council approves the 2018 levy of \$887,407 on Class 5 and Class 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.

Carried

5.2 Uptown Rutland Business Association 2018 Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the Uptown Rutland Business Association 2018 Budget.

Moved By Councillor Sieben/Seconded By Councillor Gray

R278/18/03/19 THAT Council approve the Uptown Rutland Business Association 2018 Budget as outlined in the report of the Accountant dated March 19, 2018;

AND THAT Council approve the 2018 levy of \$180,564 on the Class 5 and Class 6 properties located within the boundaries of the Uptown Rutland Business Improvement Area.

Carried

5.3 Investment of City of Kelowna Funds for 2017

Staff:

- Displayed a PowerPoint Presentation summarizing the City's 2017 investment portfolio and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Gray

R279/18/03/19 THAT Council receives, for information, the Investment of City of Kelowna Funds for 2017 Report from the Financial Analyst as presented on March 19, 2018 in alignment with Council's strong financial management priority.

Carried

The meeting recessed at 5:20 p.m.

The meeting reconvened at 5:30 p.m.

5.4 2018 Carryovers - Financial Plan

Staff:

- Displayed a PowerPoint Presentation summarizing the 2018 Carryovers included in the Financial Plan and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R280/18/03/19 THAT the 2018 Financial Plan be increased by \$8,614,340 to provide for operating carryover projects and \$139,472,230 for capital carryover projects as summarized in Financial Plan Volume 2.

Carried

5.5 Provincial Budget 2018 - Real Estate Taxes

Staff:

- Displayed a PowerPoint Presentation providing information on the proposed real estate taxes that were identified in the 2018 Provincial Budget.
- Responded to questions from Council.

Council:

- Made comments on the recommendations in the staff report.

Moved By Councillor DeHart/Seconded By Councillor Singh

R281/18/03/19 THAT Council defer the report from the Real Estate Services Manager dated March 19, 2018, with respect to the Provincial Budget 2018 - Real Estate Taxes to the March 20, 2018 Tuesday, Regular Meeting;

AND THAT staff bring forward a series of recommendations based on Council comments this afternoon.

Carried

5.6 Complimentary Downtown Parking for 2018 Small Shop Promotion Days

Moved By Councillor Donn/Seconded By Councillor Sieben

R282/18/03/19 THAT Council receives, for information, the report from the Manager, Parking Services, dated March 19, 2018, with respect to no-charge downtown parking on two (2) days in 2018;

AND THAT Council approves waiving on-street parking fees in the downtown area on the following two (2) dates:

Saturday, March 24, 2018

Saturday, November 24, 2018.

Carried

5.7 Smith Avenue (Library Parkade) Offices Renovation and Fit Out

Staff:

- Displayed a PowerPoint Presentation identifying the renovations accompanying the amendment to the 2018 Financial Plan.

Moved By Councillor Stack/Seconded By Councillor DeHart

R283/18/03/19 THAT Council receives, for information, the report from the Parks & Buildings Planning Manager dated March 19, 2018, with respect to Smith Avenue (Library Parkade) Offices Renovation and Fit Out;

AND THAT the 2018 Financial Plan be amended to include up to \$625,000 from the Civic Facilities Reserve, for the renovation and fit out of the Smith Avenue offices;

AND FURTHER THAT the 2018 Financial Plan be amended to reduce the annual operating budget by \$59,300 as outlined in the Financial/Budgetary Considerations section of this report.

Carried

5.8 Aspen Road Parcel Tax Bylaw No. 11572 and 2018 Parcel Tax Review Panel

Moved By Councillor DeHart/Seconded By Councillor Sieben

R284/18/03/19 THAT Council receives for information the report from the City Clerk dated March 19, 2018 directing staff to impose a parcel tax under Section 200 of the *Community Charter* on the benefiting parcels in the Aspen Road Local Service Area.

AND THAT Bylaw No. 11572, being the Aspen Road Local Area Service Parcel Tax be forwarded for reading consideration.

AND FURTHER THAT Council set the 2018 Parcel Tax Roll Review Panel meeting for April 11, 2018 at 11:45am in meeting room 4A-Knox Mountain, 4th Floor, City Hall, 1435 Water Street, Kelowna, BC.

Carried

5.9 BL11572 - Parcel Tax Bylaw for Aspen Road Local Area Service

Moved By Councillor Stack/Seconded By Councillor DeHart

R285/18/03/19 THAT Bylaw No. 11572 be read a first, second and third time.

Carried

6. **Mayor and Councillor Items – Nil.**

7. **Termination**

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

Mayor Basran

/acm

City Clerk