



City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 9, 2018
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present Acting City Manager, Joe Creron; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Planner Specialist, Laura Bentley*; Director, Community Planning & Strategic Investments, Doug Gilchrist*; Divisional Director, Infrastructure, Alan Newcombe*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Divisional Director, Financial Services, Genelle Davidson*; Revenue Supervisor, Angie Schumacher*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

A moment of silence was held for the victims of the Humboldt Broncos Hockey Team bus accident. Mayor Basran confirmed a letter of condolence will be sent on behalf of Council.

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 Hodge/Seconded By Councillor Gray

R325/18/04/09 THAT the Minutes of the Regular Meetings of March 26, 2018 be confirmed as circulated.

Carried

3. Committee Reports

3.1 Journey Home Task Force Update

Martin Bell and Kyleen Myrah, Co-Chairpersons, Journey Home Task Force

- Displayed a PowerPoint Presentation summarizing the progress to date including public engagement.
- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Gray

R326/18/04/09 THAT Council receives, for information, the update report from the Journey Home Task Force Co-Chairpersons, dated April 9, 2018.

Carried

4. Development Application Reports & Related Bylaws

4.1 Portview Ave 150, Z18-0023 - Darcy Byron Ruck and Martha Mary Ruck

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Stack

R327/18/04/09 THAT Rezoning Application No. Z18-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 5 Township 23 Osoyoos Division Yale District Plan KAP46777, located at 150 Portview Avenue, Kelowna, BC from the RU2 – Medium Lot Housing zone to the RU2c – Medium Lot Housing with Carriage House 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 April 9, 2018;

Carried

4.2 Portview Ave 150, Z18-0023 (BL11594) - Darcy Byron Ruck and Martha Mary Ruck

Moved By Councillor Singh/Seconded By Councillor DeHart

R328/18/04/09 THAT Bylaw No. 11594 be read a first time.

Carried

4.3 Christleton Avenue 343, Z17-0073 - Jason Murray Hymers

Staff:

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

Moved By Councillor DeHart/Seconded By Councillor Donn

R329/18/04/09 THAT Rezoning Application No. Z17-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14, Osoyoos Division, Yale District, Plan 6701, located at 343 Christleton Avenue, 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 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 requirements of the Development Engineering Department being completed to their satisfaction.

Carried

4.4 Christleton Avenue 343, Z17-0073 (BL11590) - Jason Murray Hymers

Moved By Councillor DeHart/Seconded By Councillor Stack

R330/18/04/09 THAT Bylaw No. 11590 be read a first time.

Carried

4.5 Bernard Avenue 1371, Z17-0116 - Miroslavka Gataric

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Gray

R331/18/04/09 THAT Rezoning Application No. Z17-0116 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 District Lot 137 Osoyoos Division Yale District Plan 7936, located at 1371 Bernard Avenue, Kelowna, BC from the Ru6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple 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 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 April 9, 2018;

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 Bernard Avenue 1371, Z17-0116 (BL11591) - Miroslavka Gataric

Moved By Councillor Stack/Seconded By Councillor DeHart

R332/18/04/09 THAT Bylaw No. 11591 be read a first time.

Carried

4.7 Cawston Ave 1044, 1052, 1074 - OCP18-0002 and Z18-0008 - Sukhdarshan Singh Pannu

Staff:

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

Moved By Councillor Given/Seconded By Councillor Singh

R333/18/04/09 THAT Official Community Plan Map Amendment Application No. OCP18-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing

the Future Land Use designation of Lot 2 District Lot 138 ODYD Plan 3857, located at 1044 Cawston Avenue, Kelowna, BC from the SIH – Sensitive Infill Housing designation to the MRM – Multiple Unit Residential (Medium 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 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated April 9, 2018;

THAT Rezoning Application No. Z18-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 & Lot 2 District Lot 138 ODYD Plan 4315, located at 1052 & 1074 Cawston Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone and by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 3857, located at 1044 Cawston Avenue, Kelowna, BC from the RU7 – Infill Housing zone to the RM5 - Medium Density Multiple 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 Schedule "A" attached to the Report from the Community Planning Department dated April 9, 2018;

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

Carried

4.8 Cawston Avenue 1044 - OCP18-0002 (BL11595) - Sukhdarshan Singh Pannu

Moved By Councillor Singh/Seconded By Councillor DeHart

R334/18/04/09 THAT Bylaw No. 11595 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

4.9 Cawston Avenue 1044, 1052 & 1074 - Z18-0008 (BL11596) - Sukhdarshan Singh Pannu

Moved By Councillor Hodge/Seconded By Councillor Donn

R335/18/04/09 THAT Bylaw No. 11596 be read a first time.

Carried

4.10 Hartman Rd 280 and Maygard Rd 940, Z18-0001 - JE Holdings Inc. Inc. No C0561382 and Eileen Agnes Ruark

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Given

R336/18/04/09 THAT Rezoning Application No. Z18-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of each of the following properties:

Lot 1, Section 26, TWP 26, ODYD, Plan 22455, located at 280 Hartman Road, Kelowna, BC;
Lot 2, Section 26, TWP 26, ODYD, Plan 22455, located at 940 Maygard Road, Kelowna, BC;

from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling 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 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 April 09, 2018;

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 in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Carried

4.11 Hartman Rd 280 and Maygard Rd 940, Z18-0001 (BL11597) - JE Holdings Inc. Inc. No Co561382 and Eileen Agnes Ruark

Moved By Councillor Donn/Seconded By Councillor Hodge

R337/18/04/09 THAT Bylaw No. 11597 be read a first time.

Carried

4.12 McCulloch Rd 3305-3309, A17-0010 - Leonard and Tracey Wikenheiser

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Stack

R338/18/04/09 THAT Agricultural Land Reserve Appeal No. A17-0010 for Lot A, Section 3, Township 26, ODYD, Plan 32710, located at 3305-3309 McCulloch Road, Kelowna for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council, subject to the following:

The dimensions of the subdivision be in general accordance with Schedule "A";

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

4.13 Hwy 97 N 2629 DP18-0021 - SKJJ Holdings Inc.

Councillor DeHart declared a conflict of interest as her employer is considered a competitor with the applicant and also the applicant shares the same ownership group and departed the meeting at 3:09 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Donn

R339/18/04/09 THAT Council authorizes the issuance of Development Permit No. DP18-0021 for Lot 2, District Lot 125, ODYD Plan 3246, Except Plans H8110, 9504 and EPP47107 located at 2629 Hwy 97 North, 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 outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated April 9th, 2018 be completed prior to Development Permit issuance.

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 DeHart returned to the meeting at 3:12 p.m.

4.14 Valley Road 276-292, DP17-0241 (BL11524) - Vanmar Developments Glenpark Ltd

Moved By Councillor Donn/Seconded By Councillor Given

R340/18/04/09 THAT Bylaw No. 11524 be amended at third reading by changing the zoning classification of Lots 1,2 & 3, Section 33, Township 26, ODYD, Plan 18062 located on Valley Road, Kelowna, B.C., from the RR3 – Rural Residential zone to the RM3 – Low Density Multiple Housing zone.

Carried

Moved By Councillor Donn/Seconded By Councillor Given

R341/18/04/09 THAT Bylaw No. 11524 as amended be adopted.

Carried

4.15 Valley Road 276-292 - DP17-0241 - Vanmar Developments Glenpark Ltd

Staff:

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

Moved By Councillor Given/Seconded By Councillor Sieben

R342/18/04/09 THAT Rezoning Bylaw No. 11524 be amended at third reading to revise the legal description of the subject properties from Lots 1, 2 & 3 Section 33 Township 26 ODYD Plan 18062 to Lot A Section 33 Township 26 ODYD Plan EPP80045;

AND THAT final adoption of Rezoning Bylaw No. 11524 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0241 for Lot A Section 33 Township 26 ODYD Plan EPP80045, located at 276-292 Valley Road, 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 Council's consideration of this Development Permit 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 (insert date);

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 Hodge – Opposed

4.16 Cannabis Regulatory Options

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Donn

R343/18/04/09 THAT Council receives, for information, the report from the Community Planning Department dated April 9, 2018, with respect to City of Kelowna considerations regarding the upcoming legalization of cannabis in Canada;

AND THAT Council directs staff to proceed with bylaw and policy development as outlined in the report from the Community Planning Department dated April 9, 2018, with respect to the upcoming legalization of cannabis in Canada

Carried

5. Bylaws for Adoption (Development Related)

5.1 TA16-0001 (BL11298) - CD12 - Airport Zone Amendment

Moved By Councillor Hodge/Seconded By Councillor Given

R344/18/04/09 THAT Bylaw No. 11298 be adopted.

Carried

5.2 Mugford RD 135, HD15-0001 (BL11570) - St. Aidan's Heritage Church Designation Bylaw

Moved By Councillor Gray/Seconded By Councillor Hodge

R345/18/04/09 THAT Bylaw No. 11570 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

6.1 2018 Freshet Preparation

Staff:

- Provided a summary of the current snow pack conditions and City efforts to date.
- Responded to questions from Council.
- Will circulate to Council the Provincial report regarding the outlet on Okanagan Lake in 2017.

Moved By Councillor Sieben/Seconded By Councillor Given

R346/18/04/09 THAT Council receives for information, the report from the Infrastructure Divisional Director dated April 9, 2018 regarding preparation for the 2018 Freshet;

AND THAT Council authorize the amendment of the 2018 Financial Plan for the 2018 Freshet Project up to \$100,000, funded from the flood control averaging reserve.

Carried

6.2 2017 Freshet Infrastructure Recovery for Kelowna International Airport

Staff:

- Provided an overview of the 2017 Freshet Infrastructure Recovery and associated costs and displayed aerial photographs of the area.
- Responded to questions from Council.

Moved By Councillor Gray/Seconded By Councillor Hodge

R347/18/04/09 THAT Council receive for information, the report from the Senior Airport Finance & Corporate Services Manager dated April 9, 2018 with respect to the 2017 Freshet Infrastructure Recovery at Kelowna International Airport;

AND FURTHER THAT the 2018 Financial Plan be amended to include \$1,063,000 for the 2017 Freshet Infrastructure Recovery at Kelowna International Airport of which up to \$802,380 is anticipated to be recoverable through the provincial Disaster Financial Assistance (DFA) program with the remaining amount to come from Airport reserves.

Carried

6.3 Amendment to Increase the Budget of the Soaring Beyond 2.5 Million Passenger Airport Improvement Fee Capital Program at the Airport

Staff:

- Provided a summary of the Capital Program's scope changes and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Stack

R348/18/04/09 THAT Council receives, for information, the report from the Senior Airport Finance and Corporate Services Manager dated April 9, 2018, with respect to a budget amendment for the Soaring Beyond 2.5 Million Passenger Airport Improvement Fee Capital Program.

AND FURTHER THAT the 2018 Financial Plan be amended in the amount of \$1,700,000 to increase the Soaring Beyond 2.5 Million Passenger Airport Improvement Fee Capital Program, funded from the Airport Improvement Fee Reserve.

Carried

6.4 Major Industry Tax Category (Class 4)

Staff:

- Displayed a PowerPoint Presentation summarizing the tax category policy and reasons to continue with the current Tax Distribution Policy.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

R349/18/04/09 THAT Council receives, for information, the report from the Revenue Supervisor dated April 9th, 2018 with respect to the Major Industry tax category (Class 4);

AND THAT council direct staff to continue with the current application of the Tax Distribution Policy.

Carried

7. Mayor and Councillor Items

Councillor DeHart:

- Reminder that the Mayor's Reception for the Annual Civic Awards nominees is on Sunday, April 15th
- The Annual Civic Awards will take place April 26th in the Community Theatre and encouraged everyone to purchase their tickets.

Councillor Gray:

- The Presidents Dinner hosted by the Chamber of Commerce acknowledging volunteers takes place April 12th at the Coast Capri Hotel.

8. Termination

This meeting was declared terminated at 4:56 p.m.

Mayor Basran

/acm

City Clerk