City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, April 29, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Deputy City Manager, Joe Creron*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Suburban and Rural Planning Manager, Dean Strachan*; Planner Specialist, Adam Cseke*; Financial Planning Manager, George King*; Budget Supervisor, Melanie Antunes*; Divisional Director, Financial Services, Genelle Davidson*; Divisional Director, Infrastructure, Alan Newcombe*; Utility Planning Manager, Rod MacLean*; Legislative Coordinator (Confidential), Arlene McClelland
Guests:	Deborah Buszard*, Deputy Vice-Chancellor and Principal Prof.; Brent Mundle*, Superintendent Kelowna RCMP Detachment

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 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 Wooldridge/Seconded By Councillor Hodge

R457/19/04/29 THAT the Minutes of the Regular Meetings of April 15, 2019 be confirmed as circulated.

Carried

3. Public in Attendance

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3.1 University of British Columbia - Okanagan (UBC-O)

Deputy Vice-Chancellor and Principal Prof. Deborah Buszard
- Displayed a PowerPoint Presentation, re: Shaping UBC Okanagan's Future
- Displayed a video of what the campus is envisioned to look like in 2040.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

R458/19/04/29 THAT Council receive the University of British Columbia presentation from the Deputy Vice-Chancellor dated April 29, 2019.

Carried

3.2 RCMP Quarterly Report

Brent Mundle, Superintendent Kelowna RCMP Detachment
- Displayed a PowerPoint Presentation outlining achievements in the 2016-2019 Crime Reduction Strategy and provided year-to-date crime statistics.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R459/19/04/29 THAT Council receive the RCMP Quarterly/Yearly Update report from the Superintendent, Kelowna RCMP Detachment dated April 29, 2019.

Carried

4. Development Application Reports & Related Bylaws

4.1 Walker Rd 4480, Z18-0047 - Thomas A.M. Brown

Staff:
- Displayed a PowerPoint Presentation summarizing and providing rational for non-support of the application.
- Responded to questions from Council.

Thomas Brown, Walker Road
- Displayed a PowerPoint Presentation.
- Displayed neighbourhood petition results in favour of this proposal.
- Displayed a photo of an aerial view of six abutting neighbour's lots that provided letters of approval for this proposal.
- Provided the lot history and noted that the lot was created in 1966; the lot was not part of the City of Kelowna and there was no zoning bylaw.
- This is a huge lot of 15,193 sq. ft. and currently irrigating a ½ acre land; the shape of the land does not relate at all to today's Zoning Bylaw.
- Displayed a sketch of the proposed lot and noted staff's concern with length of side lot line; to make up for the lot depth deficiency of 4.3 m the lot width has been increased by 4.7 m.
- The existing home does not require demolition or variances.
- Commented that the application purpose is to create an RU2 lot of 4855 sq. ft. and retain owner's original house on a lot of 10,333 sq. ft.
- Spoke to the similarities of this lot and the lot at 504 Knowles Road that had been supported and approved for rezoning by staff and Council.
- The Planning Department would like a long and thin lot and my neighbours would like a short and wide lot; neighbours are very concerned about appearance.
- Believes the staff report rationale for non-support is not accurate.
- Two neighbours have expressed interest in buying the lot in order to downsize.

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- Commented that existing trees will not be affected by the RU2 zone.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R460/19/04/29 THAT Rezoning Application No. Z18-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1 District Lot 167 ODYD Plan 16858, located at 4480 Walker Road Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone. as shown on Map "A" attached to the Report from the Community Planning Department dated April 29, 2019, 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 29, 2019;

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

Councillor DeHart departed the meeting at 3:41 p.m.

4.2 Lakeshore Rd 4119, Z19-0046 - Whitworth Holdings Ltd., Inc. No. BC1059455

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

Moved By Councillor Donn/Seconded By Councillor Sieben

R461/19/04/29 THAT Rezoning Application No. Z19-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 6, Township 26, ODYD, Plan 4912, located at 4119 Lakeshore Road from the RU1 – Large Lot 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 Attachment A attached to the report from the Community Planning Department dated April 29, 2019;

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

Carried

4.3 Lakeshore Rd 4119, BL11816 (Z19-0046) - Whitworth Holdings Ltd., Inc. No. BC1059455

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R462/19/04/29 THAT Bylaw No. 11816 be read a first time.

DRAFT

Carried

4.4 Kirschner Rd 1977, Z19-0023 - Lambert and Paul Construction Ltd, Inc. No 80191

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

Moved By Councillor Stack/Seconded By Councillor Donn

R463/19/04/29 THAT Rezoning Application No. Z19-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129 Osoyoos Division Yale District Plan 22769, located at 1977 Kirschner Road, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) 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 approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Carried

4.5 Kirschner Rd 1977, BL11817 (Z19-0023) - Lambert and Paul Construction Ltd, Inc. No 80191

Moved By Councillor Wooldridge/Seconded By Councillor Given

R464/19/04/29 THAT Bylaw No. 11817 be read a first time.

Carried

4.6 Clement Ave 1049, Z19-0045 - Gurpreet Pannu

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Givene/Seconded By Councillor Hodge

R465/19/04/29 THAT Rezoning Application No. Z19-0045 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot 3, District Lot 138 and of section 30 Township 26 ODYD, Plan 3763, located at 1049 Clement Ave, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone;

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

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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 Community Planning Department dated April 23, 2019;

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

Carried

4.7 Clement Ave 1049, Z19-0045 (BL11814) - Gurpreet Pannu

Moved By Councillor Given/Seconded By Councillor Wooldridge

R466/19/04/29 THAT Bylaw No. 11814 be read a first time.

Carried

4.8 Neptune Rd 1260, OCP17-0014 Z17-0053 - Davara Holdings Ltd. Inc. No. BC0797640

Staff:
- Provided an overview of the application.

Moved By Councillor Given/Seconded By Councillor Singh

R467/19/04/29 THAT Official Community Plan Amendment Bylaw No. 11558 and Rezoning Bylaw No. 11559 be amended at third reading to revise the legal description of the subject properties from Lot 2, Section 14, Township 26, ODYD, Plan 27837 and Lot 3, Section 14, Township 26, ODYD, Plan 27837 to Lot A, Section 14, Township 26, ODYD, Plan EPP83144;

AND THAT Council waives the requirement for a Council-issued Development Permit to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 11559;

AND FURTHER THAT Final Adoption of Official Community Plan Amendment Bylaw No. 11558 and Rezoning Bylaw No. 11559 be considered by Council.

Carried

4.9 Neptune Rd 1260, OCP17-0014 (BL11558) - Davara Holdings Ltd

Moved By Councillor Singh/Seconded By Councillor Hodge

R468/19/04/29 THAT Bylaw No. 11558 be amended at third reading.

Carried

Moved By Councillor Singh/Seconded By Councillor Hodge

R469/19/04/29 THAT Bylaw No. 11558 as amended, be adopted.

Carried

4.10 Neptune Rd 1260, Z17-0053 (BL11559) - Davara Holdings Ltd

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R470/19/04/29 THAT Bylaw No. 11559 be amended at third reading.

DRAFT

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R471/19/04/29 THAT Bylaw No. 11559 as amended, be adopted.

Carried

4.11 Ethel St 1675 & 1685, TA19-0006 - Petel Properties Inc., Inc. No. A0069509

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Donn

R472/19/04/29 THAT Zoning Bylaw Text Amendment Application No. TA19-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in "Schedule A" within the report from the Community Planning Department dated April 29th 2019, for Strata Lots 1 & 2, District Lot 138, ODYD, Strata Plan EPS3699, Together With An Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V located at 1675 & 1685 Ethel St be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration
AND FURTHER THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0006 be considered subsequent to the approval of Ministry of Transportation.

Carried

4.12 Ethel St 1675 & 1685, BL11818 (TA19-0006) - Petel Properties Inc., Inc. No. A0069509

Moved By Councillor Hodge/Seconded By Councillor Singh

R473/19/04/29 THAT Bylaw No. 11818 be read a first time.

Carried

4.13 Bach Rd 140, Rutland Rd N 615 & 625, OCP19-0001 Z19-0039 TA19-0002 - Bharosa Developments Ltd. Inc. No. BC1177705

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Given

R474/19/04/29 THAT Zoning Bylaw Text Amendment Application No. TA19-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined within this Community Planning Department Report and within Attachment 'B' be considered by Council;

THAT Official Community Plan Map Amendment Application No. OCP19-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 140 Bach, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;

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- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation;

be considered by Council;

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 this Community Planning Department Report;

THAT Rezoning Application No. Z19-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located at 615 Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located at 625 Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;

be considered by Council;
AND THAT the Zoning Bylaw Text Amendment Bylaw, the Official Community Plan Map Amendment Bylaw, and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions identified in Attachment "A" of this Community Planning Department report.

Carried

4.14 Bach Rd 140, Rutland Rd N 615 & 625, BL11815 (OCP19-0001) - Bharosa Developments Ltd. Inc. No. BC1177705

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R475/19/04/29 THAT Bylaw No. 11815 be read a first time;

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

Carried

4.15 Bach Rd 140, Rutland Rd N 615 & 625, BL11819 (Z19-0039) - Bharosa Developments Ltd. Inc. No. BC1177705

Moved By Councillor Hodge/Seconded By Councillor Singh

R476/19/04/29 THAT Bylaw No. 11819 be read a first time.

Carried

4.16 Bach Rd 140, Rutland Rd N 615 & 625, BL11821 (TA19-0002) - Bharosa Developments Ltd. Inc. No. BC1177705

DRAFT

Moved By Councillor Hodge/Seconded By Councillor Singh

R477/19/04/29 THAT Bylaw No. 11821 be read a first time.

Carried

4.17 Sutherland Ave 1149, DP19-0038 - Culos Development (1996) Inc., Inc. No. BC1099204

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

Moved By Councillor Given/Seconded By Councillor Wooldridge

R478/19/04/29 That Council authorizes the issuance of Development Permit No. DP19-0038 for Lot A, District Lot 137, ODYD, Plan EPP88875, located at 1165 Sutherland Avenue, 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 permit to be issued;

AND 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

4.18 Harvey Ave 2271, DP19-0061 - Orchard Park Shopping Centre Holdings Inc. No. A59814

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

Moved By Councillor Given/Seconded By Councillor Hodge

R479/19/04/29 THAT Council authorizes the issuance of Development Permit No. DP19-0061 for Lot 1 District Lot 127 ODYD, Plan KAP53260, Except Plans KAP56123 and EPP3467 and Lot 1 District Lots 127 and 4646 ODYD Plan KAP47934, located at 2271 Harvey Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building renovation to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building renovation 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";

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

Carried

The meeting recessed at 4:15 p.m.

The meeting reconvened at 4:25 p.m.

5. Non-Development Reports & Related Bylaws

5.1 Council Priorities 2019 – 2022

City Manager:
- Displayed a Video and PowerPoint Presentation summarizing Council's priorities for 2019 - 2022.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R480/19/04/29 THAT Council approve the 2019-2022 Council Priorities as attached to the report of the City Manager dated April 29, 2019;

AND THAT Council direct staff to bring the 2020 action plan forward in January 2020;

AND FURTHER THAT Council direct staff to report back on the progress of the 2019 – 2022 Council Priorities in spring 2020.

Carried

5.2 2019 Financial Plan – Final Budget

Staff:
- Displayed a PowerPoint Presentation summarizing the 2019 Financial Plan and Final Budget submissions.

Moved By Councillor Donn/Seconded By Councillor Stack

R481/19/04/29 THAT Council adopts the 2019-2023 Financial Plan;

AND THAT Council approves the formulation of 2019 Property Tax Rates that will raise the required funds in 2019, from General Taxation, in the amount of $142,524,821, resulting in an average net property owner impact of 4.10 per cent;

AND THAT Bylaw No. 11805 being the 2019-2023 Five Year Financial Plan, 2019 be advanced for reading consideration;

AND THAT Bylaw No. 11806 being the Tax Structure Bylaw, 2019 be advanced for reading consideration;

AND THAT Bylaw No. 11807 being the Annual Tax Rates Bylaw, 2019 be advanced for reading consideration;

AND THAT Bylaw No. 11808 being the DCC Reserve Fund Expenditure Bylaw, 2019 be advanced for reading consideration;

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AND FURTHER THAT Bylaw No. 11809 being the Sale of City Owned Land Reserve Fund Expenditure Bylaw, 2019 be advanced for reading consideration.

Carried

5.3 BL11805 - Five Year Financial Plan 2019-2023

Moved By Councillor Stack/Seconded By Councillor Singh

R482/19/04/29 THAT Bylaw No. 11805 be read a first, second and third time.

Carried

5.4 BL11806 - Tax Structure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Stack

R483/19/04/29 THAT Bylaw No. 11806 be read a first, second and third time.

Carried

5.5 BL11807 - Annual Tax Rates Bylaw, 2019

Moved By Councillor Stack/Seconded By Councillor Donn

R484/19/04/29 THAT Bylaw No. 11807 be read a first, second and third time.

Carried

5.6 BL11808 - Development Cost Charge Reserve Fund Expenditure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R485/19/04/29 THAT Bylaw No. 11808 be read a first, second and third time.

Carried

5.7 BL11809 - Sale of City Owned Land Reserve Fund Expenditure Bylaw, 2019

Moved By Councillor Donn/Seconded By Councillor Sieben

R486/19/04/29 THAT Bylaw No. 11809 be read a first, second and third time.

Carried

Councillor Sieben departed the meeting at 5:05 p.m.

5.8 BMID Boundary Inclusion for 1421 Tower Ranch Drive and 1920 Swainson Road (Frind Properties Ltd.) and 1955 McCurdy Road East (FortisBC Inc.)

Staff:
- Provided an overview of the BMID boundary modification and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R487/19/04/29 THAT Council receives, for information, the report from the Utility Planning Manager dated April 29, 2019, with respect to BMID Boundary Inclusion for 1421 Tower Ranch

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Drive and 1920 Swainson Road (Frind Properties Ltd.) and 1955 McCurdy Road East (FortisBC Inc.);

AND THAT Council approve the request by the Black Mountain Irrigation District (BMID) to amend its water service area boundary to include 1421 Tower Ranch Drive, 1920 Swainson Road and 1955 McCurdy Road East as outlined in this report.

Carried

5.9 Council Policy No. 304 – Expanding or Adding Properties to Specified Areas

Staff:
- Displayed a PowerPoint Presentation providing an update of Council Policy 304.

Moved By Councillor Given/Seconded By Councillor Stack

R488/19/04/29 THAT Council receives, for information, the report from the Utilities Planning Manager dated April 29, 2019 with respect to Council Policy No. 304 – Expanding or Adding Properties to Specified Areas;

AND THAT Council Policy No. 304 – Expanding or Adding Properties to Specified Areas, be revised as outlined in Attachment 1 of the Report from the Utilities Planning Manager dated April 29, 2019.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11658 - Amendment No. 31 to the Traffic Bylaw No. 8120

Moved By Councillor Donn/Seconded By Councillor Stack

R489/19/04/29 THAT Bylaw No. 11658 be adopted.

Carried

6.2 BL11795 - Amendment No. 1 to Five Year Financial Plan 2018-2022

Moved By Councillor Donn/Seconded By Councillor Stack

R490/19/04/29 THAT Bylaw No. 11795 be adopted.

Carried

6.3 BL11803 - Sterile Insect Release Program Parcel Tax Bylaw 2019

Moved By Councillor Donn/Seconded By Councillor Stack

R491/19/04/29 THAT Bylaw No. 11803 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Donn:
- Spoke to his attendance at the Community & Civic Awards Ceremony.

8. Termination

DRAFT

This meeting was declared terminated at 5:18 p.m.

Mayor Basran

Deputy City Clerk

/acm

DRAFT