City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, October 7, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Brad Sieben Mohini Singh and Loyal Wooldridge
Members Absent	Councillors Gail Given, Charlie Hodge and Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Urban Planning & Development Policy Manager, Laura Bentley*; Planner, Adam Cseke*; Planner, Arlene Janousek*; Planner, Wesley Miles*; Planner, Barbara Crawford*; Revenue Supervisor, Angie Schumacher*; Fire Chief, Travis Whiting*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

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 Donn

R1015/19/10/07 THAT the Minutes of the Regular Meetings of September 30, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 KLO Road 2568, A19-0011 - Sukhjit Singh Sidhu and Bhupinder Kaur Sidhu

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

Moved By Councillor Singh/Seconded By Councillor Sieben

R1016/19/10/07 THAT Agricultural Land Reserve Appeal No. A19-0011 for Lot B Section 9 Township 26 ODYD Plan 26528, located at 2568 KLO Road, Kelowna for a Non-Adhering Residential Use on agricultural land in the Agricultural Land Reserve pursuant to Section 25 of the *Agricultural Land Commission Act* be supported by Council;

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

Carried

3.2 Mayfair Rd 935, Z17-0076 (BL11561) - South Okanagan Construction Ltd.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R1017/19/10/07 THAT Council receives, for information, the Report from the Development Planning Department dated October 7, 2019 with respect to Rezoning Application No. Z17-0076 for the property located at Lot 6, DL43, Twp 26 Sec 27 Plan KAP22014, 935 Mayfair Road;

AND THAT Bylaw No. 11561 be forwarded for the rescindment consideration and the file to be closed.

Carried

3.3 Mayfair Rd 935, BL11561 (Z17-0076) - South Okanagan Construction Ltd.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R1018/19/10/07 THAT first, second and third reading of Bylaw No.11561 be rescinded.

Carried

3.4 Section 8 Parking & Loading Zoning Bylaw Text Amendment Application TA18-0009

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

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R1019/19/10/07 THAT Zoning Bylaw Text Amendment Application No. TA18-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by the replacing Section 8 Parking and Loading with a new Section 8 Parking and Loading as identified in Schedule "B" and outlined in the Report from the Development Planning Department dated October 7th, 2019, be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

DRAFT

3.5 Zoning Bylaw No. 8000 - Section 8 Parking & Loading Zoning Bylaw - Text Amendment Application BL11850 (TA18-0009)

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1020/19/10/07 THAT Bylaw No. 11850 be read a first time.

Carried

3.6 Eldorado Rd 509 - Z19-0069 (BL11938) - Judith Parsons

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Singh

R1021/19/10/07 THAT Rezoning Application No. Z19-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 District Lot 167 ODYD District Plan 16646 located at 509 Eldorado Road, Kelowna, BC from the Ru1 – Large Lot Housing zone to the Ru2 – Medium Lot Housing zone be considered by Council;

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

AND FURTHER 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 Development Planning Department dated June 3, 2019.

Carried

3.7 Eldorado Rd 509 - BL11938 (Z19-0069) - Judith Parsons

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R1022/19/10/07 THAT Bylaw No. 11938 be read a first time.

Carried

3.8 Kyndree Ct 1222 - LUC19-0002 (BL11940) - Hans and Krystyna Schubel

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Singh

R1023/19/10/07 THAT Application No. LUC19-0002 to discharge LUC77-1023 from Lot A Section 8 Township 23 Osoyoos Division Yale District Plan 33589, located at 1222 Kyndree Court, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration.

Carried

3.9 Kyndree Ct 1222 - BL11940 (LUC19-0002) - Hans and Krystyna Schubel

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R1024/19/10/07 THAT Bylaw No. 11940 be read a first time.

Carried

DRAFT

3.10 Underhill 1940 LUC18-0004 (BL11941), OCP18-0015 (BL11942), Z18-0071 (BL11943) - 1940 Underhill Developments Corp.

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

Moved By Councillor Sieben/Seconded By Councillor DeHart

R1025/19/10/07 THAT Application No. LUC 18-0004 to discharge LUC76-1039 from Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, be considered by Council;

AND THAT Official Community Plan Map Amendment Application No. OCP18-0015 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, from MRH – Multiple Unit Residential (High Density) & EDINST (Education / Major Institutional) to MXR – Mixed Use (Residential / Commercial), be considered by Council;

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 this Development Planning Department Report;

AND THAT Rezoning Application No. Z18-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, from P2 – Education and Minor Institutional to C4 – Urban Centre Commercial, be considered by Council;

AND THAT the Land Use Contract Discharge 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:

1. The completion of the outstanding items identified in Attachment "A" of this Development Planning Department report outlining the Development Engineering and Ministry of Transportation and Infrastructure conditions.
2. An arborist report of all the onsite trees.

Carried

3.11 Underhill 1940 BL11941 (LUC18-0004) - 1940 Underhill Developments Corp.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1026/19/10/07 THAT Bylaw No. 11941 be read a first time.

Carried

3.12 Underhill 1940, BL11942 (OCP18-0015) - 1940 Underhill Developments Corp.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1027/19/10/07 THAT Bylaw No. 11942 be read a first time;

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

Carried

3.13 Underhill 1940, BL11943 (Z18-0071) - 1940 Underhill Developments Corp.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R1028/19/10/07 THAT Bylaw No. 11943 be read a first time.

Carried

3.14 Summit Dr 1932, TA19-0014 (BL11944), Z19-0070 (BL11945), Summit Real Estate Holdings Lts., No. BC 1098449

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R1029/19/10/07 THAT Zoning Bylaw Text Amendment Application No. TA19-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated September 30, 2019 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0014 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT Rezoning Application No. Z19-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on the Strata Plan EPS4570, located at 1920-1936 Summit Dr, Kelowna, BC from the CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales) be considered by Council;

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

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

3.15 Summit Dr 1932, BL11944 (TA19-0014) - Summit Real Estate Holdings Lts., No. BC 1098449

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Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1030/19/10/07 THAT Bylaw No. 11944 be read a first time.

Carried

3.16 Summit Dr 1932, BL11945 (Z19-0070) - Summit Real Estate Holdings Lts., No. BC 1098449

Moved By Councillor Donn/Seconded By Councillor DeHart

R1031/19/10/07 THAT Bylaw No. 11945 be read a first time.

Carried

3.17 Abbott St 1781, HD19-0002 (BL11946), HRA18-0001 (BL11923) - Davara Holdings Ltd., Inc. No. BC0797640

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

Moved By Councillor DeHart/Seconded By Councillor Donn

R1032/19/10/07 THAT Council consider designation of the building located at Lot 2, District Lot 14, ODYD, Plan 2614, located at 1781 Abbott Street, Kelowna, BC, commonly known as the "Murchison House" as Designated Heritage Buildings to Section 611 of the Local Government Act;

AND THAT Council consider a Bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 2, District Lot 14, ODYD, Plan 2614, located at 1781 Abbott Street, Kelowna, BC, in the form attached as Schedule A to the Report from the Development Planning Department dated October 7, 2019;

AND THAT the Heritage Designation Bylaw No. 11946 be forwarded to a Public Hearing for further consideration;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw No. 11923 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw No. 11923 be considered subsequent to the Heritage Designation Bylaw No. 11946 being adopted for the Murchison House;

AND THAT the Heritage Revitalization Agreement conditions outlined in Attachment D to the Report from the Development Planning Department dated November 14, 2018 be completed prior to adoption of the Heritage Revitalization Agreement Authorization Bylaw No. 11923;

AND FURTHER THAT the requirement to post a sign 10 days prior to Council consideration be waived.

Carried

3.18 Abbott St 1781, BL11946 (HD19-0002) - Davara Holdings Ltd., Inc. No. BC0797640

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Moved By Councillor Donn/Seconded By Councillor Sieben

R1033/19/10/07 THAT Bylaw No. 11946 be read a first time.

Carried

3.19 Abbott St 1781, BL11923 (HRA18-0001) - Davara Holdings Ltd., Inc. No. BC0797640

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

Moved By Councillor Donn/Seconded By Councillor Sieben

R0134/19/10/07 THAT Bylaw No. 11923 be given first reading.

Carried

3.20 Abbott Street 1884, Z19-0065 (BL11947) - William James Feist and Treena June Harley

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R1035/19/10/07 THAT Rezoning Application No. Z19-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 21 Block 3 District Lot 14 ODYD Plan 1395, located at 1884 Abbott St., 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.

Carried

3.21 Abbott Street 1884, BL11947 (Z19-0065) - William James Feist and Treena June Harley

Moved By Councillor Donn/Seconded By Councillor DeHart

R1036/19/10/07 THAT Bylaw No. 11947 be given first reading.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Dehart Rd 894, BL11748 (Z18-0119) - Stephen Edward Sai-Wung Cheung

Moved By Councillor Donn/Seconded By Councillor DeHart

R1037/19/10/07 THAT Bylaw No. 11748 be adopted.

Carried

4.2 Pacific Ct 1912 & 1915, BL11884 (Z19-0088) - Multiple Owners

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Moved By Councillor DeHart/Seconded By Councillor Sieben

R1038/19/10/07 THAT Bylaw No. 11884 be adopted.

Carried

4.3 Lawrence Ave 1110, BL11899 (Z19-0089) - 1110 Lawrence Holdings Ltd

Moved By Councillor Sieben/Seconded By Councillor DeHart

R1039/19/10/07 THAT Bylaw No. 11899 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 2020 Permissive Tax Exemption Bylaw 11936

Staff:
- Displayed a PowerPoint Presentation providing an overview of the proposed 2020 tax exemptions and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R1040/19/10/07 THAT Council receives, for information, the Report from the Revenue Supervisor dated October 7, 2019 with respect to the 2020 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 11936, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Carried

5.2 BL11936 - 2020 Permissive Tax Exemption Bylaw

Moved By Councillor DeHart/Seconded By Councillor Sieben

R1041/19/10/07 THAT Bylaw No. 11936 be read a first, second and third time.

Carried

5.3 Proposed Amendments to the RDCO Preparation for Emergencies Bylaw No. 489, 1991

Staff:
- Provided an overview of the proposed amendments to the Regional District of Central Okanagan's Preparation Emergencies Bylaw.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R1042/19/10/07 THAT the City of Kelowna hereby consents to the Regional District adopting the Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019; and,

WHEREAS Council wishes to establish an emergency management organization, as required by the *Emergency Program Act* and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

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1. Pursuant to the *Emergency Program Act* (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality; and,
2. All of Council's duties and powers under the *Emergency Program Act* (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.

Carried

6. Mayor and Councillor Items

Councillor DeHart
- Spoke to their attendance at the various Chamber of Commerce small business events as the City's appointed representative.

Councillor Singh
- Represented Council at the Sisters in Spirit Vigil held at the Ki-Low-Na Friendship Centre last week.
- Will bring forward a motion voicing opposition to Quebec's new Bill 21 at the October 21 afternoon Council meeting.

Councillor Wooldridge
- The documentary Us and Them addressing Homelessness and the stigma associated will be shown at the RCA on Wednesday, October 9th.

7. Termination

This meeting was declared terminated at 3:10 p.m.

DRAFT

Mayor Basran

City Clerk

/acm