



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, February 24, 2020
 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; City Clerk, Stephen Fleming, Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Planner, Barbara Crawford*; Planner Specialist, Wesley Miles*; Planner, Hailey Rilkoﬀ; Planner, Andrew Ferguson*; Planner, Tyler Caswell*; Planner, Lauren Sanbrooks*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Planner Specialist, Graham March*; Divisional Director, Financial Services, Genelle Davidson*; Social Development Manager, Sue Wheeler*; Divisional Director, Corporate Strategic Services, Carla Weaden*; Community Safety Director, Darren Caul*; Divisional Director, Infrastructure, Alan Newcombe*; Utility Planning Manager, Rod MacLean*; Legislative Coordinator (Confidential), Arlene McClelland

Guest: Reanne Holden-Amadio, Community Investment Manager with United Way of the Central and South Okanagan Similkameen

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:37 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 Hodge

R0135/20/02/24 THAT the Minutes of the Regular Meetings of February 10, 2020 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Hwy 33 W 590, TA20-0006 and Z19-0124 - o838239 B.C. Ltd., Inc. No. BCo838239

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support and responded to questions from Council.

Mayor Basran invited the Applicants, or Applicant Representative, to come forward.

Kerri Lore, Director of Policy, BC Liquor Distribution Branch, Applicant

- Displayed a PowerPoint Presentation.
- The purpose of BC Cannabis stores is to make high quality cannabis products available to adult consumers.
- Committed to selling legal, independently tested cannabis products purchased from licensed producers and also educating consumers during the process.
- Social responsibility messages are placed throughout the store.
- Information and education messages are available in store with a comfortable setting to review prior to purchasing.
- Customer, employee and community safety is paramount to the operation.
- Noted that the BC Liquor Distribution Branch is a reputable place to work and will employ between 12-20 staff per store; offer jobs that pay living wages (\$21/hr) with employee benefits and government pension eligibility through unionized employment.
- The current distance between the proposed BC Cannabis Store and the recently approved store at 150 Hollywood Road is approximately 375 meters using the most direct path on foot; this is comparable to the pedestrian distance between cannabis stores in downtown Kelowna that was recently referred to Public Hearing.
- Rutland is generally a vehicular accessed retail area outside the downtown core and due to the highway intersection and left turns required to travel between the two malls, the perceived separation for drivers will feel much greater than 500 m.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

R0136/20/02/24 THAT Zoning Bylaw Text Amendment Application No. TA20-0006 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated February 24, 2020 for Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC, NOT be considered by Council;

AND THAT Rezoning Application No. Z19-0124 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC from the C4rls - Urban Centre Commercial (Retail Liquor Sales) zone to the C4lrCs- Urban Centre Commercial (Retail Liquor Sales and Retail Cannabis Sales) NOT be considered by Council.

Carried

Mayor Basran, Councillors Hodge, Given and Wooldridge - Opposed

3.2 Yates Rd 538, Z19-0140 - Carolco Developments Ltd., Inc. No. BCo291464

Councillor Sieben declared a conflict of interest for Items 3.2 and 3.3 as in the past he has provided insurance services for the Agent representing this group and departed the meeting at 2:13 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0137/20/02/24 THAT Rezoning Application No. Z19-0140 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-538 Yates Rd, Kelowna, BC from the C2 - Neighbourhood Commercial zone to the C2rcs - Neighbourhood Commercial (Retail Cannabis Sales) zone 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

3.3 Yates Rd 538, BL11991 (Z19-0140) - Carolco Developments Ltd. Inc. No. B0291464

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0138/20/02/24 THAT Bylaw No. 11991 be read a first time.

Carried

Councillor Sieben rejoined the meeting at 2:18 p.m.

3.4 Fenwick Rd 2840, Z19-0061 (BL11992) - Odermatt Otto, Odermatt Paul

Staff:

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

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0139/20/02/24 THAT Rezoning Application No. Z19-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 22142 located at 2840 Fenwick Rd, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone and to P3 – Parks and Open Space as shown on Map "A" attached to the Report from the Planning & Development Services Department dated February 24th, 2020 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 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 February 24th, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the registration of a right of way for the linear park and riparian management area along Mill Creek.

Carried

3.5 Fenwick Rd 2840, BL11992 (Z19-0061) - Odermatt Otto, Odermatt Paul

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0140/20/02/24 THAT Bylaw No. 11992 be read a first time.

Carried

3.6 Clement Ave 816, TA19-0022 (BL11993) - PC Urban Clement Holdings LTD., Inc. No. BC1100007

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Given

R0141/20/02/24 THAT Zoning Bylaw Text Amendment Application No. TA19-0022 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated February 24, 2020 for Lot B Section 30 Township 26 Osoyoos Division Yale District Plan EPP83554 located at 816 Clement Avenue, Kelowna, BC be considered by Council;

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

Carried

3.7 Clement Ave 816, BL11993 (TA19-0022) - PC Urban Clement Holdings Ltd. Inc. No. BC110007

Moved By Councillor Hodge/Seconded By Councillor Singh

R0142/20/02/24 THAT Bylaw No. 11993 be read a first time.

Carried

3.8 McCurdy Rd 925-929, LUC20-0001 (BL11994) and Z19-0132 (BL11995) - NT Properties Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Hodge

R0143/20/02/24 THAT Application No. LUC20-0001 to discharge LUC77-1045 from Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0132 to amend City of Kelowna Zoning Bylaw No. 8000 by changing classification of Lot A, District Lot 143, ODYD, Plan KAP66598 located at

925-929 McCurdy Road, Kelowna, BC from A1 – Agriculture 1 to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Discharge and Zoning Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent the outstanding conditions of approval as set out in Schedule A to the Report from the Development Planning Department dated February 24th, 2020;

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

Carried

3.9 McCurdy Rd 925-929, BL11994 (LUC20-0001) - NT Properties Ltd.

Moved By Councillor Singh/Seconded By Councillor Hodge

R0144/20/02/24 THAT Bylaw No. 11994 be read a first time.

Carried

3.10 McCurdy Rd 925-929, BL11995 (Z19-0132) - NT Properties Ltd.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0145/20/02/24 THAT Bylaw No. 11995 be read a first time.

Carried

3.11 Alsgard St, McCurdy Rd, Leathead Rd - LUCT20-0001 (BL11996), Z20-0004 (BL11997) - City of Kelowna

Staff:

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

Moved By Councillor Given/Seconded By Councillor Sieben

R0146/20/02/24 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time of the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract 77-1045 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT20-0001 to terminate LUC77-1045 from properties identified in 'Schedule A', located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application Z20-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B' located on McCurdy Road, Alsgard Street and Leathead Road, Kelowna, BC from A1 – Agriculture 1 zone to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Rezoning Application Z20-0004 for Rezoning Bylaw no. 11997;

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

Carried

3.12 Alsgard St, McCurdy Rd, Leathead Rd - BL11996 (LUCT20-0001) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Hodge

R0147/20/02/24 THAT Bylaw No. 11996 be read a first time.

Carried

3.13 Alsgard St, McCurdy Rd, Leathead Rd - BL11997 (Z20-0004) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R0148/20/02/24 THAT Bylaw No. 11997 be read a first time.

Carried

3.14 Primrose Rd 435, Z19-0142 (BL11998) - Shaida Langley

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0149/20/02/24 THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 26 Township 26 ODYD Plan 17525, located at 435 Primrose Road, Kelowna, BC from the RU1 – Large Lot Housing 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 Development Planning Department dated February 24, 2020;

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

Carried

3.15 Primrose Rd 435, BL11998 (Z19-0142) - Shaida Langley

Moved By Councillor Stack/Seconded By Councillor DeHart

R0150/20/02/24 THAT Bylaw No. 11998 be read a first time.

Carried

3.16 Francis Ave 460, Z19-0138 (BL11999) - John Hodges

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0151/20/02/24 THAT Rezoning Application No. Z19-0142 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 District Lot 14 ODYD Plan 7336, located at 460 Francis Avenue, Kelowna, BC from the RU1 – Large Lot Housing 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 Development Planning Department dated February 24, 2020;

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

3.17 Francis Ave 460, BL11999 (Z19-0138) - John Hodges

Moved By Councillor DeHart/Seconded By Councillor Stack

R0152/20/02/24 THAT Bylaw No. 11999 be read a first time.

Carried

3.18 Cedar Ave 414-420, (Z18-0021) - Zoning Bylaw Extension

Moved By Councillor Stack/Seconded By Councillor Hodge

R0153/20/02/24 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 11644, be extended from July 31, 2019 to July 31, 2020.

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

Carried

4. Non-Development Reports & Related Bylaws

4.1 Heritage Register Removal Request - 409 Park Avenue

Staff:

- Displayed a PowerPoint Presentation summarizing the application and reasons for removal from the Kelowna Heritage Register and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0154/20/02/24 THAT Council receives, for information, the report from the Policy and Planning Department dated February 10, 2020, with respect to the Heritage Register Removal Request of 409 Park Avenue;

AND THAT Council endorse the removal of 409 Park Avenue from the Kelowna Heritage Register.

Carried
Councillors DeHart, Donn, Given and Wooldridge - **Opposed**

4.2 Introduction to the ModelCity

Staff:

- Presented the Mayor with an award from Esri Canada for ModelCity.

Staff:

- Displayed a PowerPoint Presentation demonstrating ModelCity and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0155/20/02/24 THAT Council receives for information the report from the Policy & Planning Department, dated February 24, 2020, with respect to the award given to the ModelCity data analytics tool.

Carried

4.3 Central Okanagan Wellness Analysis and Poverty Strategy Grant Application

Staff:

- Introduced the Central Okanagan Wellness Analysis and Poverty Strategy and guest Reanne Holden-Amadio, United Way.

Reanne Holden-Amadio, Community Investment Manager, United Way of the Central and South Okanagan Similkameen

- Displayed a PowerPoint Presentation summarizing the information on the Central Okanagan Wellness Analysis and the development of a regional Poverty Reduction Strategy and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0156/20/02/24 THAT Council receives, for information, the report from Active Living & Culture, dated February 24, 2020, that outlines the Central Okanagan Community Wellness Analysis and Poverty Reduction Strategy application.

AND THAT Council endorse the collaborative partnership with the District of Lake Country, City of West Kelowna, District of Peachland, the Regional District of the Central Okanagan, and the Southern Interior BC United Way, to develop a Central Okanagan Wellness and Poverty Strategy.

AND THAT Council endorse the collaborative application to the Union of B.C. Municipalities' Poverty Reduction Planning and Action Grant for \$149,000 for the development of a Central Okanagan Wellness and Poverty Strategy with the Regional District of the Central Okanagan being the primary applicant to apply and manage the funding on behalf of the partnering communities.

Carried

4.4 Community Inclusion Team Update and McIntosh Strategy

Staff:

- Displayed a PowerPoint Presentation outlining the ongoing implementation of the Community Inclusion Model focused on supportive housing and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R0157/20/02/24 THAT Council receive for information the staff report dated February 24, 2020 regarding the Community Inclusion Team designed to create the conditions necessary to ensure the successful introduction of supportive housing across the community;

AND THAT Council direct staff to continue to implement the plans outlined in the report and update Council on the progress.

Carried

4.5 Purchase of the DeMontreuil Water System

Staff:

- Displayed a PowerPoint presentation outlining the agreement reached with DeMontreuil Water System to convert all assets and liabilities to the City of Kelowna and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R0158/20/02/24 THAT Council receives, for information, the report from the Infrastructure Engineering Department dated February 24, 2020, with respect to the Conversion of the DeMontreuil Water System;

AND THAT Council approves the City entering into the Utility System Transfer Agreement with the owner of the DeMontreuil Water System located in the Hall Road area of Kelowna, BC dated February 5, 2020;

AND THAT Council authorizes the Mayor and City Clerk to execute the agreement.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 **BL11981 - Amendment No. 10 to the Development Application Fees Bylaw No. 10560**

Moved By Councillor DeHart/Seconded By Councillor Donn

R0159/20/02/24 THAT Bylaw No. 11981 be adopted.

Carried

5.2 **BL11976 - Amendment No. 8 to the Revitalization Tax Exemption Bylaw No. 9561**

Moved By Councillor Donn/Seconded By Councillor Sieben

R0160/20/02/24 THAT Bylaw No. 11976 be adopted.

Carried

5.3 BL11985 - Amendment No. 36 to Traffic Bylaw No. 8120

Moved By Councillor Donn/Seconded By Councillor Sieben

R0161/20/02/24 THAT Bylaw No. 11985 be adopted.

Carried

6. Mayor and Councillor Items

Councillor Sieben left the meeting at 5:14 p.m.

Councillor Stack

- Spoke to their attendance at the Coldest Night of the Year fundraiser.
- Spoke to the Dreamland Band performing for the Starbright Fundraiser Event at the Mary Irwin Theatre.

Councillor DeHart:

- Spoke to their attendance at the Central Okanagan Heritage Society Awards Luncheon and accepted an award for the barn on Lakeshore Road.
- Spoke to their attendance at the 100th Anniversary of Kin Canada Banquet at the Laurel Packinghouse

Councillor Wooldridge:

- Spoke to their attendance along with Mayor Basran and Councillors Donn and Given at the Signing of Equity Action for Truth and Reconciliation at WFN.
- Spoke to being a Judge at the Swinging with the Stars fundraiser event for the Central Okanagan Hospice Association.
- Will be the Master of Ceremonies at the Sustainable Development Challenge event at the Rotary Centre for the Arts on February 26th.

Councillor Given:

- Spoke to the upcoming event regarding Building Community Resilience in a Changing Climate at UBCO on February 26th.
- Spoke to the Pink Shirt Day breakfast at the Okanagan Boys & Girls Club on February 26th.

Mayor Basran:

- Toured the Child Advocacy Centre last week.

7. Termination

This meeting was declared terminated at 5:20 p.m.

Mayor Basran

/acm


City Clerk