



City of Kelowna

Regular Council Meeting

Minutes

Date: Monday, July 26, 2021
 Time: 1:30 pm
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Members Participating Remotely Councillors Charlie Hodge

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning and Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Lydia Korolchuk*; Planner II, Tyler Caswell*; Divisional Director, Partnership & Investment, Derek Edstrom*; Long Range Policy Planning Manager, James Moore*; Planner II, Arlene Janousek*; Partnership Manager, Sandra Kochan*; Mobility Specialist, Matt Warona*; Transportation Engineering Manager, Gordon Foy*; Transit Service Coordinator, Mike Kittmer*; Financial Planning Manager, Kevin Hughes*; Divisional Director, Financial Services, Genelle Davidson*

Guest Lianne Ballantyne*, Tourism Kelowna

Staff Participating Remotely Clint McKenzie, Legislative Coordinator (Confidential)

(* Denotes partial attendance)

1. Call to Order

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

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, a maximum of 67 members of the public is permitted to attend Council meetings in-person. Members of the public must remain seated unless invited to address Council. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R0728/2021/07/26 THAT the Minutes of the Regular Meetings of July 12, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Bertram St 1464, 1468, 1476 OCP21-0002, Z21-0003 - 1090396 BC Ltd., INC. No. BC1090396

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Ed Romanowsky, Marcidian Group, Edmonton, Applicant:

- Displayed a PowerPoint presentation summarizing the development proposal.
- Spoke to project objectives regarding housing affordability and amenities.
- Commented on process working with Planning Department.
- Provided proposed breakdown of unit types and parking.
- Shared a video of members of the public speaking to housing needs in Kelowna.
- Responded to questions from Council.

Staff responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R0729/2021/07/26 THAT Official Community Plan Map Amendment Application No. OCP21-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lots 1, 2 & 3 District Lot 139 ODYD Plan 2277, located at 1464, 1468 & 1476 Bertram Street, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation, NOT be considered by Council.

AND THAT Rezoning Application No. Z21-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2 & 3 District Lot 139 ODYD Plan 2277, located at 1464, 1468 & 1476 Bertram Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C7 - Central Business Commercial zone NOT be considered by Council.

Carried

3.2 McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - OCP21-0004 (BL12251) TA21-0002 (BL12252) Z21-0005 (BL12253) - Kinnikinnik

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R0730/2021/07/26 THAT Official Community Plan Map Amendment Application No. OCP21-0004 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designations of portions of Lot 5 Sections 21 and 28 Township 23 ODYD Plan EPP8753 and Lot 6 Sections 21 and 28 Township 23 ODYD Plan EPP8753 Except Plans EPP40437 and EPP92220 located at 1890 and 1988 McKinley Road, Kelowna BC and Lot 4 Sections 28 and 33 Township 23 ODYD Plan EPP8753 Except Plans EPP40437 and EPP76020 and Lot 3 Sections 28 and 33 Township 23 ODYD Plan EPP8753 Except Part in Plan EPP76020

located at 3850 and 3912 Glenmore Road North, Kelowna, BC from the REP - Resource Protection Area, REC - Private Recreation and PSU - Public Services/Utilities designations to the MXT – Mixed Use Tourism and PARK - Major Park/ Open Space (public) designations as shown on Map "A" attached to the Report from the Development Planning Department dated July 26, 2021, be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA21-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Attachment "C" attached to the Report from the Development Planning Department dated July 26, 2021, be considered by Council;

AND THAT Rezoning Application No. Z21-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 5 Sections 21 and 28 Township 23 ODYD Plan EPP8753 and Lot 6 Sections 21 and 28 Township 23 ODYD Plan EPP8753 Except Plans EPP40437 and EPP92220 located at 1890 and 1988 McKinley Road, Kelowna BC and Lot 4 Sections 28 and 33 Township 23 ODYD Plan EPP8753 Except Plans EPP40437 and EPP76020 and Lot 3 Sections 28 and 33 Township 23 ODYD Plan EPP8753 Except Part in Plan EPP76020 located at 3850 and 3912 Glenmore Road North, Kelowna, BC from the A1 – Agriculture 1 and P3 – Parks and Open Space zones to the CD18 – McKinley Beach Comprehensive Resort Development and P3 – Parks and Open Space zones as shown on Map "B" attached to the Report from the Development Planning Department dated July 26, 2021, be considered by Council;

AND THAT the OCP Amendment, Zoning Bylaw Text Amendment, and Rezoning Applications be forwarded to a Public Hearing for Further Consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the Servicing Agreement dated June 29, 2009, currently in place being amended in accordance with the requirements outlined in the Report from the Development Planning Department dated July 26, 2021 and signed by the property owners;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the owners transferring to the City parkland areas totaling approximately 246 acres (99.6 hectares). Carried

3.3 McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12251 (OCP21-0004) - Kinnikinnik

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0731/2021/07/26 THAT Bylaw No. 12251 be read a first time.

Carried

3.4 McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12252 (TA21-0002) - Kinnikinnik

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0732/2021/07/26 THAT Bylaw No. 12252 be read a first time.

Carried

3.5 McKinley Rd 1890 1988 Glenmore Rd N 3850 3912 - BL12253 (Z21-0005) - Kinnikinnik

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0733/2021/07/26 THAT Bylaw No. 12253 be read a first time.

Carried**3.6 Trumpeter Rd 494 - Z20-0103 (BL12254) - 1033095 B.C. LTD., INC.NO. BC1033095**

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0734/2021/07/26 THAT Rezoning Application No. Z20-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 24 Township 28 SDYD Plan KAP90635, located at 494 Trumpeter Road, Kelowna, BC from the RR2c – Rural Residential 2 with Carriage House zone to the RU1h – Large Lot Housing (Hillside Area) zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

Carried**3.7 Trumpeter Rd 494 - BL12254 (Z20-0103) - 1033095 B.C. LTD., INC.NO. BC1033095**

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0735/2021/07/26 THAT Bylaw No. 12254 be read a first time.

Carried**3.8 Braeloch Rd 384 - Z21-0053 (BL12255) - Michael Christopher Smith and Brigitte Diane Smith**

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0736/2021/07/26 THAT Rezoning Application No. Z21-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 23 Township 28 SDYD Plan 18996, located at 384 Braeloch Road, Kelowna, BC from the RR2 – Rural Residential 2 to the RU1 – Large Lot Housing zone be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing from the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Application 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 July 26th, 2021.

Carried**3.9 Braeloch Rd 384 - BL12255 (Z21-0053) - Michael Christopher Smith and Brigitte Diane Smith**

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0737/2021/07/26 THAT Bylaw No. 12255 be read a first time.

Carried

3.10 Barkley Rd 453 - Z20-0093 (BL12256) - Paul Shiells Robertson and Stacey Lillian Elizabeth Robertson

Staff displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

R0738/2021/07/26 THAT Rezoning Application No. Z20-0093 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28 District Lot 167 ODYD Plan 13550, located at 453 Barkley Road, 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 Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw.

Carried

3.11 Barkley Rd 453 - BL12256 (Z20-0093) - Paul Shiells Robertson and Stacey Lillian Elizabeth Robertson

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0739/2021/07/26 THAT Bylaw No. 12256 be read a first time.

Carried

3.12 Supplemental Report - Sexsmith Rd 3130 - Z21-0058 (BL12238) - 463679 BC Ltd., Inc. No. BC0978460

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0740/2021/07/26 THAT Council receives, for information, the report from the Office of the City Clerk dated July 26, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12238;

AND THAT Rezoning Bylaw No. 12238 be forwarded for further reading consideration.

Carried

3.13 Sexsmith Rd 3130 - BL12238 (Z21-0058) - 463679 B.C. Ltd., Inc.No. BC0978460

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0741/2021/07/26 THAT Bylaw No. 12238 be read a second and third time and be adopted.

Carried

3.14 Supplemental Report - Hollywood Rd S 1065 - Z21-0048 (BL12239) - Jordan Daniel Kaleta and Chelsea Aleksandra McCutchan

Moved By Councillor Given/Seconded By Councillor Sieben

R0742/2021/07/26 THAT Council receives, for information, the report from the Office of the City Clerk dated July 26, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12239;

AND THAT Rezoning Bylaw No. 12239 be forwarded for further reading consideration.

Carried

3.15 Hollywood Rd S 1065 - BL12239 (Z21-0048) - Jordan Daniel Kaleta and Chelsea Aleksandra McCutchan

Moved By Councillor Stack/Seconded By Councillor DeHart

R0743/2021/07/26 THAT Bylaw No. 12239 be read a second and third time and be adopted.

Carried

3.16 Lawson Ave 1021 - Z20-0041 (BL12065) - Bylaw Extension Request

Moved By Councillor Hodge/Seconded By Councillor Donn

R0744/2021/07/26 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Bylaw No. 12065, for Lot 2 District Lot 138 ODYD Plan 5065, located at 1021 Lawson Avenue, Kelowna, BC, be extended from August 25, 2021 to August 25, 2022;

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

Carried

3.17 Radant Rd 575 - Z18-0063 (BL11698) - Rescindment of Bylaw Readings

Moved By Councillor DeHart/Seconded By Councillor Donn

R0745/2021/07/26 THAT Council receives, for information, the Report from the Development Planning Department dated July 26, 2021 with respect to Rezoning Application No. Z18-0063 for the property located at Lot A Section 1 Township 25 ODYD Plan 11054, located at 575 Radant Road, Kelowna BC;

AND THAT Bylaw No. 11698 be forwarded for rescindment consideration and the file be closed.

Carried

3.18 Radant Rd 575 - BL11698 (Z18-0063) - Rescindment of Bylaw Readings

Moved By Councillor Stack/Seconded By Councillor DeHart

R0746/2021/07/26 THAT Bylaw No. 11698 be rescinded.

Carried

3.19 Hilltown Dr 3425 - DP20-0099 - Kinnikinnik Developments Inc., Inc.No. BCo622664

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0747/2021/07/26 THAT Council authorizes the issuance of Development Permit No. DP20-0099 for Lot 1 Section 28 Township 23 ODYD Plan EPP76020 located at 3425 Hilltown Drive, 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 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 this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.20 Hwy 33 E 1759, DP21-0109 - Ki-Low-Na Friendship Society, Inc.No. S-10638

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R0748/2021/07/26 THAT Council authorizes the issuance of Development Permit No. DP21-0109 for Lot B Section 18 Township 27 ODYD Plan 29386 located at 1759 Hwy 33 E, 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 in accordance with Schedule "C";

AND 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 Highland Dr N 1653 - BL12236 (Z21-0017) - Shannon Elizabeth Day

Moved By Councillor DeHart/Seconded By Councillor Stack

R0749/2021/07/26 THAT Bylaw No. 12236 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Gibson Road 424 - Consideration of Remedial Action

Staff displayed a PowerPoint presentation summarizing the remedial action and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R0750/2021/07/26 THAT Council receives, for information, the report from the Property Standards Compliance Team dated July 26, 2021 regarding remedial action at 424 Gibson Road;

AND THAT Council considers that the House and the Retaining Walls are in and create an unsafe condition, and that the renovations made to the House and the construction of the Retaining Walls do not comply with the structural requirements of the BC Building Code and

were done without permits contrary to the requirements of City of Kelowna Building Bylaw No. 7245, 1993;

AND THAT Council hereby declares that the House and the Retaining Walls are a nuisance, within the meaning of Section 74 of the *Community Charter*;

AND THAT Council hereby declares that the imported earthen material used to create a tiered / raised podium area from the rear yard and east side yard down to native undisturbed soils and the area restored with native plantings. All construction debris is to be removed from site and sent to the landfill or recycling center with the outdoor storage of materials and equipment removed from site to an approved location if kept within City boundaries as this earthen fill and materials stored in the rear and side yards is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;

AND THAT Council hereby requires the Owner to, upon Council resolution date, perform the following actions to the property as prescribed under Section 77: of the *Community Charter* (the "Remedial Action Requirement"). The scope of the work shall include the following:

- Apply for Demolition Permit for the dwelling within 14 days, and
- Remove all personal contents in and around the dwelling unit within 42 days to an approved location if within City of Kelowna boundary, and
- Remediate the house and temporary structures including construction debris of any hazardous materials with 60 days, and
- Remove all construction debris, house and house foundations, exterior deck(s), swimming pool, asphalt from the tennis court area, retaining wall(s), landscape wall(s), temporary structures, vehicles, equipment and imported material, earthen fills imported into the lot within 120 days, and
- Restoration of the lot, including lot grading and planting of native grass and plants with 180 days.

AND THAT under Section 77 (1) notice of the Remedial Action Requirement be sent to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;

AND THAT the City shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the City with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them;

AND FURTHER THAT if any or all of the actions required in this Resolution are not completed by the corresponding dates set out above, the City may, through its staff, contractors or agents, undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.

Carried

5.2 Infill Design Challenge 2.0

Staff:

- Displayed a PowerPoint presentation summarizing the plan for infill challenge 2.0.
- Commented on the competition and possible implementation.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0751/2021/07/26 THAT Council receives for information the report from the Policy & Planning Department dated July 26, 2021;

AND THAT Council direct staff to proceed with the Infill Challenge Design Competition 2.0 as proposed in the report from the Policy & Planning Department dated July 26, 2021;
AND FURTHER THAT the Financial Plan be amended to include this \$56,000 project with funding of \$20,000 from a CMHC grant, \$16,000 or contributions from community partners, and \$20,000 from the Policy and Planning 2021 operating budget.

Carried

5.3 MRDT Renewal and Tourism Partnership Update

Councillor DeHart declared a conflict of interest because her employer is a stakeholder with Tourism Kelowna and left the meeting at 4:12 p.m.

Staff:

- Displayed a PowerPoint presentation outlining the new five-year agreement.
- Provided an update on the MRDT renewal.
- Responded to questions from Council.

Tourism Kelowna:

- Responded to questions from Council
- Commented on MRDT consultation to date with stakeholders.

Moved By Councillor Given/Seconded By Councillor Sieben

R0752/2021/07/26 THAT Council receives, for information, the report from the Partnership Office dated July 26, 2021 with respect to renewal of the Municipal and Regional District Tax and a five-year Agreement with Tourism Kelowna for the provision of tourism services;

AND THAT Council approves the City entering into a five-year Agreement with Tourism Kelowna for the provision of tourism services, with the option to renew for an additional five-year term, in the form attached as Appendix A to the Report from the Partnership Office, dated July 26, 2021;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Agreement with Tourism Kelowna on behalf of the City of Kelowna.

Carried

Councillor DeHart returned to the meeting at 4:29 p.m.

5.4 2021 BC Active Transportation Infrastructure Grant Application

Staff outlined the grant application for the Casorso 4 ATC and the proposed project scope expansion if successful.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0753/2021/07/26 THAT Council receives, for information, the report from Integrated Transportation dated July 12, 2020 with respect to the 2021 BC Active Transportation Infrastructure Grant Application;

AND THAT Council directs staff to apply for grant funding for the Casorso 4 ATC (Ethel to KLO) through the Active Transportation Infrastructure Grant;

AND THAT the City of Kelowna confirms that the above-mentioned project is construction ready;

AND THAT Council authorizes staff to execute all documents necessary to complete the grant, if successful;

AND THAT, if the grant application is successful, the 2021 Financial Plan be amended to include the receipt of funds;

AND FURTHER THAT the City of Kelowna will be responsible for its share of the eligible costs, ineligible costs, and potential overruns related to the project.

Carried

5.5 Transit Improvement Program - Proposed 2022-2025 budgets

Staff:

- Displayed a PowerPoint presentation outlining the transit expansion initiatives for 2022-2025.
- Informed Council of the new provincial initiative for free transit for children.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0754/2021/07/26 THAT Council receives for information, the report from the Integrated Transportation dated July 26, 2021, with respect to the Transit Improvement Program 3-year expansion initiatives and free transit for youth under 12 initiative;

AND THAT Council approves entering into a Memorandum of Understanding with BC Transit setting out the City's intention to proceed with the service expansions detailed in year-1 (2022/23);

AND THAT the Mayor and City Clerk be authorized to execute the Memorandum of Understanding.

Carried

5.6 Financial Reserves Policy

Staff:

- Displayed a PowerPoint application outlining the Financial Reserves Policy.
- Provided an overview of the objectives of financial reserves.
- Responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0755/2021/07/26 THAT Council receives, for information, the report from Financial Services dated July 26, 2021 regarding Financial Reserves Policy;

AND THAT Council adopts Council Policy No. 384, being Financial Reserves Policy as outlined in the report from the Corporate Financial Planning Manager dated July 26, 2021.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12245 - Amendment No. 14 to the Water Regulation Bylaw No. 10480

Moved By Councillor Stack/Seconded By Councillor DeHart

R0756/2021/07/26 THAT Bylaw No. 12245 be adopted.

Carried

6.2 BL12223 - Amendment No. 4 to the Parks and Public Spaces Bylaw No. 10680

Moved By Councillor Sieben/Seconded By Councillor Stack

R0757/2021/07/26 THAT Bylaw No. 12223 be adopted.

Carried

6.3 BL12243 - Amendment No. 28 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor Stack/Seconded By Councillor Sieben

R0758/2021/07/26 THAT Bylaw No. 12243 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Singh:

- Commended the Property Standards Compliance Team for action on moving properties forward.

8. Termination

This meeting was declared terminated at 4:49 p.m.

Mayor Basran

lb/cm



Deputy City Clerk