



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, February 7, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Deputy Mayor Loyal Wooldridge*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh* and Luke Stack
Members participating Remotely	Councillor Charlie Hodge
Members Absent	Mayor Colin Basran
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 Manager, Jocelyn Black*; Planner Specialist, Wesley Miles*; Planner, Tyler Caswell*; Planner, Kimberly Brunet*; Planner Specialist, Lydia Korolchuk*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Daniel Sturgeon*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Community Energy Specialist, Todd Brunner*; Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Divisional Director, Partnership & Investments, Derek Edstrom*; Real Estate Department Manager, Johannes Saufferer*; Property Management Manager, JoAnne Adamson*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guest	Nancy Henderson*, Consultant Urban Matters

(* Denotes partial attendance)

1. Call to Order

Deputy Mayor Wooldridge called the meeting to order at 1:39 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 face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to 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 Given/Seconded By Councillor Singh

R0065/22/02/07 THAT the Minutes of the Regular Meetings of January 24, 2022 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Curtis Rd 841 - A21-0005 - Arthur and Linda Scheffler

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Singh

R0066/22/02/07 THAT Agricultural Land Reserve Application No. A21-0005 for That Part of Lot 11 Shown on Plan B16248 Block 15 Section 3 and 10 Township 23 ODYD Plan 1068, located at 841 Curtis Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

Carried

3.2 Swamp Rd 3850 - A21-0008 - Kevin and Joelle Schmidt, Christine Schmidt

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Stack

R0067/22/02/07 THAT Agricultural Land Reserve Application No. A21-0008 for Lot K District Lot 168 ODYD Plan 1829 Except Plan EPP21089, located at 3850 Swamp Road, Kelowna, BC for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20.1 (2) of the Agricultural Land Commission Act, be supported by Council.

Carried

3.3 Hwy 33 W 260-262 - LUCT20-0013 (BL12272) - My Neighbourhood Restaurant Ltd., Inc. No. BCo775737

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Donn

R0068/22/02/07 THAT Land Use Contract Termination Application No. LUCT20-0013 to terminate LUC76-11 from Lot 2 Section 26 Township 26 ODYD Plan 4338 Except Plan 39372 located at 260-262 Hwy 33 W, Kelowna, BC, be considered by Council;

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

Carried

3.4 Hwy 33 W 260-262 - BL12272 (LUCT20-0013) - My Neighbourhood Restaurant Ltd., Inc. No. BCo775737

Moved By Councillor Donn/Seconded By Councillor Given

R0069/22/02/07 THAT Bylaw No. 12272 be read a first time.

Carried

3.5 Harvey Ave 1574 - LUCT20-0019 (BL12317) - PMC (Harvey) Holdings Corp., Inc. No. BCo783456

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Sieben

R0070/22/02/07 THAT Land Use Contract Termination Application No. LUCT20-0019 to terminate LUC78-1021 from Lot 3 Section 20 Township 26 ODYD Plan 32159 located at 1574 Harvey Avenue, Kelowna, BC, be considered by Council;

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

AND FURTHER THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard.

Carried

3.6 Harvey Ave 1574 - BL12317 (LUCT20-0019) - PMC (Harvey) Holdings Corp., Inc. No. BCo783456

Moved By Councillor Donn/Seconded By Councillor Given

R0071/22/02/07 THAT Bylaw No. 12317 be read a first time.

Carried

3.7 Ambrosi Rd 1820 - Z21-0093 (BL12322) - True North Endeavours Inc., Inc. No. BCo792133

Staff:

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

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0072/22/02/07 THAT Rezoning Application No. Z21-0093 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Block 1, District Lot 129, ODYD, Plan 5109, located at 1820 Ambrosi Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone, be considered by Council;

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 7, 2022;

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

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

3.8 Findlay Rd 1225 - Z21-0088 (BL12323) - Findlay Development Inc, Inc No BC1302254

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

R0073/22/02/07 THAT Rezoning Application No. Z21-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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 7, 2022;

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

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

3.9 Knowles Rd 549 - Z21-0104 (BL12324) - Neil Jason Roe and Lynsay Clare Roe

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Donn

R0074/22/02/07 THAT Rezoning Application No. Z21-0104 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 167, ODYD, Plan 7438, located at 549 Knowles Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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 7, 2022;

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

3.10 Rutland Rd 155 -179 - TA21-0017 (BL12325) - ASI CENTRAL GP INC., INC.NO. A0117887

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Singh

R0075/22/02/07 THAT Zoning Bylaw Text Amendment Application No. TA21-0017 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated February 7, 2022 for Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 located at 155, 165, 175-179 and 179 Rutland Rd N be considered by Council;

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

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

Carried

3.11 Rutland Rd 155 -179 - BL12325 (TA21-0017) - ASI CENTRAL GP INC., INC.NO. A0117887

Moved By Councillor Donn/Seconded By Councillor Singh

R0076/22/02/07 THAT Bylaw No. 12325 be read a first time.

Carried

3.12 St Paul St 1310 - Z21-0062 (BL12326) - Vibona Enterprises Ltd. Inc. No BC0458875

Deputy Mayor Wooldridge declared a conflict of interest as he owns property in the area and departed the meeting at 2:14 p.m.

Councillor DeHart assumed the role of Deputy Mayor at 2:14 p.m.

Staff:

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

Councillor Singh departed the meeting at 2:16 p.m.

Moved By Councillor Hodge/Seconded By Councillor Donn

R0077/22/02/07 THAT Rezoning Application No. Z21-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 ODYD Plan 645, located at 1310 St Paul Street, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business 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 outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 7, 2022;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the Provincial 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 store 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 the compliance with local regulations and policies.

Carried

3.13 St Paul St 1310 - BL12326 (Z21-0062) - Vibona Enterprises Ltd. Inc. No BCo458875

Moved By Councillor Donn/Seconded By Councillor Singh

R0078/22/02/07 THAT Bylaw No. 12326 be read a first time.

Carried

Councillor Wooldridge returned to the meeting at 2:20 p.m. and resumed the role of Deputy Mayor.

3.14 Supplemental Report - Sumac Rd E 330 - Z21-0103 (BL12319) - Amabell Altes Aguilar and Noel Tecson Aguilar

Moved By Councillor Stack/Seconded By Councillor Given

R0079/22/02/07 THAT Council receives, for information, the report from the Office of the City Clerk dated February 7, 2022 with respect to Zoning Bylaw No. 12319;

AND THAT Rezoning Bylaw No. 12319 be forwarded for further reading consideration.

Carried

3.15 Sumac Rd E - BL12319 (Z21-0103) - Amabell Altes Aguilar and Noelle Tecson Aguilar

Moved By Councillor Donn/Seconded By Councillor Given

R0080/22/02/07 THAT Bylaw No. 12319 be read a first, second and third time and be adopted.

Carried

3.16 McCurdy Rd 335 - Z20-0053 (BL12117) - Rescindment of Bylaw Readings

Moved By Councillor Donn/Seconded By Councillor Given

R0081/22/02/07 THAT Council receives, for information, the Report from the Development Planning Department dated February 7, 2021 with respect to Rezoning Application No. Z20-0053 for the property located at 335 McCurdy Rd.

AND THAT Bylaw No. 12117 be forwarded for rescindment consideration and the file be closed.

Carried

3.17 Elliot Ave 535 - Z20-0033 (BL12121) - Bylaw Extension Request

Moved By Councillor Given/Seconded By Councillor Donn

R0082/22/02/07 THAT in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of Rezoning Bylaw No. 12121, be extended from January 12, 2022 to January 12, 2023.

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

Carried

3.18 Dougall Rd S 165 - DP21-0139 - Forever Destiny Homes Ltd., Inc. No. 0903896

Staff:

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

Moved By Councillor Given/Seconded By Councillor Donn

R0083/22/02/07 THAT Council authorizes the issuance of Development Permit No. DP21-0139 for Lot 11 Block B Section 23 Township 26 Osoyoos Division Yale District Plan 4740, located at 165 Dougall Road South, 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;
5. Payment-in-lieu of parking be provided for two (2) stalls according to Schedule "A" of Bylaw No. 8125;

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

Carried

Councillor Sieben - Opposed

4. Bylaws for Adoption (Development Related)

4.1 Fordham Rd 4617 - BL12138 (Z21-0013) - James Emil Sharko and Maureen Anne Atrens-Sharko

Moved By Councillor Stack/Seconded By Councillor DeHart

R0084/22/02/07 THAT Bylaw No. 12138 be adopted.

Carried

4.2 Clifton Rd 424 - BL12294 (Z21-0073) - Green Scape Holdings Ltd., Inc. No. BC1263511

Moved By Councillor DeHart/Seconded By Councillor Stack

R0085/22/02/07 THAT Bylaw No. 12294 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Regional Housing Strategy – Project Update and Delegation

Staff:

- Introduced the Regional Housing Strategy and Consultant Nancy Henderson, Urban Matters.

Nancy Henderson, Consultant, Urban Matters

- Displayed a PowerPoint Presentation summarizing the Regional Housing Strategy and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R0086/22/02/07 THAT Council receives for information the report from the Planner Specialist, dated February 7, 2022 regarding the Regional Housing Strategy.

Carried

5.2 Electric Vehicle Readiness Requirements

Staff:

- Introduced the new Energy Specialist Todd Brunner who displayed a PowerPoint Presentation summarizing the Electric Vehicle readiness requirements for all new residential developments in the City of Kelowna and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

R0087/22/02/07 THAT Council receives, for information, the report from the Policy & Planning Department, with respect to electric vehicle (EV) readiness requirements for all new residential developments

AND THAT Council directs staff to include the following EV readiness requirements as part of forthcoming Kelowna Zoning Bylaw updates:

- All new residential developments have a minimum of 1 energized electric vehicle outlet per dwelling unit (capable of providing Level 2 charging)

AND FURTHER THAT Council directs staff to investigate EV charging infrastructure requirements for new institutional, commercial, industrial, and service station developments, and report back with recommendations for these categories.

Carried

5.3 Kelowna International Airport 2022 Financial Plan Amendment

Staff:

- Displayed a PowerPoint Presentation outlining the proposed amendment to the Kelowna International Airport 2022 Finance Plan.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0088/22/02/07 THAT Council receives for information the report from Kelowna International Airport dated February 7, 2022, with respect to the amendment of Kelowna International Airport's 2022 Financial Plan;

AND THAT the 2022 Financial Plan be amended to include all costs and proceeds as outlined in the report from Kelowna International Airport dated February 7, 2022;

AND FURTHER THAT the Airport Director be authorized to execute all documents necessary to enter into agreements for the grants as outlined in the report from Kelowna International Airport dated February 7, 2022.

Carried

5.4 Management and Operations of Municipal Boating Facilities

Staff:

- Displayed a PowerPoint Presentation providing an update on the management and operations of Municipal boating facilities and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0089/22/02/07 THAT Council receives, for information, the report regarding the Management and Operations of Municipal Boating Facilities from the Real Estate department dated February 7, 2022.

Carried

5.5 Road Closure adjacent to Hwy 97

Moved By Councillor Donn/Seconded By Councillor Stack

R0090/22/02/07 THAT Council receives, for information, the report from the Real Estate department dated February 7, 2022, recommending that Council adopt the proposed closure of a portion of road south of Lot 1 Plan KAP84828;

AND THAT Bylaw No. 12299, being a proposed road closure of a portion of road south of Lot 1 Plan KAP84828, be given reading consideration.

Carried

5.6 Road Closure - Portion of Land Adjacent to Hwy 97 N

Moved By Councillor DeHart/Seconded By Councillor Stack

R0091/22/02/07 THAT Bylaw No. 12299 be read a first, second and third time.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12305 - Amendment No. 38 to Sewer System User Bylaw No. 3480

Moved By Councillor DeHart/Seconded By Councillor Stack

R0092/22/02/07 THAT Bylaw No. 12305 be adopted.

Carried

6.2 BL12316 - Septic Removal Specified Area Reserve Fund

Moved By Councillor Stack/Seconded By Councillor DeHart

R0093/22/02/07 THAT Bylaw No. 12316 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Hodge:

- Spoke to their attendance at a Downtown Kelowna Association meeting held last week.

Councillor Donn:

- Made comment on the Safe Schools Committee re-branding of RCMP School Liaison officers to Youth Community Officers who are able to work with students in and out of school.

Deputy Mayor Wooldridge:

- Made comments on February being Black History Month and spoke to efforts of the Kelowna Public Library to provide on-line resources.
- Reminder of the Public Hearing on February 8th at 6:00 p.m.

8. Termination

This meeting was declared terminated at 4:13 p.m.

Deputy Mayor Wooldridge

/acm

City Clerk