

City of Kelowna Regular Council Meeting Minutes

Date:	Monday, October 3, 2022
Time:	1:30 pm
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge*, Mohini Singh, Brad Sieben, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist*; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Planner, Sara Skabowski*; Planner II, Trisa Atwood*; Planner II, Mark Tanner*; Divisional Director, Partnership & Investments, Derek Edstrom*; Park & Landscape Planner, Melanie Steppuhn*; Park & Landscape Planner, Cadre Simpson*
Staff participating Remotely	Senior Airport Finance & Corporate Services Manager, Shayne Dyrdal*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

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

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 Wooldridge

R0724/2022/10/04 THAT the Minutes of the Regular Meetings of Sept 20, 2022 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Supplemental Report – Site Specific Text Amendment Reading Consideration

Moved By Councillor Stack/Seconded By Councillor Sieben

R0725/2022/10/04 THAT Council receives, for information, the Supplemental Report from the Office of the City Clerk dated October 3, 2022 regarding a Zoning Bylaw Text Amendment Bylaw that requires reading consideration;

AND THAT the Zoning Bylaw Text Amendment Application TA22-0003, located at 2605 O'Reilly Road, Kelowna BC, be forwarded to a Public Hearing for further consideration.

Carried

3.2 O'Reilly Rd 2605 - BL12434 (TA22-0003) - William and Maria Kitsch

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0726/2022/10/04 THAT Bylaw No. 12434 be read a first time.

Carried

3.3 Raymer Rd 705 - Z22-0046 (BL12429) - Empirical Homes Ltd., Inc.No. BC1244290

Staff displayed a PowerPoint presentation outlining the application.

Moved By Councillor Sieben/Seconded By Councillor Given

R0727/2022/10/04 THAT Rezoning Application No. Z22-0046 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 2 District Lot 358 ODYD PLAN EPP74249, located at 705 Raymer Rd, Kelowna, BC from the RU1c – Large Lot Housing with Carriage House zone to the RU4 – Duplex Housing zone, be considered by Council.

Carried

3.4 Gordon Dr 1603-1615 - Z22-0020 (BL12430) - PC Urban (1605 Gordon Drive) Holdings Corp., Inc.No. BC1316531

Councillor Hodge declared a conflict as he lives in the notification area and left the meeting at 1:40 p.m.

Staff displayed a PowerPoint presentation outlining the application.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0728/2022/10/04 THAT Rezoning Application No. Z22-0020 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 DL 137 ODYD Plan 8837 Except Plan H16278, located at 1603 – 1615 Gordon Dr, Kelowna, BC from the CA1 – Core Area Mixed Use zone to the CA1r – Core Area Mixed Use Rental Only 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 Attachment "A" attached to the Report from the Development Planning Department dated October 3, 2022;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a 219 Restrictive Covenant on title ensuring Child Care Centre Use in perpetuity;

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 and Development Variance Permit for the subject property.

Carried

Councillor Hodge returned to the meeting at 1:48 p.m.

3.5 4510 Horak Rd - Z22-0036 (BL12432) - Kevin Gerard Fornwald and Jane Eve Fornwald

Staff displayed a PowerPoint presentation outlining the application.

Moved By Councillor Stack/Seconded By Councillor Given

R0729/2022/10/04 THAT Rezoning Application No. Z22-0036 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT F District Lot 358 ODYD Plan 24838, located at 4510 Horak Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council.

Carried

3.6 McCarthy Rd 9640 - Z22-0038 (BL12433) - Nicola Va (9640 McCarthy) Nominee Inc., Inc.No. BC1333757

Staff displayed a PowerPoint presentation outlining the application.

Moved By Councillor Singh/Seconded By Councillor Stack

R0730/2022/10/04 THAT Rezoning Application No. Z22-0038 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 Sections 10 and 11 Township 20 ODYD Plan EPP91012, located at 9640 McCarthy Road, Kelowna, BC from the I2 – General Industrial zone and the I3 – Heavy Industrial zone to the I2 – General industrial 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 Attachment "A" attached to the Report from the Development Planning Department dated October 3rd, 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

3.7 Pacific Ave 1144 - Z20-0013 (BL12084) - Rescind Rezoning Bylaw

Moved By Councillor Sieben/Seconded By Councillor Stack

R0731/2022/10/04 THAT Council receives, for information, the Report from the Development Planning Department dated October 3, 2022 with respect to Rezoning Application No. Z20-0013 for the property located at 1144 Pacific Ave.

AND THAT Bylaw No. 12084 be forwarded for rescindment consideration and the file be closed.

Carried

3.8 Pacific Ave 1144 - BL12084 (Z20-0013) - City of Kelowna

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0732/2022/10/04 THAT Bylaw No. 12084 be rescinded at first, second and third reading.

Carried

3.9 Coronation Ave 608 618 624 632 - DP22-0025 - Fifth Avenue Properties

Staff displayed a PowerPoint presentation outlining the application.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0733/2022/10/04 THAT Council authorizes the issuance of Development Permit No. DP22-0025 for Lots 46, 47, 48 & 49, District Lot 139, ODYD, Plan 1037, located at 608, 618, 624 & 632 Coronation Ave, 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 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 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 Amendments Related to Zoning Bylaw No. 12375

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.1 BL12353 - Amendment No. 15 to Building Bylaw No. 7245

R0734/2022/10/04 THAT Bylaw No. 12353 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.2 BL12354 - Amendment No. 7 to Animal and Poultry Regulation Bylaw No. 5421

R0735/2022/10/04 THAT Bylaw No. 12354 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.3 BL12355 - Amendment No. 19 to Business Licence Bylaw No. 7878

Moved By Councillor Hodge/Seconded By Councillor Singh

R0736/2022/10/04 THAT Bylaw No. 12355 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

**4.1.4 BL12356 - Amendment No. 22 to Subdivision, Development & Servicing
Bylaw No. 7900**

R0737/2022/10/04 THAT Bylaw No. 12356 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.5 BL12357 - Amendment No. 2 to Sign Bylaw No. 11530

R0738/2022/10/04 THAT Bylaw No. 12357 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.6 BL12358 - Amendment No. 4 to Building Numbering Bylaw No. 7071

R0739/2022/10/04 THAT Bylaw No. 12358 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

**4.1.7 BL12359 - Amendment No. 10 to Revitalization Tax Exemption Bylaw No.
9561**

R0740/2022/10/04 THAT Bylaw No. 12359 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

4.1.8 BL12360 - Amendment No. 2 to Good Neighbour Bylaw No. 11500

R0741/2022/10/04 THAT Bylaw No. 12360 be adopted.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

**4.1.9 BL12361 - Amendment No. 3 to Soil Removal and Deposit Regulation Bylaw
No. 9612**

R0742/2022/10/04 THAT Bylaw No. 12361 be adopted.

Carried

4.1.10 BL12363 - Amendment No. 1 to Short Term Rental and Accommodation Business Licence and Regulation Bylaw No. 11720

Moved By Councillor Hodge/Seconded By Councillor Singh

R0743/2022/10/04 THAT Bylaw No. 12363 be adopted.

Carried

4.1.11 BL12364 - Amendment No. 42 to Traffic Bylaw No. 8120

Moved By Councillor Hodge/Seconded By Councillor Singh

R0744/2022/10/04 THAT Bylaw No. 12364 be adopted.

Carried

4.1.12 BL12365 - Amendment No. 3 to Payment in Lieu Bylaw No. 8125

Moved By Councillor Hodge/Seconded By Councillor Singh

R0745/2022/10/04 THAT Bylaw No. 12365 be adopted.

Carried

4.1.13 BL12368 - Amendment No. 13 to Development Application Fees Bylaw No. 10560

Moved By Councillor Hodge/Seconded By Councillor Singh

R0746/2022/10/04 THAT Bylaw No. 12368 be adopted.

Carried

4.1.14 BL12369 - Amendment No. 32 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor Hodge/Seconded By Councillor Singh

R0747/2022/10/04 THAT Bylaw No. 12369 be adopted.

Carried

4.2 Development Cost Charge Bylaw Adoption - Informational Report

Moved By Councillor Given/Seconded By Councillor Donn

R0748/2022/10/04 THAT Council receives, for information, the report dated October 3, 2022 pertaining to the adoption of Kelowna Development Cost Charge Reserve Reduction Bylaw No. 12419 and Kelowna Development Cost Charge Bylaw No. 12420;

AND THAT Development Cost Charge Reserve Reduction Bylaw No. 12419 and Development Cost Charge Bylaw No. 12420 be forwarded for adoption consideration

Carried

4.3 BL12419 - Development Cost Charge Reserve Reduction Bylaw

Moved By Councillor Donn/Seconded By Councillor Sieben

R0749/2022/10/04 THAT Bylaw No. 12419 be adopted.

Carried

4.4 BL12420 - Development Cost Charge Bylaw 2022

Moved By Councillor Donn/Seconded By Councillor Sieben

R0750/2022/10/04 THAT Bylaw No. 12420 be adopted.

Carried
Councillor Singh - Opposed

5. Non-Development Reports & Related Bylaws

5.1 Mission Recreation Park Master Plan 2022 Update

Staff displayed a PowerPoint presentation providing an update to the Park Master Plan and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0751/2022/10/04 THAT Council receive, for information, this report from Parks and Building Planning, dated October 3, 2022, in consideration of the Mission Recreation Park Master Plan update.

Carried

5.2 Uptown Rutland Business Association Mural Festival - Funding Request

Staff provided a summary of the request and staff recommendation.

Moved By Councillor Sieben/Seconded By Councillor Donn

R0752/2022/10/04 THAT Council received for information the Report from Parks & Building Planning, Dated October 3rd, 2022, regarding funding for the Uptown Rutland Business Association Mural Festival.

AND THAT the 2022 Financial Plan be amended to include \$20,000 to support the 2022 Uptown Rutland Business Association Murals Festival with funding from the Public Art Reserve.

Carried

5.3 Kelowna International Airport Lease - PJS Real Estate Holdings Ltd

Staff participated remotely and shared a PowerPoint presentation summarizing the lease terms.

Moved By Councillor Donn/Seconded By Councillor Sieben

R0753/2022/10/04 THAT Council receives for information the report from Kelowna International Airport and Real Estate dated October 3, 2022, with respect to the lease with PJS Real Estate Holdings Ltd.

Carried

5.4 Kelowna International Airport Sublease - Northland Properties Corporation

Councillor Sieben declared a conflict of interest as the company he works for is the new insurer of record for Northland Properties Corporation and left the meeting at 2:57 p.m.

Staff participated remotely and shared a PowerPoint presentation summarizing the lease terms and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R0754/2022/10/04 THAT Council receives for information the report from Kelowna International Airport and Real Estate dated October 3, 2022, with respect to the sublease with Northland Properties Corporation.

Carried

Councillor Sieben returned to the meeting at 3:04 p.m.

5.5 2022 Financial Plan Amendment - Childcare Grant

Staff participated remotely and confirmed an increase to the grant from the Province necessitated the financial plan amendment.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0755/2022/10/04 THAT Council receives for information the report from Kelowna International Airport dated October 3, 2022, with respect to the amendment of the City of Kelowna 2022 Financial Plan;

AND THAT the 2022 Financial Plan be amended to include \$776,100 in grant revenues and \$776,100 in capital costs associated with the Childcare Grant as outlined in the report from Kelowna International Airport dated October 3, 2022;

AND FURTHER THAT the Airport Director be authorized to execute all documents necessary to enter into agreement for the Childcare Grant as outlined in the report from Kelowna International Airport dated October 3, 2022.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12025 - Amendment No. 2 to the Tree Protection Bylaw No. 8041

Moved By Councillor Stack/Seconded By Councillor Donn

R0756/2022/10/04 THAT Bylaw No. 12025 be adopted.

Carried

6.2 BL12408 - 2023 Permissive Tax Exemption Bylaw

Moved By Councillor Donn/Seconded By Councillor Stack

R0757/2022/10/04 THAT Bylaw No. 12408 be adopted.

Carried

6.3 BL12423 - Amendment No. 1 to the Development Applications and Heritage Procedures Bylaw No. 12310

Moved By Councillor Sieben/Seconded By Councillor Stack

R0758/2022/10/04 THAT Bylaw No. 12423 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Hodge:

- Spoke to the need to review parking on the section of Sutherland Avenue between Pandosy and Richter as it is a very busy section of road.

Mayor Basran:

-Announced Minister of Transportation Fleming confirmed 50% funding for the Highway 33 extension study to be undertaken by the City, who will fund the remaining 50%.

City Manager:


-Provided comments on behalf of administration regarding the concluding Council term.

Members of Council each provided comments on the concluding Council term of office.

8. Termination

This meeting was declared terminated at 3:54 pm.

Mayor Basran
/cm



City Clerk