

Regular Meeting – P.M.

January 15, 2001

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, January 15, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi\*; Current Planning Manager, A.V. Bruce\*; Inspection Services Manager, K. Skinner\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; Environmental Manager, M. Watt\*; Cultural Services Manager, I. Forsyth\*; Recreation Manager, R. Oddleifson\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Mark Flett, Film Commissioner re: Update on Activities of the Film Commission and the Film Industry in the Valley

Mark Flett, Film Commissioner:

- The level of interest for producing films and commercials in the Valley is rising.
- Spin-offs spread money throughout the Valley and the show casing helps promote tourism.

4. PLANNING

4.1 Planning & Development Services Department, dated January 4, 2001 re: Rezoning Application No. Z00-1054 – Peter Werstuik – 3560 Casorso Road (3360-20)

Staff:

- The rezoning is requested to facilitate conversion of the existing garage into a secondary suite and construction of a new garage in the rear yard.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R23/01/01/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, District Lot 134, ODYD, Plan 20399, located on Casorso Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

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- 4.2 Planning & Development Services Department, dated January 5, 2001 re: Rezoning Application No. Z00-1060 – Barbara Larson and Kamel Abougoush – 4195 Wallace Hill Road (3360-20)

Staff:

- The rezoning is requested to accommodate a secondary suite in a building addition currently under construction.
- A variance would be required to allow the suite to be slightly larger than what is permitted for secondary suites.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R24/01/01/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 3, Twp. 26, O.D.Y.D., Plan 12667, located at 4195 Wallace Hill Road, Kelowna, B.C., from the A1-Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

Carried

- 4.3 Planning & Development Services Department, dated January 11, 2001 re: Council Policy No. 236 and Proposed Council Policy No. 290 – Development Application Sunset Policy and Lapsed Development Permit Policy (0550-06)

Staff:

- The proposed amendment to Council Policy 236 clarifies that the permit is for a period of 1 year *from date of issuance* and that zoning and OCP amending bylaws are to be finally considered by Council within 1 year of the date of *third reading*.
- Council Policy 290 was drafted at the request of Council in order to ensure the public has an opportunity to comment on a Development Permit that comes forward after rezoning and the proposal is different than what was initially presented at time of rezoning.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R25/01/01/15** THAT Council Policy No. 236 (Sunset Policy for Development and Development Variance Permit Applications, Rezoning and OCP Amendment Bylaws) be revised as indicated on Schedule "A" attached to the Planning Department's report dated January 8, 2001.

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Moved by Councillor Shepherd/Seconded by Councillor Blangleil

**R26/01/01/15** THAT proposed Council Policy No. 290 (Lapsed Development Permits) be approved as indicated on Schedule "B" attached to the Planning Department's report dated January 8, 2001, with the following amendments:

- Under No. 1(b) in the first bullet, change the number of days from 7 to 10 days;
- Under No. 1(b), in the fourth bullet, add the word "any" as the second word and at the end of that sentence, add "...reminding the property owners that they have the option of phoning in their comments to City Hall."
- Revise No. 2 on page 2 of the policy by deleting "Where a property owner who has been canvassed by an applicant refuses to provide written comments," so that the sentence begins with "The applicant must provide proof..."

Carried

Councillor Cannan opposed.

## 5. REPORTS

5.1 Inspection Services Manager, dated January 2, 2001 re: Filing a Notice Against 2498 Dubbin Road (3220-20)

Staff:

- Filing a Notice on title informs potential future owners of the property that alterations and renovations to the dwelling have taken place without permits and inspections.
- The owner will be ordered by the Court to apply for and obtain a permit to ensure that the construction conforms to the Building Code.

Mayor Gray invited the property owner to address Council. There was no response.

Council:

- All legal fees and the costs of registering the notice on title to be borne by the owner.

Moved by Councillor Nelson/Seconded by Councillor Day

**R27/01/01/15** THAT Council authorize the City Clerk to file a Notice in the Land Title Office against Lot A, RP16429, as permitted by Section 700(1)(b) of the *Local Government Act*, regarding the alterations and renovations, to the residential dwelling, that have taken place without the required permits and inspections;

The Notice filed stating that:

1. a resolution relating to Lot A, RP16429 has been made under Section 700(1)(b) of the *Local Government Act*, and
2. further information respecting the resolution may be inspected at the office of the Municipality;

AND THAT the owner be responsible for the costs involved.

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- 5.2 Cultural Services Manager, dated January 10, 2001 re: Festival Fund Grants (1853-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R28/01/01/15** THAT Council approve a Festival Fund Grant of \$29,000 with funding allocated from the existing 2001 budget to The Sunshine Theatre Society for The 1<sup>st</sup> Annual International Kelowna Comedy Festival.

Carried

- 5.3 Environment Manager, dated January 10, 2001 re: The Okanagan Valley Wood Stove Exchange Program (5280-02)

Staff:

- This is a Valley-wide partnership initiative.
- The program will offer cash rebates as incentives for homeowners to trade in uncertified, inefficient burning wood stoves and replace them with new clean burning appliances that are certified.
- The old stoves would be recycled and not resold and that would be a condition of receiving the cash rebate.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R29/01/01/15** THAT the report on "The Okanagan Valley Wood Stove Exchange Program" be received for Council's information.

AND THAT the "Okanagan Valley Wood Stove Exchange Program" be endorsed by Council.

Carried

- 5.4 Recreation Manager, dated January 9, 2001 re: The "Anita Tozer Memorial Award"

Moved by Councillor Given/Seconded by Councillor Nelson

**R30/01/01/15** THAT City Council approve calling the special award which is normally presented by the Mayor on behalf of Kelowna City Council at the Civic and Community Awards banquet and ceremonies, the "**Anita Tozer Memorial Award**";

AND THAT City Council have the exclusive authority to determine the recipient of this award;

AND FURTHER THAT the basic core criteria for the Anita Tozer Memorial Award be:

- ◆ The Award will be presented in recognition of an extraordinary and positive contribution to the quality of life in Kelowna,
- ◆ The Award may be presented to an individual, a community group or a business,
- ◆ The extraordinary contribution to the City of Kelowna must have;
- ◆ A long term benefit to the citizens of Kelowna,
- ◆ Enhanced the image of the City of Kelowna,
- ◆ A unique impact on the citizens of Kelowna, and
- ◆ Added to the enjoyment of life in Kelowna.

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6. COUNCILLOR ITEMS

(a) Sign Bylaw

Councillor Shepherd reported that she has received a number of complaints about the impact of changes made in the new Sign Bylaw on small businesses. She asked that staff review the effectiveness of the bylaw to see if changes are warranted. Councillor Shepherd suggested that when staff report back on their review of the Sign Bylaw, they also comment on some of the high profile signs, such as the sign for the Christian Church/School on Benvoulin Road, that have turned out to be totally appropriate but that required a variance.

Councillor Blanleil added that he has received several complaints that the reader part of the sign at Parkinson Recreation Centre is too small. He suggested that as a part of the review of the Sign Bylaw, staff also consider the size restrictions on this type of signage.

(b) Expo Building

Councillor Shepherd commented that the public has been asking her why the City is not doing anything about the Expo building site. Council agreed that the concerns that the premises were unsightly have been dealt with to the extent possible. The building has been painted and the site cleared of weeds.

(c) Debris Along Portion of Mill Creek

Councillor Cannan commented that there is garbage and other debris, including needles, along the portion of Mill Creek between the bridge and Abbott Street. Staff to investigate.

(d) Density Gradient Methodology for Development Cost Charges

Councillor Cannan noted that there have been several letters from the development community regarding the density gradient issue and requested an update from staff.

Councillor Day advised that there was a presentation to the Town Centres Committee on this issue and that the development community basically agrees with the overall process but does not want single family residential to subsidize high density development.

The City Manager advised that staff will be reporting back to Council on this issue in the Spring.

7. TERMINATION

The meeting was declared terminated at 3:46 p.m.

Certified Correct:

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Mayor

BLH/bn

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City Clerk