

Regular Meeting – P.M.May 15, 2006

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, May 15, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson and M.J. Rule.

Council members absent: Councillor N.J. Letnick.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Director of Financial Services, P.A. Macklem\*; Revenue Manager, G. Davidson\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Planner, N. Wight\*; Manager of Policy Research and Strategic Planning, S.K. Bagh\*; Planner Specialist, K. Henney\*; Manager of Community Development & Real Estate, D.L. Shipclark\*; Community Planning Manager, T. Eichler\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Councillor Gran, Chair, Permissive Tax Exemption Task Force, dated May 10, 2006 re: Report of the Permissive Tax Exemption Task Force (1970-50)

Councillor Gran, Chair, Permissive Tax Exemption Task Force:

- Acknowledged the members of the Task Force, all of whom were present in the gallery, and advised that the Task Force has completed its mandate.
- The Task Force's concern was fairness and a level playing field for everyone (taxpayers and the recipients of the tax exemptions). The mandated exemptions for churches equate to almost \$2 million. The discretionary exemptions granted by the City of Kelowna equate to almost \$1 million. The criteria changes are intended to clarify the process for who qualifies for permissive tax exemptions.

Shelley Cook, Executive Director of the John Howard Society/Howard Fry Housing Society and member of the Task Force:

- Expanded on how the Task Force approached its task, agreeing that at the end of the day the process was fair and equitable.

Dr. Alan Jenks, Chamber of Commerce Director and member of the Task Force:

- Each member of the Task Force was unbelievably committed to the task and did their best.
- All six Task Force members feel they have come to the best solution to the problem of permissive tax exemption.

Regular Meeting – P.M.

May 15, 2006

Staff:

- Summarized the criteria for permissive tax exemptions, highlighting the changes that the Task Force is recommending to Council.

Moved by Councillor Gran/Seconded by Councillor Hobson

**R446/06/05/15** THAT Council amend Council Policy #327 (Permissive Tax Exemption Policy), and related application forms, as outlined in the May 10, 2006 report from the Permissive Tax Exemption Task Force;

AND THAT Council adopt the implementation of a 5 year phase-out process for the organizations that are no longer eligible for permissive tax exemption under the amended Council Policy #327 based on a cumulative 20% reduction of the exemption each year, beginning in 2007 until the organization pays 100%, as outlined in the May 10, 2006 report from the Permissive Tax Exemption Task Force.

Carried

- 3.2 Michael Loewen, Chair, Social Planning & Housing Committee, dated May 10, 2006 re: Housing Policy Recommendations to City Council (0540-20)

Michael Loewen, Chair, Social Planning & Housing Committee

- Acknowledged the members of the committee.
- Outlined the options that the Affordable & Special Needs Housing Task Force intends to explore together with the Social Planning & Housing Committee in responding to Council's direction from last Fall to look at means to augment the supply of affordable housing within the City.

Moved by Councillor Given/Seconded by Councillor Gran

**R447/06/05/15** THAT City's Affordable and Special Needs Housing Task Force be instructed to review all options for achieving a minimum affordable housing target of 300 affordable dwellings per year and report back to Council with a recommended action plan.

Carried

Councillors Blanleil and Clark opposed.

#### 4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Planning & Corporate Services Department, dated May 10, 2006 re: Agricultural Land Reserve Appeal No. A06-0011 – City of Kelowna and 0741926 BC Ltd. (JoAnne Adamson/The Mission Group) – 1595, 1655, 1755 & 1825 Glenmore Road

Moved by Councillor Hobson/Seconded by Councillor Given

**R448/06/05/15** THAT Agricultural Land Reserve Appeal No. A06-0011 for the 35 lots detailed on "Attachment #1, Legal Description of Properties", located on Glenmore Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported in principle by Municipal Council.

Carried

Regular Meeting – P.M.

May 15, 2006

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R449/06/05/15** THAT, if the Agricultural Land Commission approves Agricultural Land Reserve Appeal No. A06-0011, the appeal be brought back for Council to comment on the public interest side of the application with respect to public access around Robert Lake prior to the Approving Officer proceeding with the subdivision application.

Carried

4.2 Rezoning Application No. Z06-0020 – Steve Giesbrecht and James Paterson (Steve Giesbrecht) – 180 & 200 Pearson Road (BL9611)

(a) Planning & Corporate Services report dated May 4, 2006.

Moved by Councillor Day/Seconded by Councillor Blanleil

**R450/06/05/15** THAT Rezoning Application No. Z06-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 26, Township 26, ODYD Plan 19641 and Lot 3, Section 26, Township 26, ODYD Plan 19641, located on Pearson Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the approval of a lot line adjustment between Lots 2 and 3 by the Approving Officer;

AND FURTHER THAT the owner be responsible for all legal and Land Title Office fees and charges resulting from the subdivision (lot line adjustment) associated with this application.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9611 (Z06-0020) - Steve Giesbrecht and James Paterson (Steve Giesbrecht) – 180 & 200 Pearson Road

Moved by Councillor Given/Seconded by Councillor Gran

**R451/06/05/15** THAT Bylaw No. 9611 be read a first time.

Carried

Regular Meeting – P.M.

May 15, 2006

4.3 Planning & Corporate Services Department dated May 11, 2006 re: Demolition Permit - 933 Bernard Avenue (0710-50)

Staff:

- The subject property has limited heritage value but is on the Kelowna Heritage Register. The intent of the register is to identify buildings of heritage interest and act as a flag for City staff to tell the homeowner that there was interest in preserving the building and try to encourage that.
- The applicant wishes to demolish the house, move another home onto the property and build a carriage house in the back.
- The Community Heritage Commission does not support the demolition.
- Staff do not recommend that Council evoke temporary protection of the existing dwelling.

Moved by Councillor Blanleil/Seconded by Councillor Clark

**R452/06/05/15** THAT Council hear from the applicant.

Carried

Gerry Toye, owner/applicant:

- The house he would prefer to move onto the site is slated to be demolished or otherwise removed from its Francis Avenue location by about the middle of June. He would need time to be able to get the house ready and then the mover would have to be available. Alternatively, there is a house on Boyce Crescent that is not as nice but could be made to fit in with the form and character of the neighbourhood.
- Confirmed that his intent is also to build a carriage house on the site. Putting the principal dwelling on a foundation would allow him to build a larger carriage house.
- Responded to questions of Council advising that he purchased the subject property in 1993, would be willing to put a "heritage recognition" plaque on the building if required, and would continue to work with the City to ensure that whatever house is moved onto the property is in keeping with the existing character of that block of Bernard Avenue.

Staff:

- Confirmed that the applicant would have to come back to Council for a development permit for the carriage house.

Moved by Councillor Clark/Seconded by Councillor Blanleil

**R453/06/05/15** THAT Council **not** require Temporary Protection of the subject property;

AND THAT the Director of Planning & Corporate Services be authorized to issue a demolition permit for Lot A, DL 14, ODYD, Plan 39250, located on Bernard Avenue, Kelowna, B.C., subject to the following:

1. The applicant be required obtain a Building Permit for a new house that is deemed by staff to be appropriate for the site, prior to issuance of the demolition permit.

Carried

Mayor Shepherd and Councillors Hobson and Rule opposed.

Regular Meeting – P.M.

May 15, 2006

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9449 (OCP05-0003) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Blanleil

**R454/06/05/15** THAT Bylaw No. 9449 be adopted.

Carried

- 5.2 Bylaw No. 9450 (Z05-0014) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road

Moved by Councillor Blanleil/Seconded by Councillor Day

**R455/06/05/15** THAT Bylaw No. 9450 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Director of Planning & Corporate Services, dated May 9, 2006 re: Public Consultation on Sustainability (6430-05)

Moved by Councillor Hobson/Seconded by Councillor Given

**R456/06/05/15** THAT Council endorse the 4-week regional public consultation on sustainability that starts on May 25, 2006 and culminates in a Citizen's Forum on Sustainability on June 25, 2006.

Carried

Councillors Blanleil and Clark opposed.

7. COUNCILLOR ITEMS

- (a) Crime & Safety Strategic Planning Task Force

Councillor Clark presented the recommendations of the task force. Mayor Shepherd advised that a letter has already been sent to the Attorney General and our MLAs are interested in advocating for the City of Kelowna to be a trial city for community courts.

Moved by Councillor Clark/Seconded by Councillor Gran

**R457/06/05/15** THAT the report from Councillor Barrie Clark, Chair of the Crime and Safety Strategic Planning Task Force, be received.

Carried

Regular Meeting – P.M.

May 15, 2006

(b) Downtown Centre Strategy Task Force

Councillor Day apprised Council of the items the task force will consider at its next meeting on May 18<sup>th</sup>.

(c) UBCM Executive

Councillor Hobson updated Council on recent UBCM executive meetings.

8. TERMINATION

The meeting was declared terminated at 4:23 p.m.

Certified Correct:

---

Mayor

Deputy City Clerk

BLH/am