

City of Kelowna

Regular Council Meeting

AGENDA



Date: January 29, 2013
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

2. Prayer

A Prayer will be offered by Councillor Hobson.

3. Bylaws Considered at Public Hearing

- 3.1 Bylaw No. 10791 (OCP12-0018), Blaskovich and Mair Developments Ltd., (N of Steele Road and 1450 Steele Road) 1 - 2

Requires a majority of all Members of Council (5)

To give Bylaw No. 10791 second and third readings.

- 3.2 Bylaw No. 10792 (Z12-0058), Blaskovich and Mair Developments Ltd., (N of Steele Road and 1450 Steele Road) 3 - 4

To give Bylaw No. 10792 second and third readings.

- 3.3 Bylaw No. 10793 (OCP12-0019), Interval Investment Inc., (E of Steele Road) 5 - 6

Requires a majority of all Members of Council (5)

To give Bylaw No. 10793 second and third readings.

- 3.4 Bylaw No. 10794 (Z12-0057), Interval Investment Inc., (E of Steele Road) 7 - 8

To give Bylaw No. 10794 second and third readings.

4. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

5. Development Permit and Development Variance Permit Reports

5.1 Development Variance Permit DVP11-0110, 1001 Westpoint Drive

9 - 26

The applicant proposes to vary the rear yard setback from 1.5m required to 0.0m proposed and the side yard setback from 1.0m required to 0.6m to accommodate the as-built location of the shade structure.

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

6. Reminders

7. Termination

CITY OF KELOWNA

BYLAW NO. 10791

Official Community Plan Amendment No. OCP12-0018 - Vincent & Pamela Blaskovich and Mair Developments Ltd. (N Of) Steele Road and 1450 Steele Road

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plan KAP92565 and Lot 1, Section 29, Township 29, SDYD, Plan EPP23066, located on Steele Road, Kelowna, B.C., from the S2RES - Single/Two Unit Residential designation, the S2RESH - Single/Two Unit Residential - Hillside designation, the MRC - Multiple Unit Residential - Cluster designation and the PARK - Major Park/Open Space designation to the S2RES - Single/Two Unit Residential designation and the PARK - Major Park/Open Space designation as shown on Map "A" attached to and forming part of this bylaw;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of January, 2013.

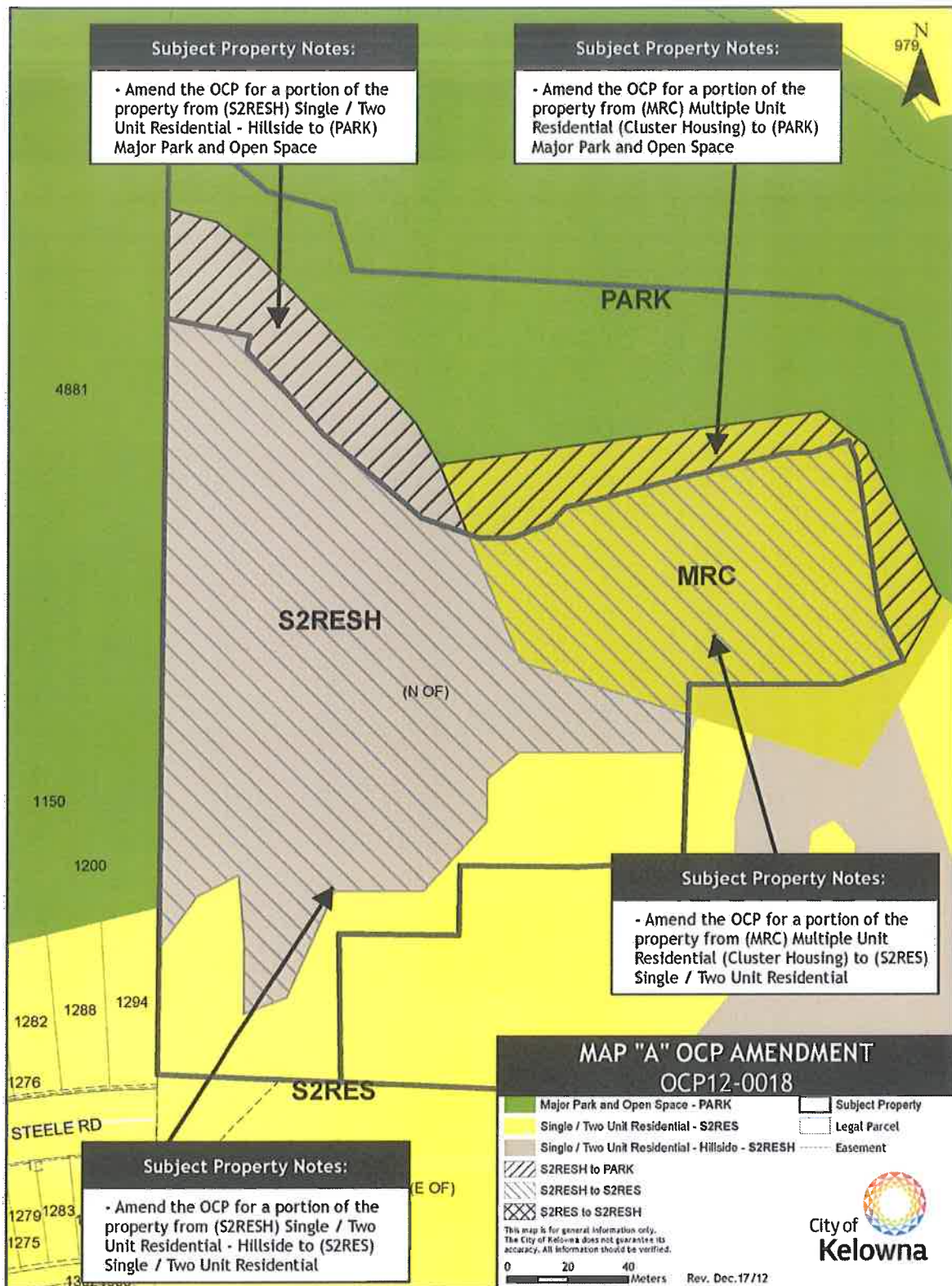
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 10792
Z12-0058 - Vincent & Pamela Blaskovich and Mair
Developments Ltd.
(N Of) Steele Road and 1450 Steele Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 29, Township 29, SDYD, Plan EPP23066, located on Steele Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone and a portion of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plan KAP92565, located on Steele Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 - Parks & Open Space zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of January, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

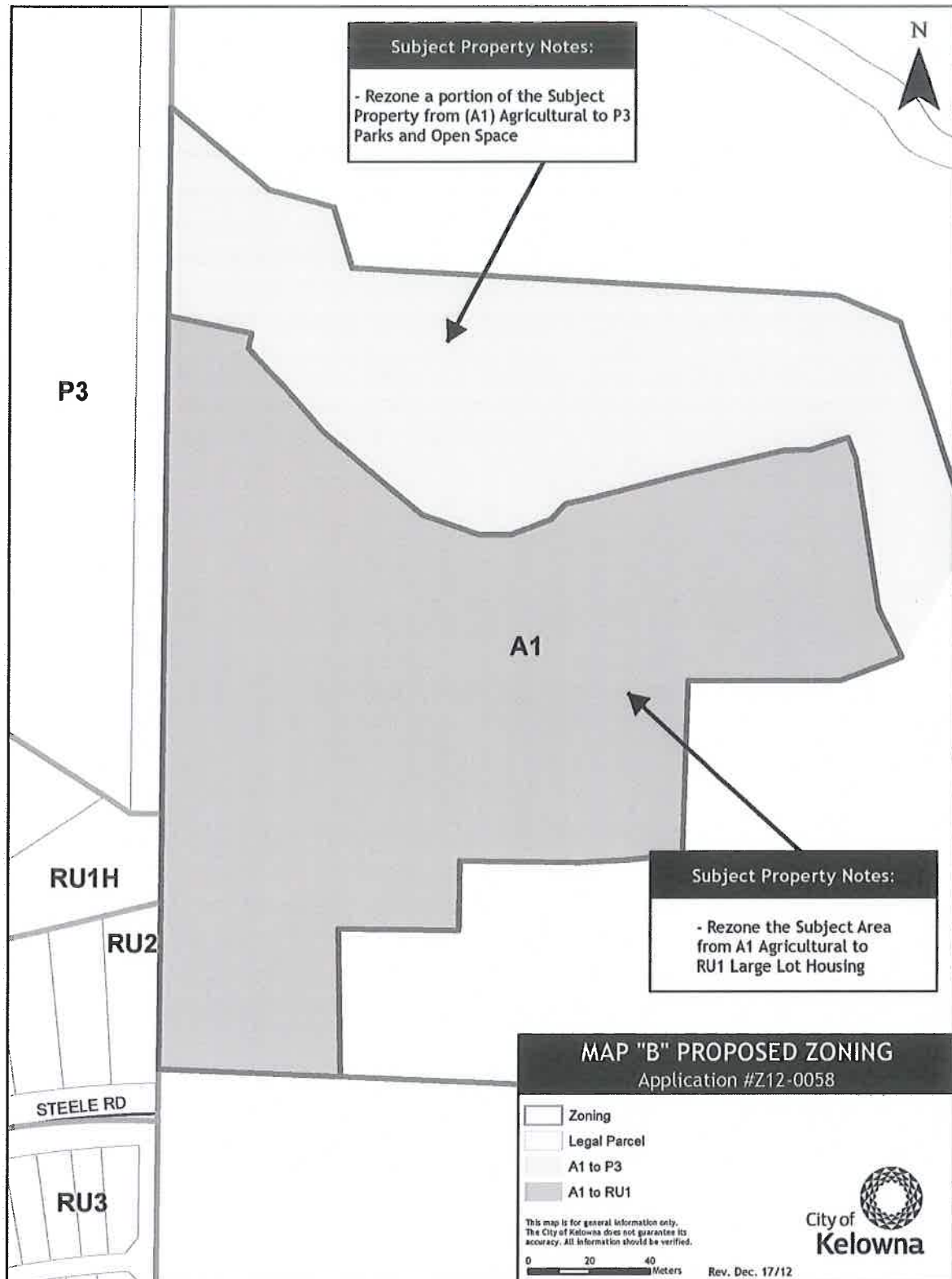
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 10793

Official Community Plan Amendment No. OCP12-0019 - Interval Investment Inc. (E of) Steele Road

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Part 8.1 acres more or less of the South West 1/4, Section 29 shown outlined green on Plan B4787, Township 29, SDYD located on Steele Road, Kelowna, B.C., from the S2RES - Single/Two Unit Residential designation and S2RESH - Single/Two Unit Residential - Hillside designation designation to the S2RES - Single/Two Unit Residential designation, the S2RESH - Single/Two Unit Residential - Hillside designation and the PARK - Major Park and Open Space designation as shown on Map "A" attached to and forming part of this bylaw;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of January, 2013.

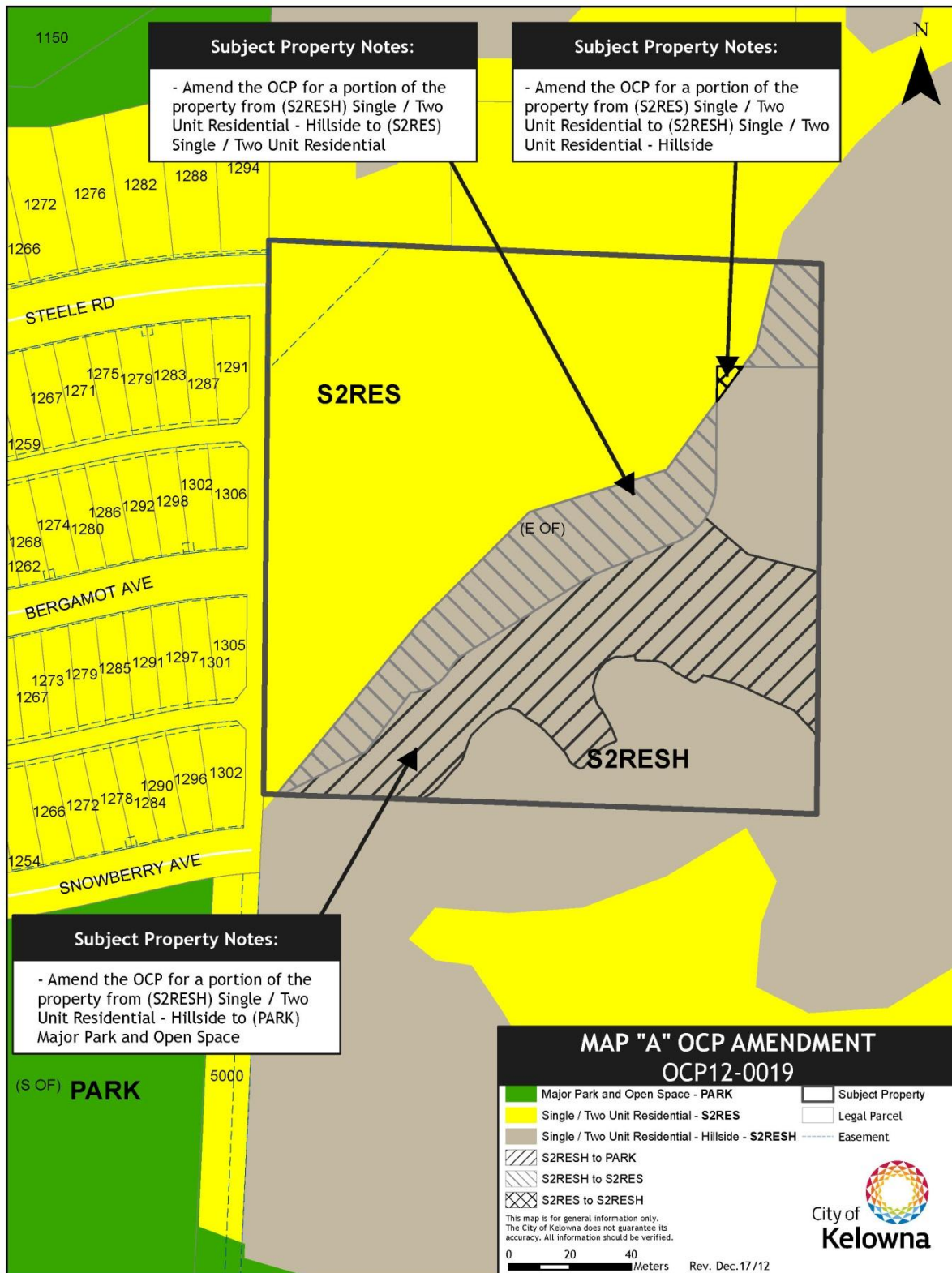
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 10794
Z12-0057 - Interval Investment Inc.
(E of) Steele Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Part 8.1 acres more or less of the South West 1/4, Section 29 shown outlined green on Plan B4787, Township 29, SDYD located on Steele Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU3 - Small Lot Housing zone, the P3 - Parks & Open Space zone and the A1 - Agriculture 1 zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of January, 2013.

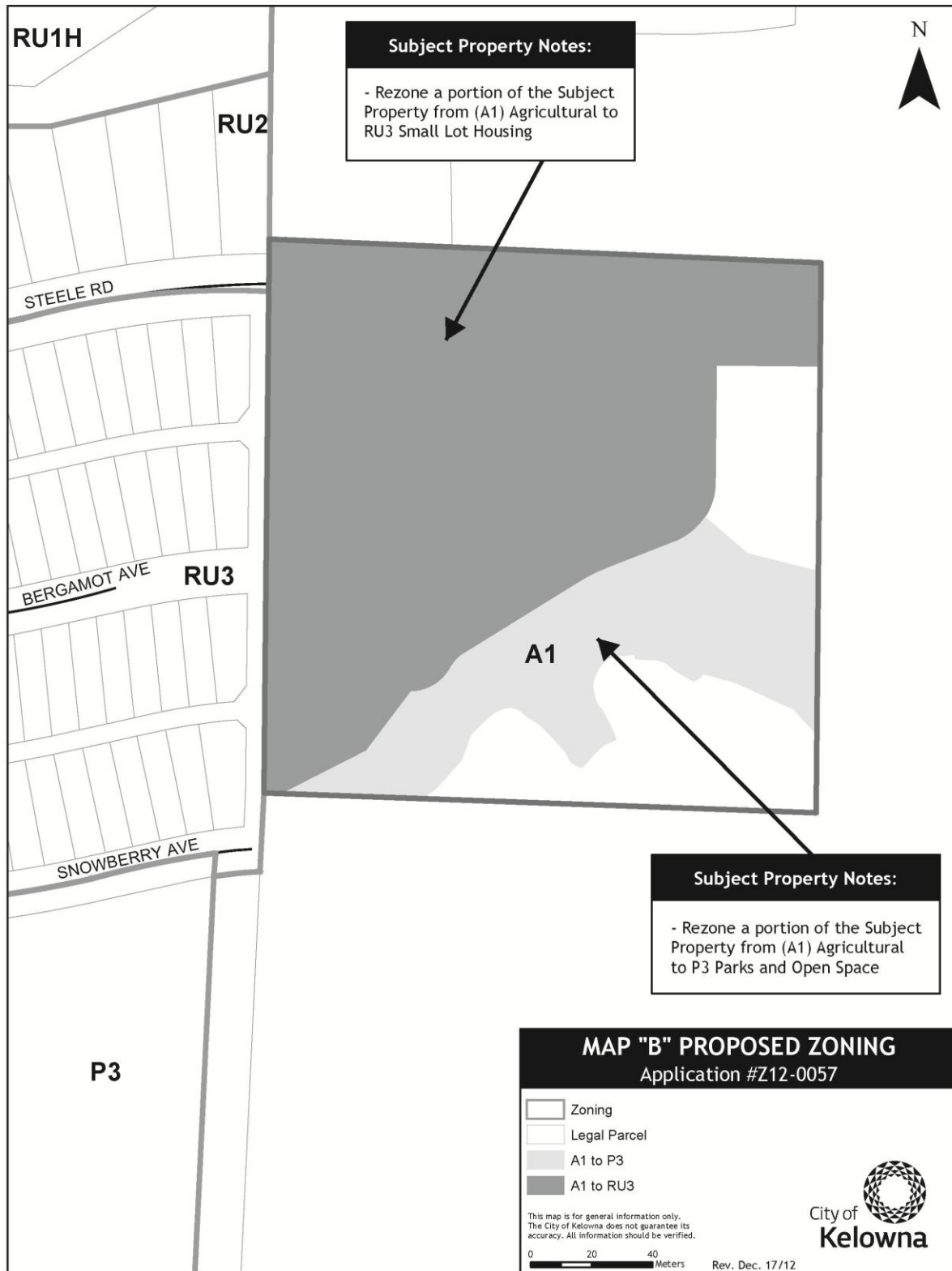
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: January 3, 2013

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

Application: DVP11-0110 **Owner:** Bruce A. & Debra A. Reid

Address: 1001 Westpoint Dr. **Applicant:** Cam Kourany, agent for
Bruce A. & Debra A. Reid

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP11-0110, for Lot 23, Sec. 31, Twp. 29, O.D.Y.D., Plan KAP74540, located on 1001 Westpoint Drive, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.5.8(B): Accessory buildings in residential zones

To vary the south-east side yard for an accessory building from 1.0 m required to 0.6 m proposed.

Section 13.1.6(e): Development Regulations

To vary the rear yard for an accessory building from 1.5 m required to 0.0 m proposed.

2.0 Purpose

The applicant proposes to vary the rear yard setback from 1.5m required to 0.0m proposed and the side yard setback from 1.0m required to 0.6m to accommodate the as-built location of the shade structure.

3.0 Land Use Management

The subject property is located in a neighborhood with a building scheme, where similar outdoor living arrangements have been installed on other lots. Notably, this property is constrained by the steeply sloped park land located to the south-west and slope of the property from the south-east towards the north-west. The designer has located the patio area in the south corner of the property as this location is adjacent to the kitchen and dining area of the dwelling.

The rear yard of the subject property faces south-west to take advantage of the vista overlooking the valley and Okanagan Lake. However, owing to this orientation the rear yard is also exposed

to extreme sunlight and temperatures during the day. The shade structure is a necessary consideration for the use of this space during the summer months. The designer of both the landscape and accessory structures has considered the siting to maximize the functionality while attempting to minimize the potential impact on the neighbouring property. The shade structures as designed are less than the maximum height permitted in the Zoning Bylaw.

Since the time of construction, the owner has been meeting with the affected neighbour in an effort to find a mutually agreeable solution. Recently, a third party has become involved, and an agreement has been reached to reconfigure the “roof” portion of the structure and lower the height of the structure.

4.0 Proposal

4.1 Background/Project Description

The building permit for the principal dwelling located on the subject property was issued in December 2006, and a building permit for the pool was issued in February 2010.

The Objective Statement for the sunshade apparatus provided by the designer stated:

“The objective of the project was to create a structure that would provide intermittent, but effective shading from the hot Okanagan summer sun, as well as to assist in defining particular use areas within the context of the outdoor living space. The shading element was to be achieved by fabricating a sloped, multiple-slatted, non-sheltering, open canopy that incorporated specific architectural features and forms that were congruent with the building language of the existing residence.”

City Staff have been involved with an investigation of structures and fill being placed on City owned park land (Mission Ridge Park) adjacent to the pool area. As well, the neighbour to the south-east of the subject property has voiced concern over the location and height of a shade structure and the corresponding impact on his view. During this investigation, it was also discovered that the location of the accessory shade structure (constructed as part of the pool installation), does not conform to the siting requirements of the Zoning Bylaw. The structure as installed has a building height of 4.2 m, measured to the mid-point between the eaveline and ridge, which is under the allowable maximum building height of 4.5m. The floor level of the patio at this location is approximately 1.2m lower than the neighbouring property to the south-east. There is a building scheme registered on title of the subject property, which requires any building plans to be submitted and approved prior to construction commencing. However, the City of Kelowna is not required to enforce this building scheme.

The intervening time has been used to come to an arrangement with the impacted neighbour. Recently, a third party has become involved in the dispute, and has been able to negotiate an agreement to provide support for the siting variance, subject to the roofline of the accessory building being modified to lower the building height and reduce the impact on the associated view of the lake and valley.

4.2 Site Context

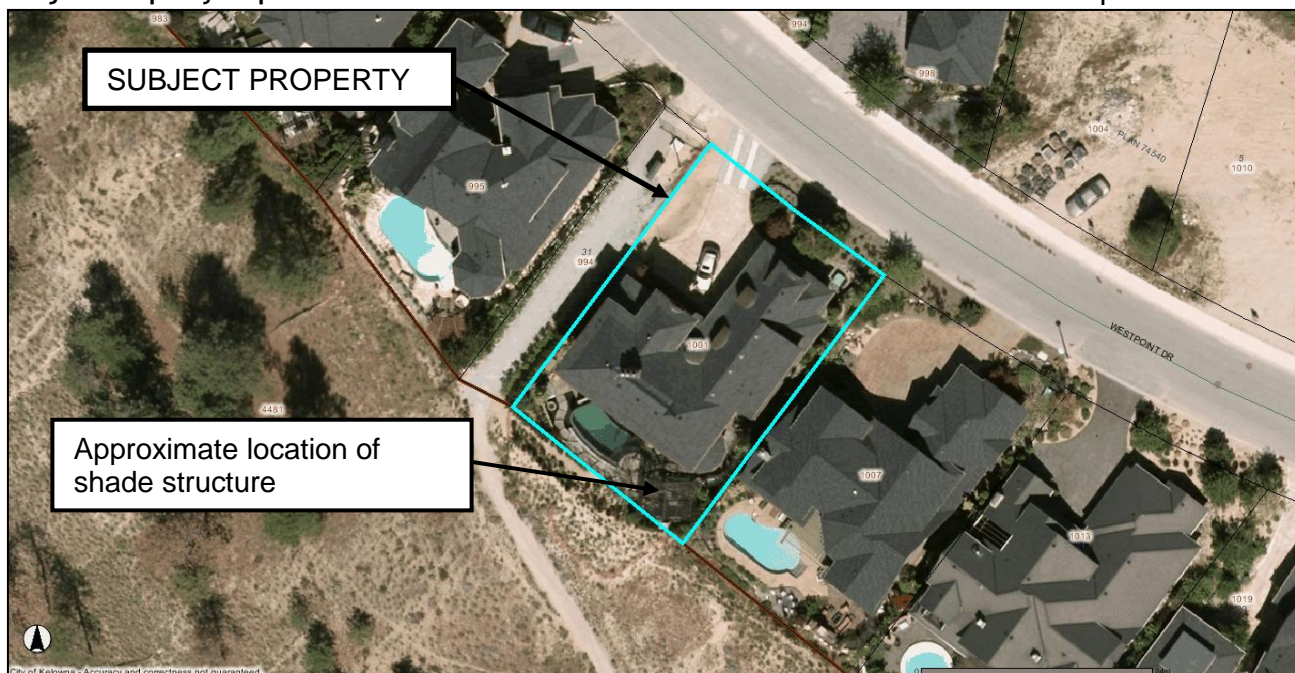
The subject property is located on the south side of Westpoint Drive, overlooking Mission Ridge Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North-West	RU1 - Large Lot Housing	Single Unit Residential
South-West	P3 - Parks and Open Space	Mission Ridge Park
North-East	RU1 - Large Lot Housing	Single Unit Residential
South-East	RU1 - Large Lot Housing	Single Unit Residential

Subject Property Map:

1001 Westpoint Drive



The proposed application meets the requirements of the RU1 - Large Lot Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage	40% buildings 50% bldg. & driveways	33.8% 50%
Height	9.5 m / 2½ storey 4.5 m (accessory bldg.)	9.5 m / 2½ storey 3.5 m (accessory bldg.)
Front Yard	4.5 m	4.55 m
Side Yard (north-west)	2.3 m (2 or 2½ storey)	2.47 m
Side Yard (south-east)	2.3 m (2 or 2½ storey) 1.0 m (accessory bldg.)	2.3 m 0.6 m (accessory bldg.)❶
Rear Yard	7.5 m (2 or 2½ storey) 1.5 m (accessory bldg.)	7.54 m (principal bldg.) 0.0 m (accessory bldg.)❷
Other Regulations		
Minimum Parking Requirements	2 stalls required	2 stalls provided
❶ Indicates a requested variance to side yard setback to accessory building from 1.0m required to 0.6m proposed		
❷ Indicates a requested variance to rear yard setback to accessory building from 1.5m required to 0.0m proposed		

5.0 Current Development Policies

5.1.1 Kelowna Official Community Plan (OCP) - Guidelines for “Intensive Residential - Hillside Design Guidelines¹”

1.8 Position buildings to preserve and enhance sightlines to and from significant view points.²

6.0 Technical Comments

6.1 Building & Permitting Department

There will be a building permit required for the accessory structure.

6.2 Development Engineering Department

This application does not compromise any municipal services.

6.3 Fire Department

No concerns

7.0 Application Chronology

Date of Application Received: June 22, 2011

Date of File Update: December 10, 2012

(This is the date that the Applicant provided an update with respect to adjacent property owner negotiations/legal proceedings and requested to advance the file for Council consideration).

NOTE: The applicant has worked with a third party to negotiate a solution with the affected neighbour to reduce the height of the structure to their satisfaction, and provide a position of support for the DVP application.

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

☐

Shelley Gambacort, Director, Land Use Management

Attachments:

Location Map

Applicant Design Rationale

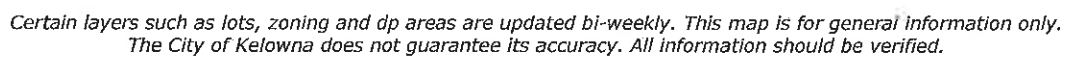
Site Plan

Cross-section and Detail site plan

Site Photos

Revised Cross-section detail

¹ OCP Chapter 14 - Intensive Residential Hillside Design Guidelines, page 14.31



FOUNTAINHEAD

DESIGN RATIONALE:

Project Location:

1001 Westpoint Drive Kelowna, B.C.

Objective:

The objective of the project was to create a structure that would provide intermittent, but effective shading from the hot Okanagan summer sun, as well as to assist in defining particular use areas within the context of the outdoor living space. The shading element was to be achieved by fabricating a sloped, multiple-slatted, non-shedding, open canopy that incorporated specific architectural features and forms that were congruent with the building language of the existing residence.

Governing Principles:

A mandate of all landscape design in the Woodland Hills subdivision is to consider the project whole. While design is site specific, and is desired to be aesthetically unique, there are requirements to be observed for landscape elements and structures such that they do not obviously define, or highlight property boundaries. Careful consideration of structure placement, and orientation, in an effort to be respectful of neighbouring properties is strictly governed by the developer.

Overall Context:

The original schematic plan, Figure 1, and accompanying photographs, Photo 1 and Photo 2, together with the satellite image, Figure 2, show the subject property, and neighbouring properties in context. As can be seen in all of these images, the south property boundary does not border other residential properties. Further to that, there is no future opportunity for residential occupation to be permitted that would be within the area of influence of any structures that may be erected in the rear (south) yard of any of the south facing properties in the Woodland Hills subdivision.

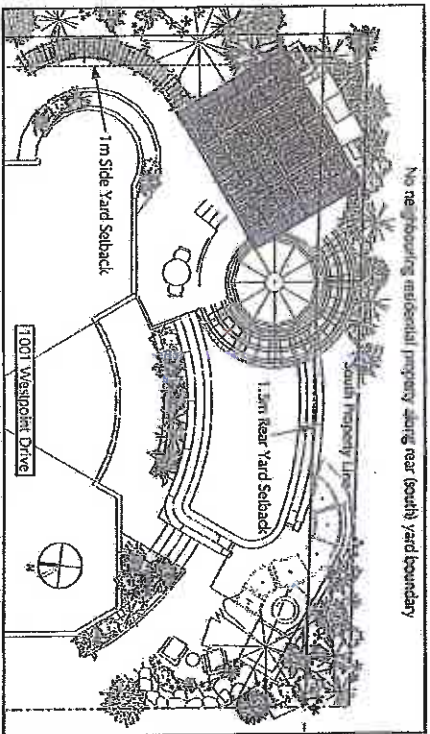


Figure 1



Photo 1

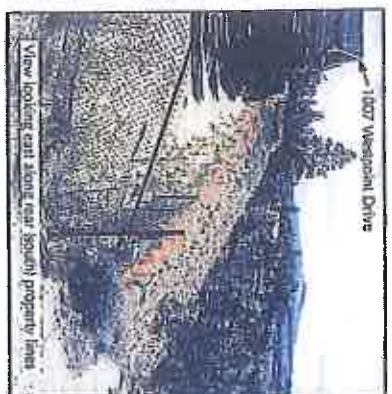


Photo 2

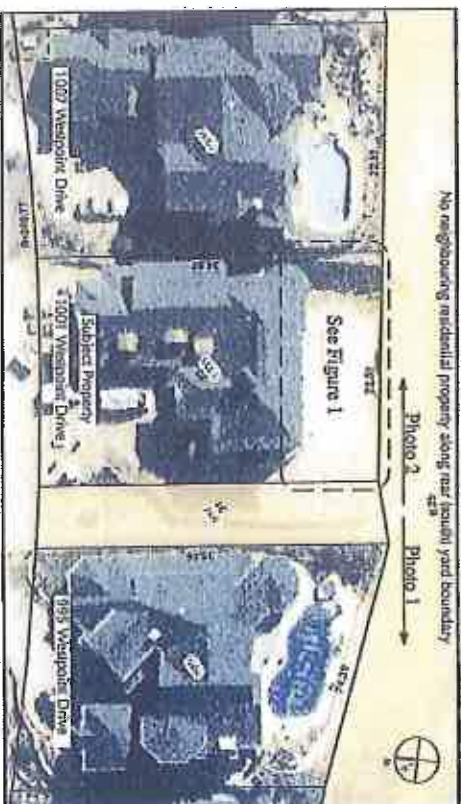


Figure 2

FOUNTAINHEAD

Shade Structure Design:

The shade structure design incorporates specific cues from certain architectural elements and forms of the existing residence. Being primarily a canopy on columns, the major language influences were derived from the residence's roof structure, i.e. slope and shape, along with the accompanying adornments attached to the roof peak.

The roof structure of the residence is comprised of two major slopes, one being a relatively steep 12/12 pitch and the other a lower sloped 7/12 pitch, see Photos 3 and 5. In the interest of minimizing the impact of the shade structure, the lesser of the two pitches (7/12) was chosen for the slope of the multiple-slatted canopy section. The round pergola section of the shade structure was designed to mimic the round mock roof seen in Photo 4. The "widow's walk" peak ralling, Photo 5, was incorporated along the ridge of the shade structure, to help solidify the relationship between the shade structure and the residence.



Photo 3



Photo 4



Photo 5

An important consideration of the shade structure design was to minimize the visual obstructions that would be created by the required structural members, i.e. supporting columns, beams, etc. Powder-coated steel was selected for the fabrication of the shade structure. Utilizing steel permitted considerably smaller members to be employed, helping to create a lightness, and transparency to the structure that would have been difficult if not impossible to achieve using alternate materials. The powder-coating color chosen for the steel also received scrutiny to insure its integration with the surrounding buildings and landscape. A non-reflective (matte) deep brown color was selected. See Figures 3 and 4 for renderings depicting the design resolution, and Photos 6 and 7 on page 3 for as-built views of the partially erected structure.

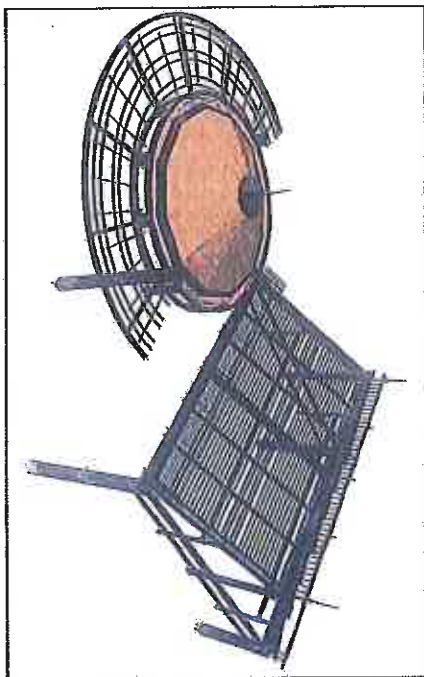


Figure 3

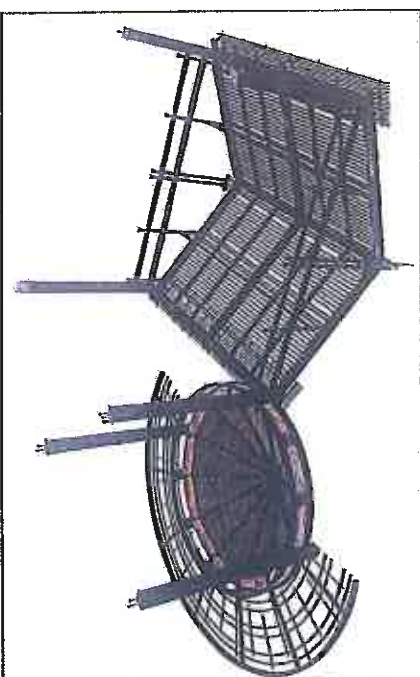


Figure 4

FOUNTAINHEAD

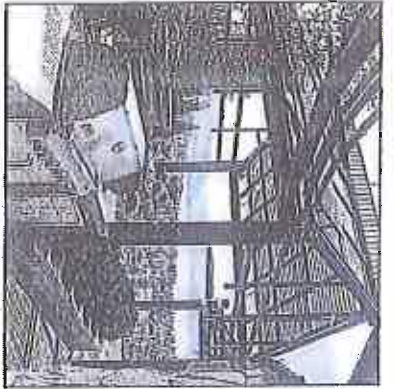


Photo 6



Photo 7

Location and setback requirements:

The drawing in Figure 6 shows the as-built location of the shade structure. The property line, 1.0m side yard setback line, 1.5m rear yard setback line, and the allowable 600mm projection into the side/rear yard line. The green line represents a more standard parallel/perpendicular type of orientation for the multi-stated portion of the shade structure, and is shown here to help illustrate some of the benefits of rotating the shade structure. The area highlighted in red represents the portions of the shade structure that exceed the allowable projection distance.

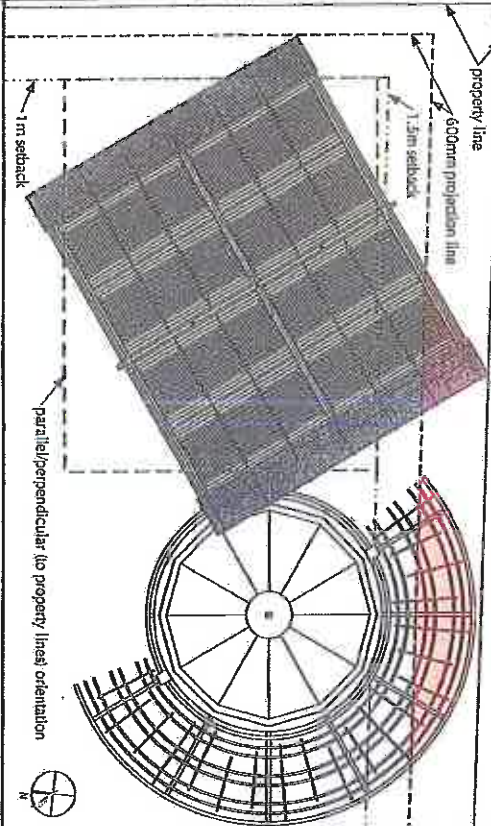


Figure 6

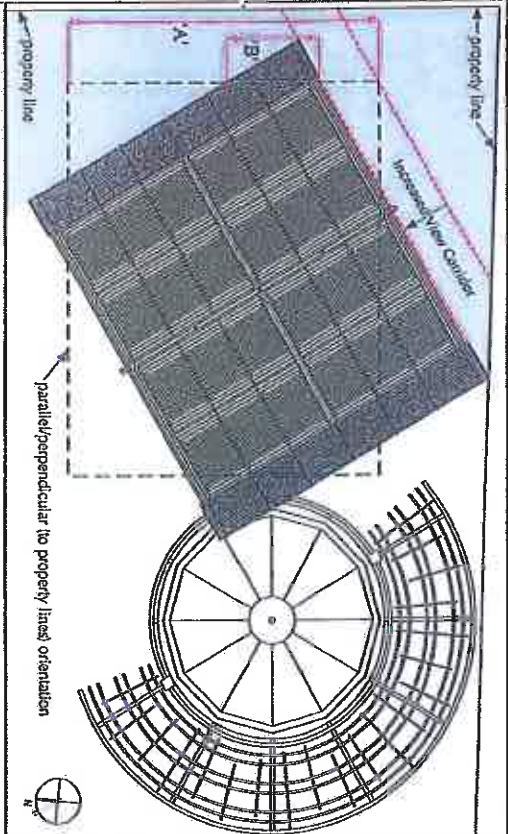


Figure 7

Figure 7 above identifies the following positive results from rotating the shade structure as shown:

- 1) The blue-green shaded area conforms to the Woodland Hills landscape design principle of avoiding structure placement that would easily identify the property boundary. Rotating the shade structure as shown makes it impossible to visually gauge where the property lines might be located. Additionally, the rotation opens up larger areas for planting and privacy screening along the property boundary, which further assist in disguising structures from one property to another, see Photo 8 and Photo 9.
- 2) Rotating the shade structure from the parallel/perpendicular orientation (green dashed line) increases the westerly view corridor from the residential property located to the east, 1007 Westpoint Drive. The two purple dashed lines and adjoining arrow show the increased view corridor achieved.
- 3) The green dashed line along the east property boundary is 1 metre away from the property line for the entire length of the east side of the structure. This parallel contact length is represented by the red arrow tipped line marked 'A'. The red arrow tipped line marked 'B' shows that by rotating the shade structure, the contact length along the same 1 metre setback line is reduced by more than 66%.

FOUNTAINHEAD



Photo 8



Photo 9

Height:

The cross-section diagram in Figure 8 shows the height conformance of the structure as it relates to the bylaw definition of "height" as well as the specific zoning requirement under 13.1.6(b) maximum height for accessory buildings or structures of 4.5m.

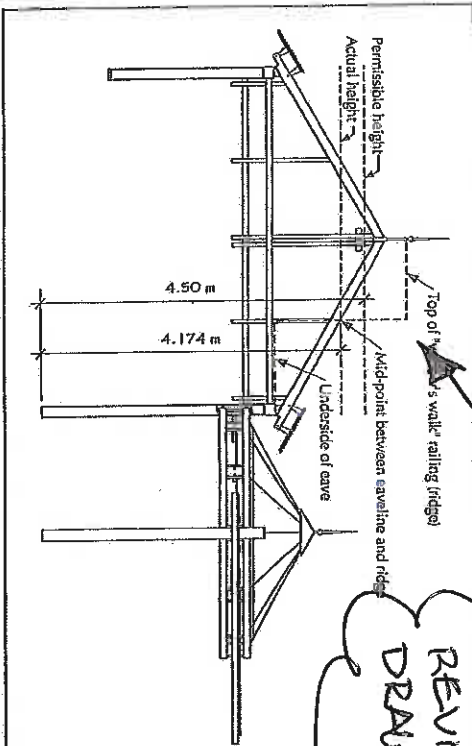


Figure 8

SEE
REVERSED
DRAWINGS

An additional consideration for the height of the shade structure was implemented that goes beyond the requirements of the bylaw. The shade structure base could have been placed at the elevation of the main floor of the house so that one would walk out on a level patio under the structure. Given that the canopy of the shade structure is sloped, it was considered imperative that the base elevation of the structure be lowered to help offset some of the additional height created by the sloping canopy. Lowering the base elevation of the canopy, in concert with substantial screen plantings in the open areas, created by rotating the structure, served to help further disguise the shade structure from the neighbouring property to the east. As can be seen in Figure 9 the top of the shade structure canopy support beam is only 2'-6 3/8" higher than the patio level of the neighbouring property. Photo 10 clearly shows the patio area under the shade structure at a considerably lower level than the main patio level of the residence. The rock retaining wall in the background, while not as high as the patio level of the neighbouring property to the east, is a good visual clue as to how low the base elevation of the shade structure is in comparison.

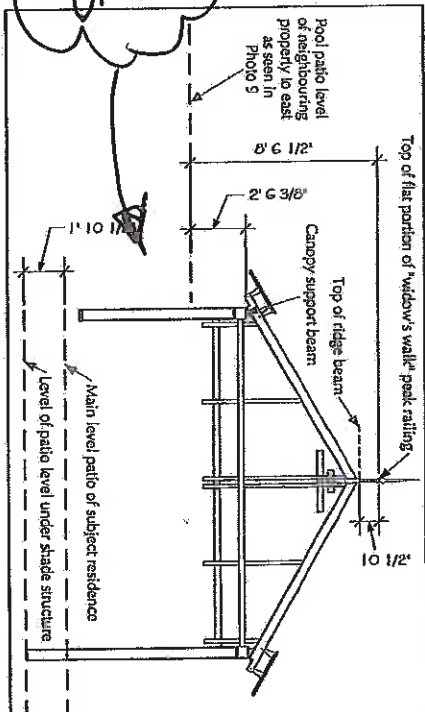
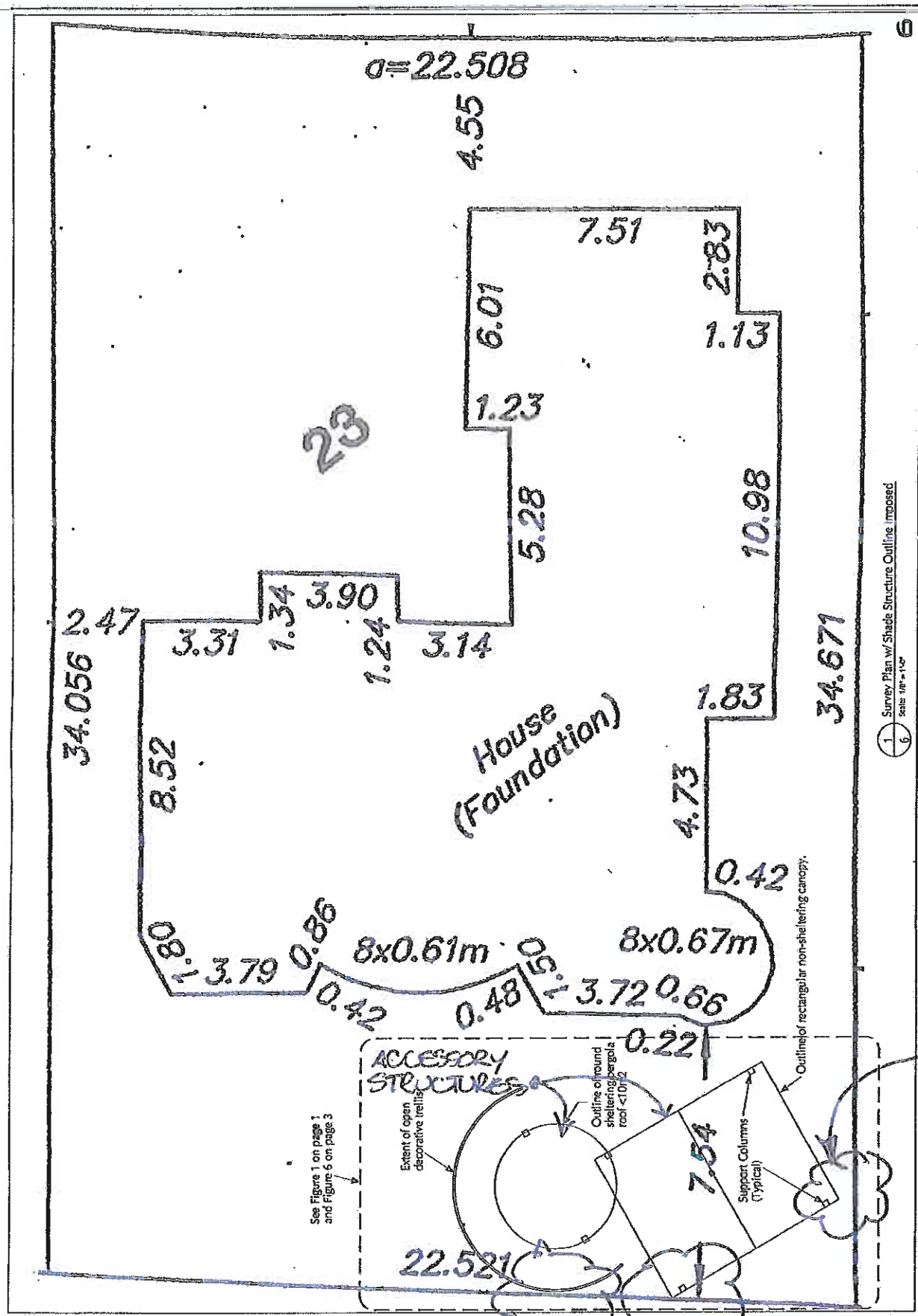


Figure 9



Photo 10

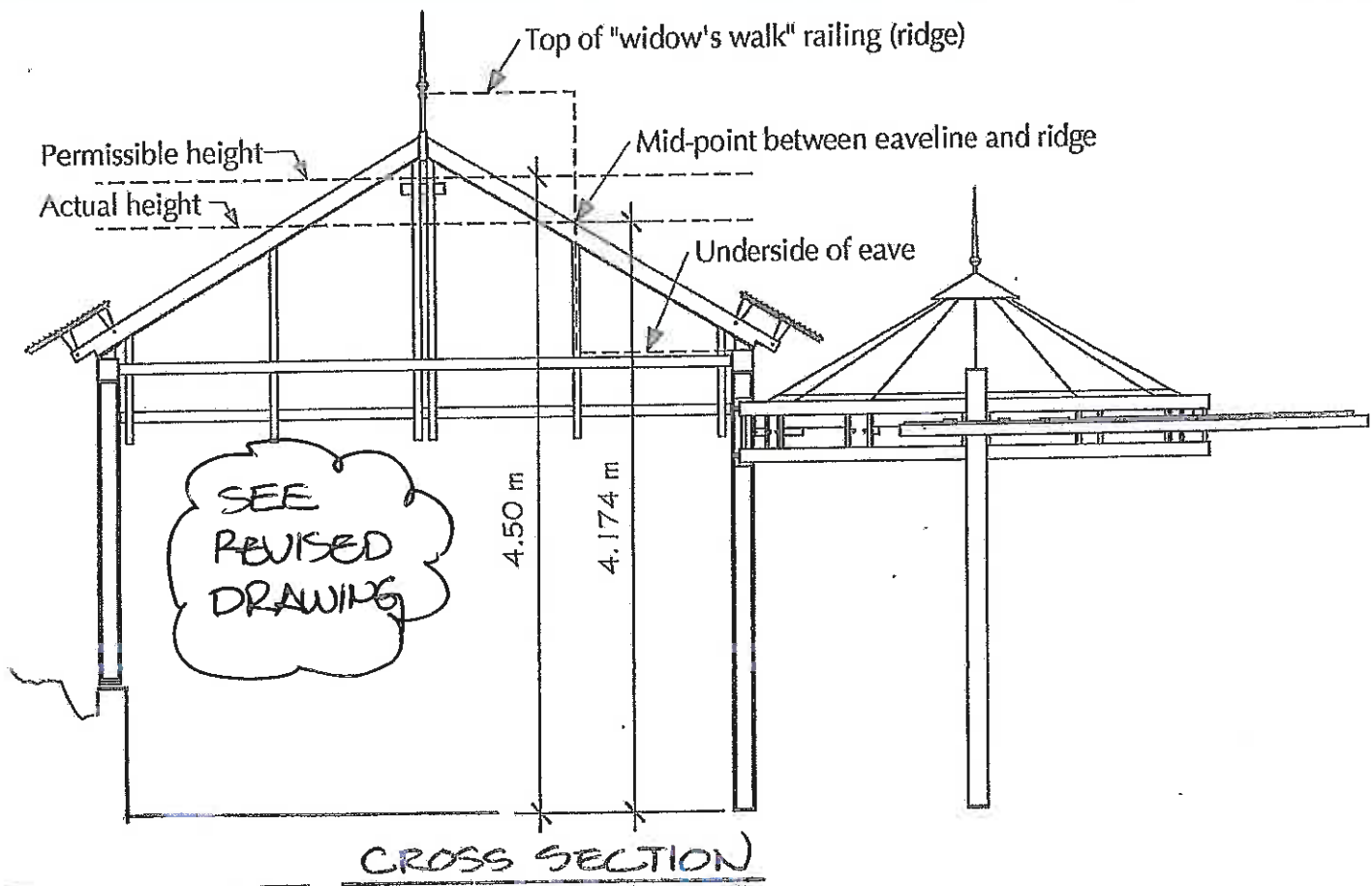


1 Survey Plan w/ Shade Structure Outline imposed
6
Scale 1/8" = 1'-0"

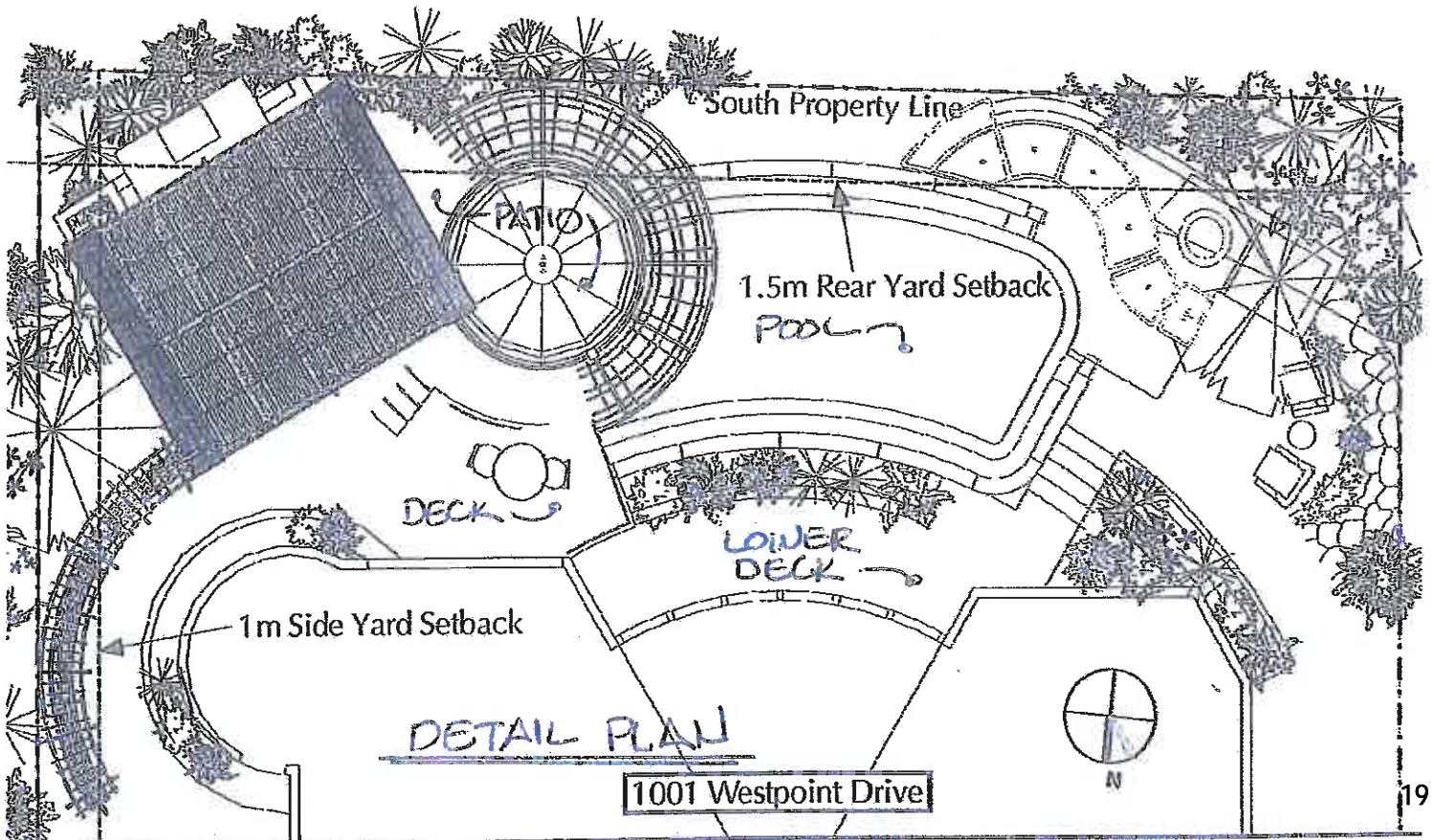
SCHEDULE "A"

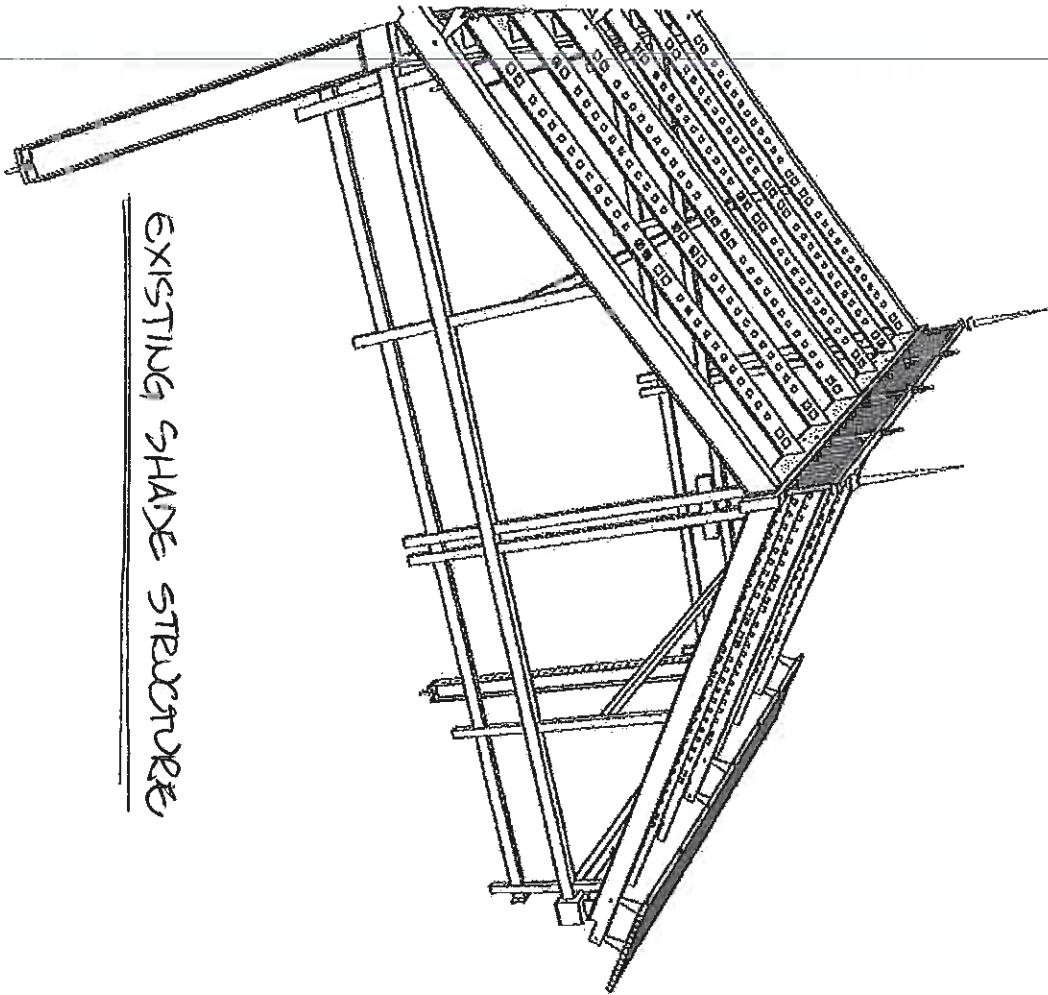
SITE PLAN

REAR YARD VARIANCE
TO ACCESSORY STRUCTURE
FROM 1.5M REQUIRED TO
0.0M PROPOSED

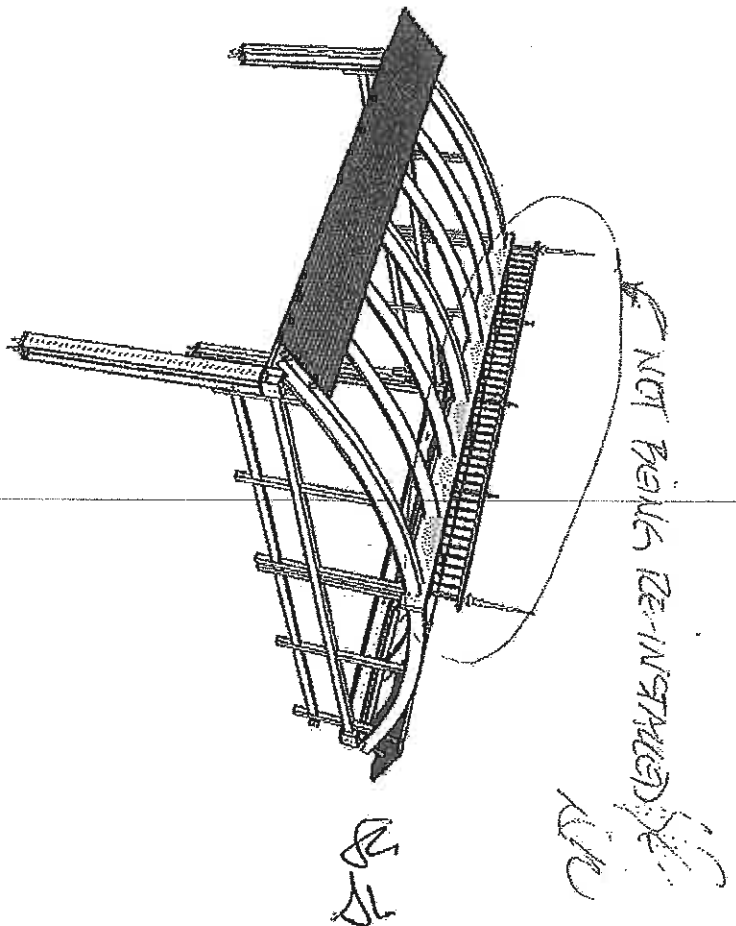


No neighbouring residential property along rear (south) yard boundary



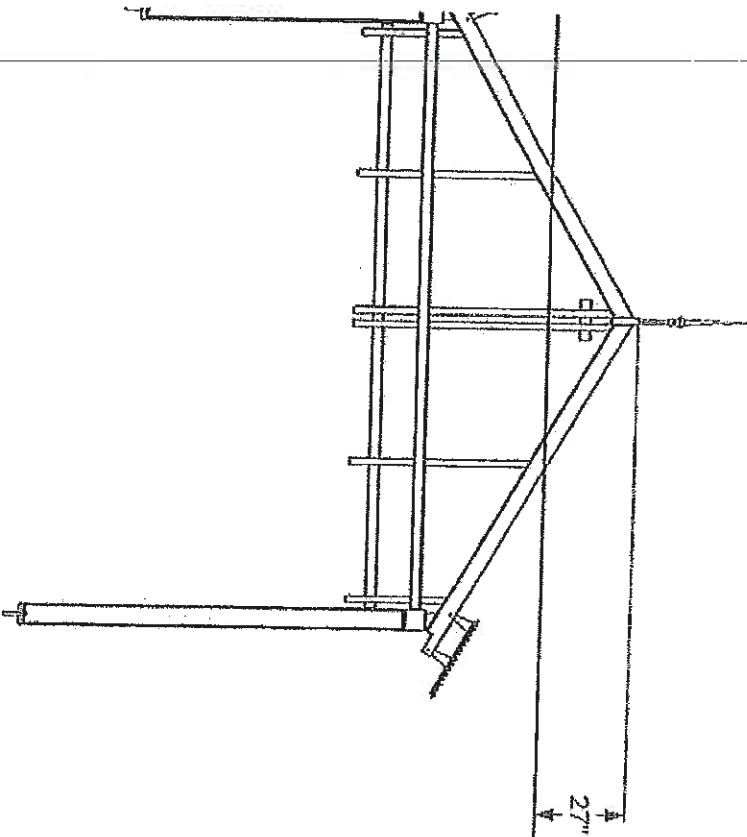


EXISTING SHADE STRUCTURE

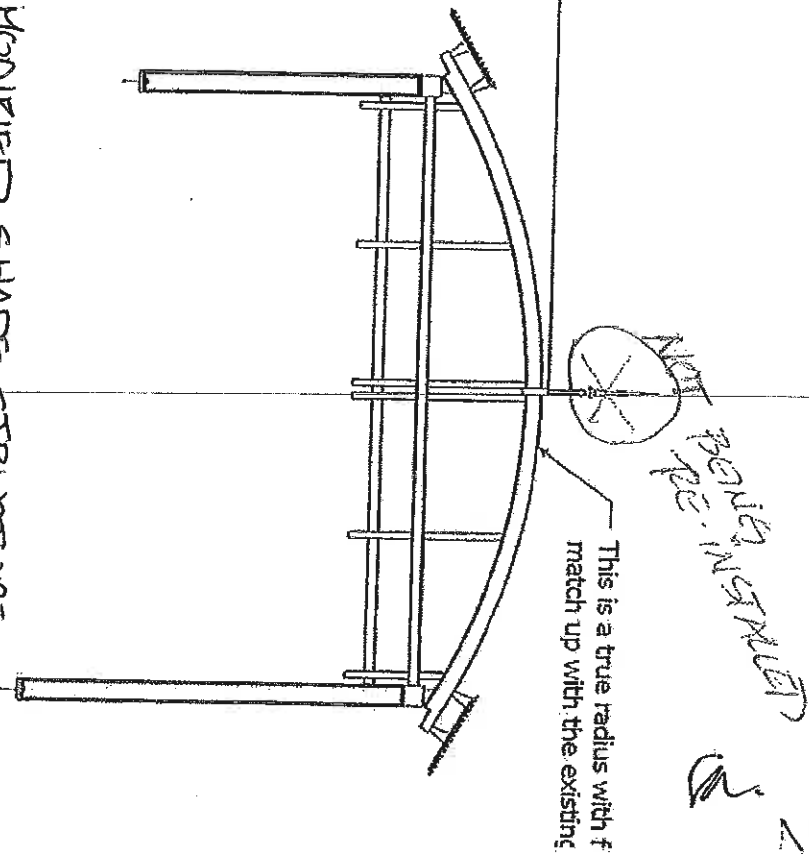


PROPOSED MODIFICATIONS
TO SHADE STRUCTURE

EXISTING SHADE STRUCTURE



MODIFIED SHADE STRUCTURE







PATIO AREA UNDER
SHADE STRUCTURE

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP11-0110

EXISTING ZONING DESIGNATION: RU1 - Large Lot Residential

DEVELOPMENT VARIANCE PERMIT: To vary side yard for an accessory building from 1.0 m required to 0.6 m proposed, and to vary rear yard for an accessory building from 1.5 m required to 0.0 m proposed.

ISSUED TO: Bruce and Debra Reid

LOCATION OF SUBJECT SITE: 1001 Westpoint Drive

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	23	KAP74540	31	29	ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

a) **Section 6.5.8(B): Accessory buildings in residential zones**

To vary side yard for an accessory building from 1.0 m required to 0.6 m proposed.

b) **Section 13.1.6(e): Development Regulations**

To vary rear yard for an accessory building from 1.5 m required to 0.0 m proposed.

As indicated on Schedule "A"

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE ____ DAY OF _____, 2012.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2012.

Shelley Gambacort
Director of Land Use Management