

Public HearingSeptember 7, 1999

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, September 7, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, M.I. Bremner, R.D. Cannan, C.B. Day\*, R.D. Hobson, J.D. Leask\* and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Long Range Planning Manager, L.V. Foster; Special Projects Planning Manager, H.M. Christy; Subdivision Approving Officer, R.G. Shaughnessy; Traffic Engineer, K. Gauthier\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The Acting-City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 20, 1999, and by being placed in the Kelowna Daily Courier issues of August 30 & 31, 1999 and in the Kelowna Capital News issue of August 29, 1999, and by sending out or otherwise delivering 95 letters to the owners and occupiers of surrounding properties between August 20 & 21, 1999.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8457 – OCP Amendment No. OCP98-010 – Southwest Mission Neighbourhood Two Area Structure Plan ASP95-002 – The proposed amendments to the OCP are required as a result of Council's review of the Neighbourhood Two Area Structure Plan. In general terms, the proposed amendments are:
  1. Chapter 15 Amend Map 15.1 Generalized Future Land Use to change the future land use designation of a number of properties in the Neighbourhood Two Area Structure Plan;
  2. Add "Neighbourhood Two Area Structure Plan" to the Kelowna Official Community Plan as Appendix 19.

Mayor Gray advised that all four bylaws on tonight's application relate to Southwest Mission Neighbourhood Two and therefore would be presented concurrently.

The Special Projects Planning Manager advised that a number of neighbourhoods are identified in the Official Community Plan (OCP) as areas where Area Structure Plans (ASP) are required for additional detailed studies to be done prior to development. The OCP identifies in general terms the types of land uses that could be expected in the ASP. The Southwest Mission Sector Plan envisages that in the

20 year horizon of the OCP, Neighbourhoods 1, 2 and 3 would be developed and sets out the servicing requirements that would be necessary to achieve this development. The sector plan envisages that within the 20 year timeframe the total build-out for the three neighbourhoods would be approximately 4,000 units.

The Special Projects Planning Manager displayed a topographic map of Neighbourhood 2 on the overhead projector and reviewed the existing land uses and slope analysis in the area. A portion of the property is in the Agricultural Land Reserve (ALR), some areas are identified as Natural Environment/Hazardous Condition Development Permit areas, and areas of slope have been identified as being sensitive to development. Most of the developable area would be developed as single and two-family, low-density residential, areas of community park are identified, as are areas proposed to be retained as open space including a utility right-of-way. A school site is proposed for a future elementary school and two areas of commercial are proposed, one a neighbourhood commercial centre and the other a cantina (eating/drinking establishment) located on one of the rocky knolls that affords a view in all directions.

Councillor Leask entered the Council Chamber at 7:24 p.m. and took his place at the Council Table.

The Special Projects Planning Manager showed the rezoning plan proposed for each of the three applications being considered concurrent with this OCP amendment. She discussed the servicing plan (roads, water, sanitary sewer and storm drainage) for the neighbourhood as a whole and then for each application.

The Special Projects Planning Manager responded to questions raised by Council at initial consideration of these applications, advising that Neighbourhood 1 has approximately 75 lots that have been sold and there are more lots within the subdivision process. Total build-out was to be about 1,200 units, 1,000 of which was for Kettle Valley. Staging for the three neighbourhoods was spelled out in the Southwest Mission Sector Plan which suggests the most logical pattern for the area to develop would be in progression (first Neighbourhood 1, then 2 and then 3) and if not in that order, servicing requirements would be amended accordingly so that installation of the infrastructure would be extended for the preceding phases.

The Acting-City Clerk advised that the following correspondence had been received in reference to all four bylaws:

- letter from Henry & Maxine Abgrall, 5109 Killdeer Road, suggesting the design of Frost Road reduces visibility of oncoming pedestrian and vehicular traffic, expressing concern that there are no sidewalks for children to walk to the school bus stop, and asking that a safe and suitable road with sidewalks be built before any development begins.
- late letter from Wally Leong on behalf of the Neighbourhood 3 owners asking that the arterial road network conform to the Southwest Mission Sector Plan and suggesting the proposed water trunk main size would be inadequate.
- late letter submitted just prior to this council meeting from Lloyd Nestman of Kettle Valley advising that a meeting was held today and all who attended agreed that the 1,200 units of Lakeshore Road are reserved for Neighbourhood 1 regardless of the development in No. 2 and No. 3 and that in no circumstances would the development of No. 1 be stopped or withheld because of the 4-laning of Lakeshore as long as Kettle Valley follows the terms and conditions of its VGA. The letter also advises that Kettle Valley had to provide a lot of services in its initial stages and so should Neighbourhood 2.

The Acting-City Clerk advised that the following correspondence was received making reference only to the bylaw under 3(d):

- letter from David Geen, Dav-Sher Orchards, 5600 Lakeshore Road, expressing concern about increased traffic and other conflicts that arise when residential developments are adjacent to actively farmed agricultural lands, and suggesting that Gordon Drive be upgraded to access the new south slopes development and Lakeshore Road be left as is from Collett to Barnaby Roads and that a "farm vehicle traffic light" be immediately installed at Creighton Road with pre-warning signs, flashers and stop lines.

Mayor Gray invited the applicant's representatives to make their presentations.

- (b) Bylaw No. 8458 (Z98-1021) – 369736 B.C. Ltd., Emil Anderson Construction Co. Ltd., R265 Enterprises Ltd., Gillen Investments Inc., and Gilmar Management Ltd. (Grant Gaucher) – 5120 & 5150 Frost Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 1688S, S.D.Y.D., Plan 25794 and D.L. 1688S, S.D.Y.D., Except Plans 23489 and 25794, located on Frost Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P2 – Education and Minor Institutional, P3 – Parks and Open Space, P4 – Utilities, C1 – Local Commercial, C2 – Neighbourhood Commercial, RU1 – Large Lot Housing, RU2 – Medium Lot Housing and RM2 – Low Density Row Housing zones.

Grant Gaucher, applicant, outlined the efforts over the past 5 years to satisfy all the different interests before bringing these applications forward to Council. He spoke in support of the requested rezonings noting that if these applications are approved, then the subject property would hopefully be in the first phase with approximately 57 lots developed in the spring and summer of 2000. He made note of the amount of park and open space proposed and advised that West Kootenay Power (WKP) has provided a letter saying they would allow the amenities that are proposed along their right-of-way subject to conditions.

Mr. Gaucher advised that a detailed environmental assessment was carried out by Reid Crowther and there are no endangered species, vegetation or animals; there are two moss patches and one small area containing aspen trees that will be preserved. There is a flume on the site and an old log cabin. The improvement district has temporarily shut down the flume to see how the wells they pump from work. If they continue to work well until the end of the irrigation season, the flume will likely be shut down permanently. Mr. Gaucher showed an overhead where the existing flume is today and where it could be piped to if the flume was kept active but noted that since pumps and wells are less expensive and more efficient it is doubtful the flume will continue. If the flume is abandoned, then portions of it would be incorporated with the storm water systems in some of the parks. The log cabin could be moved to a park area or other area of the city if it has heritage value.

Mr. Gaucher advised that the proposed Neighbourhood 2 ASP allows up to 100 units to be constructed with minor improvements to Frost Road at the Chute Lake Road entrance and at the two right-angle corners. At 100 units, Frost Road would have to be upgraded to its ultimate standard or an alternative access would be required if the ultimate Frost Road upgrades are not achievable. Negotiations with the abutting five property owners to acquire the additional right-of-way needed to achieve the ultimate Frost Road to date have been unsuccessful.

Mike Jacobs advised he is working with Mr. Gaucher on the subject property. Mr. Jacobs discussed the housing options they intend to provide, from smaller urban lots that would be marketed for just under \$200,000 moving up to estate lots with up to 85 ft. frontages and clusters of multi-family near the top. He maintained that housing demands will increase over the 20 year horizon and that the proposed housing options will allow people to live in the same neighbourhood as their lifestyles change. Mr. Jacobs advised that 385 units would ultimately be developed on the subject property but noted it would be rare to see more than 50-60 units developed at a time because of the financial commitment to bring the lots on.

- (c) Bylaw No. 8459 (Z98-1029) – Pendulum Enterprises Ltd. (New Town Planning Services) – 5065 Frost Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 357, S.D.Y.D., Plan KAP48057, Except Plan KAP51584, located on Frost Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 – Parks and Open Space, RU1 – Large Lot Housing, and RU2 – Medium Lot Housing zones.

Grant Gaucher, consultant for the Hilltop and Pendulum applications, advised that the Pendulum property does not have much for topographical constraints but has the power line going through it and that right-of-way is proposed as green belt. Approximately 140 lots are proposed on the Pendulum property. An existing log cabin on the site would be subdivided off. Timing for the phasing of this development will be determined over the next few weeks. This portion of the Neighbourhood 2 development would share a common road with the Hilltop property.

- (d) Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 357, S.D.Y.D., Plan KAP51584; Lot 1, D.L. 357, O.D.Y.D., Plan 18352, and That Part of Lot 1 shown on Plan B7484, D.L. 357 and 358, O.D.Y.D., Plan 4207, located on Barnaby Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 – Parks and Open Space, RU1 – Large Lot Housing, and RU2 – Medium Lot Housing zones.

Kathleen McKenzie, owner of Hilltop Sand and Gravel, gave a brief overview of the Hilltop operation which she advised started in that location over 40 years ago and involves processing materials through a washing/crushing plant. She advised that they have been recontouring the site as the products have been mined and that she anticipates that most of the gravel processing plant would be out by spring of 2000. Until then, however, they would continue to operate until all materials are depleted from the site.

Keith Funk, consultant on this project, advised that most of the major works on the subject property have already occurred. A large storm water detention pond is proposed for the northwesterly corner of the site and the proposed park site is much larger than the required 5% for park space. The park site would be developed for use by the broader community. The property would be developed from north to south and would ultimately create a connection from Barnaby to Frost Road.

The Traffic Engineer entered the Council Chamber at 8:31 p.m.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

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David Geen, 5600 Lakeshore Road, advised his family has owned the land they operate as a cherry orchard since 1943 and their concern is the road access to Neighbourhood 2. He expressed concern at the additional traffic that would be going by his family's orchard if access is to be via Lakeshore Road and noted his family paid half the cost to install a stop light to try to improve safety for their farm vehicles but it is still dangerous and the City has refused their requests for an underpass. He suggested that Barnaby Road terminate at his property and that the traffic from the proposed development be funnelled down Gordon Drive. He noted that part of Barnaby Road is only 30 ft. wide and the lands on both sides are in the Agricultural Land Reserve.

Roy Hulse, 5020 Killdeer Road, stated his concern is Frost Road as it exists now and asked that Council be sure that the road **can** be widened. He advised that two vehicles could not pass one another as the road is now and there are no sidewalks. He urged Council to consider the need for improvements to Frost Road most seriously because otherwise there will be accidents. Mr. Hulse also advised that he has been approached by the developers to sell a portion of his land to facilitate the widening of Frost Road but that he is not interested in selling any of his land.

Lloyd Nestman, representing Kettle Valley Developments in Neighbourhood 1, advised that he is not opposed to the proposed development provided development in Neighbourhood 2 is subject to the same rules as Neighbourhood 1. He advised that Kettle Valley was required to construct the necessary infrastructure **prior** to development and submitted that the proposed interim plans for road improvements should not be allowed.

Cameron Kuipers advised the Kuiper property is immediately west of the Hilltop gravel pit. He further advised that he is not opposed to the proposed development; however, in his opinion neither Frost Road nor Paret Road are capable of handling the volume of traffic that would be generated and some other route to Chute Lake Road should be considered.

Dick Stewart advised he owns an orchard on Saucier Road. He expressed support for the concerns raised by Dr. Geen and his suggestion to extend Gordon Drive to service the proposed development.

Todd Penkala advised he is one of the 5 property owners with land needed for the Frost Road widening and questioned how the proposed development could be permitted to proceed without signed agreements with each of the 5 property owners.

Discussion ensued wherein it was noted that it is not unusual for the City to ask for interim road improvements and that Toovey Road was a good example of that.

Councillor Day advised that he owns property in the Toovey Road area and the discussion about allowing interim improvements on Toovey Road has put him in a conflict of interest position. Councillor Day left the Council Chamber at 8:56 p.m.

Responding to questions of Council, the Special Projects Planning Manager advised that total build-out of the 3 rezoning applications under consideration would be 775 units, the interim improvements to Frost Road do not include sidewalks, and the Hilltop development is required to upgrade Barnaby Road complete with sidewalks and bike lanes at zero lots because until such time as a road connection is made from the Hilltop property to Frost Road, the entire Hilltop development would exit via Barnaby Road.

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Grant Gaucher re-addressed Council to comment that Ward Consultants did the study for the entire sector plan area and the proposed road design was built around that study. There was considerable input into the study from the steering committee, the public, directors of the residents' association and the developers and the concepts were bought into by all facets of the community.

A member of Council asked how many units would develop in Neighbourhood 2 before Lakeshore Road would be 4-laned. Mr. Gaucher responded advising that there are 3 possible road corridors to the Mission and which one would be 4-laned has not yet been determined. However, 1,200 units would be developed in Neighbourhood 1 and up to 400 units in Neighbourhood 2 before the 4-laning would occur. Once 400 lots are developed in Neighbourhood 2 then other access points have to be developed.

A member of Council enquired about the rocky knoll that would be preserved as open space behind the proposed cluster housing on the Summit South lands. Mr. Gaucher responded advising he would be willing to discuss keeping that property in the hands of the City. Otherwise he would prefer to protect the land by covenant rather than rezoning because otherwise it would diminish the lot sizes for the cluster community.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 9:28 p.m.

Certified Correct:

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Mayor

BLH/bn

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Acting-City Clerk