

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, October 30, 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; Subdivision Approving Officer, R.G. Shaughnessy; Special Projects Planning Manager, H.M. Christy; Development Engineering Manager, S. Muenz; and Council Recording Secretary, B.L. Harder.

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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 12, 2001, and by being placed in the Kelowna Daily Courier issues of October 22 & 23, 2001, and in the Kelowna Capital News issue of October 21, 2001, and by sending out or otherwise delivering 707 letters to the owners and occupiers of surrounding properties between October 10 & 13, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 **City of Kelowna**

- 3.1 (a) Bylaw No. 8710 – Official Community Plan Amendment OCP01-013 – THAT “City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600” be amended as follows:

- (i) By adding Policies Nos. .24 and .25 to **Section 2.13 Hillside Policies of Chapter 2 – Environment** as follows:

“.24 **Alternative Hillside Development Standards.** Consider, within the context of a Natural Environment/Hazardous Condition Development Permit, alternative hillside development standards within Zoning Bylaw No. 8000 and the Subdivision, Development and Servicing Bylaw No. 7900. The intent is to minimize the effects of development on the natural environment of the hillside areas, defined as lands in their natural state that have a slope angle of 10% and greater for a height of 6 metres. These effects may include road cuts and fills, tree cutting, regrading and the visual impact in general of urban development on hillsides, while preserving areas with slopes of 30 % and greater;

- .25 **Application of Alternative Hillside Development Standards.** Consider alternative hillside development standards for hillside areas, proposed to be on urban services and having no through roads or larger areas planned on a comprehensive neighbourhood basis. Due to the potential for impacts on lands adjacent to the more steeply sloped areas, Natural Environment/Hazardous Condition Development Permits will be considered for an entire titled area, notwithstanding that portions of the site may contain areas of lesser slopes.”;
- (ii) Deleting the fourth and fifth bullets under **Subsection 13.4.3 Development Guidelines for Natural Environment/Hazardous Condition Development Permit Areas** of **Section 13.4 Natural Environment/Hazardous Condition Development Permit Areas** in **Chapter 13 – Development Permit System** in their entirety and replacing them with the following:
- “Development will be directed to appropriate areas with slopes averaging less than 30%. Where it can be demonstrated that the proposed development will be sensitively integrated with the natural environment and will present no hazards to persons or property, development *may* be permitted on land with a natural slope which averages greater than 30%. Natural vegetation should be retained on slopes in order to control potential erosion, land slip and rock falls. (See also Chapter 2 - Environment - Hillside Development and Kelowna Hillside Development Guidelines dated October 2001).
 - The pattern of development in hillside areas should be responsive to the varied topography, taking advantage of views and the surrounding natural landscape by emphasizing cluster development. All new residential development should be located to minimize interference with views of neighbouring properties. In hillside areas, lot size and shape may vary in relation to topography. (See also Chapter 2 - Environment - Hillside Development and Kelowna Hillside Development Guidelines dated October 2001).”

See discussion under agenda item No. 3.1(b).

- 3.1 (b) Bylaw No. 8711 – Zoning Bylaw Text Amendment No. TA01-010 – THAT City of Kelowna Zoning Bylaw No. 8000 be amended to add the RU1h – Large Lot Housing (Hillside Area) zone which will permit large lot, single family residential development in serviced hillside areas of the City.

Staff:

- The policies being added to the OCP allow the City to consider alternative hillside standards and tells us where they may or may not be suitable. Through the hillside standards staff are trying to reduce the horizontal cross-section that occurs with development to cut less of a swath.
- The zoning bylaw amendment introduces the ‘h’ designation to existing zones, similar to adding the ‘s’ designation for secondary suites, where the actual criteria of the zone remains unchanged and the uses remain unchanged but the setbacks change when the ‘h’ designation is applied.

The City Clerk advised that no correspondence or petitions had been received.

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

Mike Jacobs, Emil Anderson Construction:

- Through his business and his affiliation with UDI he has been involved in developing these guidelines for about 6 years.
- These guidelines are tools that will allow developers to work smarter and do a better job without creating more lots or greater density.
- The guidelines give flexibility to help preserve more open space.
- In hillside developments, sidewalks are necessary on major roads and where a street provides access to major parks and schools but are not needed on neighbourhood streets.
- Traffic slows down on narrower streets and with lay-bys, vehicles are parked off the street so it is safe for pedestrians to walk along the street.

Fred Marshall, Mountain Avenue:

- The hillside guidelines give City planning & engineering staff more flexibility and is a first rate document.
- Support reducing the infrastructure requirements.
- There should be something for the landowner for taking on the cost of developing detention ponds that are capable of 100-year floods.
- Development on hillsides should be determined by geotechnical findings not by the grade of the slope.

Staff:

- Clarified parking requirements in hillside developments.
- Through the Area Structure Plan and the environmental work, areas are identified as wildlife corridor, etc. Some areas are protected and some less significant areas are not protected. Where there are a series of ridges, the upper most ridges would be protected. Some of the lower ridges would not be protected to the same extent.

There were no further comments.

3.2 Emil Anderson Construction, et al

- 3.2 (a) Bylaw No. 8731 – Official Community Plan Amendment No. OCP01-008 - THAT Map 15.1 of City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use designation for a part of Lot 4, Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, from Major Park/Open Space to Multi-Family Residential-Low Density.

See discussion under agenda item No. 3.2(d).

- 3.2 (b) Bylaw No. 8732 – Land Use Contract No. LUC74-57 – THAT Land Use Contract No. 74-57 be discharged from that portion of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; and part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326 KAP67806 and KAP69768, as shown on Map “A” attached to the report of the Planning & Development Services Department dated September 21, 2001.

See discussion under agenda item No. 3.2(d).

- 3.2 (c) Bylaw No. 8733 [Z01-1019(a)] - Emil Anderson Construction Co. Ltd.; 4036 Investments Ltd.; KDD Holdings Ltd.; Marlene Renee Collinson; Abraham Salloum and Frederick Bloomfield (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – Summit Drive and Rojem Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326 KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4 Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) Zone as shown on Map "B" attached to the report of Planning & Development Services Department dated September 21, 2001.

See discussion under agenda item No. 3.2(d).

- 3.2 (d) Bylaw No. 8734 [Z01-1019(b)] - Emil Anderson Construction Co. Ltd.; 4036 Investments Ltd.; KDD Holdings Ltd.; Marlene Renee Collinson; Abraham Salloum and Frederick Bloomfield (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – Summit Drive and Rojem Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326 KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4, Block 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated September 21, 2001.

Staff:

- The application requires amendment of the Official Community Plan to change the future land use designation of a small finger of land at the northern most portion of the property from park to multi-family.
- The application also includes partial discharge of the Land Use Contract from 1 of the 5 subject properties.
- This is the first development application in the City of Kelowna to incorporate the Hillside Development Guidelines.
- The applicant is proposing to develop a ±50-lot single family subdivision on the RU1h zoned property and to develop approximately 160 units of semi-detached housing on the RM3 zoned property.
- As a result of concerns raised by adjacent property owners, the applicant would be required to provide a suitable buffer for the adjacent lots to the south that are within the Agricultural Land Reserve.
- A Section 219 covenant would be registered saying the lots may be subject to nuisances that come with being adjacent to land under farm practices.

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The City Clerk advised that the following correspondence had been received:

- letter from Nick & Eleanor Dyer, 483 Valley Road, asking for 6-foot high industrial chainlink fence along their property line.

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

Mike Jacobs, applicant:

- The OCP amendment is not an elimination of green space, it is just moving the green space to other areas.
- With the hillside standards more trees can be saved, cuts and fills will be minimized and homes will be further away from the ALR lands.
- Open space areas would be protected with no disturb covenants as part of the RM3 part of development.
- No water would be discharged across adjacent agricultural lands or down to the GEID right-of-way.
- There would be trail connections to the existing Dilworth trail network.
- A left turn lane on Summit Drive is not required or needed.
- Telus, West Kootenay Power, etc. telecommunications requirements are excessive and are a burden that developers pass on to purchasers. It is not fair and the City needs to get a better handle on that.
- Displayed photos showing the type of unit proposed in the RM3 portion of the development.

Nick Buloch, 483 Valley Road:

- This would be one of the nicest subdivisions around if it is approved by Council.
- Will be happy if he can get the chainlink fence he has requested along his property line.

There were no further comments.

3.3 Timothy & Elaine Weigel

- 3.3 (a) Bylaw No. 8735 (Z01-1036) – Timothy & Elaine Weigel – 136 Kathler Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Section 4, Township 23, O.D.Y.D., Plan 20730, located on Kathler Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone in order to allow development of the site for uses permitted in the RR3s zone.

Staff:

- The property is roughly 1/3 acre in size but is not deep enough to subdivide into 2 lots.
- The proposed suite would be above a 2-bay garage in the rear yard and would give a presence to the property along Millard Place.
- The existing single family dwelling was built in 1971 in accordance with the setbacks of the day. The residence will have to be modified to bring the side yard setback into conformity with today's bylaw requirements.

The City Clerk advised that the following correspondence had been received:

- letter of opposition from Mr. & Mrs. Brian Dyer, 148 Kathler Road, stating that the application would create increased density causing more traffic on both Kathler and Millard Place, loss of privacy especially in back yards, and would set an undesirable precedent of allowing higher density in the neighbourhood.

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

Tim Weigel, owner/applicant:

- All the neighbours around his property have verbally said they support this application.
- Was not aware that the people who sent in the letter did not support the application.

There were no further comments.

3.4 Four-D Ventures Ltd. (Axel Hilmer)

- 3.4 (a) Bylaw No. 8736 (Z01-1037) – Four-D Ventures Ltd. (Axel Hilmer) – 1876 Ambrosi Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 8, Block 1, D.L. 129, ODYD, Plan 5109, located on Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone in order to allow development of the site for uses permitted in the C-5 zone.

Staff:

- The rezoning is requested to facilitate construction of 2-storey commercial building, with a personal service establishment on the ground floor along with a 40 m² section of commercial space that would be leased to a tenant separate from the personal service business, and 2 one-bedroom apartments on the second floor.
- All parking would be provided behind the building with access from the lane.
- The applicant would pay cash in lieu of one of the required 8 on-site parking stalls.

The City Clerk advised that no correspondence or petitions had been received.

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

Axel Hilmer, applicant:

- Indicated he had nothing to add but was prepared to answer questions of Council.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:58 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am