

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, June 11, 2002.

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; Subdivision Approving Officer, R.G. Shaughnessy; Current Planning Manager, A.V. Bruce*; Planner-Long Range, G. Stephen; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:01 p.m. and informed the public gallery that item No. 6.1 has been withdrawn from the agenda of the Regular Meeting which follows this Public Hearing.
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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 24, 2002, and by being placed in the Kelowna Daily Courier issues of June 3 & 4, 2002 and in the Kelowna Capital News issue of June 2, 2002 and by sending out or otherwise delivering 19 letters to the owners and occupiers of surrounding properties between May 24-28, 2002.

Councillor Blanleil entered the Council Chamber at 7:04 p.m. and took his place at the Council Table.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 Georg-Michael Holzhey Ltd. (John Hertay)

- 3.1 Bylaw No. 8825 (Z01-1061) – Georg-Michael Holzhey Ltd. (John Hertay) – West of Hollywood Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP55855 except Plans KAP63299 and KAP63302, located on Hollywood Road N, Kelowna, B.C., from the A1-Agriculture 1 zone to the I1-Business Industrial as shown on Map "A" attached to the report of Planning & Development Services Department dated May 1, 2002;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP55855 except Plans KAP63299 and KAP63302, located on Hollywood Road North, Kelowna, B.C., from the A1-Agriculture 1 zone to the RU5-Bareland Strata Housing zones as shown on Map "A" attached to the report of Planning & Development Services Department dated May 1, 2002.

Staff:

- The subject property is 9 ha (24 acre) in size.
- The applicant has developed the College Business Park on the east side of Hollywood Road North as phase 1 and is now proposing to develop phase 2 on the west side in accordance with the Area Structure Plan which envisages a Village Concept including a school and park site.
- The applicant proposes to develop the western portion of the property with a 74-lot bareland strata modular home subdivision and to develop 2 additional business industrial lots as an extension of the College Business Park.
- The modular home subdivision would not be walled and is intended to provide affordable housing.
- No direct access to Hollywood Road North would be permitted for the 2 industrial lots.
- The bareland strata subdivision would have temporary access onto Hollywood Road North until such time as a permanent access could be achieved at the southwest corner of the subject property whenever the adjacent lands to the west and south develop.
- The proposed zones are supported by the City of Kelowna Official Community Plan and the University South Area Structure Plan.
- The Advisory Planning Commission reviewed the application and passed a recommendation of support subject to the roads meeting the requirements of the City and staff have been working with the developer on that.

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

- Letter of opposition from Corinne Dewhurst, Leslee Auch and Rod Dewhurst, 3166 Appaloosa Road and Walter Hopp, 3156 Appaloosa Road, stating they believe that relocation of the access road would have a negative impact on properties along Appaloosa Road and the proposed modular home subdivision would reduce the value of hobby farms in the area.
- Late letter of concern from Western Canadian Ranching Company, 3130A Hall Road, asking that the developer be required to erect a chainlink fence along the common boundary of his property and the development property.

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

John Hertay, applicant:

- Showed illustrations of what the proposed modular homes would look like noting that they are seldom moved because they are fixed to either a foundation or a slab.
- The residential development would not be restricted to a specific age group.
- The trees on the bank between the industrial and residential components would be protected and provide common area as well as a natural buffer. The bottom lots next to the industrial area would be screened as much as possible with a berm and trees.
- A 2 m undulating bermed area would be provided as a screen to address concerns raised when the application was presented to the Advisory Planning Commission regarding headlights shining into houses in the abutting development.
- Showed his costs for the development noting 40% are City of Kelowna and Glenmore-Ellison Irrigation District related.
- Using the CMHC standard, a family with \$39,370 gross earnings could afford to buy one of the proposed units.
- The chainlink fence requested by the adjacent land owner would be provided as a condition of development.

Trina German, Lot 16, 3256 Appaloosa Road:

- Concern about headlights has been addressed by the applicant.
- Main concern is the uncertainty of when the temporary access would be changed to what is shown as the permanent access road because it cuts through her property.
- Initially the permanent road was shown on the developer's property but now it is moved down.

Staff:

- If the owners of the adjacent lands do not wish to develop their property in future, the permanent road network shown would not happen. The conceptual drawings at the Area Structure Plan stage did show the road on the developer's property but that has now been fine-tuned with the developer as a result of comments from City Transportation staff to where it is now shown. The proposed road network would allow for a better lot yield on surrounding properties at such time as they are rezoned and developed to urban residential on sanitary sewer.
- How quickly the surrounding lands redevelop will be largely market driven. Once the area becomes serviced, the land becomes expensive to retain as larger holdings and there is more demand for the land to be developed. It could be 10-20 years before that happens.

Louise Letkeman, Lot 15, 3226 Appaloosa Road:

- Most of the area residents have animals. If there are going to be children in the proposed development, would like the developer to provide a high, solid wood fence to protect the animals and would like any parks to be located away from existing adjacent lots.
- The proposed permanent road would cut her land into 3 pieces.

Severino Andolfatto, Lot 49, 3249 Appaloosa Road:

- Concerned that developers do not always care what they leave behind for the neighbours once the project is complete and promised improvements do not always get finished properly. The road shoulder was left in such poor condition in front of his house when the industrial park was developed that it is almost impossible to cut the grass.

Walter Hopp, Lot 12, 3156 Appaloosa Road:

- Concerned about traffic. Industrial trucks coming down Pinto do not slow at the Yield sign and the road is narrow and always congested at the corner of Sexsmith. There are no sidewalks for the children.
- Concerned about slippage on the steep slope caused by storm water run-off.

John Hertay, applicant:

- The roads are in accordance with the design prescribed by City engineering staff.
- It is up to the City to maintain the shoulders of the roads.
- There is a sidewalk on Hollywood Road North opposite the steep slope.
- The southwest corner of the industrial lot would remain treed for the most part and there would be a treed area along the road for the residential properties to the west.
- The problem of sloughing from the steep slope would be addressed as part of the subdivision process which requires the storm water be retained on-site.

There were no further comments.

3.2 City of Kelowna

3.2 Bylaw No. 8862 (TA02-0002) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by replacing Section 11.1.4(b) with the following:

- 11.1.4 (b) The minimum lot area is 4.0 ha, unless located within the Agricultural Land Reserve in which case the minimum lot area is 2.0 ha.

Staff:

- After an extensive public process over a 2 year period, in March 2002 Council adopted a bylaw amending the policy content of the Official Community Plan. One of the amendments was to add a Growth Management chapter to the OCP and one of the growth management policies states that a new Rural Residential zone would be created with a minimum parcel size of 4.0 ha (10 acres) which would apply to all properties within the Future Urban Reserve designation and to non-ALR properties within the Rural/Agricultural designation of the OCP that are currently 4.0 ha or more in size.
- Rather than creating a new zone, staff are recommending that the minimum parcel size requirements of the current A1 - Agriculture 1 zone be amended to specify that for all A1 zoned lots not in the Agricultural Land Reserve the minimum parcel size requirement would be 4.0 ha.
- This new A1 minimum lot size requirement would aid staff in regulating growth management within the areas designated as either Future Urban Reserve or Rural/Agriculture in the Official Community Plan.

The City Clerk advised that the following correspondence was received:

- Late letter e-mailed to the Clerk's Department from Darcy Goodwin on behalf of his Father-in-law, Joe Parolin, owner of land on Balldock Road, expressing concern that his Father-in-law has already invested substantial money toward subdivision of property on Balldock Road into 5 acre parcels and asking that his application be 'grandfathered' because the 5 acre parcel size is critical to his profit margin.
- Late letter e-mailed to the Clerk's Department from the Kelowna Chapter of the Urban Development Institute questioning the approach being taken by the City to manage private acreage property.
- Late e-mail received in the Planning Department from Rod Cook, Kent-Macpherson Appraisals Ltd., advising that he and his wife, Leanne, are opposed to increasing the minimum lot size from 5 acres to 10 acres in the A1 zone.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward followed by comments of Council.

Al Kuhn, 4000 Glenmore Road North:

- Owns approximately 60 acres in the Future Urban Reserve area of the city.
- Spoke in opposition during the public consultation process when the policy content of the OCP was amended and still opposes the proposed change in minimum lot size.
- The down-zoning devalues the existing A1 properties and at the same time limits or restricts the future economic development of A1 properties. Devaluation of property means less property taxes for the City.
- A1 land owners should be treated the same as all other land owners.
- Suggest that instead of the proposed amendment, Council allow 2 types of A1 properties, non-agricultural and agricultural and allow the non-agricultural properties a minimum 1 ha size for parcels on septic.

Gordon Hirtle:

- He is agent for Okanagan Riviera Estates which is a project that has been in process for the past 8 years on Balldock Road. The project has taken that long because of dealing with the Land Reserve Commission and because of weak market demand.
- The project initially was for development of 25 5-acre lots in one phase; however, because of weak market demand they decided to develop the 25 lots in two stages (9 lots and 16 lots). Phase 1 is in the process of final approval; all services are in and the roads are paved. \$1.3 million has already been spent on Phase 2; the roads have been constructed to sub-grade and extensive excavation work has been done for a service road and a proposed reservoir.
- The development would be totally uneconomic if they were forced to go to the 10 ha parcel size.
- Asked that Council exempt the Okanagan Riviera Estates development from the proposed amendment.

Staff:

- A letter of Preliminary Layout Review has already been issued for the entire project. All the applicant needs to do is submit an application for subdivision approval so that the Approving Officer can sign it off and then it would not be an in-stream application.

Gordon Hirtle:

- Does not want to complete the project this year because of the high cost of development and the weak market right now.

Len Tonn:

- Owns 108 acres west of Robert Lake in the Glenmore Valley. His land is zoned A1 and is not in the Agricultural Land Reserve (ALR).
- Opposed because the proposed amendment would devalue his land.
- A 10 acre lot is worth less per acre than a 5 acre lot per acre.

Staff:

- The future land use designation for Mr. Tonn's property is non-ALR rural.
- A letter of Preliminary Layout Review was issued to Mr. Tonn in the early 1990's to create some minimum 2 ha lots but that letter expired and the application has been inactive for a number of years.

Michael Roach, 245 Swick Road:

- Shared the concerns of previous speakers about land values.
- Is part owner of 3 parcels that comprise a 35-acre apple orchard that is within the ALR and across from the South East Kelowna Elementary School, a store and a school. They are the only working farm in the neighbourhood.
- Concerned that if the proposed amendment is passed it could create a hurdle for getting the portion of his land that is in a frost pocket out of the ALR.
- Supports minimum 1 ha lot sizes.

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Tom Smithwick:

- Also representing Okanagan Riviera Estates, the project that has been in process for the past 8 years on Balldock Road.
- The owners have invested over \$4 million into their project. Phase 1, which created 9 of the 25 lots proposed, will be ready to put on the market this summer. Another \$1 million is needed to complete Phase 2 which would create the other 16 5-acre lots and the reservoir.
- Needs to sell Phase 1 to get the money to invest in Phase 2 and cannot afford to reduce the number of lots in half in Phase 2.
- Asked that they be grandfathered and not be restricted to completion in 1 year.
- Suggested that Council leave the Balldock Road property out of the bylaw. The property would then become non-conforming but it would give them longer than the 1 year to complete the project.

Staff:

- The map that has been used to show, generally, the lands that would be impacted by the proposed amendment does not form part of the bylaw. It is provided only for informational purposes.

Fred Marshall:

- Opposed to the proposed amendment.
- Landowners basic rights are gradually being eroded.
- Does not own property impacted by the proposed bylaw but concerned that if Kelowna adopts this the other regions might follow.
- Should not penalize the landowner willing to take the risk and subdivide his property.

John Hertay:

- The proposed amendment substantially reduces the value of the land. A property that is 5 acres in size is worth more than a 10 acre parcel because a 5-acre parcel costs less and therefore is affordable to more individuals.

Staff:

- Once the Regional District of Central Okanagan adopted their Growth Management Strategy, the City of Kelowna had 2 years to adopt a statement into the City of Kelowna Official Community Plan to state how the City would implement the strategies within its jurisdiction.
- The intent is to protect the lands in the Future Urban Reserve that are not envisaged for development in the 20 year plan from parcelization into smaller lots creating problems for redevelopment in an urban form in the future. The 5 ha parcels are under development pressure to be subdivided in 1 ha lots. Increasing the minimum parcel size to 4 ha would reduce the development pressure on those lots.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 9:12 p.m.

Certified Correct:

Mayor

City Clerk

BLH/