

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 22, 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; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; 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 4, 2002, and by being placed in the Kelowna Daily Courier issues of October 15 & 16, 2002, and in the Kelowna Capital News issue of October 13, 2002, and by sending out or otherwise delivering 834 letters to the owners and occupiers of surrounding properties between October 4 & 7, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 City of Kelowna

Mayor Gray advised that the 3 bylaws under agenda item No. 3.1 would be presented concurrently.

- 3.1(a) Bylaw No. 8894 (OCP01-009) – City of Kelowna – East of Gordon Drive, South of Lexington Drive - THAT Map 15.1 – General Future Land Use of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Part of Lot 1 , DL 168, and of Sec. 6, Twp. 26, O.D.Y.D., Plan KAP46027 exc. Plan KAP49584, and Lot 2, DL 168, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP46027, located on Gordon Drive, from “City Owned Lands” to “Parks and Open Space” as shown on Map “A” attached to the report of the Planning & Development Services Department dated September 11 2002.

See discussion under agenda item 3.1(c).

- 3.1(b) Bylaw No. 8895 (TA01-008) – City of Kelowna – East of Gordon Drive, South of Lexington Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the P5 – Municipal District Park zone to Schedule “B” of Zoning Bylaw 8000 as outlined in Schedule “B” attached to the report of the Planning & Development Services Department dated September 11 2002;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by text amendment adding reference to the P5 – Municipal District Park zone to the section of Zoning Bylaw 8000, as outlined in Schedule “C” attached to the Planning Department’s report;

AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the new definitions to the section of Zoning Bylaw 8000, as outlined in Schedule "D" attached to the Planning Department's report.

See discussion under agenda item 3.1(c).

3.1(c) Bylaw No. 8896 (Z01-1040) – City of Kelowna – East of Gordon Drive, South of Lexington Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 6, Twp. 26, O.D.Y.D., Plan 33324 exc. Plan KAP45692, Lot C, DL 168, and Sec. 6, Twp. 26, O.D.Y.D., Plan 41675 exc. Plan KAP46592, Lot 1, DL 168, and of Sec. 6, Twp. 26, O.D.Y.D., Plan KAP46027 exc. Plan KAP49584, and Lot 2, DL 168, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP46027, located on Gordon Drive, Kelowna, B.C., from the A1 – Agricultural 1 zone and the P1 – Major Institutional zone to the P5 – Municipal District Park and A1 – Agricultural 1 zones as shown on Map "B" attached to the report of Planning and Development Services Department dated September 11, 2002.

Staff:

- The OCP amendment is limited to the adjacent lands to the south that are not already developed as park space.
- The text amendment is to create a new zone for the Mission District Park.
- The application has been reviewed and supported by the Advisory Planning Commission.
- The Appendices attached to the staff report outline the specific terms of the proposed zone and show the potential uses that are envisaged to be in the park.
- The conceptual site plan shows access off Gordon Drive at Lequime Road, building development on the southwesterly portion of the site and field development on the remainder of the site.
- Phase 1 would provide indoor fields and indoor rinks that would be doubled in the long term along with some sort of an aquatic facility.
- A condition of approval by the Land Reserve Commission for excluding the property from the Agricultural Land Reserve (ALR) was the provision of drainage works to lower the water table to reduce groundwater on surrounding agricultural lands. The drainage work undertaken by the City dropped the water table in the surrounding area the required 1 m depth. The City was also required to create a wetland reserve area to the east of the subject property.
- Gordon Drive would be upgraded to a full urban standard along the full frontage of the subject property.
- The site will be serviced with transit; however, the location of the transit stop(s) has not yet been determined.
- The P5 zone is expected to be applied to the Parkinson Recreation Centre and the Rutland Sportsfields in future.
- The majority of the subject property will be designated major parks and open space.

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

- late letter from Don Knox, 3988 Bluebird Road, outlining the importance of ensuring the natural heritage is not disturbed and maintaining the integrity of the indigenous features of the area.

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

Staff, in response to questions of Council:

- Adjacent farmers could plant crops up to their property boundary but are still bound to other regulations for spraying, etc. There would be setback requirements measured from the ALR boundary land for Intensive Agricultural uses which deal primarily with the keeping of animals.
- The east property boundary was fenced before the drainage works took place. The fence belonged to the private land owner and the Drainage Manager is working with the land owner to determine whether it can be salvaged or replaced. The City would be responsible for repairing or replacing the fence.
- Clarified the setback requirements from Mission Creek.
- The wetland reserve was created to supplement the natural habitat.
- Considerable fill will be required to make level playing fields.

Don Knox:

- A major portion of the wetland is under a Restrictive Covenant in favour of the Central Okanagan Parks & Wildlife Trust to ensure the protection and preservation of the wetland for future generations.
- The Parks & Wildlife Trust wants to ensure that the site is developed with a respect for the natural integrity of the site. Would like the indigenous vegetation to be maintained as a buffer zone between the walkway and the wetland, lighting for the outdoor fields should not intrude into the natural areas, and hopes that the purpose of the wetland nursery is to propagate natural plant material.

Dr. Alex Rezansoff:

- Supports the Mission District Park project but thinks the drainage aspect of it has been a total failure and that the City has wasted just short of \$2 million.
- All he had to do was berm his property in order to control the watertable between the berms so that the water is lowered sufficiently to be able to grow grass and some vegetables or fruits.
- Does not want the water level dropped on his land any more than it is – to lower it more would be disastrous because then the peat would be destroyed.
- The fence and weeds along his property line need to be dealt with by the City

City Manager:

- There is obviously a difference of opinion of what should be done.
- The City's Drainage Manager, Mr. Alan Newcombe, is an expert in drainage and is recognized as having done a great job in getting this drainage project done.

There were no further comments.

3.2 Interior Health Authority

- 3.2 Bylaw No. 8907 (Z02-1026) – Interior Health Authority – 135 Davie Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, Sec. 22, Twp. 26, O.D.Y.D., Plan 18085, located on Davie Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the P1 – Major Institutional zone in order to allow development of the site for uses permitted in the P1 zone.

Staff:

- The Interior Health Authority is currently running adult day care and community support programs out of the May Bennett Home. The rezoning is needed to permit office and administrative type uses as well.
- The Health Authority has provided a covenant stipulating that the site will not be developed into major administrative uses in the future. The covenant is in their lawyers hands with an undertaking to have it registered.
- The rezoning would trigger road improvements on Davie and Saskatoon Roads.
- The subject zone amending bylaw is on tonight's Regular meeting agenda for second and third readings and adoption; however, a requirement by the Ministry of Transportation for a right-of-way along Highway 33 has not yet been met and therefore the bylaw cannot be adopted. Consequently, the Development Variance Permit application for a reduced east side yard setback will also have to be deferred from tonight's agenda until such time as the zone amending bylaw can be adopted.

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.

Norm Hatlevik, planning division of Interior Health Authority:

- Recognized the professional service of the City Planning staff with this application.
- The May Bennett part of the name will be retained, but the facility could be renamed to something like the May Bennett Health and Wellness Centre.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:58 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk