

Public HearingNovember 2, 2004

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, November 2, 2004.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi Acting City Clerk, S.C. Fleming; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:02 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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 Public Hearing was advertised by being posted on the Notice Board at City Hall on October 15, 2004, and by being placed in the Kelowna Daily Courier issues of October 25 & 26, 2004, and in the Kelowna Capital News issue of October 24, 2004, and by sending out or otherwise delivering 33 letters to the owners and occupiers of surrounding properties on October 15, 2004.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 **5050 McCulloch Road**

- 3.1 Bylaw No. 9313 (Z04-0020) – Otto Babichuk, 417860 Alberta Ltd., Newport Investments Ltd., 244584 Alberta Ltd., 537584 Alberta Ltd., Cher-Ken Holdings Ltd., MJC Development Corporation, Joric Holdings Ltd., Seadrift Properties Ltd., Dlanor Developments Ltd., 407904 BC Ltd., Michael Neid (Protech Consultants Ltd./Grant Maddock) – 5050 McCulloch Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of East ½ of Sec. 1, Twp. 26, ODYD except Plan KAP48126; and Lot 2A, Sec. 1, Twp. 26, ODYD Plan 1247, located on McCulloch Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 - Parks & Open Space, RR1 – Rural Residential 1 and RR2 – Rural Residential 2 zones.

Staff:

- In 1995, an application was submitted for the rezoning and subdivision of the subject property in order to facilitate a 69-lot rural residential subdivision (1 and 2 acre lots sizes) and a 50 ha (125 acre) park dedication that would form part of the Scenic Canyon Regional Park system. Over the years various development obstacles had to be overcome, mainly upgrading of McCulloch Road off-site, to the west of the subdivision through the KLO Creek corridor.
- The application was subsequently amended by deleting a 25 ha portion of the land south of McCulloch Road, reducing the number of lots to 59 lots on the north side of McCulloch Road.

Public HearingNovember 2, 2004

- On March 21, 2000 the zone amending bylaw was given second and third readings with final adoption being withheld pending the provision of a Servicing Agreement.
- In June 2000 the City, at the request of the Province, amended the minimum parcel size for lots on septic tank from 2 ha to 1 ha, further complicating the development application. Since then the applicant has been applying for 6 month extensions while looking for options for developing the property.
- The applicant is now applying for a 110-lot bareland strata development comprising 16 lots on the south side of McCulloch Road and 94 lots on the north side of McCulloch, serviced by a private package sewage treatment plant. The application includes dedicating 55 ha or 125 acres for park as originally proposed, and a request for a variance to waive the requirement to provide a community sanitary sewer system.
- The proposed development is considered sprawl, particularly since it is not integral to the OCP growth strategy and simply adds to the traffic through an agricultural area on rural standard roads not designed for higher traffic volumes. However, the OCP also states that more intensive development could be supported in this case because of the 125 acre dedication for park.
- The Advisory Planning Commission recommends support on basis that all of the road improvements be provided as part of this development approval.
- Staff cannot recommend in support, as the OCP future land use direction has been to discourage rural sprawl development.

The Acting 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, followed by comments of Council.

Grant Maddock, applicant:

- In June 2000 the Province, through the City, reduced the minimum 2.5 acre parcel size for septic disposal and that is what brought on the need for the treatment facility. Even with 69 lots a treatment plant would still be required.
- At initial consideration Council expressed concern about the private sewage treatment plan proposed within the bareland strata. However, City bylaws do not say on-site treatment is not allowed. If the treatment plant was approved, the developer would have to put in all the infrastructure and put up bonding which would be invested so the works would be well protected through the cash bonds.
- The cost of the treatment plant is \$1.2 million including the bonding, thus the request for the increased number of lots.
- The KLO Creek section of the McCulloch Road upgrade is now estimated to cost \$2 million, not including property acquisition (3 parcels involved – one a cash outlay and the other a property exchange).
- The OCP allows Council to support a higher density when there is a benefit to the City. Hopefully Council will see the benefit and allow this project to go forward.
- There are a number of existing natural trails that start where the treatment plant is proposed. The developer intends to register a right-of-way in favour of the City for a park access at that point and to provide parking for about 10 cars for people utilizing the trails.

Public HearingNovember 2, 2004Bruce Wallis, 3995 Lakevale Court:

- Does not support the application.
- Gallaghers Golf course is on a private treatment plant. If a treatment plant is approved for the proposed development, it would open the door for other developments also on treatment plants. There is also an environment issue with a treatment plant.
There is already considerable traffic on McCulloch Road from the Gallaghers Golf Course development and other subdivisions in the area. Assuming two cars per family the proposed 110 lots would add considerably to the traffic congestion.
- McCulloch is also the access road to Myra Canyon., and once the tressels are rebuilt in Myra Canyon there will be even more traffic.
- Does not support any more growth past Gallaghers Canyon.
- Found out about tonight's meeting from an advertisement in the newspaper. There likely would have been more people here if more notices had been sent out.

Ron Gregory, 5457 McCulloch Road:

- Someone has to fix the road. Road improvement is development driven so if this application does not get approved then the City had better find the money to fix it.
- The road is deteriorating and will not withstand the additional traffic, especially once the trestles have been rebuilt.
- All of the people in his subdivision are in support of this application.

Staff:

- This section of McCulloch Road is high on the City's priority list for upgrade. If this project did not go ahead, staff would be looking to Council for approximately \$1 million for the road upgrades that are required to address safety concerns.
- If the rezoning is approved, the Province would have to approve the treatment plant and the City would be required to be a co-permittee.

Bruce Wallis, 3995 Lakevale Court (continued):

- McCulloch Road has to be improved with or without this development.
- Concerned that City staff say the road upgrade is high priority and a safety concern yet the developer would not be doing the road improvements until earliest next year.

Staff:

- Showed a photo of the road as it exists and advised that the City is considering shoring it up with a retaining wall until there is a permanent solution.
- The public can bypass this section of road by using McCulloch Road to Highway 33 as an alternate route.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:50 p.m.

Certified Correct:

 Mayor

 Acting City Clerk

BLH/am