

Public HearingJuly 11, 2006

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, July 11, 2006.

Council members in attendance: Deputy Mayor C.M. Gran, Councillors A.F. Blaneil, B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Mayor Sharon Shepherd.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Acting Director of Planning & Development Services, S.K. Bagh; Acting Manager of Development Services, S. Gambacort; Planner Specialist, G. Stephen; Parks Manager, J. Creron*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Deputy Mayor Gran called the Hearing to order at 6:03 p.m.
2. Deputy Mayor Gran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 23, 2006 and by being placed in the Kelowna Daily Courier issues of July 4 & 5, 2006 and in the Kelowna Capital News issue of July 2, 2006 and by sending out or otherwise delivering 269 letters to the owners and occupiers of surrounding properties between June 23-27, 2006.

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 **OCP Amendments - Downtown and Rutland Tax Incentive Areas**

- 3.1 Bylaw No. 9630 (OCP06-0013) – City of Kelowna - THAT *Kelowna 2020 - Official Community Plan Bylaw No. 7600* be amended to designate Tax Incentive Areas in Downtown and Rutland as follows:

- Add Map 6.3 - City Centre Tax Incentive Area and Map 6.4 - Rutland Town Centre Tax Incentive Area to Chapter 6 – Urban Centres, and add Map 6.3 and Map 6.4 and the relevant page numbers in the appropriate order in the List of Maps;
- Amend the Urban Centre chapter by adding a new policy 6.1.2 as follows and then renumbering all subsequent policies:
 - “**Revitalization Tax Exemption.** Support the provision of a revitalization tax exemption for the municipal portion of the annual taxes on improvements for appropriate development within the specific areas identified in Map 6.3 City Centre Tax Incentive Area and Map 6.4 Rutland Town Centre Tax Incentive Area.”;
- Update cross-referencing resulting from the insertion of the new policy within Chapter 6.

Staff:

- Outlined the consultation process for input into the proposal to designate tax incentive areas in the Downtown and Rutland.
- Staff were directed by Council to bring forward the bylaws required to implement the program when an application was received for a property with a tax incentive area. The application that has triggered coming forward with the subject bylaw is for redevelopment of the northwest corner of Highway 33 and Rutland Road (the former 4-way food store site).
- The amendments would include wording in the OCP that focuses on the reasons/rationale for the tax incentive bylaw, and the mapping identifying the specific areas included.
- The maps show the boundaries of the Downtown and Rutland tax incentive areas.
- Revitalization Tax Exemption Bylaw No. 9561 will have to be adopted after adoption of the subject bylaw and before Council can issue a tax certificate. The bylaw also includes a tax incentive agreement.

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

Deputy Mayor Gran anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

3.2 Miscellaneous Housekeeping Amendments to the OCP

3.2 Bylaw No. 9580 (OCP06-0003) – City of Kelowna – THAT Kelowna 2020 – Official Community Plan Bylaw No. 7600 be amended as follows:

- Amend the List of Maps by replacing “Map 7.2 Wildland Fire Hazard Areas” with “Map 7.2 Wildland Fire Hazard Development Permit Area Designation”;
- Amend the definitions section by adding a new definition of Potential Riparian Vegetation as follows:

Potential Riparian Vegetation – means vegetation must be considered to be “potential” if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, but an area covered by a permanent structure must be considered to be incapable of supporting potential vegetation.”
- Amend the definitions section by deleting the definition of Riparian Management Area (RMA) and replacing it with the following:

Riparian Management Area (RMA) – means an area:

 - (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
 - (b) the size of which is determined in accordance with Table 7-1, previously established under the Streamside Protection Regulation, B.C. Reg. 10/2001 Regulation (SPR).
- Amend the definitions section by deleting the definitions of Riparian Management Zone (RMZ) and Riparian Reserve Zone (RRZ).
- Amend the definitions section by adding a new definition of Top of Ravine Bank as follows:

Top of the Ravine Bank - means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 meters measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

- Amend the definitions section by deleting the definition of Wetland and replacing it with the following:
Wetland – means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream.
- Amend Chapter 1 - Introduction replace the reference to the OCP time frame (Page 1-1, Paragraph 3) with the following:
“The Official Community Plan (OCP) is based on population projections with a base year of 2000. The Plan will guide development activity and provide both short and long-term directions from the date of adoption in 2004 until 2020. The Plan will be re-evaluated every five years to ensure that it continues to reflect community needs and desires.”;
- Amend the Growth Management chapter by adding a new Policy 5.1.11 as follows:
Future Urban Reserve. Lands within the Future Urban Reserve are not supported for any further parcelization. An applicant or land owner may apply to change the future land use designation to Rural/Agricultural if it can be demonstrated that a rural use of the land, such as a rural lot subdivision, is the highest and best use of the subject lands. A proposal to amend the land use designation to Rural / Agricultural may be supported where the land is deemed not to have the potential to be developed as part of a comprehensive urban development in the future.
- Amend the Urban Centre chapter by deleting Policy 6.1.9 and replacing it with the following:
Transit Service. Encourage frequent and convenient bus service between Urban Centres and surrounding urbanized, central areas, as well as institutional and community services, such as the hospital, the college and park facilities, with a particular view of servicing lower income populations that live and work in these areas and may have limited alternate means of transportation;
- Amend the Urban Centre chapter by deleting Policy 6.1.31 and replacing it with the following:
Employment Opportunities. Encourage increased employment opportunities within Urban Centres to support the Transportation Demand Management (TDM) strategies of Chapter 12 – Transportation, and to continue to improve the economic health of the labour force residing within and adjacent to the Urban Centres;
- Amend the Environment Chapter – Section 7.3 by deleting policy 7.3.11 and replacing it with the following:
Establish Riparian Management Areas. Require riparian management areas to be provided to limit environmental and hydrological impacts on local watercourses (Table 7.1 in Section 7.11 Development Permit Guidelines). Riparian Management Areas may include provision for public access provided there has been an assessment by a Qualified Environmental Professional demonstrating “no harm” to features, values and functions of fish and fish habitat, and an authorization by the appropriate federal or provincial ministry or agency.

- Amend the Environment Chapter – Section 7.3 by deleting policy 7.3.12 and replacing it with the following:
Varying Requirements. Retain the option to vary, within the context of Table 7.1 requirements, the width of Riparian Management Areas to accommodate the maximum retention of desirable natural vegetation and wildlife habitat, ground formations, water features, and flood control protection. Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements are to be referred to the City for review prior to filing the assessment report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency. Within the Riparian Management Area, restoration of streamside vegetation may be a requirement of the development process;
- Amend the Environment Chapter – Section 7.10 by deleting Policy 7.10.4 and replacing it with the following:
Wildland Fire Hazard Protection. Continue to consider, as an exemption to the Hazardous Condition Development Permit requirements of Section 7.12, registration of Section 219 Restrictive Covenants under the *Land Title Act* at the time of subdivision or building permit for properties within or near the Wildland Fire Hazard Development Permit Area Designation on Map 7.2.
- Amend the Environment Chapter – Section 7.11 Objectives by deleting the reference to the definitions of Riparian Management Zone (RMZ) and Riparian Reserve Zone (RRZ).
 Amend the Environment Chapter – Section 7.11 Objectives by replacing the diagram of the Stream Riparian Management Area - Typical Cross-section;
- Amend the Environment Chapter – Section 7.11 Properties Qualifying for a Waiver by deleting bullet # 5 and replacing it with the following:
 - The construction or maintenance of public facilities within a designated Riparian Management Area and authorized by the appropriate provincial ministry or agency.
- Amend the Environment Chapter – Section 7.11 Properties Qualifying for a Waiver by deleting bullet # 7 and replacing it with the following:
 - A development when the proposed use is a location which:
 - does not include areas of 30% slope or more;
 - is beyond the boundary of a Riparian Management Area as determined using **Table 7 – 1**; and
 - the proposed development proceeds in accordance with Section 4 (2) or (3) and Section 7 of the *Riparian Areas Regulation*.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Riparian Management Area Requirements by deleting bullet # 3 and replacing it with the following:
 - Where the *Riparian Management Area* occupies more than 30 % of an existing lot, and where a ‘hardship’ can be demonstrated the City of Kelowna may consider supporting the proponent’s application for relaxation for authorization by DFO. Restoration / mitigation in accordance with Section 4 and 7 of the *Riparian Areas Regulation* (i.e. assessment report prepared by a Qualified Environmental Professional) would be a condition of that support.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Riparian Management Area Requirements by deleting bullet # 4 and replacing it with the following:
 - Within the *Riparian Management Area*, where relaxation is considered, environmental mitigation and restoration in accordance with Section 4, 7 & 8 (3) of the *Riparian Areas Regulation* will be a requirement of the development process.

- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Riparian Management Area Requirements by deleting bullet # 6 and replacing it with the following:
 - Any proposed relaxation of *Riparian Management Area* widths, storm water mitigation requirements, or erosion & sediment control requirements are to be referred to the City for review prior to filing the report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency for authorization.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Measuring Details by deleting bullet # 2 and replacing it with the following:
 - Measure *Riparian Management Areas* along ravines and other stream corridors with steeply pitched banks from the top of ravine bank.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Permitted Uses and Prohibited Uses by deleting them and replacing them with the following:

Activities within Riparian Management Area

 - Where it can be demonstrated to the satisfaction of the City and the appropriate provincial ministry or federal agency that there will be no negative effects on fisheries habitat, the *Riparian Management Area (RMA)* may include uses such as public or private pathway, utility corridor, road crossing, etc.
 - Prohibit the development of buildings, structures, and hard-surfacing, such as driveways and parking areas and limit soil deposition and some agricultural practices within the *Riparian Management Area*.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Table 7.1 by adding a note to the bottom of the table as follows:

* Note: Any stream not in the above list is subject to the *Riparian Areas Regulation*.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Notes for Table 7.1 by deleting No. 3 and replacing it with the following:

Riparian Management Areas along Lake Okanagan are to remain in a natural condition or be landscaped in a manner that either enhances conditions for fish and wildlife or maintains conditions equivalent to those that would have existed had no development occurred. Upon review of lakefront development permits, staff shall give recognition to the fact that upland property owners have riparian rights to protect their property from erosion, the right of access to water, and the right of naturally accreted material (gradual and imperceptible natural deposition). This right may in some cases mean that vegetation cannot be preserved or planted.
- Amend the Environment Chapter – Section 7.11 Guidelines for Development – Riparian Management Areas / Notes for Table 7.1 by deleting No. 4 and replacing it with the following:

In areas along Mission Creek (east of Gordon Drive), the City of Kelowna will pursue the establishment of a *Riparian Management Area*, which will average 30 metres in width plus an additional 20 metres (Public Route of Access dedication) for a total width of approximately 50 metres. The Riparian Management Area along Mission Creek may vary in width but shall be of sufficient width to include any significant natural features (e.g., vegetation, water features, fish & wildlife habitat, escarpments, terraces, steep valley sides and cliffs).

- Amend the Environment Chapter – Section 7.12 Guidelines for Development within Hazardous Condition Areas / Areas Designated by deleting it and replacing it with the following:
The areas shown as Hazardous Condition Development Permit Areas on Map 7.1 and as Wildland Fire Hazard Development Permit Areas on Map 7.2 or affected by the conditions listed in Section 7.12 are designated as Hazardous Condition Development Permit areas.
- Amend the Environment Chapter – Section 7.12 Guidelines for Development within Hazardous Condition Areas / Flooding by deleting bullet # 1 and #2 and replacing them with following:
 - Setback development on properties along streams and water bodies in accord with the appropriate provincial ministry or agency required minimum horizontal setback of 15 metres. Applications for a relaxation of the horizontal setback will require a report by a Qualified Environmental Professional (QEP). Require the registration of a S. 219 covenant to save the City of Kelowna and the Province harmless from any future flooding damage resulting from a relaxation of the required floodplain management setback.
- Amend the Housing chapter by deleting Policy 8.1.31 and replacing it with the following:
Rezoning to Higher Densities. Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 where a portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement). To mitigate the neighbourhood impact of higher densities, it is important that:
 - supporting infrastructure and park land is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure and park land); and
 - the proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and
 - the project be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land use designations assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood); and
 - approval of the project not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.).
- Amend the Housing chapter by deleting Policy 8.1.38 and replacing it with the following:
Family Housing. Encourage family-oriented townhouses or apartment housing, and work to achieve some family housing that conforms to the City's definitions of affordability (see 8.1.16), especially within, and in proximity to, Urban Centre areas;
- Amend the Housing chapter by deleting Policy 8.1.48 and replacing it with the following:
Housing for Lower Income Singles. Actively encourage affordable housing in accordance with the City's definitions, for lower income singles, in response to the documented shortage of housing for this particular group and focus on locating housing for this population both within and in proximity to Urban Town Centres;

- Amend the Housing chapter by adding in the section titled “Uses to be Encouraged” a new Policy 8.1.49 as follows:
Housing in the Urban Corridor: A more varied housing supply and means of increasing affordability should be actively sought for the neighbourhoods surrounding and including the Urban Town Centres and the Highway 97 corridor extending to the north boundary of the City, north, south and east of Highway 97 as it changes to a northerly direction.
- Amend the Housing chapter to re-number the policies after 8.1.49.
- Amend the Services and Utilities Chapter by deleting Policy 13.5.4 and replacing it with the following:
Residential Setback. Encourage new residential development setbacks of 30 metres from the edge of the transmission line wires for feeder lines;
- Amend the Services and Utilities Chapter by deleting Policy 13.5.5 and replacing it with the following:
Non-Residential Setback. Encourage new non-residential development setbacks of 6 metres from the edge of high voltage power lines or as required by the electrical utility owner;
- Amend the Parks and Leisure Services Chapter by deleting Policy 14.1.32 and replacing it with following:
Linear Park Dedications. At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in **Table 14.1** and/or are shown on **Map 14.2**. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy;

Within the designations of Multiple Unit Residential – medium and high density – amend the text reference to “care centres up to 25 people” by removing the words “up to 25 people”.
- Amend the list of adopted Area Structure Plans in Chapter 19 – Future Land Use – Mapping Notes/Area Structure Plans to include “Vintage Landing Area Structure Plan, dated July 2005” at the end of the list.
- Amend Chapter 19 – Future Land Use – Sector and Neighbourhood Plans by replacing the first paragraph under Sector and Neighbourhood Plans with the following:

More detailed Plans have been prepared for a number of areas in the City. The areas of the City covered by these plans are illustrated on **Map 19.2**. After endorsement of the Sector Plan or Neighbourhood Plan and the undertaking of any required refinements, the land use designations (**Map 19.1 Generalized Future Land Use**) and relevant policy wording that has applicability to the wider City context from these plans was incorporated as part of the Official Community Plan. Sector Plans and Neighbourhood Plans are prepared to provide a refinement to the level of detail within the context of the Official Community Plan, but these Plans are not statutory documents, they have not been adopted by bylaw and once endorsed they have not been updated on an on-going basis. With respect to land use the current OCP is the relevant policy document.

- Replace Map 6.2 Urban Development Permit Area Designation with a new Map 6.2 using the most recent GIS lots layer
 - Addition of Kelowna Springs Golf Course to City boundary
 - Amend boundary of Capri Village Centre to match new property boundary for Centuria project
- Replace Map 7.1 Natural Environment/Hazardous Condition Development Permit Area Designation with a new map 7.1 using the most recent GIS lots layer
 - Addition of Kelowna Springs Golf Course as a Natural Environment DP Area (wetland)
 - Minor adjustments of DP areas to reflect recent update of the lots layer based on new subdivisions and changes to water boundary (creeks)
- Replace Map 7.2 Wildland Fire Hazard Development Permit Area Designation with a new map 7.2 Wildland Fire Hazard Development Permit Area Designation
 - Addition of Kelowna Springs Golf Course to City boundary
- Replace Map 8.1 New Housing Distribution with a new Map 8.1
 - Addition of Kelowna Springs Golf Course to City boundary
- Replace Map 10.1 Sand and Gravel Deposits with a new Map 10.1
 - Addition of Kelowna Springs Golf Course to City boundary
 - Portion of Kelowna Springs Golf Course shown as sand / gravel deposits
- Replace Map 11.2 Urban-Rural/Agricultural Boundaries with a new Map 11.2
 - Addition of Kelowna Springs Golf Course within the urban portion of the Urban - Rural / Agricultural Boundary
 - Updated ALR boundary from GIS
- Replace Map 12.1 20-Year Major Road Network and Road Classification Plan with a new Map 12.1
 - Addition of Kelowna Springs Golf Course to City boundary
- Replace Map 13.2 Sanitary Sewer System with a new Map 13.2
 - Addition of Kelowna Springs Golf Course into the existing sanitary sewer service area
 - Update of existing service area, 2020 sanitary sewer service limits and remaining sanitary sewer priorities
- Replace Map 13.3 Water Supply System with a new Map 13.3
 - Addition of Kelowna Springs Golf Course to BMID service area
 - Amend map with new GEID Boundaries:
 - All lands within McKinley Waterworks boundary to be added;
 - Remainder of SE1/4, Sec. 3, Twp 23 to be added
- Replace Map 14.1 Linear Park Concept Plan with a new Map 14.1
 - Addition of Kelowna Springs Golf Course to City boundary
 - Updated ALR boundary from GIS
- Replace Map 19.1 Generalized Future Land Use with a new Map 19.1 using the most recent GIS lots layer
- Land use changes to reflect OCP amendment bylaws approved by Council since June 2004
- Minor changes to match new lots layer / subdivisions:
 - Adjust Private Recreation / Single / Two Unit Residential boundary - Quail Ridge Golf Course
 - Adjust Major Park / Open Space and Single / Two Unit Residential boundary near Long Ridge Dr. (Glenmore Highlands)
 - Adjust Educational / Major Institutional and Single / Two Unit Residential boundary on Marigold Crescent (Glenmore Valley)
 - Expand Educational / Major Institutional designation to include full lot at the SE corner Rutland Rd N / Sumac Rd E for Sikh Temple
 - Adjust Major Park / Open Space and Single / Two Unit Residential designations to match new lots / subdivision at the east end of Mugford Road

- Adjust land uses in Bell Mountain ASP – new lots
- Adjust Institutional / Multiple Unit Residential - low density boundary near Lequime Rd (Fairview)
- Adjust Major Park / Open Space and Single / Two Unit Residential boundary (Gallaghers Golf Course)
- Adjust Major Park / Open Space and Single / Two Unit Residential boundary in Neighbourhood 2 (Marin / Carmel Cres.)
- Adjust boundary of ASP #3
- Road line work adjustments:
 - Amend Gallagher Road link through Kirschner Mountain to match land use
 - Adjust line on map for Clifton Road near Marshall property
 - Adjust line on map for Burch Road extension near proposed WWTP
- Minor changes at Council direction:
 - Change Industrial designation to Single / Two Unit Residential along the south side of Bay Ave between Richter and Ethel (Council Resolution January 10, 2006)
 - Maximum 10 metres of foreshore to be designated as Major Park / Open Space from Lots 2,3,4,5,6 and 7, Plan 2708 (Council Resolution September 13, 2004).
 - Designation of BMID ditch right-of-way along Rutland bench as Major Park / Open Space (Council Resolution September 13, 2004).
 - Road network changes:
 - Add Water / Pandosy link south of Hwy 97 as per Council approval of OCP Amendment Bylaw 9376
- Other proposed changes:
 - Addition of Kelowna Springs Golf Course to City boundary and to designate as Private Recreation
 - Change Rural / Ag designation to Major Park / Open Space for lot at 1870 Mantle Court (RDCO park acquisition)
 - Add 15m Major Park / Open Space designation along Francis Brook east of Findlay Rd to Hwy 97 - pull back Industrial designation to match (coincides with Table 7.1 / 14.1, Map 14.2 and Mill Creek Linear Park Master Plan)
 - Change Single / Two Unit Residential designation to Major Park / Open Space designation on two lots in Magic Estates - Camelot Ct (Knox Mountain Park)
 - Change Major Park / Open Space to Single / Two Unit Residential designation on Churchill Court / Marshall property near Clifton Road / adjust ASP boundary
 - Change Institutional designation to Commercial – Post Haus Pub (Hwy 33 E.)
 - Change Educational / Major Institutional designation to Multiple Unit Residential - medium density for one lot on Barlee Rd
 - Change Major Park / Open Space designation to Multiple Unit Residential - medium for lot on Pacific Court and change Multiple Unit Residential - low designation to Major Park / Open Space for one lot on Brookside Ave
 - Change Single / Two Unit Residential designation to Major Park / Open Space for Stillingfleet Park
 - Adjust Public Services / Utilities and Major Park / Open Space boundary near Munson pond
 - Change Single / Two Unit Residential designation to Public Services / Utilities for 803 Steele Rd
 - Change Future Urban Reserve designation to Major Park / Open Space for Nature Trust of BC property (leased to Crown) at the end of Lakeshore Rd
- Replace Map 19.2 Sector and Neighbourhood Plans with a new Map 19.2
 - Addition of Kelowna Springs Golf Course to City boundary as part of the Hwy 97 Sector.

Public HearingJuly 11, 2006

Staff:

- Reviewed the proposed amendments.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- letter from the Black Mountain Irrigation District commenting on the Rutland Bench linear trail and their suggestion for amended wording in the bylaw.

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

Robert Hrasko, Administrator, Black Mountain Irrigation District:

- Referred to the BMID's correspondence to Council and asked for Council support of the wording changes suggested by the BMID with respect to the Rutland Bench Linear Trail.
- Is also representing the Kelowna Joint Water Committee. In 2005 the committee changed an area at the north of the city from 'purple' to 'yellow' because the area is to be serviced by Glenmore. On behalf of the committee, asked that the Water Maps in the OCP also be amended to reflect that change.

Staff:

- Would like an opportunity to review the request and if appropriate, will bring forward the required amendment with future housekeeping amendments.
- If it is Council's wish the subject bylaw could be amended at first reading at tonight's Regular Meeting to incorporate the wording changes requested by the BMID with respect to the Rutland Bench Linear Trail.

Council:

- Questioned the proposed change to Chapter 8 – Housing regarding the requirement for affordable housing. Staff clarified that the intent is the same, the change just puts more emphasis on the affordable housing component.

There were no further comments.

3.3(a) 1642 Commerce Avenue

- 3.3(a) Bylaw No. 9626 (OCP06-0004) – 6123333 BC Ltd. (Hans Newmann) – 1642 Commerce Avenue – THAT Map 15.1 of Kelowna 2020 - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 5, DL 125, ODYD, Plan KAP73825 located on Commerce Avenue, Kelowna, B.C., from the Industrial designation to the Commercial designation.

See discussion under 3.3(b) below.

3.3(b) 1642 Commerce Avenue

3.3(b) Bylaw No. 9627 (Z06-0016) – 6123333 BC Ltd. (Hans Newmann) – 1642 Commerce Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, DL 125, ODYD, Plan KAP73825 located on Commerce Avenue, Kelowna, B.C. from the I1 - Business Industrial zone to the C10 - Service Commercial zone.

Staff:

- The rezoning would facilitate construction of a new warehouse sales building on the site.
- The Advisory Planning Commission recommends support of both the OCP amendment and the rezoning.

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

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

Hans Newmann, applicant:

- Nothing to add at this time.

There were no further comments.

3.4 120 Old Vernon Road

3.4 Bylaw No. 9628 (Z06-0018) – M124 Enterprises Ltd. (Ted Thomas & Associates) – 120 Old Vernon Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec 2, Twp. 23, O.D.Y.D., Plan 7301, located on Old Vernon Road, Kelowna, B.C. from the C2 – Neighbourhood Commercial zone to the I2 – General Industrial zone.

Staff:

- The subject property is on the northeast corner of Rutland Road and Old Vernon Road.
- The rezoning is requested to permit development of a motorcycle dealership on the property.
- The application is consistent with the OCP future land use designation of Industrial.
- The Advisory Planning Commission recommends non-support because the applicants will also need a variance to allow for reduced lot area which the APC felt was excessive; the APC felt that additional property needed to be added to the site.
- Displayed an artist's rendering of the proposed 2-storey building.
- Variances will be requested to the minimum lot area requirement; the minimum lot width; the landscape buffer strip width, and the allowable projection into the side yard as part of an architectural feature.
- Staff recommend support.

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

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

Ted Thomas, representative for the applicant:

- The applicants have been in the business for 50 years and have been located in Kelowna for 28 years. They have a residence next to the existing business. Checked with Bylaw Enforcement staff and no complaints have been received by the City.
- Bike testing is done within closed walls. The structure is high density precast concrete so sound penetration would be minimal.
- The mechanics area where testing done is air conditioned negating the need to open doors or windows.
- The mechanics also test the bikes on the street but only for a short distance. They do the same outside testing at the current location and have heard no complaints.
- It is management of the facility that dictates noise and the proposed design takes that into consideration.

There were no further comments.

3.5 2750, 2760, 2784, 2786 & 2788 Highway 97 North

- 3.5 Bylaw No. 9629 (Z05-0073) – Echo Mountain Development (New Town Planning Services Inc.) – 2750, 2760, 2784, 2786 & 2788 Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Part of Lot 1, DL 124 & 415, O.D.Y.D., Plan 1879, EXC. Plan 8341, Part of Lot 2, DL 124, O.D.Y.D., Plan 1879, Part of Lot 3, DL 124, O.D.Y.D., Plan 1879 EXC. Plan 4571, Part of Lot A, DL 124, O.D.Y.D., Plan 8341, and Part of Lot A, DL 124, O.D.Y.D., Plan 4571, located on Highway 97 North, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I1 – Business Industrial and I2 – General Industrial zones.

Staff:

- The subject property is commonly referred to as the Marshall Feedlot property.
- The rezoning would facilitate redevelopment of the site as an industrial subdivision.
- Displayed the proposed subdivision layout showing 32 industrial lots; 21 General Industrial and 11 Business Industrial, with access off the McCurdy Road extension.
- The land to the west of the Mill Creek corridor would not be developed until the Central Okanagan Bypass alignment has been determined.
- The Advisory Planning Commission recommends support as do staff.

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

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

Keith Funk, applicant:

- Gave a PowerPoint presentation providing details of environmental work that is required, traffic impacts, roadways, the proposed trail network, storm water detention, and Mill Creek Riparian Management requirements.
- The project will be a strata development called the Marshall Business Park. The lots will be approximately 1 acre in size. A covenant would be registered on the lots fronting McCurdy and Highway 97 limiting outdoor storage to new vehicles only – not unsightly industrial goods.
- Environmental cleanup of the feedlot would have to be approved by the Ministry of Environment and City Environment staff.
- There are no plans to integrate affordable housing into the industrial portion of the property. However, there may be some good housing sites on the benches in the western portion of the balance of the property once the no-build restriction is lifted.

Council:

- Suggested the developer encourage the purchasers of the industrial lots to consider putting a residential suite above their businesses for security purposes and as a form of affordable housing.

Rene Dureault, representing Echo Mountain Development:

- Explained their plans for disposing of the roughly 72,000 m³ of manure that will have to be removed from the site.

Councillor Clark left the meeting at 7:28 p.m.

There were no further comments.

3.6 Miscellaneous Mapping Corrections – Zoning Bylaw

- 3.6 Bylaw No. 9610 (Z06-0022) – City of Kelowna – Various Properties – THAT Schedule ‘A’ of City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following properties on “Map 1” to “Map 11” inclusive:

Map 1:

- i) Part of Lots 1-13, Sec 6, Twp 26, ODYD, Strata Plan KAS2882 located at 670 Lequime Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the RM3 – Low Density Multiple Housing zone;
- ii) Part of Lots 1-47, Sec 6, Twp 26, ODYD, Strata Plan KAS2684 located at 688 Lequime Road, Kelowna, B.C., from the RM3 – Low Density Multiple Housing zone to the RM5 – Medium Density Multiple Housing zone;

Map 2:

- i) Part of Lot A, Sec 32, Twp 29, ODYD, Plan KAP76254 located at 4324 Bedford Lane, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the A1 – Agriculture 1 zone;
- ii) Part of Lot 2, Sec 32, Twp 29, ODYD, Plan KAP76256 located at 4255 Bedford Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone;

Map 3:

- i) Part of Lot shown as “Park” on Plan 52450 located at 1856 Canyon Falls Court, Kelowna, B.C., from the P4 – Utilities zone to the P3 – Parks and Open Space zone;

Map 4:

- i) Part of Lot A, Sec 31, Twp 26, ODYD, Plan KAP80354 located at (W OF) Knox Mountain Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P3 - Parks and Open Space zone;

Map 5:

- i) Part of Lot A, District Lot 125, ODYD, Plan KAP79375 located at 1580 Highway 33 West, Kelowna, B.C., from the C4 – Urban Centre Commercial zone to the C9 – Tourist Commercial zone;

Public HearingJuly 11, 2006Map 6:

- i) Part of Lot A, Sec 23, Twp 26, ODYD, Plan KAP80688 located at 1276 Teasdale Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone;
- ii) Part of Parcel A (Plan B5620) of Lot 2, Secs 23 & 24, Twp 26, ODYD, Plan 2329, Except Plans H13224 and KAP80688 located at 1255 Belgo Road, Kelowna, B.C., from the A1s – Agriculture 1 with Secondary Suite zone to the A1 – Agriculture 1 zone;

Map 7:

- i) Parts of Lots 13, 19, 20 and 36, Sec 24, Twp 28, SDYD, Plan KAP79047 located at 522 & 520 South Crest Drive and 513 & 515 Quartz Court, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU1 – Large Lot Housing zone;
- ii) Part of Lot 21, Sec 24, Twp 28, SDYD, Plan KAP79047 located at 517 Quartz Court, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone;

Map 8:

- i) Parts of the West ½ of Sec 14, Twp 23, ODYD, Except Plans H16596, KAP51877, KAP47192, KAP53641, KAP53790 and KAP57365, Except Plan KAP73608 located at 5520 Highway 97 North, Kelowna, B.C., from the I5 – Extraction zone to the CD15 – Airport Business Park zone and the P3 – Parks and Open Space zone;

Map 9:

- i) Part of Lot 1, District Lot 123, ODYD, Plan KAP51422 located at 2659 Norris Road, Kelowna, B.C., from the P4 – Utilities zone to the I2 – General Industrial zone;
- ii) Part of Lot 2, District Lot 123, ODYD, Plan KAP51422 located at 2611 Norris Rd., Kelowna, B.C., from the I2 – General Industrial zone to the P4 – Utilities zone;

Map 10:

- i) Part of Lot A, Sec 14, 15, 22 & 23, Twp 23, ODYD, Plan KAP56201, Except Plans KAP68068 and KAP80682 located at 3025 Quail Ridge Boulevard, Kelowna, B.C. from the CD6L – Comprehensive Residential Golf Resort (Liquor Primary) zone to the CD6 – Comprehensive Residential Golf Resort zone;

Map 11:

- i) Parts of Lot B, Sec 19, Twp 27, ODYD, Plan KAP80286 located at South of Swainson Road, from the RU1h – Large Lot Housing (Hillside Area) zone to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone.

The Deputy City Clerk advised that the subject application was considered by Council at the June 13, 2006 Public Hearing at which time errors were noted in two of the maps. The errors resulted in a change in both use and density and so the Public Hearing was held open on the subject bylaw.

Deputy Mayor Gran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

Public Hearing

July 11, 2006

4. TERMINATION:

The Hearing was declared terminated at 7:30 p.m.

Certified Correct:

Deputy Mayor Gran

Deputy City Clerk

/blh