

Public HearingAugust 25, 2009

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, August 25th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Robert Hobson, Charlie Hodge, Graeme James and Luke Stack.

Council members absent: Councillors Andre Blanleil, Angela Reid and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 p.m.

The City Clerk advised that Item 3.2 on the Public Hearing Agenda has been deferred by Council to the September 8, 2009 Public Hearing.

The City Clerk also advised that Items 7.1(a)(i), 7.1(a)(ii) and 7.1(b) on the Regular Meeting Agenda will not be able to be considered by Council as a member of Council has a conflict of interest with respect to those items; and therefore, Council will be unable to maintain quorum.

2. Mayor Shepherd 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 7, 2009, and by being placed in the Kelowna Daily Courier issues of August 17, 2009 and August 18, 2009, and in the Kelowna Capital News issue of August 16, 2009, and by sending out or otherwise delivering 646 letters to the owners and occupiers of surrounding properties between August 7, 2009 and August 12, 2009.

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 Bylaw No. 10210 (LUC09-0002) – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way - THAT Application No. LUC09-0002 to discharge the Land Use Contract 77-1028 for Lot 1, District Lot 140, ODYD, Plan 27785 located on Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT Application No. LUC09-0002 be forwarded to a Public Hearing for further consideration.

Staff:

- Advised that the application exceeds the City's parking requirements.

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

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- Letter of Opposition:
 - Sarah Jones, Clark Wilson LLP, on behalf of the owners of Spall Plaza, 800-885 West Georgia Street, Vancouver, BC

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

Gallery:

Norm Wallace, 3378 Canterbury Drive, Surrey, BC, on behalf of the owner of Spall Plaza, 4231 Investments Ltd.:

- Concerned that the parking available on the site will not be suitable for the new occupants of the building.
- Believes that the land use contract discharge process has been violated as the tenancies were created prior to the site being rezoned.
- Concerned that the value of the subject property will be significantly increased as a result of the requested C4 zoning.

Gordon Anton, WGP-241 Holdings Ltd., Applicant:

- Advised that he has owned the property for approximately 20 years and that the building was fully occupied by tenants when he purchased the property.
- As a result of a tenant vacancy, he approached the City with respect to discharging the Land Use Contract as he was aware that the City of Kelowna was considering discharging all of its existing land use contracts.
- Advised that his tenants have documentation from the City of Kelowna that states that once the Land Use Contract is discharged, the Business Licenses for the tenants will be released.
- Advised that the property is not for sale and that he does not have any intention of selling the property in the near future.
- Confirmed that he is prepared to install a bike rack and plant some landscaping around the property.

There were no further comments.

- 3.2 Bylaw No. 10218 (Z09-0031) – Louis Spartin, Tracey Spartin, Gary Taylor and Maureen Ryan (Troika Developments Inc.) - THAT Rezoning Application No. Z09-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, B.C. from the C1 – Local Commercial zone to the C3 – Community Commercial zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties into one title;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the applicant entering into a legal agreement with and acceptable to the City of Kelowna, to be registered on title (or in a manner equally acceptable to the Director of Land Use Management), with respect to the ongoing provision of transit passes for those employed in the completed development;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject properties.

This item was deferred by Council, during the August 24, 2009 Regular Meeting, to the September 8, 2009 Public Hearing.

- 3.3 Bylaw No. 10219 (OCP09-0003) and Bylaw No. 10220 (Z09-0012) – Kenneth and Belva Casorso – 3985 Casorso Road - THAT OCP Bylaw Amendment No. OCP09-0003 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot C Section 5 Township 26 ODYD Plan KAP58972 ("Lot C Plan KAP58972"), located on 3985 Casorso Road, Kelowna, B.C., from the Rural/Agricultural designation to the Public Services/Utilities designation and a portion of Lot C Plan KAP58972 from the Rural/Agricultural designation to the Major Park/Open Space designation, all as shown on Map "A" attached to the report of the Community Sustainability Division, dated July 14, 2009, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Community Sustainability Division dated July 14, 2009;

AND THAT Rezoning Application No. Z09-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C Section 5 Township 26 ODYD Plan KAP58972 ("Lot C Plan KAP58972"), located on 3985 Casorso Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P4 – Utilities zone and a portion of Lot C Plan KAP58972 from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone, all as shown on Map "B" attached to the report of Community Sustainability Division, dated July 14, 2009, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP09-0003 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the City receiving an executed, registerable plan of subdivision, for the portion of land to be zoned P3 and dedicated to the City;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the City receiving a complete non-farm use application for the concrete/asphalt recycling activities on the remainder of the site, as per the Agricultural Land Commission's resolution, included below, under application #G-38900;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Environment & Land Use Branch being completed to their satisfaction.

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

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- Letter of Conditional Support:
 - Jane Hatch, Tantalus Vineyards, 1670 Dehart Road

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

Gary Williams, Regional Planning Engineer, FortisBC, Applicant

Devin Krenz, Planning Engineer, FortisBC, Applicant:

- Gave a presentation to Council regarding the proposed substation.
- Displayed a scale model of the proposed site for Council's consideration.
- Advised that Open Houses were hosted on November 27, 2007, January 14, 2008 and April 2008.
- Confirmed that all of the sites considered for the substation are within the Agricultural Land Reserve.
- Advised that Site #7, which is the preferred site, is a gravel pit and therefore has minimal impact on the surrounding ALR lands or the surrounding residential properties.
- Advised that the nearest residence to the substation is approximately 200m away.
- Confirmed that a portion of the property will be rezoned to P3 (parks and open space) and then dedicated to the City of Kelowna for a future linear trail connection through to Priest Creek.
- Confirmed that FortisBC has had significant discussions with the owner of Tantalus Vineyards located at 1670 Dehart Road.
- Confirmed that FortisBC has additional measures in place to deal with any potential flooding problem on the site.
- Confirmed that FortisBC would be willing to erect some significant landscaping in the riparian area should the City request it.
- Advised that FortisBC is currently engaged in a long-term study that specifically focuses on Kelowna and long-range planning for power supplies.
- Confirmed that the potential EMF's in the open space area are well below the World Health Organization's acceptable levels.

Staff:

- Advised that an environmental impact assessment was provided to staff which indicated that there would not be any negative impact on the aquatic habitats in the area as a result of EMF's from the FortisBC substation.

Doug Flintoff, on behalf of Okanagan Fish & Game Club:

- Generally in favour of the proposal.
- The Okanagan Fish & Game Club owns property adjacent to the subject property and does not feel that this application will have any negative impact on their lands.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:07 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld