

Public HearingJune 29, 2010

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 29<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig\*, Robert Hobson, Charlie Hodge, Graeme James, Michele Rule and Luke Stack.

Council members absent: Councillors Andre Blanleil and Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble; Manager, Environment & Land Use, Todd Cashin; Subdivision Approving Officer, Ryan Smith; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 4:04 p.m.
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 June 17, 2010, and by being placed in the Kelowna Daily Courier issues of June 21, 2010 and June 22, 2010, and in the Kelowna Capital News issue of June 20, 2010, and by sending out or otherwise delivering 198 letters to the owners and occupiers of surrounding properties between June 17, 2010 and June 18, 2010.

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. 10352 (TA10-0006) - No. 21 Great Projects Ltd. - THAT Text Amendment No. TA10-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated May 20, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0006 be forwarded to a Public Hearing for further consideration.

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

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

Dave Lange, Applicant's Representative

- Displayed photos to illustrate the intent of the RU3 lots.
- Would like to create the smaller RU3 lot in order to promote:
  - o affordable housing options;
  - o privacy;
  - o neighbourliness;
  - o street appeal; and
  - o 17 meters of usable rear yard (60% of the lots are open space).

- Displayed an illustration entitled "Typical Small Lot Layout".
- Have done research in other communities that indicate these types of lots are affordable and provide privacy.
- Displayed an illustration entitled "Strategic Location & Integration in Neighbourhood 3" and stated the following benefits:
  - o extremely flat site conducive to higher density housing
  - o convenient walking distance to Town Centre and school site;
  - o density close to town centre and schools reduces traffic & density on visible hillsides;
  - o relatively small area of overall neighbourhood
  - o buffered by natural open space and topography; and
  - o directly adjacent to 11 km of nature trails and central trail head.
- Displayed an illustration entitled "Bedford Landing" project in Fort Langley, which development was used as study case by the applicant.
- Displayed an illustration entitled "Some Other BC Examples", which included Garrison in Chilliwack, BC and The Knoll Area in Surrey, BC.
- Assured Council that small lots does not necessarily mean bad development.
- A formal market analysis was not done for the Kelowna area.
- Confirmed that a single builder has committed to taking on the construction of the development so that the form and character of the entire development area will be uniform.
- Displayed an illustration entitled "Advantages of the Proposed OCP Amended Plan".

There were no further comments.

- 3.2 Bylaw No. 10350 (OCP10-0005) and Bylaw No. 10351 (Z10-0023) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road - THAT Official Community Plan Bylaw Amendment No. OCP10-0005 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan (Bylaw No. 7600) by changing the Future Land Use designation of portions of the South ½ District Lot 579 Similkameen Division Yale District Except Plans KAP77336, KAP86178, KAP86917, KAP87090 AND KAP87918, located at 5000 Gordon Drive, and the North ½ of District Lot 579 Similkameen Division Yale District Except Plans 5648, 9458, 9459, KAP74689, KAP75766, KAP77604, AND KAP88577, located at 1290 Ivens Road, Kelowna, B.C., to reconfigure the boundaries (line work) of future land uses as shown on Map "A" attached to the report of Land Use Management Department, dated May 28, 2010, 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 Land Use Management Department, dated May 28, 2010;

AND THAT Rezoning Application No. Z10-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of the South ½ District Lot 579 Similkameen Division Yale District Except Plans KAP77336, KAP86178, KAP86917, KAP87090 AND KAP87918, located at 5000 Gordon Drive, and the North ½ of District Lot 579 Similkameen Division Yale District Except Plans 5648, 9458, 9459, KAP74689, KAP75766, KAP77604, AND KAP88577, located at 1290 Ivens Road, Kelowna, B.C., from the RU1h - Large Lot Housing (Hillside Area) zone to the P3 - Parks & Open Space zone; the RU1h - Large Lot Housing (Hillside Area) zone to the RU3 - Small Lot Housing zone; the RU1h - Large Lot Housing (Hillside Area) zone to the RU2 - Medium Lot Housing zone; the A1 - Agricultural 1 zone to the RU3 - Small Lot Housing zone; and the A1 - Agricultural 1 zone to the RU2 - Medium Lot Housing zone as shown on Map "B" attached to the report of Land Use Management Department, dated May 28, 2010, be considered by Council;

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AND THAT the OCP Bylaw Amendment No. OCP10-0005 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 requirements of the Development Engineering Branch and Infrastructure Planning Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to issuance of a Natural Environment Development Permit by the Land Use Management Department;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending receipt of the Plan of Subdivision in a registerable form by the Subdivision Approving Officer.

Staff:

- No substantial changes to the Official Community Plan or Area Structure Plan are being proposed by the applicant.

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

- o Letter of Opposition:
  - Paige Harrison, 3333 University Way

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

Dave Lange, Applicant's Representative

- Displayed an illustration entitled "The Ponds, Phase II, Proposed Rezoning/OCP Amendment/Development Permit/Subdivision".
- Displayed an illustration entitled "Advantages of the Proposed OCP Amended Plan", which advantages include:
  - o increase in parks by over 20 acres;
  - o decrease in major roads by 25%;
  - o continuous open space/trail system;
  - o school & park joint use opportunity; and
  - o more affordable housing offered.
- There will be over 20 acres of additional park, with 10 acres being directly adjacent to the creek corridor.
- Displayed an illustration entitled "Zoning Refinements" and advised that there will be an increase in P3 park of +/- 10 acres. There will also be an addition of affordable small and medium lot housing.
- Displayed illustrations entitled "Proposed School Location" and "Opportunities Associated with Proposed School Site" and advised that the following opportunities can be associated with the proposed school site:
  - o flexibility for elementary or middle school;
  - o location close to but not directly on major collector;
  - o ideal school/park joint use opportunity;
  - o additional recreational athletic amenities available; and
  - o walking trail access directly to/from school.
- Advised that he has had discussions with School District No. 23 over the past year and the School Board has now confirmed that they are willing to proceed with the proposed joint use agreement.
- Displayed an illustration entitled "Environmental Considerations/Opportunities" and advised that the following considerations were taken into account when considering the development:
  - o minor impact for major roads and hydro-geological requirements;

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- development of a contiguous open space system between Ponds and the creek;
- rehabilitation of fire damaged open space;
- rehabilitation of damaged creek basin; and
- development of constructed wetland beside creek.

Drew Kaiser, Biologist, Golder Associates, Applicant's Representative

- Confirmed that he completed the environmental assessment of the area and determined the compensation plan.
- Clarified the process for determining the environmental assessment.
- Provided details with respect to how the water table (storm water detention) in the area will be dealt with.
- Provided clarification with respect to the compensation plan.

Lloyd Nessman, Applicant's Representative

- Anticipates developing the town centre in late 2011 or early 2012, which would mean that the plans for the town centre would have to be before Council in early 2011.
- Provided details with respect to the development of South Perimeter Road. The road has already been zoned and the road will eventually connect with Crawford Road.
- The School District is currently conducting a study to determine what type of school will be located in the area (primary, elementary or secondary).

Dave Lange, Applicant's Representative

- Provided details with respect to how the wildlife corridor in the area will be protected and preserved.

Staff:

- Addressed concerns with respect to the Wildlife Corridor in the area and quoted from the Golder Report.
- Confirmed that the ESA1 area represents an isolated ESA pocket. There will be a substantial ESA1 area that will be lost due to the development; however, staff feel that the compensation plan in place adequately addresses the loss of the ESA1 area.

Drew Kaiser, Biologist, Golder Associates, Applicant's Representative

- A number of wildlife surveys were conducted in the area. None of the species observed were found to be impacted.

Staff:

- The future land use designation of the area does support secondary suites in certain areas of the development.
- Each secondary suite application will require an independent rezoning that will need to meet the City's zoning and bylaw requirements.
- The roads are designed to accommodate the full build-out of Neighbourhood 3.

Councillor Craig joined the meeting at 5:15 p.m.

Staff:

- Addressed concerns with respect to development of RU3 lots on hillsides.
- DCC's are charged per density not per size of lot, and therefore, there would not be a huge reduction in the amount of DCC's being charged.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 5:17 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk