

Public HearingSeptember 4, 2012

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, September 4<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: Acting City Manager, John Vos; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Manager, Development Engineering, Steve Muenz; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:03 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" 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 August 17, 2012 and by being placed in the Kelowna Capital News issues of August 24, 2012 and August 28, 2012, and by sending out or otherwise delivering 483 letters to the owners and occupiers of surrounding properties between August 17, 2012 and August 24, 2012.

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. 10745 (Z12-0027) - Willow West Homes Ltd., Karl & Hildegard Sauter and Kenji & Mieko Oishi (Pacific Capital Real Estate) - 1954, 1956, 1960, 1970 and 1974 KLO Road - THAT Rezoning Application No. Z12-0027 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, DL 131, ODYD, Plan 12786, Lot 64, DL 131, ODYD, Plan 186, Except Plans 8012 & 8472, Lot 1, DL 131, ODYD, Plan 8760, Lot 2, DL 131, ODYD, Plan 8760, Lot 2, DL 131, ODYD, Plan 8472, located at KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RU5 - Bareland Strata Housing 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 in conjunction with Council's consideration of a Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the bylaws be considered subsequent to the requirements of the Development Engineering Branch and Environment Land Use Branch being completed to their satisfaction.

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

- Letter of Support:
  - Richard Burroughs on behalf of the KLO Central Neighbourhood Association, 2425 Taylor Crescent
- Letters of Opposition:
  - Pearl Poole, 2039 Polo Road
  - Judy-Anne Blacke, 2017 Fisher Road
- Letter of Concern:
  - Dennis Miller & Kim Miller, 2840 Boyd Road; Al Lang & Margret Lang, 2010 Fisher Road; Gerry Baron & Laura Baron, 1940 Fisher Road

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

Alex Ferguson, President, GableCraft Homes, and Bryce Rositch, Architect, Applicant's Representatives

- Displayed a PowerPoint Presentation detailing the following with respect to the proposed rezoning:
  - Community Engagement Sessions;
  - Traffic Impact Assessment; and
  - Mission Creek Water Users.
- Displayed an aerial view of the subject properties and provided an overview of the "site in context".
- Advised that the developer will be restricting the homes adjacent to the neighbours to single-storey structures.
- Advised that the developer will be allowing 1 or 2-storey homes on KLO Road and within the site.
- Provided an overview of the greenways, paths and open spaces being contemplated for the development.
- Provided an overview of the building materials being proposed for the development.

Gallery:

Kevin Waddell, 1939 Fisher Road

- Advised that his property is directly adjacent to the subject property.
- Advised that he is not necessarily against the development, but has several concerns, such as:
  - the potential for increased traffic;
  - site maintenance (dust, weed infestation & transients);
  - legal irrigation channel access; and
  - the preservation of the existing trees.
- Expressed a concern with the development being completed in several phases.
- Expressed a concern with the design of the irrigation channel accesses on the subject property. He does not want see the irrigation channel covered.

John Welder, Owner/Operator, Mission Creek Golf Club

- Expressed a concern that the City infrastructure in the area may not be adequate to support the proposed development.
- Expressed a concern with the impact on the Golf Course during the upgrades to KLO Road. Requested that consideration given to when the upgrades to the infrastructure will take place as the Golf Course could sustain revenue losses as a result of the roadwork.
- Advised that the Golf Course generally opens in mid-March each year.

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## Staff:

- Advised that the proposed development will trigger the upgrade to KLO Road as the properties are currently zoned for agriculture. Once the properties are rezoned to residential, the developer will have to contribute to the upgrades to KLO Road.
- Estimated that the upgrades to KLO Road will take approximately 1-2 months.

Diane Miller, KLO Road

- Expressed a concern with rezoning agricultural land as she feels that the City's agricultural land stock is being eroded.
- Inquired if the subject properties are within the Agricultural Land Reserve.

## Staff:

- Advised that the subject properties are not within the Agricultural Land Reserve and that to the best of staff's knowledge, they have never been part of the Agricultural Land Reserve.

Alex Ferguson, President, GableCraft Homes, Applicant's Representative

- Advised that he will work with City staff regarding any concerns raised at the Public Hearing.
- Advised that he will work with the neighbours, particularly the Golf Course, to minimize any impact to their properties and business.
- Confirmed that he does not want to stop access to the irrigation channel and will be registering access easements on title.
- Advised that he would like to keep the mature trees on the site.
- Advised that he would like to commence construction as soon as possible. Construction for underground servicing may commence in early March of 2013 as the servicing upgrades will be dependent upon the opening of the asphalt plants.
- Confirmed that if the mature trees need to be removed, the developer will be planting new vegetation to help with buffering.
- Advised that the development construction phasing will be done with underground servicing first, in 3 phases, in a counter-clockwise pattern. The residential construction will then take place and will also be in a counter-clockwise pattern. The exact details of the phasing are still to be defined.
- Advised that the two (2) properties on either side of the development have single-family homes on them. Confirmed that the development has been designed in a way to incorporate the properties on either side, should they become available for purchase at a later date.
- Responded to questions from Council.

## Staff:

- Advised that traffic studies have been conducted for Fisher Road and it has been determined that the traffic on Fisher Road has been greatly reduced since the advanced lights were installed at the KLO Road/Benvoulin Road intersection.
- Advised that Fisher Road is #15 on the list for traffic calming devices.

There were no further comments.

- 3.2 Bylaw No. 10747 (Z12-0045) - Stephen & Donara Krysko (Davara Holdings Ltd.) - 5460 Lakeshore Road - Rezoning Application No. Z12-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 22, Township 28, SDYD Plan EPP15367 located at 5460 Lakeshore Road, Kelowna, BC from the RR1- Rural Residential 1 zone to the RR1s- Rural Residential 1 with Secondary Suite zone be considered by Council;

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

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AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Interior Health being met;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Fire Department being met;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Natural Environment Development Permit and Form & Character Development Permit by staff.

Staff:

- Confirmed that the Applicant had worked with the Fire Department and resolved the outstanding issues with respect to the access to the carriage house.

The Deputy City Clerk advised that no correspondence and/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.

David Sargent, Davara Holdings Ltd., Applicant's Representative

- Displayed a site concept map indicating how the concerns of the Fire Department have been dealt with.
- Advised that the proposed development meets all of the requirements of the RU1 zone.
- Confirmed that all three (3) neighbours are in support of the project and letters confirming same were provided to the Land Use Management Department.

There were no further comments.

- 3.3 Bylaw No. 10672 (Z12-0001) - Melcor Lakeside Inc. - 373 Prestwick Street - THAT OCP Bylaw Amendment No. OCP 12-0001 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot 2, Section 19, Township 27, ODYD, Plan EPP12261, located at 373 Prestwick Street, Kelowna, BC from the Multiple Unit Residential (Low Density) designation to the Single/Two-Unit Residential (Hillside) designation, and a portion from the Single/Two-Unit Residential (Hillside) designation to the Multiple Unit Residential (Low Density) designation as shown on Map "A" attached to the report from the Land Use Management Department dated March 2, 2012, be considered by Council;

AND THAT Council considers the Applicant's public notification program (as approved by the Land Use Management Department) to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Land Use Management Department dated March 2, 2012;

AND THAT Rezoning Application No. Z12-0001 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of a portion of Lot 2, Section 19, Township 27, ODYD, Plan EPP12261, located at 373 Prestwick Street, Kelowna, BC from the RM3 - Low Density Multiple Housing zone to the RU6 - Two Dwelling Housing zone, and a portion from the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite zone to the RM3 - Low Density Multiple Housing zone as shown on Map "B" attached to the report from the

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Land Use Management Department dated March 2, 2012, be considered by Council;

AND THAT the OCP 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 Black Mountain Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

- and -

THAT Council receives, for information, the Supplemental Report of the Land Use Management Department dated July 18, 2012 with respect to a proposed amendment to Rezoning Application No. Z12-0001;

THAT second and third readings for Bylaw No. 10672 be forwarded for rescindment consideration;

AND THAT Rezoning Application No. Z12-0001 (Bylaw No. 10672) be amended at first reading to change the proposed zoning classification for a portion of Lot 2, Section 19, Township 27, ODYD, Plan EPP12261, located at 373 Prestwick Street, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RU6h - Two Dwelling Housing (Hillside Area) zone as shown on Map "B" attached to the Report of the Land Use Management Department dated July 18, 2012 be considered by Council;

AND THAT the Zone Amending Bylaw, as amended, 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 Black Mountain Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

The Deputy City Clerk advised that no following correspondence and/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.

Andrew Bruce, Applicant's Representative

- Advised that the application for the subject property originally requested a rezoning from RM3 to RU6; however, as a result of the hillsides in the area, a hillside designation is required and therefore he is now requesting a rezoning to the RU6h zone.

There were no further comments.

- 3.4 Bylaw No. 10733 (Z12-0048) - 4G Developments Ltd. Inc. No. BC0926540 (Robert Gaspari) - 2463 and 2473 Pandosy Street - THAT Rezoning Application No. Z12-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, Except Plan KAP60686, located on Pandosy Street, Kelowna, BC from the RU1- Large Lot Housing zone to the RM3- Low Density Multiple Housing zone be considered by Council;

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

AND THAT Bylaw No. 10732 authorizing a Housing Agreement between the City of Kelowna and 4G Developments Ltd. Inc. No. BC0926540, which requires the owners to designate 1 dwelling unit as an affordable rental unit in perpetuity on Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, located on Pandosy Street, Kelowna, BC be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the applicant/owner paying the outstanding Bylaw Notice Ticket fine related to the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch and Fortis BC completed to their satisfaction.

- and -

THAT Council receives, for information, the Supplemental Report of the Land Use Management Department dated August 10, 2012 amending the existing zone, 'RU1 Large Lot Housing', as referenced in the report of the Land Use Management Department dated June 27, 2012 for Rezoning Application No. Z12-0048, to the 'RU6 - Two Dwelling Housing' zone;

AND THAT Rezoning Application No. Z12-0048 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot A, District Lot 14, ODYD Plan EPP17676 and Lot 20 District Lot 14, ODYD Plan 1141, Except Plan KAP60686, located on Pandosy Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM3- Low Density Multiple Housing zone be considered by Council;

AND THAT Bylaw No. 10733 be amended as attached in the report of the Land Use Management Department dated August 10, 2012;

AND FURTHER THAT the zoning amending bylaw be forwarded to the September 4, 2012 Public Hearing.

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

- Letters of Opposition:
  - Terry Reed, 2483 Pandosy Street
  - Ricard & Madelene Friesen, 562 Morrison Avenue (2)
- Letter of Support:
  - Richard Burroughs on behalf of the KLO Central Neighbourhood Association, 2425 Taylor Crescent
- Petition of Opposition:
  - A Petition of Opposition, as submitted by Jim Cooke of 548 Francis Avenue, signed by 23 owners/occupiers of the surrounding properties including additional information as follows: Meeting Notes by Luciana Barbaza from May 15, 2012, Meeting Notes by Horia Barbaza from July 23, 2012, Letters to Mayor Gray and City Council dated July 5, 2012 and July 19, 2012 (with attachments including a letter to Jim Paterson and Shelley Gambacort dated May 24, 2012, letter from Matthew Barlow, 604 Francis Avenue to Advisory Planning Commission dated February 22, 2008, Minutes from the February 26, 2008 Advisory Planning Commission meeting, Timeline of Complaints and Actions by City of Kelowna Bylaw Office) and individual letters dated August 29, 2012 from Natalia Beloukhina & Dan Turner, 2439A Pandosy Street; Teresa Jackson & James Corkin, 2439B Pandosy Street; Beryl & Jim Cooke, 548 Francis Avenue; Debbie & Matthew Barlow, 604 Francis Avenue; Mary & Jose Corbo, 581 Francis Avenue; Nicole & Joon Kim, 605 Francis Avenue; Luciana & Horia Barbaza, 538 Francis Avenue.

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

Robert Gaspari, Applicant's Representatives

- Displayed several photos with respect to the proposal.
- Advised that he originally purchased 2473 Pandosy Street knowing that he was going to purchase 2463 Pandosy Street.
- Advised that he purchased 2463 Pandosy Street in April of 2012.
- Advised that the structure on 2473 Pandosy Street was constructed using the guidelines for the RM3 zone, even though the property was zoned RU6.
- Advised that he has been in direct contact with the son of the most impacted property owners at 545 Francis Avenue, Terry Boutwell, and that Mr. Boutwell has indicated his support for the rezoning and development.
- Advised that several property owners in the area expressed their pleasure with the development being proposed.
- Advised that during demolition of the existing home, it was obvious that the property was formerly used as a grow-op. There was also a significant amount of asbestos found.
- Confirmed that following the July 23, 2012 Council Meeting, he personally dropped off two (2) sets of plans to the neighbours and left his phone number so they could contact him with questions, however, no one has contacted him.
- Advised that he lives approximately 1 block away on Richter Street.
- Advised that he approached several neighbours in the immediate area, who indicated support for the development.
- Advised that he never heard from any of the opposing neighbours when 2473 Pandosy Street was demolished and constructed.
- Advised that he obtained support from owners of 545 Francis Avenue, 2491 Pandosy Street, 546 Francis Avenue and 2483 Pandosy Street. Confirmed that staff is in

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- receipt of the letters of support that were obtained by him and submitted at the time of the rezoning application.
- Responded to questions regarding the bylaw infraction that was noted in the Report to Council and indicated that the bylaw infraction has been addressed.
- Responded to questions from Council.

Staff:

- Provided an overview of the Bylaw Enforcement comments that were contained in the Report to Council.

Gallery:Jim Cooke, 548 Francis Avenue

- Strongly opposed to the rezoning application.
- Advised that he is not opposed to rental units as there are several carriage homes already in existence in the neighbourhood. He is opposed to the developer not following City procedures and policies, particularly with the City's bylaws.
- Displayed photos of the subject property and surrounding properties and the neighbourhood.
- Believes that the developer has shown a disregard for the neighbourhood.
- Expressed a concern with a non-resident landlord.
- Believes that the form and character of the structure does not fit the neighbourhood as it has a "box" design.
- Expressed a concern with traffic impacts to the neighbourhood.
- Confirmed that he is opposed to the design of the development.
- Confirmed that he did receive some drawings from Mr. Gaspari, however they were the same conceptual drawings that were attached to the Report to Council, which he already obtained from Land Use Management staff.
- Responded to questions from Council.

Mathew Barlow, 604 Francis Avenue

- Displayed a map of the neighbourhood indicating the parking permits that were made available to the owners/occupiers along Francis Avenue.
- Expressed a concern with parking on Francis Avenue and provided an overview of his concerns.
- Opposed to the rezoning application due to his parking concerns.
- Believes that the majority of the residents on the Francis Avenue have two (2) vehicles and that they have the ability to purchase four (4) parking permits (2 for residents and 2 for visitors).
- Confirmed that Francis Avenue used to be a victim of hospital parking, however, since the City implemented parking restrictions, hospital parking is no longer a problem.
- Responded to questions from Council.

Bill Romanow, 657 Francis Avenue

- Advised that he is very happy with the RU6 zoning and is opposed to the RM3 zone.
- Expressed a concern with parking.
- Advised that he prefers carriage houses over six-plexes.
- Believes that the development has 3 utility meters on it.
- Believes that the RU6 zoning is plenty enough density for the neighbourhood.

Jose Corbo, 581 Francis Avenue

- Expressed a concern that Mr. Gaspari did not follow the land use zoning procedures.
- Expressed a concern that Mr. Gaspari did not consult with the neighbours regarding the building and the proposed rezoning.
- Advised that he is opposed to the RM3 zone when it is being used as a revenue source.
- Believes that the land use being proposed is not sensitive to the neighbourhood.



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- Believes that Mr. Gaspari has shown a lack of regard for the neighbours and the neighbourhood.
- Confirmed that he prefers the RU6 zone as it fits better into the neighbourhood.

Staff:

- Advised that the subject property is located north of the South Pandosy Town Centre.

Luciana Coman, 538 Francis Avenue

- Advised that she has lived on Francis Avenue for the past 6 years.
- Advised that she is opposed to the rezoning to RM3 as a higher density will negatively affect the character of the neighbourhood.
- Expressed a concern with neighbourhood safety as a result of the number of children that live and play in the neighbourhood.

Penny Lane, 596 Birch Avenue

- Advised that she moved to the neighbourhood because of the RU6 zoning.
- Confirmed that she likes carriage houses.
- Believes that owners who live in the property tend to have a better control over their properties and tend to have less rental issues.
- Expressed a concern with the potential traffic and parking impacts.

Joanne Senechal, 612 Birch Avenue

- As a result of Mr. Gaspari's complete disregard for the City's Bylaws, policies and procedures, she is opposed to the rezoning.
- Expressed a concern with property owners who build contrary to the City's bylaws and then make a rezoning application to the City to ask for forgiveness.
- Believes that Mr. Gaspari is not taking into account the impact of the development on the neighbourhood.
- Believes that the proposed structure and rezoning does not meet the form and character of the neighbourhood.

Sean Jackson, 631 Francis Avenue

- Believes that families need privacy and is therefore opposed to the rezoning.
- Advised that he has never seen Mr. Gaspari knock on any of the neighbourhood doors and that Mr. Gaspari has not spoken with him regarding the proposed rezoning.

James Corkin, 2439 Pandosy Street

- Advised that he lives directly across from the subject property.
- Advised that he was not approached by Mr. Gaspari regarding the rezoning or development.
- Advised that he is opposed to the RM3 zone and would prefer that the property remain as a RU6 lot.
- Advised that he would prefer an owner-occupied landlord.

Mary Corbo, 581 Francis Avenue

- Advised that she moved to the area because of the RU6 zoning and is therefore opposed to the RM3 zone.
- Believes that 2 more units (6 vs.4) would make a difference to the neighbourhood.
- Responded to questions from Council.

Sean Jackson, 631 Francis Avenue

- Believes that landlords are much less likely to purchase and live in tri-plexes as opposed to purchasing properties with carriage homes.

James Corkin

- Believes that it is wrong to build in accordance with the RM3 zone, when the property is zoned RU6.

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- Expressed a concern with density and the RM3 zone.

Joanne Senechal, 612 Birch Avenue

- Believes that the proposed rezoning does not provide for sensitivity or connectivity to the neighbourhood.

Robert Gaspari, Applicant's Representatives

- Believes that not everyone wants to live in a carriage house.
- Advised that he will be using a property management company when selecting potential tenants for the property.
- Confirmed that he has lived in the Francis Avenue area on and off for the past 10 years.
- Confirmed that there are four (4) FortisBC meters on the existing house; however only three (3) of the meters are "live".
- Believes that the bylaw infraction on the property was as a result of a lack of a business licence for the rental property and that the bylaw infraction has nothing to do with the rezoning application.
- Responded to questions from Council.

Staff:

- Advised that without the Housing Agreement, the number of units would remain the same. The only advantage to having the Housing Agreement is that the square footage of the units would be larger.
- Provided an overview of the Building Permit process when the zone does not permit the development being proposed.
- Provided an overview of the lot consolidation process through the City's Subdivision Approving Officer.
- Confirmed that the RM3 zone complies with the land designation in the Official Community Plan and displayed the Official Community Plan future land use map for the area.
- Provided an overview of the difference between the RM1 zone and the RM3 zone.
- Responded to questions from Council.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:33 p.m.

Certified Correct:\_\_\_\_\_  
Mayor\_\_\_\_\_  
Deputy City Clerk

SLH/dld