

Public HearingApril 6, 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, April 6th, 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; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 March 19, 2010, and by being placed in the Kelowna Daily Courier issues of March 29, 2010, March 30, 2010 and March 31, 2010, and in the Kelowna Capital News issue of March 28, 2010, and by sending out or otherwise delivering 383 letters to the owners and occupiers of surrounding properties between March 19, 2010 and March 24, 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. 10299 (Z07-0084) - Kathleen Baldwin/Steve Baldwin - Lot A, Section 8, Township 26, ODYD, Plan 9033, Except Plan 11176 - THAT Rezoning Application No. Z07-0084 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 8, Township 26, O.D.Y.D, Plan 9033 Except Plan 11176, located on 3598 Spiers Rd, Kelowna, B.C. from the RR3 - Rural Residential 3 Zone to the RR3s - Rural Residential 3 with a Secondary Suite Zone be considered by Council;

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

AND THAT a Building Permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of SEKID being completed to their satisfaction.

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

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

Public HearingApril 6, 2010Kathleen Baldwin, Applicant

- Has lived on the property for the past 33 years.
- The suite will allow her son and his wife to live on the property in order to assist her.
- Advised that the adjoining neighbours have been very supportive of the rezoning and as far as she is aware, there have been no objections.
- The landscaping around the suite will be done in accordance with the existing landscaping on the property.

Gallery:

Arnold Enns, 3612 Spiers Road

- Read a letter in support of the application.

There were no further comments.

- 3.2 Bylaw No. 10300 (TA10-0002) - City of Kelowna - THAT Text Amendment No. TA10-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated February 24, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0002 be forwarded to a Public Hearing for further consideration.

Staff:

- Advised that a phrase in the bylaw was omitted and therefore Section 9.10.1, subsection (g) should be amended to read "g) greenhouses, accessory buildings or accessory structures must maintain a minimum Level 2 landscape buffer for all affected property lines".

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

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

Gallery:

Curtis Stone, 1730 Ethel Street

- Believes that there is a potential food crisis within the City.
- Believes that young farmers are unable to farm due to the rising cost of land in the area.
- Believes that greenhouses assist in the cultivation of food.

There were no further comments.

- 3.3 Bylaw No. 10303 (Z10-0005) - Jason and Natalie Twamley - Lot 113, Section 32, Township 29, SDYD, Plan 24972 - THAT Rezoning Application No. Z10-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 113, Section 32, Township 29, SDYD, Plan 24972, located at 1445 Crawford Rd, Kelowna, B.C. from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone be considered by Council; 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 requirements of Interior Health being completed to their satisfaction.

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

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

Jason Twamley, Applicant

- Wanted to ensure that the property zoning was in place so that he could construct a secondary suite in an accessory building.
- Have approached the surrounding neighbours and provided them with details of the rezoning and design of the secondary suite.
- A letter of support from the surrounding neighbours was provided to City staff at the time the application was made.
- Advised that the suite will be occupied by his in-laws so that they can assist with child care.
- Advised that the suite will be constructed at the back of the property; and therefore cannot be seen by his neighbours.

There were no further comments.

- 3.4 Bylaw No. 10305 (Z09-0073) - Beate and Franz Bauer, Alice and Friedrich Merz - Lots A and B, Sections 2 and 3, Township 26, ODYD, Plan 7436 - THAT Rezoning Application No. Z09-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A & B Sections 2 & 3 Township 26 ODYD Plan 7436, located at 3700 Jean Rd and 4185 McClain Rd, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 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 requirements of the Development Engineering Branch, Interior Health Authority, and South East Kelowna Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to:

- i. submission of a subdivision application/plan that incorporates driveway access as described in the Community Sustainability Division report dated February 08, 2010, to include easements securing access via neighbouring parcels and covenants restricting access onto public roads;
- ii. a restrictive covenant being placed on title that the subject properties are adjacent to ALR property and that they are subject to the impacts of normal farm practices.

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

- o Letters of Opposition:
 - Shirley Haystead, 88-4075 McClain Road
 - Deb Bauman, 86-4075 McClain Road
 - Michelle Sedmak, 84-4075 McClain Road
- o Petition of Opposition:
 - A petition of opposition signed by 8 owners/occupiers of the surrounding properties as submitted by Deb Bauman, 86-4075 McClain Road

Staff:

Public HearingApril 6, 2010

- Comments have been provided by the South East Kelowna Irrigation District ("SEKID"), which did not include any reference to a two (2) day water shortage in the area. There is nothing within the circulation comments that indicate that there is a problem with the water service in the area. SEKID has not indicated that they do not wish to have any further demand on their water supply for the area.
- Advised that septic field information would have to be provided at the time of the subdivision application and would be dealt with by the Subdivision Approving Officer.
- Advised that two (2) of the five (5) lots being contemplated in the subdivision already exist.
- Advised that the future land use map shows the property as rural/residential. The application meets the OCP requirements

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

Ed Collinson, Applicants Representative

- An agreement was entered into last July to acquire the subject property. The applicants then met with City staff to see if staff would be supportive of a rezoning of the property and staff advised that they would be supportive of the rezoning.
- Contacted SEKID regarding the availability of water and was told that water would be available to the subdivision.
- Currently in discussions with SEKID regarding the water supply to the lots. SEKID has advised that the supply of water is not an issue and the only matter that needs to be addressed is how the water will be distributed to the lots.

Gallery:Deb Bauman, 86-4075 McClain Road

- Concerned about the availability of water to the area.
- Has not actually spoken with SEKID, but did receive a notice from SEKID that they are on a two (2) day water restriction. The restriction has been in place since June of 2009. The water restriction applies to only outside water usage.
- Advised that the neighbourhood is not on a water meter system.

Michelle Sedmak, 84-4075 McClain Road

- Concerned about the availability of water to the area based on the restrictions placed on them by SEKID.
- Has never received a notice lifting the water restriction ban and therefore, she believes that the water restriction is still in place.
- Would like to put in a garden, but can't as she will not be able to irrigate it.

Bernice Beckham, 80-4075 McClain Road

- Displayed a map of the proposed area.
- Displayed a copy of the Water Restriction Notice that was sent by SEKID dated June 5, 2009.
- Advise that there is a septic field location directly behind her property and was installed by the owners of the mobile home park in the area. Believes that the septic field area is full of pipes and rocks.
- Can only water twice a week, early morning or late at night. She has rain barrels that she uses to irrigate her property because of the water restrictions.
- The area needs more water, not more houses.
- Have been on water restrictions for the last five (5) years. The restrictions used to be three (3) days a week and are now two (2) days a week.
- Believes that there are staff from SEKID that patrol the area to ensure that the neighbourhood complies with the water restrictions.

Public Hearing

April 6, 2010

Ed Collinson, Applicants Representative

- Water restrictions are not uncommon. He lives in Glenmore and he is on water restrictions as well.
- Believes that SEKID is the right entity to determine if the water supply is ample enough for the proposed subdivision.
- If the property was used for agriculture, he believes that the water used to irrigate the parcel would be more than what would be used to supply the three (3) additional homes in the area.
- The new created lots will be left in a natural vegetative state; and therefore he does not feel that this will put a strain on the water supply.

There were no further comments.

A motion by Councillor Hodge to leave the public hearing open pending receipt of further information from South East Kelowna Irrigation District with respect to the water restrictions and potential impact of this application on the area was lost due to a lack of a seconder.

4. TERMINATION:

The Hearing was declared terminated at 7:00 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk