

Public HearingMay 24, 2011

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, May 24<sup>th</sup>, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Manager, Urban Land Use, Danielle Noble; Director, Infrastructure Planning, Randy Cleveland\*; Manager, Long Range Planning, Gary Stephen; Director, Policy & Planning, Signe Bagh; Manager, Environment & Land Use, Todd Cashin; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 2:04 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 May 6, 2011 and by being placed in the Kelowna Daily Courier issues of May 16, 2011 and May 17, 2011, and in the Kelowna Capital News issue of May 15, 2011.

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. 10500 - City of Kelowna - WHEREAS the Council of the City of Kelowna wishes to adopt an official community plan pursuant to Part 26 of the Local Government Act;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw Council shall, in sequence, examine the official community plan in conjunction with its most recent financial plan under Section 882 of the Local Government Act and any waste management plan or economic strategy plan that is applicable in the municipality to ensure consistency between them;

AND WHEREAS if the official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, Council shall refer the official community plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS Council shall, in the course of preparing its official community plan, consult with the school boards for those school districts included within the official community plan;

AND WHEREAS before Council gives third reading to the bylaw, Council shall hold a public hearing on the proposed official community plan in accordance with Sections 890 through 894 of the Local Government Act;

AND WHEREAS Council of the City of Kelowna has complied with all requirements of the Local Government Act prior to adoption of this bylaw and official community plan including all of the foregoing;

AND WHEREAS after the bylaw adopting the official community plan has received final reading, the plan is an official community plan of the municipality;

AND WHEREAS pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. "Kelowna 2030 - Official Community Plan" attached hereto as Schedule "A" and forming part of this bylaw is adopted as the official community plan of the City of Kelowna.
2. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the official community plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.
3. Pursuant to Section 884 of the Local Government Act, an official community plan does not commit or authorize a municipality to proceed with any project that is specified in the plan. All bylaws enacted or works undertaken by a council after the adoption of an official community plan must be consistent with the relevant plan.
4. City of *Kelowna 2020* - Official Community Plan Bylaw No. 7600, and all amendments thereto, are hereby repealed.
5. This bylaw may be cited for all purposes as the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

Staff:

- Gave a brief overview of the public consultation process with respect to the Kelowna 2030 - Official Community Plan
- Gave a brief overview of the Provincial referral process entered into with respect to the Kelowna 2030 - Official Community Plan

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

- o Letters of Comment:
  - B. Breitreuz and B. Voight Breitreuz, Lakeshore Residences Strata Corporation KAS03474, PO Box 15-3753 Lakeshore Road
  - O.J. (John) Mardall, Erinmore by the Creek, 3775 Springbrook Road
  - Brian Underhill, Agricultural Land Commission, 133-4940 Canada Way, Burnaby
  - R.S. Cook, Kent-Macpherson, 304-1708 Dolphin Avenue
  - E.J. (Ted) Callahan, Argus Properties Ltd, 300-1060 Manhattan Drive (2)
  - Andrew Bruce, MMM Group, 101-389 Queensway Avenue

Public HearingMay 24, 2011

- Valary Chidwick, Janice Loukras and Melanie Steppuhn, Cool Ways to School, 1720 Blondeaux Crescent
- Barry Patterson, for John Woodworth and Concerned Citizens of Kelowna, 43-3535 Casorso Road
- Renee Wasylyk, Troika Ventures, 114-1856 Ambrosi Road
- Denton Powles, KLO Central Neighbourhood Association, 2383 Ayrshire Court
- John Zeger, 1421 Sutherland Avenue
- Bentley Harris, Canadian Horizons Land Investment Corp., 710-1055 West Georgia Street, Vancouver, BC
- Tom and Lambert Schmalz, R366 Enterprises Ltd., 300-2000 Spall Road
- Eric Prehofer, Okanagan Seasons Resort Motel, 1580 Highway 33 West
- Ina Tomicic and Wade Koenig, 1295 St Paul Street
- Renee Wasylyk, Urban Development Institute, 300-1708 Dolphin Avenue
- Robert Cichocki, 1221 Keglen Crescent
- Alana Marrington, 2100 Pandosy Street
- Anna and Florindo Pucci, 3763 Lakeshore Road
- Richard Drinnan, 669 Greene Road
- Dale Manton and Craig Kelley, Save Downtown Kelowna Alliance, 2262 Bennett Road
- Lisa Colby, University of British Columbia, 2210 West Mall, Vancouver (2)

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

## Gallery:

Ron Hallick, on behalf of the Okanagan Mission Resident's Association, 498 Sarsons Road

- Expressed a concern that the 2030 Official Community Plan should reference "Okanagan Mission" and not "Mission".

## Staff:

- Advised that any references in the Policies or the Official Community Plan have been amended and now make reference reference to "North Okanagan Mission" and "South Okanagan Mission".

Pam Moore, Interior Health Authority, 200-1835 Gordon Drive

- Read a statement of behalf of the Interior Health Authority.
- Noted links between land use policies and public health.
- Advised that the Interior Health Authority endorses the goals of the 2030 Official Community Plan.

Penelope Pearson, 607 Glenwood Avenue

- Believes that the 2030 Official Community Plan provides an excellent opportunity to improve the hospital area.
- Suggested that the Health District's boundaries be expanded in order to provide for better planning in the area.

## Staff:

- Advised that based on information provided by the Interior Health Authority, the area on the Future Land Use map shows that the lands required over the next twenty (20) years to be sufficient.

## Council:

- Believes that the Health District should encompass a larger area.

Public HearingMay 24, 2011Gord Lovegrove, 2195 Abbott Street

- Supports the 2030 Official Community Plan. Noted that it is a good start, but could go further.
- Believes that staff has done a great job in engaging the community.
- Believes that real-time feedback is necessary in order to ensure that the 2030 Official Community is implemented.
- Believes that a Council Committee on sustainability should be established to ensure that the 2030 Official Community Plan is implemented. The Committee could also receive input from the public to assist with the refinement of the 2030 Official Community Plan as it progresses.
- Believes that additional Council and community representation is needed on the Cycling Coalition Committee.

Paul Fenske, on behalf of Lambert Schmalz of R366 Enterprises Ltd., 2241 Springfield Road

- Would like the future land use for 2241 Springfield Road changed from Multi-Unit Residential (Medium Density) to Mixed-Use (Residential/Commercial).
- Believes that there is a legal agreement with the City that confirms support for the subject property being designated as commercial rather than residential.

## Staff:

- Advised that staff has been unable to locate an executed copy of the agreement referred to by Mr. Fenske.
- Advised that staff is trying to achieve a balance of residential and commercial in the town centre area and feel that there is already an abundance of commercial in the Orchard Park Town Centre.

Bettina Voight

- Read a summary of the May 14<sup>th</sup> letter that was submitted by the Lakeshore Residents Strata Corporation.
- Expressed a concern with the future land use of the Hiawatha Trailer Park site.
- Requested that there be a reduction in the MRM zone by 100 feet.
- Requested that there be a reduction in the proposed C9 zone by 100 feet to a C2 or C5 zone.

Valary Chidwich & Melanie Steepuhan, on behalf of "Cool Ways to School Committee", Glenmore Elementary, 1635 Smithson Place

- Requested that High Road, between Glenmore Road and Clifton Road, be re-classified from a "main arterial" road to a "major collector" road for safety reasons.
- Advised that the Cool Ways to School Committee is working on improving the crossing in the area, but is prevented from implementing any improvements because of the classification of High Road as a main arterial road.

## Staff:

- Advised that because High Road is not part of the Development Cost Charges program, the classification of the road could be changed by way of a bylaw amendment.
- The implications of changing the classification of High Road can be brought forward for Council's consideration.

Robert Guy, Development Manager, Troika Developments, 2570B Saucier Road

- Made reference to the property owned by Troika Developments located at the corner of Casorso Road and Gordon Drive and advised that Troika Developments is against the proposed future land use designation in the 2030 Official Community Plan.

Public HearingMay 24, 2011

- The land is currently zoned A1 and shown in the 2020 Official Community Plan as RM4 with a portion of the property designated as park. The 2030 Official Community Plan designates the future land use as RM3.
- Would like the City to change the 2030 Official Community Plan designation of the subject property to RM4.

## Staff:

- Advised that the 2020 Official Community Plan designates a portion of the property as Low Density Multiple Unit Residential (RM3).
- The 2030 Official Community Plan also designates a portion of the property as Low Density Multiple Unit Residential (RM3).
- The only change to the designation of the property is a minor change that resulted from a lot line adjustment.
- It is believed that there is not enough land within the City designated for Low Density Multiple Unit Residential (RM3), while there is an abundance of land designated as Medium Density Multiple Unit Residential (RM4).

The meeting recessed at 4:03 p.m. The meeting reconvened at 4:20 p.m.

Barry Patterson, on behalf of John Woodworth and Concerned Citizens of Kelowna, 43-3535 Casorso Road

- Wants Harvey Avenue returned to the citizens of Kelowna by including John Woodworth's proposal for an expressway in the 2030 Official Community Plan.
- Would be willing to work with staff in order to bring forward Mr. Woodworth's expressway proposal.
- Believes that both senior levels of government would be willing to provide funding for the expressway proposal, but that the request for funding would have to be submitted by the City of Kelowna.

## Staff:

- Provided comment of regarding the proposed improvements to the City's road network.

Renee Wasylyk, on behalf of the UDI Board of Directors, 300-1708 Dolphin Avenue

- Advised that UDI Board of Directors has thoroughly reviewed the draft 2030 Official Community Plan and were one of the stakeholders who provided input.
- Advised that the UDI Board of Directors generally approves of the 2030 Official Community Plan, but has concerns with respect to the height restrictions placed on development within the urban centres.
- The UDI Board of Directors believes that the following heights should be considered:
  - o 26 storeys in the downtown;
  - o 11 storeys in the Pandosy Centre; and
  - o 18 storeys in the Orchard Park and Capri Centres.

## Staff:

- Advised that the downtown height recommendations in the 2030 Official Community Plan may be revisited by Council when considering the Downtown Plan.

Bryan St. George, 647 Royal Pine Drive

- Supportive of Barry Patterson and John Woodworth's proposal for an expressway over a portion of Harvey Avenue.

David Perry, on behalf of Canadian Horizons Group, 315 Sudbury Avenue, Penticton, BC

- Feels that the emphasis on densification within the 2030 Official Community Plan is admirable, but expressed a concern that density should not be the only focus of growth.

Public HearingMay 24, 2011

- Wants to ensure that the “Thompson Flats” area is included in the 2030 Official Community Plan.

## Staff:

- Advised that the “Thompson Flats” are within the City’s permanent growth boundary, but are not currently within the 2030 Official Community Plan as lands outside of the permanently growth boundary are not being considered during this process, but will be considered sometime in the future.

John Zeger, 1421 Sutherland Avenue

- Read a prepared statement.
- Against Council moving forward with the 2030 Official Community Plan.
- Believes that staff should be directed to determine the ultimate population for the City.
- Encouraged Council not to approve the 2030 Official Community Plan until the Downtown Plan has been adopted.

Eric Prehofer, on behalf of Okanagan Seasons Resort Motel, 2632 Casa Loma Road

- Requested that the urban centre boundary be extended to include the Okanagan Seasons Resort Motel, which is located on four (4) separate parcels of land (1510, 1520 & 1580 Highway 33 West and 1500 Mayden Road).
- Confirmed that the four (4) properties operate as a single parcel and requested that the two (2) properties on the west side of Mayden Road (1500 Mayden Road and 1510 Highway 33 West) be designated the same as the adjoining two (2) properties (1520 & 1580 Highway 33 West).

## Staff:

- Given the current use of the subject properties, staff would be supportive of designating all four (4) properties the same.
- Expressed a concern with extending the urban centre boundary.

Lisa Colby, c/o UBC-O, 3333 University Way

- Advised that she is the Director of Policy Planning at UBC-O.
- Advised that UBC is disappointed that the Kelowna 2030 Official Community Plan does not address the following concerns:
  - o Permanent Growth Boundary - The new growth boundary will bisect the UBC-O campus and could sterilize the use of a portion of the former Tutt lands that were recently sold to the University by the City.
  - o Natural Environment Development Permit Area - The new natural environment development permit area is unwarranted on the UBC-O campus as it labels the University’s constructed stormwater retention feature as a “natural wetland” and City staff is now requiring UBC to submit environmental assessments before approving maintenance work needed to keep the facility functioning as intended. This feature cannot be allowed to become too precious for stormwater. Proposed City involvement in groundwater management introduces excessive regulation and costs. The new “sensitive terrestrial areas” labels applied to Pine Beetle affected forests on the campus and the former Tutt bench lands are also problematic as they eliminate potential alternative future institutional building site options.
  - o Farm Protection Development Permit Area - The extension of the proposed farm protection development permit area requirements on A1 and ALR lands to apply to all properties adjacent to agricultural land is excessive. The “adjacent” category capture’s UBC’s entire main campus as it is all one (1) lot. This will add application time and costs to all future UBC projects, even those far removed from the agricultural boundary.
- The UBC-O campus is already under two (2) zones (CD20 and A1), two (2) development permit areas (Hazardous Conditions, Wildfire) and an ALR designation over the A1 portion and UBC is accustomed to operating under those terms.

Public HearingMay 24, 2011

## Staff:

- Advised that the former Tutt lands are shown outside of the City's permanent growth boundary as a result of discussions with the Agricultural Land Commission as the former Tutt lands are within the ALR.

Walley Lightbody, 2302 Abbott Street

- Made reference to Panel 18, Building Height Provision that was displayed during the open houses for the Official Community Plan.
- Feels that the wording noted in the Official Community Plan is not strong enough to ensure that the height of any major development along the lake is restricted and suggested that that the wording be amended so that it is clearer.

## Staff:

- Confirmed that wording of Policy 5.5.1 has been amended based on the feedback received at the open houses and noted that the last paragraph of the Policy now reads:
  - o "Notwithstanding the above noted height provisions, building heights adjacent to Okanagan Lake should remain low, subject to the recognition that height provisions in existing zoning would prevail. Building height can be increased as the distance from the lake increases. Preservation of upland sight lines towards Okanagan Lake shall be an important consideration in the review of development applications.

Alana Marrington, 1524 Woodridge Road

- Owns property in the 2100 block of Pandosy Street and is considering redeveloping the site for medical multi-use services.
- Feels that her proposed development should be considered as part of the Health District and requested that Council consider extending the boundaries of the Health District to include her property.
- Would like staff to consider the traffic impact studies that were completed on behalf of Kelowna General Hospital and her development when considering the boundary of the Health District.
- Believes that it is important to have services and amenities available in close proximity to the hospital.

## Staff:

- Confirmed that Ms. Marrington's traffic impact analysis is currently being reviewing by City staff.

Gordon Savage, 4857 Westridge Drive

- Advised that he represents Eldorado Ranch Ltd. and that the company owns approximately 1,000 acres of land north of Duck Lake and west of Highway 97, known as Duck Mountain.
- Advised that the Duck Mountain lands are shown as future urban reserve in the 2020 Official Community Plan, but that the future urban reserve designation has been removed from the 2030 Official Community Plan.
- Would like Council to consider reinstating the designation of the lands as future urban reserve regardless of the timelines for development of the site.

Bettina Voight

- Requested that Council consider amending the Official Community Plan as requested by her previously.

Alana Marrington, 1524 Woodridge Road

- Submitted her speaking notes for the record.

There were no further comments.

Public HearingMay 24, 2011

City Clerk:

- Provided comment with respect to the various options available to Council should they direct staff to amend the Kelowna 2030 Official Community Plan.

City Manager:

- Provided comment regarding the Official Community Plan Public Hearing process.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R522/11/05/24 THAT the Public Hearing with respect to the Kelowna 2030 Official Community Plan be closed.

Carried4. TERMINATION:

The Hearing was declared terminated at 7:43 p.m.

Certified Correct:

---

Mayor

SLH/dld

---

City Clerk