



City of Kelowna Public Hearing Minutes

Date: Tuesday, December 17, 2013
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillors Colin Basran and Andre Blanleil

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Manager, Subdivision, Agriculture & Environment, Todd Cashin; Planner II, Alec Warrender; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:01 p.m.

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.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on December 3, 2013 and by being placed in the Kelowna Capital News issues of December 6, 2013 and December 10, 2013, and by sending out or otherwise delivering 372 letters to the owners and occupiers of surrounding properties between December 3, 2013 and December 6, 2013. 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 No. 309.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10897 (OCP13-0012) & Bylaw No. 10898 (Z13-0019) - 2049 Byrns Road, Margarita Littley

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council and responded to questions from Council.
- Advised that staff is working with the Applicant to ensure that a 15m buffer is in place on the portion of the property that abuts agricultural lands.

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

- Letters of Support:
 - 12 page correspondence package submitted by the Applicant containing 6 Letters of Support from surrounding neighbours.
- Letter of Opposition:
 - Paul & Josie Vos-Bailey, 2069 Byrns Road

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

Tony Lockhurst, Applicant's Representative

- Confirmed that he has been in contact with the owner of the orchard that abuts the subject property and they have mutually agreed upon the type of buffering between the respective properties.

Gallery:

Steve Day, Orchardist

- Advised that he owns the agricultural property to the north and south of the subject property.
- Does not have any concerns with the application.
- The current owners and the previous owners are good neighbours.
- Wants to ensure that the buffering requirements are actually built and enforced.
- Inquired if a covenant could be placed on the subject property alerting any future property owners that they are purchasing a property right next to 'working' orchard.
- Responded to questions from Council.
- Advised that the property to the west has a substantial cedar hedge that he feels is a good buffer.

City Clerk:

- Advised that the City used to require covenants on residential properties that are adjacent to agricultural operations; however, to the best of his knowledge, the Land Title Office no longer accepts such covenants.

Staff:

- Confirmed that the Kamloops Land Title Office is no longer willing to register such covenants on title.
- Believes that a 15m buffer requirement should suffice.
- Responded to questions from Council.

Tony Lockhurst, Applicant's Representative

- Advised that he has spoken with his lawyer regarding the possibility of registered a covenant on the lands, and was advised that if the Land Title Office would not accept such a covenant, a similar type of document could be registered on title alerting any new property owners that the subject property abut an agricultural operation.

4. Termination

The Hearing was declared terminated at 6:21 p.m.

Mayor

City Clerk

/slh