

To: City Clerk, City of West Kelowna  
 From: Board of Directors, Seclusion Bay Resort Corporation  
 Re: Bylaw No: 0154.83  
 File No: Z19-01

November 7, 2019



## Proposed Development at 3060 Seclusion Bay Road

Seclusion Bay Resort Corporation is the owner of the property adjacent to 3060 Seclusion Bay road which has requested a re-zoning of the property from Rural to Commercial. While we are not against development of the property *per se*, and would encourage appropriate development on this property, the current proposed rezoning has a number of significant issues that are either not appropriately addressed, glossed over or misleading.

Our comments are based on the revised April 2019 Report prepared by Bearland Development Services (the Bearland Report) as it appears to be the latest public disclosure of the development plan.

1. **Official Community Plan Adherence:** The proposal completely ignores, both in intent and substance, the requirements in the Official Community Plan of the City of West Kelowna and approaches the rezoning application as if there is no Official Community Plan in existence. There is no reference to any specific requirements in the Official Community Plan in the 46 page report. This, in principle, is an unacceptable starting point for a reasonable review of the plan and given there is no Community 'give back' in the proposal to justify this approach and this sets a very dangerous precedent for all citizens and taxpayers in the City of West Kelowna. We further note, City staff has identified this issue in more detail in the *Advisory Planning Commission Report of April 30, 2019*. In light of this issue alone, a Public Meeting at this point seems premature. On this point alone, the proposal is anything but "uncontroversial". In addition, we have previously communicated our concerns to the proponents when they attended our shareholders meeting in 2017, and in a letter to Trent Kitsch in September 2017. (*page 47, Bearland Report*). **Our concerns have not been addressed in this latest proposal.**
2. **Property Access:** The report implicitly proposes that traffic for the development will be routed through the developed portion of the Seclusion Bay Property, (*see page 34 of Advisory Planning Commission Report*) and we believe, given the density, the traffic will at least double through our driveway which is used as a pedestrian walkway and bike path as well as vehicle access to our property. This portion of the access does not meet private road standards of the City of West Kelowna and the Bearland Report is silent on this VERY critical element of the proposal. In addition to a practical consideration, there is a serious safety consideration.



3. **Parking and Servicing:** There is no apparent visitor parking, boat parking, or a servicing area, (refuse, recycling etc.) (**page 43, Bearland Report**) with the possible exception of 2 spaces. From our own direct experience, the plan is seriously deficient in this area. For 28 units, our current visitor vehicle parking is 15 vehicles and 10 boat trailers depending on size. We are require a sizeable servicing area. We can anticipate without adequate parking, visitors to 3060 will spill out into our visitor parking which is immediately adjacent to the access point of the 3060 property.
4. **Complimentary with Seclusion Bay:** There is some effort to suggest the proposed development is complimentary with neighbouring property Seclusion Bay Resort. (**page 41 Bearland Report , pg 30 Advisory Planning Commission Report**). While Seclusion Bay has a larger parcel of land, approximately 60% of the land is zoned RURAL and the Commercial zone portion of the land is about 5.5 acres. Employing an 'apples to apples' comparison; there is a an approximate total of 16,200 sq ft of developed living units; cabins and apartments, (average size of 578 sq ft, with an upper limit of 1076 sq. ft.) on the Commercial parcel at Seclusion Bay Resort. Density = approximately 2892 sp ft per acre. The proposed development totals 32,000 sq ft of living space (average size of 2000 sq ft) in about 3 acres (**page 41 Bearland Report**), Density = approximately 10,600 sq ft per acre; 3.7X the density on the equivalent parcel of land. The intensity and density of the development is not complementary in character or form with neighbouring properties. The 'eye' test in the diagram on page 29 will confirm this and as proposed has a negative impact on the usage and value of Seclusion Bay Property.
5. **Upper Slope Stability (page 52 Bearland Report):** The Bearland report which was updated in April 2019 completely ignores the slope instability on the upper portion of the property which is intended to house the water treatment facilities. (**page 52, Bearland Report**). That the report almost ignores the significant slides that occurred approximately one year earlier and resulted in the private road being closed for a period of time is very misleading, noting there is a mention of this issue in the quotes from the Environmental Assessment but no assessment. The issue of slope stability needs to be addressed properly before considering re-zoning this area "Comprehensive Commercial Zone" as evidence of slope instability continues to this day.
6. **Traffic Analysis/Road Assessment:** Related to traffic and access through the Seclusion Bay Property, we note that a traffic study was conducted during December 2017 (**page 52, Bearland Report**), as part of an assessment of the road. The timing to the assessment does not appropriately reflect the traffic on the road that essentially supports tourism and is therefore of no practical use. A traffic study needs to be conducted during July/August to have any practical use for the proposal.

We recommend that Council request the developers resubmit their report addressing the issues that have identified and updating the Report where needed before proceeding with the Re Zoning application.

As their neighbours, we want to assure Council and our neighbours that we are committed to working with them in addressing the concerns that directly relate to Seclusion Bay Resort. We are fully prepared to support appropriate development of the 3060 property. We would also like to acknowledge that our neighbour did clean up the property after the fires of July 2010, (removing significant eyesores and have participated in road maintenance since acquiring the property).



19:00

PLAN OF EASEMENT IN  
LOT A PLAN 14362 DL 2690 QD.Y.D.  
LOT 1 PLAN 17359 DL 3493 QD.Y.D. EXCEPT PLAN 25556 &  
LOT 2 PLAN 17359 DL 3493 QD.Y.D. EXCEPT PLAN 21432

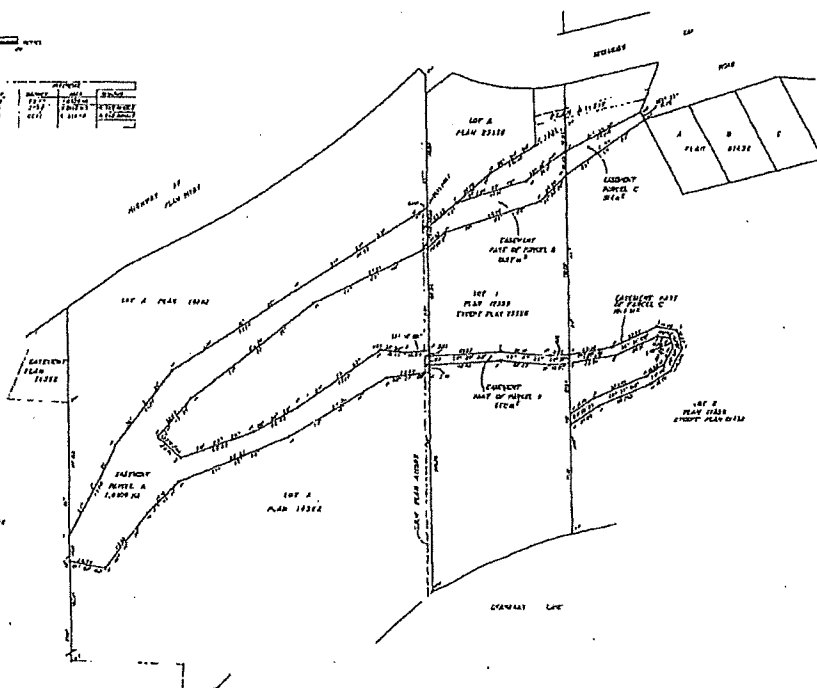
SCALE 1"=1000'



NO.	DATE	BY	REVISION	DESCRIPTION
1	1/1/11	J. H. HARRIS		PREPARED FOR RECORD
2	1/1/11	J. H. HARRIS		REVISIONS



AL 1993 0210  
STATE PLANS  
BOOK 1, PAGE 1114



PLAN NO. A. 15231

NO. 15231 OF THE 1993 PLANS OFFICE IN TALLAHASSEE, FL  
DATE 1/1/11 BY J. H. HARRIS

INDEX  
EASEMENT PART OF LOT A & LOT 1  
EASEMENT PART OF LOT 1 & LOT 2  
EASEMENT PART OF LOT 1 & LOT 2  
EASEMENT PART OF LOT 1 & LOT 2  
EASEMENT PART OF LOT 1 & LOT 2

1. A. 15231 OF THE 1993 PLANS OFFICE IN TALLAHASSEE, FL  
DATE 1/1/11 BY J. H. HARRIS  
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DATE 1/1/11 BY J. H. HARRIS

J. H. HARRIS  
1/1/11

STATE OF FLORIDA  
COUNTY OF ALBANY

19 429 B 429 FILE 15231

November 08, 2019

Susan Hewitt & George Calder  
3040 Seclusion Bay Road  
West Kelowna, BC V4T 1W5

City of West Kelowna  
2760 Cameron Road  
West Kelowna, BC V1Z 2T6

Attn: City Clerk

Dear Sir or Madam:

Re: File Z 19-01  
3060 Seclusion Bay Road



We are the residents of 3040 Seclusion Bay Road and are not in support of the above noted file. We have resided individually (Susan 32 years) and jointly (George 13 years) at this address since 1987. We have enjoyed the quiet, rural atmosphere of the area for this time period. We believe that the proposed development will negatively impact this atmosphere, and supply the following thoughts for your consideration.

For the sake of our arguments, we define the Seclusion Bay neighborhood as those properties serviced by Seclusion Bay Road. It is a unique neighborhood as it lies in both West Kelowna and Peachland. There are 8 properties in total, 6 in West Kelowna and 2 in Peachland. These 8 properties have a total area of 30.029 Ha (GIS database). Goats Peak Park is also serviced by the road and adds a further 52 Ha to the land mass of the neighborhood and was once part of one of the remaining properties. There are 12 full time residents in the neighborhood. This leads to a population density of 0.37 persons/ Ha compared to 2.6 persons/Ha for all of West Kelowna(Oct.13/2017). There are 33 development units (28 in existing resort), translating to a current density of the neighborhood of 1.10 du/ Ha. This population and building density hardly makes the area to be considered ripe for an "infill in a populated area". These numbers certainly point to the rural rather than commercial nature of the neighborhood. The current makeup of the neighborhood is 63% parkland, 30% rural residential and 7% commercial. This is hardly the type of makeup that would lead to the conclusion that the subject property is more suited to a commercial designation than to remain as it is.

The neighborhood is also an extension of the Goat's Peak ecosystem, which has been described in the Goat's Peak Park Development Plan as "a unique area of significant ecological importance" and "regionally rare, considered threatened in the province and represents one of the most endangered landscapes in Canada". The ecosystem contains 32 provincially Red Listed (at risk of being lost) and 17 Blue Listed (of special concern) species of plants, vertebrates and invertebrates. This ecosystem is not limited to within the park boundary, but continues west through the Seclusion Bay neighborhood and further southwest towards Peachland. Like wise does the presence of the above noted plant and animal species exist.

Although there is development in the neighborhood, the last disturbance due to building, was many years ago. It should also be noted that if you toured the properties in the area, you would find very little of the area in lawns and gardens. The vast majority of the landscape has been left in its natural state by the landowners. The eastern boundary of the subject property lies only about 350 meters from the western park boundary. With this in mind, the subject property with current zoning allows only a maximum of 2 development units versus the 17 proposed. Therefore, there would be much less chance of environmental impact if the zoning is not changed, and any new development of the property adheres to current zoning.

Seclusion Bay Road is also of concern. It is unique in that a portion of it is under the jurisdiction of the City of West Kelowna and the rest of it private, with various easements in place to allow landowners right of passage to their properties. The road is 32% under City of West Kelowna jurisdiction. 27% of the privately owned portion is in West Kelowna, while 41% is in Peachland. There are 2 short sections of the road on the subject property comprising about 200m, or 14% of it's total length. The road has 3 180 degree blind switchbacks, is steep and narrow, and has a number of blind entrances at driveways servicing existing residences. During the fire of 2010, the narrow nature of the road was problematic for emergency vehicles trying to descend the road, while residents were ascending to escape the blaze.

The road was not built to sustain heavy construction traffic and does not meet even the lowest standard for a rural access road(RL-1). There are currently 3 problem areas on the central portion of the road: 1) slumping at the eastern area of Perrin Spring. This area was reinforced somewhat by the contractor who repaired the road that was damaged by one of the two landslides that occurred in the area in 2018. 2) There is also evidence of slumping in the area of Tom's Spring which lies to the west of Perrin Spring. 3) There is an area between the two springs that is subject to debris falling onto the road surface brought about by heavy outflow from a culvert above the road that services Highway 97. This usually occurs during or after heavy rain events. The result is partial or total blockage of safe passage through this section of the road. To date, MOTI is not willing to take any action to remedy this situation. Although the last 2 areas lie within Peachland's boundary, they effect the properties below as the road swings back toward such properties in West Kelowna beyond these points of the road.

The road is currently, and has been historically used by residents to hike and cycle. As the proposal will increase the number of vehicle trips on the road, there will be a corresponding increase in the possibility car to pedestrian/ cyclist collision. Construction traffic will again exacerbate this situation. With regard to the private sections of the road, the landowners are liable with respect to what happens on their section of the road. Increased liability due to higher volume will, no doubt, lead to higher costs for insurance to protect from said liability. Increased volume will also lead to higher maintenance costs. To expect landowners to absorb such increases in order to support a commercial venture is unfair.

Perrin Spring currently serves as the only source of water to us at 3040 as well as our neighbors at 3175. It also serviced the residence at 3060 before it was destroyed by the fire of 2010. The existing resort also used it for a period of time, but abandoned using it when it could no longer meet it's needs. We at 3040 & 3175 cannot have this only source of our water compromised due to overdraw from any new development of this size wanting to use this source.

The spring has over the past several years experienced unusually high flows that have created issues. Some were of a minor nature such as seeping down to the bedrock and popping back up to the surface on the properties below in a very random and unpredictable manner. There were also two rather large landslides that occurred in 2018 due to high saturation of soils in the area. These landslides were a reminder of how unstable steep slopes can become under the right conditions. It should be noted that debris from both these landslides crossed the lower portion of the road and did encroach upon the upper portion where some of the proposed buildings would be situated. It caused the existing resort to be closed for most of their 2018 season.

As stated earlier, the current density of the neighborhood is 1.10 du/Ha. The current resort is 4.83 du/Ha. The proposed development would be 6.46 du/Ha. When viewed only in relation to the adjoining resort property this represents a 33% increase in density, but when compared to the entire neighborhood represents a staggering 487%.

The proposal, when it was first presented to the Advisory Planning Commission on December 13, 2017 sought a rezoning of a portion of the subject property to a C6 designation to support an "Eco-Resort" concept. It was proposed that 21 cabins of 1080 sq. ft. in size plus an amenities building be allowed. The APC expressed concern stating that the size and number of cabins be on a smaller scale, and that concrete basements may not be appropriate for a true eco resort or an eco sensitive area. They further stated that "if the intention is to make an eco-resort, then make it an eco-resort and not another nice residential subdivision".

For the January 23, 2018 Council meeting, it was recommended by the Planning Department that the application be denied due to being outside the urban growth boundary, was inconsistent with the Rural Reserve Policies and the objectives contained in the OCP. It was also stated that the proposal required a fundamental deviation from the spirit and intent of the OCP and, if approved, the contradiction would create uncertainty as to the City's commitment to its planning vision and goals. We could not agree more to these statements, however previous City Council supported that the proposal move forward.

At second reading, the proposal had morphed into a plan to allow 16 Eco Villas now with a floor area of 1991 sq. ft. on concrete basements. This is a reduction in the number of units by 23%, but has a resultant increase in footprint of 46%. 16 du's with a footprint of 1991 sq. ft. apiece on 1.17 Ha certainly looks a lot more like a subdivision than what was originally proposed.

We also have very deep concerns over the ability to provide fire protection to this development. With the density now proposed this development greatly resembles the Goat's Peak development on a smaller overall scale. The required water fire flow was determined to be 60 Lps for a 2 hour duration. The water supply for the development at 3060 Seclusion Bay Road appears to be a gravity fed system that we doubt would meet this requirement. Even if water pressures were to be increased via a pump system, these would be electrically powered. Fire protocol requires that hydro be shut off to protect firefighters, so even if the fire trucks could manage to descend the narrow road against the flow of escaping residents, once they arrived there would be insufficient water pressure to fight a fire in an area this densely built. As prevailing winds in the area are from the southwest and can be generally brisk, fire could easily be driven upslope to the northeast into Goat's Peak Park and into the Lower



Glenrosa and Gellatly neighborhoods. Also if a fire were to occur in the wildland above this proposed development, people may not be able to escape via the road and would be trapped, as occurred during the 2010 fire.

There is also a question of parking with this proposal. The number of stalls is not clearly shown in the most recent documentation. Unless there is sufficient parking for homeowners, guests, and boat trailers on site, there will be a major problem if the road is considered to be the alternative. As stated before, this road is not wide enough for constant two way traffic. If you add parked vehicles of any kind to the mix, you may end up with a scenario where traffic may only move at a snail's pace or worse.

The proponent is suggesting that waste water be handled via a septic field. Although the property is large enough by Okanagan Water Basin Board standards to support a single dwelling, we do believe that it will not support the use of a septic field for a group of 16 residences. This point is addressed in the council report for the July 23, 2019 meeting, but there is no mention of a solution. A complete treatment plant would most likely be required to satisfy the OKWBB.

We are aware that according to the OCP Schedule 4, the subject property falls within both Sensitive Aquatic Development Permit Area and Sensitive Terrestrial Development Permit Area. The most important guideline we see is the 30 meter buffer for Sensitive Aquatic Ecosystems. It appears that in this proposal, 4 of the du's fall into this zone as well as the waste water treatment units, the waste water pump chamber and the amenity building.

We have a real concern as to what happens to this property if the C9 zoning is granted and for whatever reason the proponent decides not to, or financially cannot proceed. We would now have a property laying fallow with a commercial designation attached to it. What would happen if the property were to be sold as vacant commercial land? It would appear that a certain amount of control that the City has over what happens on the property would be lost.

In conclusion, we have a master plan to provide for a logical controlled growth of our city, the OCP. Within that plan is the ability to make changes as required to allow for urban, commercial and industrial creep, as needed. If that clause is abused by developers to pick away at existing zoning in an ad hoc manner, it will lead to a helter skelter approach to land use management. The proponent has other options with this property that will fit into the current zoning, the existing character of the neighborhood and respecting the environmental sensitivity of the area. The APC did not endorse this proposal as it now stands, your Planning Department did not endorse the original proposal as well. Former Mayor and Council moved it forward to where we are today, but we have a number of readings before proposals receive final approval and we urge you stop this proposal from going any further.

Sincerely,

Susan Hewitt & George Calder