



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, NOVEMBER 12, 2019

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnson
Councillor Carol Zanon
Councillor Jayson Zilkie

Member Absent: Councillor Rick de Jong

Staff Present: Paul Gipps, CAO
Tracey Batten, Deputy CAO
Warren Everton, Director of Finance/CFO
Allen Fillion, Director of Engineering and Public Works
Sandy Webster, Director of Corporate Initiatives
Brent Magnan, Planning Manager
Bob Dargatz, Development Manager / Approving Officer
Shelley Schnitzler, Legislative Services Manager
Stacey Harding, Parks and Fleet Operations Manager
Chad Gartrell, Assistant Fire Chief
Brandon Mayne, Help Desk Assistant

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 1:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

2.1 Letters were received from the following:

- Paul Pepin, Seclusion Bay Resort
- Susan Hewitt and George Calder

3. ADOPTION OF AGENDA:

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

4. **OPENING STATEMENT:**

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Official Community Plan Amendment Bylaw No. 100.50 and Zoning Amendment Bylaw No. 0154.83.

The Mayor noted that binders have been available for inspection which includes any written comments received to date for the application and that Notice of the Public Hearing was duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 Z 19-01, Official Community Plan Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 154.83, 3060 Seclusion Bay Road

The Planning Manager introduced Official Community Plan Amendment Bylaw No. 0100.50 to change the OCP designation from Resource Land to Tourist Commercial, and Zoning Amendment Bylaw No. 0154.83, to change the Zoning from RU2 (Rural Residential Small Parcel) to CD9 (Comprehensive Development Zone) to support the development of 16 detached dwelling units for year-round and short-term occupancy with a conservation and servicing area. The proposal also includes amending the waterfront from Recreational Water Use Zone (W1) to the Intensive Water Use Zone (W2).

The Mayor asked if the owner/agent wished to address Council regarding this application.

Kevin Johnson, Agent for the Owner

- The previous dock structure has been removed; the waterfront is in good standing;
- The subject property has been cleaned up;
- The subject property site complements the Seclusion Bay Resort site in form and character, and density perspective;
- Looking at a 6% site coverage for the building footprint;
- The upper area of the on-site road that cuts the property in half, will need covenants; intent is to take advantage of existing on-site roads to limit disturbance to natural areas;
- Split zone – tourist commercial land use is the same as the neighbouring property;
- Seclusion Bay Resort is C5; this proposal mimics that and the waterfront;
- The property was bought out of receivership in 2015; the land was derelict due to wildfires;

- Improvements have been made to site;
- Economic development is a priority community goal; tourism and recreation are important to the Okanagan;
- Has concerns with the road and want to ensure it will be a safe road;
- Will support a trail network; huge benefit for the entire area;
- This proposal will be self-sufficient with no burden on infrastructure;
- Parcel size is unique for a project like this;
- Fire and road safety improvements are being addressed;
- The eco-servicing strategy is a unique waste water servicing system;
- Will have a reservoir for fire flow requirements;
- The proposal will allow multiple residents to share the waterfront;
- The eco-units will be individually owned strata developments; they are slope adaptive; they will utilize the on-site road networks; low flow fixtures for waste water treatment; primary water will come from the lake intake;
- Traffic impact analysis has been undertaken; 10 – 15 trips per day in the morning and evening;
- Have plans for solar roofs, battery storage in units, and net tree gain on the property;
- Design details will be addressed at development permit stage;
- Advisory Planning Commission has provided their support;
- Reciprocal access roadway easements exist but are outdated;
- There are mechanisms in place for upgrades/improvements to the road.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file.

Robert Laurie, Seclusion Bay Resort

- Has been an owner at Seclusion Bay Resort since 1994;
- Has concerns with the proposal;
- The proposal is inconsistent with the substance and intent of the Official Community Plan as per the Advisory Planning Commission report of May 15th;
- The OCP is not being respected; there is no payback to the City of West Kelowna for making this major amendment;
- Concern with access; the proposal is to access the subject property through the Seclusion Bay Resort driveway; the roadway is a blind hairpin curve, less than 3.5 metres in width and is the only pedestrian and bike access;
- Discussions on easements have occurred; there is no cost-sharing in place;
- Not against an easement, but if the subject property is accessing through the Seclusion Bay Resort property, there are issues with traffic and safety;
- There is no visitor parking on the subject property being proposed; the Resort has 15 parking spots that are often full; assuming visitors to the subject property will park in the Resort parking;
- Concern with the density of the proposal being too much;
- For 25 years, the Seclusion Bay Resort has been the primary maintainer of the road; the Resort has paved and graded the road;
- Concern with hillside stability; have had a road wash-out in the upper area, notwithstanding initial environmental studies;

- The Resort's letter outlining concerns, submitted in September, 2017, have been ignored.

George Calder, 3040 Seclusion Bay Road

- Have lived in Seclusion Bay since 1987;
- Do not support the proposal;
- Live there because of the quiet atmosphere of the area;
- Concern with construction noise, increased road noise, lake noise (boats), and more people walking the road;
- The subject property is next to Resort so all traffic will travel up the entire length of the road;
- The neighbourhood is unique in that it lies in both the City of West Kelowna and Peachland;
- Goats Peak Park is serviced by Seclusion Bay Road; since Goats Peak Park opened, there have been increased traffic impacts;
- Parking is a problem;
- There are 12 full time residents on approximately 80 hectares; very rural area;
- Building another resort next to an existing resort doesn't make sense;
- There is a critical ecosystem in Goats Peak Park; where the park boundary stops, the ecosystem doesn't; it carries on through Seclusion Bay and includes the subject property;
- Traffic passing through private property will increase the property owners' liability as the owners are responsible for their portion of the roadway;
- The Official Community Plan provides for logical control of the City;
- There are other options available that could fit in with the neighbourhood;
- The Advisory Planning Commission did not endorse this proposal;
- Urge that the proposal be stopped from moving forward.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor declared the public hearing closed at 2:22 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 2:22 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Official Community Plan Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 0154.83, held on November 12, 2019.

Legislative Services Manager