

Regarding DVP 19-05
Attention City Clerk



We live at 1942 Bartley Rd and will be affected by the property being subdivided next to us with the small house on it. We are very concerned about the Road in front of this house. If you don't pave and do gravel and a ditch will the road be made wider there so cars can pass each other. We owned a travel trailer and we ended up selling it because we could not get thru this narrow part without scratching the side of the trailer + contending with large boulders. Also want to know how many homes can go on this 10 acre piece beside us. This whole deal on this has been dumped in our laps a little over 2 weeks before Christmas. We only received this letter on Friday Dec. 6, Not only a weeks notice before a decision is made. Why the big rush. Also having a gravel road would be fine to us if widened and looked after on a regular basis. Right now hardly any maintenance is done on it. The trees have grown back up again + we still scratch our vehicles when we have to pull over. The tenant at 1915 Bartley is away till Dec. 20th. and cant be at the meeting. Not a fair time limit for answers in my opinion.
Mrs. B. Buchanan

Collette Beggs

Subject: RE: VariancePermit DVP 19-05

-----Original Message-----

From: Penny Knight <[REDACTED]>
Sent: December-09-19 1:47 PM
To: Chris Oliver <Chris.Oliver@westkelownacity.ca>
Subject: VariancePermit DVP 19-05

To: Attention City Clerk
Chris Oliver

Re: Development Variance Permit DVP 19-05 for council meeting Dec.10 2019

From Pete and Penny Knight
1905 Bartley Rd.

We are long time residents of Bartley Rd. Having resided here for 45 years. We did not receive a notice for development variance permit and as such have not had time to prepare a detailed presentation with respect to our opposition to the DVP application. We believe that our concerns with regard to safety and the road conditions should be addressed and that Bartley Rd. Should be paved and widened and brought up to the standards prescribed by the CWK bylaws.

Regards
Pete & Penny Knight

Collette Beggs

Subject: RE: Subdivison on 2010 Bartley rd

-----Original Message-----

From: David Chapman [REDACTED]
Sent: December 9, 2019 2:42 PM
To: dev services <dev.services@westkelownacity.ca>
Subject: Subdivison on 2010 Bartley rd

Hello

As a resident of 1918 Bartley rd we have a great concern with the decision that are going to be made regarding the subdivision being done on 2010 Bartley rd, we never want to leave anything like this to last minute but felt the signage in front of 2010 Bartley was very vague on to what kind of deals the city and 2010 are making. We are very, very concerned with the condition of Bartley Rd it never seems to be able to be kept up to the amount of traffic on it and is so narrow that at times on a weekly basis my wife and I will come to a haltering stop to avoid a head on collision around narrow blind corners never mind in the winter when there is snow on the side. By adding another 3 potential property's to use this rd multiple times a day as us tax payers do to get to work and back it could create allot more congestion, keep in mind it is not only the small community of Bartley that uses this rd but everyone that uses this rd for a threw rd to Mc dougle rim trail system, so to see this property get subdivided and there not be drastic changes done to this rd would be unacceptable.

Please respond with a favorable outcome which will benefit the longstanding residents of Bartley Rd.

David and Jodie Chapman

Sent from my iPhone

#4

Collette Beggs

Subject: FW: DVP 19-05 for December 10, 2019 Council Meeting
Attachments: To_ _Attention City Clerk (1).pdf

From: Jerry Schlosser <[REDACTED]>
Sent: December-09-19 3:32 PM
To: Chris Oliver <Chris.Oliver@westkelownacity.ca>
Subject: DVP 19-05 for December 10, 2019 Council Meeting

Dear Chris,

Please find attached for Council Meeting tomorrow.

If you could confirm receipt, it would be appreciated.

Sincerely,

Kathleen and Jerry Schlosser

To: Attention City Clerk
chis.oliver@WestKelownaCity.ca

From: Kathleen and Jerry Schlosser
1901 Bartley Road, Kelowna, BC, V1Z 2M6

Re: DVP 19-05 for December 10, 2019 Council Meeting

We have lived on Bartley Road for 40 years and are required on a daily basis to travel on the portion of Bartley Road which is the subject of the DVP application.

We did not receive the notice that DVP 19-05 was scheduled before council on December 10 2019, and as such have had very limited time to prepare this letter.

We have reviewed Staff's report to Council and feel that it has not adequately addressed the issues that Council must address in accordance with its own guidelines outlined in the brochure entitled "Development Variance Permits" (attached as Exhibit 1 to this letter). As such in accordance with your information brochure entitled "Development Variance Permits" we wish Staff and Council to take the following into consideration with respect to DVP 19-05:

1) Safety Issues

The proposed subdivision creates two additional lots (Lot 1 and Lot 2 in Exhibit 2 of this letter) along the northern boundary of the property. The road to access these two lots is currently in major disrepair. In many places it is only able to accommodate one vehicle at any given time and is riddled with washboards and potholes. The creation of Lot 1 and Lot 2 will only increase the traffic flow on the road. Without widening and paving the road will only exacerbate the dangerous travel conditions already present the road.

In 2009 the residents of Bartley Road were evacuated for seven days due to forest fire, and have been placed on evacuation alert on two separate occasions since that time. Given the road through the proposed subdivision is the only egress for all the residents of Bartley Road, if an opportunity is available to provide fire hydrants and a wider paved road, such improvements should be made to assist rescue crews and the residents of Bartley Road in the event future fires threaten the neighbourhood.

With respect to the fire hydrants in particular, it is our understanding that the applicant is not being required to put in fire hydrants due to the lack of municipal water. This is understandable if that is in fact the case, however if the proposed subdivided lots are to be supplied water from the soon to be constructed water treatment plant, there should be an expectation that the City or the Applicant provide such lots with a fire hydrant according to existing local standards. In addition, there currently exists a fire hydrant/municipal water at the south end of the proposed property (at the corner of Lenz Road and Bartley Road) which is

available for extension to the proposed subdivided lots at the north end of the property.

2) Urban Design and Aesthetic Aspects

The City West Kelowna purchased the road through the proposed subdivision approximately two years ago from the applicants and surveyed it to 12 meters. Since the purchase, the city has made no improvements to the road or addressed any of the safety issues listed previously in this letter. In fact one of the narrowest areas of the road exists between proposed Lot 1 and Lot 2. At that location there is a chain link fence on the road designation that the city never removed since taking possession. Not only is it a safety concern, but aesthetically unpleasing. Our fear with the cash-in-lieu proposal is that there will be a similar lack of effort on the part of the City to make the required improvements to the road.

3) Extent of the Variance Requested

According to the proposed DVP, which is prepared by the City, the permit exempts the applicant from making all required improvements under the Rural Road Standard except drainage. Given the proximity of the proposed property to the already paved and widened portion of Bartley/Lenz Road, combined with the existing municipal water at that location, we feel that the variance is too broad, and constitutes more of an exemption than a variance.

4) Any Unique Site Features

The McDougal Rim Trail Park is at the North end of Bartley Road. It is a popular destination for hikers, mountain bikers, and ATV enthusiasts who regularly pull large trailers up the road. The Staff Report to Council indicates that the proposed subdivision will only minimally increase traffic volume, however it fails to report that the road in its present state is unable to accommodate the current volume of traffic given the popularity of the Park.

5) Applicant Rationale for Variance

There is no rationale provided by the applicant.

6) Public Input

The City of West Kelowna provided 185 notices to households within 100m of the subject subdivision for public input. Of these 185 notices, 182 are not required to travel on a daily basis along Bartley Road through the proposed subdivision. Only 3 households that are required to use this portion of Bartley Road were notified and the remainder of the Bartley Road community, including ourselves, were not notified. This does not in our opinion constitute true, meaningful public consultation.

In addition to the above, we wish to have the following questions addressed:

- 1) Why is the frontage on ALR stipulate for gravel adjacent to pavement? My discussion with the ALC suggest that the road in question can be pavement. It is not a requirement of the ALC for this portion to be gravel.

- 2) Why did the City only purchase 12 meters of the road right of way, when its own bylaws require 18 meters? How much was the purchase price?
- 3) Is it the correct understanding that If Council authorizes this DVP, that no improvements will take place as required under bylaw, unless undertaken voluntarily by the City?

In closing, Bartley Road is in the worst condition of any road in West Kelowna. It is our view that it is the City's responsibility to bring it to code and they should work with applicant to achieve this.

Sincerely,

Kathleen and Jerry Schlosser

Collette Beggs

Subject: FW: File No DVP 19-05 & A 19-01
Attachments: Road.docx

-----Original Message-----

From: Darla Brown <[REDACTED]>
Sent: December-09-19 3:36 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: File No DVP 19-05 & A 19-01

Attn: City Clerk

Location: 2010 Bartley Rd, West Kelowna

Legal Description: DL 2685, ODYD, Except Plan EPP79692 and EPP90055 File No: DVP 19-05 Y A 19-01

The attached is my written submission regarding the proposals of the above noted File Number to be considered by City Council at the meeting on December 10, 2019 at 1:30pm.

Attention: City Clerk

File No.: DVP 19-05 & A 19-01

Legal Description: DL 2685, ODYD, Except Plan EPP79692 and EPP90055

Location: 2010 Bartley Road, West Kelowna

Date: Monday, December 9, 2019

Author: D Brown
1931 Bartley Road, West Kelowna

Concerns regarding this Development Variance Permit (DVP 19-095) are as follows:

Please excuse my ignorance in comprehending the terminology used in the provided reports, proposals, drafts, diagrams and maps.

When the signage was initially displayed on the property, I called the city of West Kelowna to inquire of the details, to have a better understanding of what was being proposed. At that time, no information was provided, and I was assured that notification with more information would be presented to all affected residents prior to any decisions of development. I received this notification on December 3, 2019 by post, with a deadline for December 9, 2019, (less than one week). Also to note, the notification was not dated; was sent out to '185 tenants within 100m of the subject property' – however, almost none of the residents that actually require the use of the section of Bartley Road in question to access their homes received this notice, (aside from myself and two other property owners (who just received it on December 6, 2019, as they were out of town)). On receiving this brief notification, my (somewhat) available schedule allowed me to immediately contact the City of West Kelowna for verification of the details and was assisted by Chris Oliver on December 5 and 6, 2019.

As informative as Chris Oliver was in assisting me, I am still unclear of the following:

1. The new gravel width of 18m Road Right of Way (ROW) including ditching, would be provided for the length of:
 - a. the whole property, (from Lenz Rd up to 1931 Bartley Road)?
 - b. or just the ALR section, from Lenz Rd up to the new proposed lot 1? Or Lot 2?
- if option (b) - the section not fronting the ALR, (proposed lot 1 and/or lot 2 frontage) is NOT included to the same newly widened 18m Road Right of Way (ROW) with included ditching, as is

requested in the variance to instead be paid out in 'cash in lieu for the full road standard' – would this section of road be dealt with at all, in any capacity (widened, gravelled, ditched, anything)? Or would that section of road remain as it is in its current state until the City of West Kelowna decides to use the 'cash in lieu' funds at a later date to upgrade that section and the rest of Bartley road? As this is another extremely narrow, out of date, and dangerous section of road – what is the expectancy of this section – width, drainage, etc? With these two new proposed lots potentially being sold to two new separate owners, would the time to rectify this section of road be most beneficial to be done prior to the lots being developed and sold, so as to avoid further issues, complications, and costs to all involved, including the City of West Kelowna.

- If option (a) - the upgraded work of widening, ditches, drainage culverts (under driveways?), etc would terminate at the property line of 2010/1931 Bartley Road, with the remainder of Bartley Road remaining in its current outdated state (narrow with no ditches, drainage, etc), wherein is frequently washed out and down to the 'new gravelled' section – essentially eradicating any 'upgraded' gravel surface in it's path. Would this not continue to be wasteful in time, materials, and costs to all involved, including the City of West Kelowna.

2. If these proposals are approved, what is the timeline on the work to be completed? If the variance application is approved and 'cash in lieu' is accepted, what is the timeline for this to be used to upgrade Bartley Road? If the proposals are denied, what is the timeline for the City of West Kelowna to address and upgrade the poor state of Bartley Road?

As a direct neighbour to the subjected property, it is not my intention to be difficult or protest this proposal. In fact I am optimistic of the possibilities and potential for our neighbours, Tom and Denise. However, there are some real concerns regarding this road that is used by us and the rest of its current residents (11 properties), the countless (and constantly increasing) outdoor enthusiasts taking advantage of the advertised trail system in such a convenient location, as well as the garbage truck operators, road maintenance crew, firemen, policemen, and ambulance drivers. It is understandable to think that adding just two additional properties to this road would not make any noticeable difference and certainly does not justify in being responsible in upgrading the road. But requirements are in place for developers for a reason - for the benefit of the city and its residents. We built our house and then just recently a carriage house on our Bartley Road property. In doing so, we accepted, abided by, and substantially paid for every zoned requirement, standard, and regulation, despite the costs, disruptions, and sometimes disappointments to us personally, as we understand this is what our elected governing leaders have set in

place for the benefit and most importantly the safety of ALL the citizens of our wonderful community.

To be clear, the word "road" in this instance is being used very liberally – it's actually comical! Bartley Road is more of an actual channel for the watershed runoff. Driving on the winding, mostly single vehicle width (especially during snow banked winter months), with no drainage system, ditches, or culverts, dodging large pot holes and boulders, avoiding the ravine and encroaching branches, while watching for traffic, pedestrians, and wildlife is treacherous to say the least.

The history of this 'road' is somewhat questionable, in that it was until recently a simple easement granted by the original owners (the Longley's), for access to the property owners beyond, as well as the forestry service road. Since we have lived at this address (just shy of ten years now), the state of this road has not only declined, but any attempts of maintaining or repairing it has been hindered or even prohibited by the now beneficiary owners, the Cross's; with our assumptions being their concern for the possible damage to their shallow underground water/irrigation systems from the McDougall river, (particularly between the proposed new lots 1 and 2). Does these circumstances change now with the request to subdivide these lots, or is this perhaps another possible reason for the variance request? Are these proposed new additional lots to be serviced by the new water treatment plant being constructed literally in my back yard, and thus will no longer require their current water system from the river to cross the road? Will these properties of 2010 Bartley Road be allowed to access municipal water from the new water treatment plant, but the remaining properties on Bartley Road will not, as the infrastructure is simply not there like an actual road is not there, even though the new water treatment plant and reservoir is directly in my back yard and negatively impacted the value of all of our properties?

It is my understanding, now this road is no longer an easement but is actually a road of the City of West Kelowna. BC Hydro has just recently upgraded their lines and poles to current standards along Bartley Road, installing the new hydro poles spaced with respect to current required standard road widths. It seems to be in the best interest for all, (circumstantially and financially), including the City of West Kelowna, to use this opportunity to bring Bartley Road up to the required current, regulated, and safe standards. To accept 'cash in lieu' of having the work done now, seems illogical and wasteful, as the cost amount quoted today would never cover the future inflated cost for whenever the City of West Kelowna possibly takes the state of this road seriously, stops putting a Band-Aid on it (which is just throwing tax payers money down the river/road), and actually fixes what I believe is the last embarrassing 'road' in its district – before a tragic accident results in lawsuit.