



**CITY OF WEST KELOWNA**  
**MINUTES OF THE PUBLIC HEARING**

Monday, December 11, 2023  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

**MEMBERS PRESENT:** Mayor Gord Milsom  
Councillor Tasha Da Silva  
Councillor Rick de Jong  
Councillor Jason Friesen  
Councillor Stephen Johnston  
Councillor Garrett Millsap  
Councillor Carol Zanon

**Staff Present:** Paul Gipps, CAO  
Trevor Seibel, Deputy CAO / Deputy Corporate Officer  
Brent Magnan, Director of Development Approvals  
Corinne Boback, Legislative Services Manager/Corporate Officer  
Bob Dargatz, Development Manager/Approving Officer  
Chris Oliver, Planning Manager  
Rebecca Narinesingh, Corporate Records Coordinator  
Christine De Silva, Development Services Assistant  
Yvonne Mitchell, Planner III

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**1. CALL THE PUBLIC HEARING TO ORDER**

The Public Hearing was called to order at 5:00 p.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

**2. INTRODUCTION OF LATE ITEMS**

**2.1 Submissions for Z 22-08 - Zoning Bylaw Amendment (2741 Auburn Road)**

Correspondence received from:

- 26 Person Petition
- Blake Smith
- Gerry Shea
- Brian & Vicki Robson
- Heather Manaog
- Jonathan Burke

**3. ADOPTION OF AGENDA**

It was moved and seconded

**THAT** the agenda be adopted as amended.

CARRIED UNANIMOUSLY

**4. OPENING STATEMENT**

This meeting was open to the public and public participation was available in person, by phone, and by written submission. All representations to Council form part of the public record. This meeting was webcast live and archived on the City's website.

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, the bylaws and supporting documentation have been made available for inspection at City of West Kelowna offices and on the City's website, and outlined the process for the public 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:

Z 22-08 - Zoning Bylaw Amendment, 2741 Auburn Road

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

## 5.1 Z 22-08 - Zoning Bylaw Amendment (2741 Auburn Road)

Legal / Address: Lot 2, DL 2601, ODYD, Plan KAP77227 / 2741 Auburn Road

Current Zoning: Low Density Multiple Residential (R3)

Proposed Zoning: Comprehensive Development (CD10) and Parks and Open Space (P1)

Purpose: Zoning Bylaw Amendment from Low Density Multiple Residential Zone (R3) to Comprehensive Development Zone (CD 10) and Parks and Open Space Zone (P1) to accommodate 401 units in five four storey apartment buildings.

The Director of Development Approvals introduced Zoning Amendment Bylaw No. 0265.12 to rezone the subject property from Low Density Multiple Residential Zone (R3) to Comprehensive Development Zone (CD10) and Parks and Open Space Zone (P1) to accommodate 401 units in five four storey apartment buildings.

The Mayor asked the City's Traffic Consultant to address Council regarding this file.

Tom Baumgartner, Align Engineering

- Subject of joint Highway Safety Committee regarding CNB Middle School Safety between 2010 and 2015 to improve pedestrian safety during school drop off & pick up which resulted in changes to drop off and pick up at school site, on Daimler Drive including dedicated pick up zones, south side sidewalk and midblock crossing;
- Proposed development equals 150 am peak hour trips & 160 pm peak hour trips;
- Daimler Drive & Old Okanagan Hwy too close to the highway;
- Old Okanagan Hwy / Byland Road Intersection:
  - Located ~60-m from Highway 97
  - Leads to Queue Spillover
  - Sightline Restrictions
- Collision Statistics:

- 53% During School Hours
- 42% During Commuter Peak
- 16% During School Pick-Up & Drop-Off
- High number of injurious collisions;
- Many accidents due to sightline restrictions;
- Mitigation option includes: dual left turn at the highway, access control at Old Okanagan Hwy / Byland Road, roundabout at Auburn Road;
- Another mitigation option would be a signal at Old Okanagan Hwy or roundabout;
- Discussed the advantages and disadvantages of the Mitigation Options of Access Control which resolves safety conflicts and reduces complexity of intersection.

The Mayor asked if the owner/applicant wished to address Council regarding this file.

Rachel Sansom, Land Development Consultant with Land Vision Group, Applicant

- Proposed CD10 zone for a multi family residential development with a 401-condominium unit in five 4 storey buildings;
- Open house, steady stream of residents;
- If approved 2 years to start work;
- Serve housing needs and needed apartments and condo's in City of West Kelowna;
- Try to minimize earthwork;
- Gated emergency access;
- 6-hectare park will be dedicated to the City;
- Geotechnical report indicates this site is well proposed for this project;
- Provided a public consultation and provided responses to questions raised at that meeting;

- Addressed traffic, safety, and road improvements.

The Mayor asked for 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

Teresa Plevy 406-2750 Auburn Road

- Acknowledged an error from the Advisory Planning Commission (APC) in 2022 the motion was defeated;
- Concern with limited onsite parking spaces available and the issues it will cause on the surrounding streets/area;
- Lack of amenities;
- One bedroom units are not family orientated;
- Why do we have an APC if Council doesn't listen to it.

Donalda Hunt 106, 2750 Auburn Road

- Asking for zone not to be rezoned to CD10;
- Not against development;
- Respect the quality of life and safety of the existing community;
- Feels City is feeling pressure from the Province;
- Can not place more traffic pressure;
- New students will not be able to attend Constable Neil Bruce Middle School as current kids are bussed to other schools;
- Costs have not been resolved by the City;
- Cars park on both sides of Byland Road which is already dangerous;
- Stop left turns from Byland Road;
- Traffic circle at Auburn Road and Daimler Drive needs to be first;
- Additional traffic in Shannon Lake area not taken into consideration;
- Please do not approve this development.

#### Deborah Dunn 110-2750 Auburn Road

- Traffic concerns with CNB and the safety around the neighbourhood and school;
- Suggested traffic proposal does not go far enough;
- No faith that the traffic improvements will happen due to lack of funds based on comments made at previous council meeting;
- Already zoned for 200 units, that makes more sense;
- Please do not approve this application, threaten safety of students and residents.

#### Guy Bird 106-2760 Auburn Road

- Aware of need for more housing;
- Recognize pressure from Federal and Provincial governments;
- Proposal does not make sense on many levels - environmental, wildlife, public safety;
- Water and rocks seep onto property;
- Concern with blasting on the mountain and rocks ending up in his back yard;
- Auburn Road is a dead end street with no other access;
- Auburn Road handles school and industrial traffic;
- Increased traffic flow also increases speed;
- Acknowledges need of more housing but at what cost;
- Project website is inaccurate, not a reasonable project to go forward.

#### William Hunt 106-2750 Auburn Road

- Blasting vibration will cause damage;
- Hillside guidelines, development not supported in these areas;
- Site sold to Crystal Springs ending another exit;
- Geotechnical report was conducted but collateral damage on his property was not considered;

- Requested a third party inspection on Terravita prior to any blasting;
- Wants Terravita to be named on insured;
- Geotechnical done but collateral property damage was not considered;
- 4 million cubic feet of rock needs to be removed by vehicles before any building, traffic improvements should be first;
- Removal of rocks will add additional heavy construction vehicles in the area that is already busy with traffic;
- Concern with the easement encroaching their property and blocking the emergency exit;
- Oppose the option, ask to refuse this development.

Christine Hunt 106-2750 Auburn Road

- One way in and out on Auburn Road; asking Council to consider a second exit strategy;
- Traffic circle needs to be big enough to accommodate large trucks;
- Parkland additional traffic parking issues;
- Parking already under no parking signs on Auburn Road;
- Terravita exit can be dangerous due to parked cars on the road;
- If approved double the number of vehicles to an already congested area;
- School time is already busy with traffic and parking causing problems for bus drivers during school drop off and pick up times;
- On average one serious accident per month in this area;
- Please do not add more volume and traffic to this already overloaded area.

Linda Doyon 201-2760 Auburn Road

- Hundreds of additional vehicles on an already stressed roadway;
- The area is already overburdened and failing;

- School pick up & drop off is already a nightmare with cars backed up on Old Okanagan Hwy;
- Additional vehicles make situation worse for school children;
- 700+ cars and 38 commercial vehicles in 30 minute time span;
- Soccer season also causes traffic issues;
- Safety is an issue;
- 84 accidents in this vicinity in the last 5 years - traffic report from staff;
- Cost sharing proposal after 3 full buildings;
- Roundabout large enough to accommodate commercial vehicles;
- Even with changes disadvantages including increase traffic and pushing traffic into other neighbourhoods;
- No amount of road improvements increases safety in a school zone;
- Road and safety improvements need to be implemented now not phased in.

The meeting recessed at 6:30 p.m.

The meeting reconvened at 6:40 p.m.

Norm Doyon 201 – 2760 Auburn Road

- Parkland is not conceivable that this will be a useable park;
- Near a school misleading as traffic issues and capacity issues;
- Read a 90 page Environmental Report 1 paragraph summary for report brought to Council;
  - Final grading plans not considered, no site survey plan or earthworks considered;
  - Timing of site visit in March not optimal for detection of wildlife; detail wildlife survey not conducted;
  - Ponderosa Pine must be conserved;
  - Important habitat features have been identified; Trees plants several endangered species;



- Nesting survey between February – August;
- No parking;
- Traffic and safety issues;
- Geotechnical Report indicates significant amount of rock removal and a series of retaining walls will be required; Rock fall and rock catchments required.

Neil Macdonald 303- 2750 Auburn Road

- Housing shortage, not against this project but issues must be addressed prior and during the construction;
- Obligation to ensure and maintain the lifestyle to residents that are affected by this project;
- Council must ensure any damages;
- Cost and liability to consider – developer pay 100% of cost, we don't have the money to pay higher costs;
- Developer should pay for the strata for the inconvenience and who will fix issues in an emergency situation;
- Who will maintain this road?;
- Developer must pay 3rd party costs on damage caused during construction;
- Liability insurance for one billion dollars;
- Developer should have performance insurance if project abandoned for completion.

Sheryl Rudd 307-2760 Auburn Road

- Resided there since 2012;
- Child safety at the school is a concern;
- Vehicles do not stop for crosswalks;
- High number of cars are always parked on the road;
- There are other more suitable locations for a huge development like this;

- Ask council to not amend the zoning.

Chris Gavin 304-2760 Auburn Road

- Concerns for the negative impacts it will have on wildlife in the area;
- Protection of Osprey and Bald Eagles in the BC Wildlife Act due to blasting and tree cutting;
- This project will greatly disturb the wildlife in the area;
- Wildlife corridor;
- 15 species of bats in the area all are protected;
- Marmots are on site and protected under the Act;
- Timing of environmental study not optimal and needs to be finalized prior to the construction of the development;
- Data limitations from the report.

Blake Smith 305-2760 Auburn Road

- Spoke to his late correspondence submission;
- Canvassed companies in the Industrial Park;
- Majority in Industrial Park were unaware of proposal;
- All respondents voiced serious concerns with pedestrian traffic;
- Proposal will compound the problem;
- Traffic concerns and the proposed traffic study does not lessen the traffic concerns being had by residents;
- Proposed solutions will result in heavy traffic in traffic circle;
- Safety of residents jeopardized.

Thomas Hanson 306-2770 Auburn Road

- Hillside development designed to fit the site rather than alter the site to fit the development;
- Development should occur in cooperation with water patterns;
- Rock cuts are noted to unstable masses red flag;

- Addressed development on slopes greater than 30% from the Official Community Plan are generally not supported in these areas;
- Site contains slopes between 20-60 degrees red flag;
- Development problematic on many levels;
- Does not meet City's guidelines.

#### Gerry Shea 107-2750 Auburn Road

- Traffic and parking concerns; urge Council to experience it themselves;
- Walk up the hillside, see soil conditions, slope, erosion, water run off, wildlife, plant life;
- Canvassed homes on Auburn, Bentley and Shelby Roads for a petition and ensure they were aware of the Public Hearing - all opposed, one resident indifferent;
- Addressed how the developer changed the layout of the units, to include a den, which means they can add more people in the unit which adds more cars on the road;
- Already Parkland – not dedicated already used as Parkland;
- Any road with condos becomes a one way street;
- Disturbed about the lack of concern of the protection of wildlife species, environmental issues and ruining protected habitat.

#### John Martin 454 Casa Rio Drive

- Downfall of being funded by the Province, must follow Provincial legislation;
- West Kelowna is a hillside community, small town character, many proposed developments take away from that;
- Issues not address adequately by development;
- Public safety budget;
- Challenge Council to act on public safety on this application;
- Development has many safety problems;

- Large number of children use the crosswalk;
- Any Councillor voting for this is voting against public safety.

Kevin Bird 212-2780 Auburn Road

- Developer of Terravita;
- City staff did not reach out to him for any history;
- Decided to just buy Terravita property due to the rest of the property all shale and very unstable;
- Shale keeps coming down;
- Cost sharing should be considered;
- No consideration of wildlife corridor.

Stan Burton 2234 Golf Course Drive

- History is not good on development;
- Wildlife consideration;
- Traffic and parking issues, people are parking everywhere;
- There will be no room to park, not near enough parking;
- Encouraged Council to go see the traffic and parking issues.

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.

Kevin Bird 212-2780 Auburn Road

- City paying part of the cost share is not good to burden tax payer;
- Province putting pressure on municipalities to increase density, at what cost;
- Walkway was intended to go down to CNB, do not see any management on the plan for this;
- Easement for down to CNB.

William Hunt 106-2750 Auburn Road

- Developer has to pay 100% of traffic improvements as per our bylaw.

Stan Burton 2234 Golf Course Drive

- Addressed the Geotechnical Report about the 120,000 cubic metres of rock to be removed from the site which is a lot of truck loads at the intersection;
- Bad slope and poor rock.

Rachel Sansom, Land Development Consultant with Land Vision Group, Applicant

- Speaking to clarify some comments;
- Parking for parkland would be accommodated on Auburn Road;
- Environmental report preliminary in nature, more studies will be conducted at proper times of year, under the supervision of professionals and in accordance with regulations;
- Geotech engineers are on site and follow legislation, understand safety requirements;
- Easement doesn't specify emergency access and would be happy to make emergency only coming down from golf course drive to Auburn Road;
- Understand it's a difficult situation, financially help get solved sooner then later;
- Blasting required under existing zoning and following City bylaws;
- Parking provided in accordance with City bylaws.

The Mayor asked Council if they had any questions of staff or any specific information needed from staff in anticipation of this coming back to Council for consideration. There were no questions from Council.

The Mayor asked for a third and final 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 declared this portion of the public hearing closed at 7:40 p.m. and Council cannot accept any further information regarding this application.

**6. ADJOURNMENT OF THE PUBLIC HEARING**

The Public Hearing adjourned at 7:38 p.m.

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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 Zoning Bylaw No. 0265.12, held on December 11, 2023.

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LEGISLATIVE SERVICES MANAGER/CORPORATE OFFICER