



## PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING  
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,  
2760 CAMERON ROAD, WEST KELOWNA, BC  
TUESDAY, JANUARY 28, 2020

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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  
Warren Everton, Director of Finance/CFO  
Allen Fillion, Director of Engineering and Public Works  
Jason Brolund, Fire Chief  
Sandy Webster, Director of Corporate Initiatives  
Mark Koch, Director of Development Services  
Michelle Reid, Director of Human Resources  
Brent Magnan, Planning Manager  
Bob Dargatz, Development and Engineering Manager  
Rob Hillis, Engineering Manager  
Shelley Schnitzler, Legislative Services Manager  
Neil Wyatt, Service Desk Technician

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

The Public Hearing was called to order at 6:00 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 Letters received from the following:

- Debra Drissell
- John Martin
- G.L. Huggins
- Ryan Holt
- Wynne Probert
- Rebeca Beckley

- F.A. Smith
- Dario & Elaine Grison
- Heather Schaub
- David McNeely
- Maria Fairholm
- Gloria & Doug Andrews

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. 0100.55 and Zoning Amendment Bylaw No. 0154.74.

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 18-08, Official Community Plan Amendment Bylaw No. 0100.55 and Zoning Amendment Bylaw No. 154.74, 2377 Thacker Drive

The Planning Manager introduced Official Community Plan Amendment Bylaw No. 0100.55 and Zoning Amendment Bylaw No. 0154.74 to change the Official Community Plan from Resource Land Designation to Single Family Residential Designation and to change the Zoning from Rural Residential Large Parcel (RU4) to Single Detached Residential (R1) and Parks and Open Space (P1) to allow for single-family development.

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

Grant Maddock, Protech Consultants, Agent for the Owner

- The owners of the subject property live on the site;
- With reference to Lot 7, a Geotechnical Engineer for rock fall, along with Dr. Tannant, a UBC Professor, have inspected the property and provided recommendations;

- A substantial berm will be produced by excavating;
- The developer is not proposing to clear a lot of area; however an area will need to be cleared for the driveway;
- A driveway access is required for fire mitigation in the lower area;
- Regarding offsites, the owner was asked to contribute a gen set for emergency power; they will be contributing, through taxation at time of subdivision, approximately \$7,900 per lot for sewer charges;
- Regarding the walkway, it is not usual for the owner of a subdivision to pay for this offsite service;
- In this case, it's \$23,000 - 24,000, plus 5% cash in lieu - around \$100,000 toward parks;
- The Owners are willing to put a covenant on the lower section for one lot and one house only;
- 9,000 square metres will stay in a natural state (over the lots going to the lower portion of the site);
- There is a wildlife corridor on both the upper and lower levels;
- The building site is at 30% slope (within the OCP maximum recommendation);
- The upper areas will have 'no disturb areas' surrounding the house;
- The material on Lot 7 is mostly gravel; there is no problem with disposing of roof drainage into the ground; this will be further confirmed by Beacon Geotech from a hydrology perspective;
- Wildfire mitigation is part of the subdivision approval process; a driveway will be required to be built to get equipment in to do the mitigation;
- There is approximately 70 metres of distance from the base of the cliff to the berm, and about 230 feet of width for the wildlife corridor;
- Regarding Bridgeview Road, this proposed subdivision will provide a cul-de-sac for a turning area for large trucks, plows, etc.;
- There will be a walkway from Bridgeview to Thacker and an asphalt pathway from Thacker to the top of property; and there will be a widening on Thacker for a bicycle lane.

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

John Martin

- Opposed to this rezoning;
- Oppose any development that will be using Campbell Road as an access route;
- The community needs to defend threats to public safety from developers' proposals;
- NFPA guidelines have not been addressed for Lot 7;
- Casa Loma has been bombarded with development proposals over the past years which is in direct contravention of NFPA standards and guidelines;
- The number of housing units (over 250) is already outside NFPA guidelines;
- The NFPA requirement for 100 – 600 households is for two access routes;
- If a covenant is placed on Lot 7, and not re-zoned as R1 without one, an additional 31 houses could be accommodated;
- These development proposals continue to attack public safety of the community;
- The NFPA is adopted as a best standard of care; that is to not allow any further development without a second access;

- Lot 7 is adding to the densification of the Casa Loma area;
- This area is an ESA2 (2<sup>nd</sup> highest ecologically environmental impact area);
- Casa Loma is in an extreme wildfire hazard area, is in a hazardous rock fall area, and is outside the objectives of the OCP Hillside Development Permit area;
- The subject property should be positioned as part of P1 zoning.

#### Shirley Pacholok

- Lives across from the subject site;
- It is a steep mountain side and must be breached to initiate a driveway access;
- Have walked the area of the proposed site; it is steeper than the Blackmun Bay site;
- The lot is sensitive and fragile with lots of boulders and fallen trees;
- The access to the lot on Casa Grande Drive has a curve in the road with crushed rock and gravel; nothing grows there;
- Rocks regularly fall down from the steep slope near existing homes which may be caused from wildlife along the corridor;
- Underground water exists on the hillside;
- If the intent is for a single lot, why an R1 zone designation;
- Would like to see the site zoned as Parkland;
- Concerns with interference with the wildlife corridor, inadequate access off Casa Grande Drive, NFPA fire access issues and a general lack of unsuitability for a subdivision location.

#### Heather Schaub, Manager of Casa Loma Lakeshore Resort

- The subject property is a challenging area with topographical constraints;
- The proposal does not align with objectives and guidelines of the Hillside Development Permit area within the OCP;
- The site will require significant grading work to be undertaken;
- Exposure and vulnerability is huge in the lower section due to the rock fall;
- Used to watch deer daily in the area from Kalamo Park to the bridge; now it is greatly reduced; this proposal is one more infringement on that area;
- Supports a covenant for Lot 7 to restrict it to one residence on the subject property;
- There are underwater springs in the area and wondering if any hydro geo-testing will be conducted.

#### Doug Andrews

- Retired Geological Engineer for 45 years;
- This proposal is a complete disregard for environment and wildlife corridor on the property;
- This is a massive loss of habitat for wildlife;
- At least 250 fir trees were slashed on the subject property;
- There is a huge loss of soil stability;
- Purchased his property in 2006;
- In 2012, witnessed a 20 year thunderstorm event with 2" of rain in 20 minutes;
- Concern with potential future rain events and where the rain will go;
- Concern with where the ditches will go to carry that much water;
- No permits were obtained by the owner for cutting down the trees; only a \$500 fine issued;

- Questioning wildfire mitigation when there are no trees left;
- Concern with how the water and soil creep will be handled;
- Concern with the existing berm;
- Concern with wildlife and where they'll go.

David McNeely

- Originally the access to the site was proposed off Thacker, however that was dismissed; questioning why that decision was made;
- Now the applicant is proposing to use a dead-end street where garbage trucks have to back up;
- Why not close off the dead-end road and have primary access off Thacker Drive;
- Currently the road is often inaccessible due to traffic and equipment at various times of the day;
- Asking for consideration of the primary access to be off Thacker;
- Access for large equipment cannot be made from Kelview with a turn onto Bridgeview.

Shirley Pacholok, on behalf of Casa Loma Community Association

- The lower portion of the lot includes a 15 metre steep cliff;
- The area has many topographical constraints, including access to the proposed development area;
- The site has two Development Permit area designations – Sensitive Terrestrial Ecosystem and Hillside;
- Additional servicing, geotechnical and rock fall hazard information all indicate it is feasible to develop the site with significant mitigation measures, slope disturbance and retaining requirements;
- The proposed work does not align with the OCP objectives and guidelines of the Hillside Development Permit area;
- The Geotechnical Assessment and the Rock Fall Hazard Assessment identify construction of driveway and platform that will require a significant amount of grading work to construct;
- The Rock Fall Hazard Assessment has identified there are existing large rocks scattered over the slope at the planned location of the house and driveway indicating exposure and vulnerability to future rock falls in this area being high;
- The Environmental Assessment shows the range of environmentally sensitive areas throughout the site of ESA2; restoration work would be required, however the land would not be receptive to the work;
- Soil characteristics and topography are not conducive to plant restoration on the site;
- The Wildfire Hazard Assessment indicates the lower portion has an extreme rating and a treatment prescription of an annual clean-up of wood waste and maintenance be conducted – questioning who will be responsible to make sure this gets completed;
- NFPA standards put residents at risk due to lack of egress;
- The area is hazardous due to rock fall and the steep slope;
- Casa Loma Water Utility can provide for only one residence;
- The environment will have significant disturbance with long term, negative impacts.

Chris Wallace, Geotech for the Developer

- Have undertaken an assessment specific to the rock fall;
- There is a band of near vertical rock that divides the upper property from the lower property;
- The steep slope provides a rock fall hazard;
- The evidence of rock fall was significant;
- A significant amount of rock, up to 1 metre in diameter at various locations on the property, was recorded;
- To mitigate the risk of the high rock fall hazard, proposing construction of a rock fall berm;
- The intent of a berm is to provide a collection area;
- In the spring, during a pre-thaw event, ice will form and jack the rocks off the face of the slope, rolling down and collecting velocity;
- The berm will collect the rocks before they get to the habited area;
- An Assessment was undertaken by himself and Dr. Tannant of UBC;
- Did not notice water in the rock when undertaking the assessment;
- Drainage from above is associated with rainfall, with the proposal, the rainfall will be collected and run through the storm collection system.

Shirley Pacholok

- The lower lot has many issues;
- The Developer said they need to put in a road to do fire remediation to the lot;
- Fire remediation shouldn't be done through the road with a big truck; it should be done with quads through Zdralek Cove.

Doug Andrews

- Regarding the massive berm previously built on the property and its history, questioning if permits had been taken out for the berm;
- Not against development; just wish this site had been witnessed before the trees were taken down; could have done a lot more selective logging;
- Concern with water drainage, the existing berm and the slope;
- The site has been clear-cut with major slope issues;
- The site will need fire hydrants, street lights, etc.;
- A walkway would be nice; with perhaps the drainage ditch running alongside;
- Concern with another major rain event going over the berm down toward the lower lot.

Grant Maddock

- A Wildfire Consultant inspected at the trees before they were cut down;
- With reference to a rain storm, an in depth investigation was undertaken by the Geotech with ground infiltration information;
- Options have been considered to address the 100 year event, as the City requires.

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 7:19 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 7:19 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 Official Community Plan Amendment Bylaw No. 0100.55 and Zoning Amendment Bylaw No. 0154.74, held on January 28, 2020.

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Legislative Services Manager