



PUBLIC HEARING MINUTES

**MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, JULY 9, 2019**

MEMBERS PRESENT:

Mayor Gord Milsom
Councillor Rick de Jong
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnson
Councillor Carol Zanon
Councillor Jayson Zilkie

Staff Present:

Paul Gipps, CAO
Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Bob Dargatz, Development Manager / Approving Officer
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant
Carla Eaton, Planner III
Krishan Hewitt, IS Summer Student
Mike Cain, Bylaw Enforcement Supervisor
Mark Roberts, Flood Remediation Project Supervisor

1. CALL THE PUBLIC HEARING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

Submissions received from the following:

- Barb Jackson
- Ed and Deborah Dyck (letter and photos)
- Tyrone and Sherri Hiles
- Tad and Elaine Kondo

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. 0100.56 and Zoning Amendment Bylaw No. 0154.76.

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

5.1 Z 19-05, Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 154.76, 2370 Tallus Ridge

The Planner III introduced Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 0154.76, to change the OCP designation from Single Family Residential and Agricultural to Medium Density Multiple Family, and to change the Zoning from R%1 (Single Detached Residential) and A1 (Agricultural) to R3 (Low Density Multiple Residential) to accommodate a 26 unit strata townhouse development and one single family dwelling.

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

Kyle Lorincz, Protech Consulting

- Was on site of the Tuscany rock slope earlier today with the Geotechnical Engineer, Dr. Dwayne Tannant;
- In Dr. Tannant's view, there are no major concerns with the rock slope provided regular maintenance and upkeep is undertaken on the rock slope;
- Dr. Tannant noted that this development should have no effect on the rock slope itself;
- It is recommended that rock scaling be undertaken and the ditch cleaned of all debris;
- The Contractor for the Developer was on site and will be getting started on this work soon;
- All construction activity will access off Mt. Hollows Road; not behind the existing easement road;
- A majority of the blasting for site grading and rock work was already been completed by the previous owner;
- The amount of rock work still to be done is minimal and will include benching and cleaning up the slope;

- Surveying and monitoring from the blasting will be undertaken through the process to ensure no damage to homes;
- It doesn't appear that any scaling has ever occurred on the property;
- There has been regular ditch cleaning & maintenance conducted by the City of West Kelowna;
- A report from the Specialized Rock Specialist should be completed prior to third reading of the Bylaw.

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

Frank Seip

- When he moved into the neighbourhood, it was a quiet street with large condo complex at the end;
- Was led to believe where the 80 plus medium-density homes were being built was going to be bungalows;
- Concern with the endangered species lizard; wondering if this has been considered;
- Concern with erosion;
- Staff have shown some good detail of the subject property; residents didn't get this information before;
- Wondering if this application opens the door for the entire subject area for the zoning to be R3;
- There are already 80 plus medium density homes crammed in there and now the proposal is for homes above;
- In the 6 years since he owned his home, the patio and garage floor are cracking;
- The proposal is too close in proximity to his property;
- This will affect his quality of life;
- Would like more neighbourhood residents to see the detailed drawing of the subject property shown in the powerpoint prior to adoption of the bylaw.

Colleen Whattam

- In 2016, she submitted a letter to Council regarding the slope of the subject property;
- Although there is now a different developer, she has the same concerns;
- In 2016, the previous developer sent an Insurance Company through her house to look at the home in case of damage;
- The previous developer voiced concern with falling debris, and cleanup continued;
- Concern is how stable the rock face is;
- Request the stability of the slope be assessed for safety by a qualified person;
- Request scaling before work commences;
- Request cleanup of boulders;
- Wondering who will be responsible for any damage from blasting;
- Suggest that mesh netting be placed over the rock face for preventative measures;
- Wondering if an Insurance Company will return to re-inspect homes;

- Wondering who will be responsible for monitoring debris;
- Concern with safety; children play on the street;
- Every week, neighbours remove rock that has fallen;
- Concern with fire; three years ago, it took 20 minutes to get out of Tuscany to get onto Shannon Lake Road;
- There are more than 350 new homes on Tallus; and now another new development is being proposed;
- Wondering where the exit will be for residents in the case of fire.

Steven Schott

- Concern is with the rock face along Tuscany Drive and the re-zoning from R1 to R3;
- Any work done on top (increasing personnel, increase in traffic, etc.) could result in an interaction with the cliff or something falling off the cliff;
- Concern with erosion;
- Would like construction limited along the rock face;
- There is a safety issue;
- Would like the zoning to remain R1;
- To the east and to the west, there is medium density already;
- Too much medium density housing will disrupt the balance of the neighbourhood;
- Currently, there is a good mix of single and multiple residences;
- Specific concern is the slope stability above the rock face along Tuscany Drive;
- At the very least, the development should be single family homes, not multiple family;
- The requirement for cliff maintenance should be a City responsibility to look after and not future strata owners.

Marshall Whattam

- The subject area rock face is not bedrock; it has been sluffing off for the past 10 years;
- Maintenance was done four years ago by the previous developer and last year the City undertook the maintenance;
- The rock face is sluffing off continually.

Tyrone Hiles

- The development abuts his back yard;
- Concern with blasting, vibration and drilling that may affect his foundation;
- Concern with increase in traffic which is already an issue; if this development is added, traffic will be immense;
- Currently, his property has privacy with the mountain and forest; with this proposed development, his property may not get any sun;
- The development may affect his property value.

Sherry Kirchner-Reimer

- Concern with safety and the rock fall;
- Concern with safety and exiting in an emergency or fire;

- Concern with the emergency exit;
- If there's an emergency, it will be difficult getting out due to more traffic;
- Concern with the slope and rocks falling; it's a safety issue.

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 application.

Frank Seip

- The rock face is unstable;
- Residents witness the rock come down;
- The previous owner did the cleanup and removal;
- The proposed round-about should be moved to priority due to the increase in traffic;
- With all the residents trying to exit Tuscany, the new developments, and Tallus Ridge, a bottleneck will result.

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 2:30 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 2:30 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. 0111.56 and Zoning Bylaw No. 0154.76, held on July 9, 2019.

Legislative Services Manager