

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, December 12, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Special Projects Planning Manager, H.M. Christy; Development Engineering Manager, S. Muenz; Traffic & Transportation Planning Engineer, K. Gauthier; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 22, 2000, and by being placed in the Kelowna Daily Courier issues of December 4 & 5, 2000 and in the Kelowna Capital News issue of December 3, 2000, and by sending out or otherwise delivering 106 letters to the owners and occupiers of surrounding properties between November 21 & 22, 2000.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8603 (ASP99-001, OCP99-015, Z99-1049) - R127 Enterprises Ltd. (Wayne Judiesch) - Mission Ridge Road and Westpoint Drive - THAT the Kelowna Official Community Plan Bylaw No. 7600 be amended to include the generalized terms, land uses and principles contained in the Mission Ridge Area Structure Plan attached as Schedule "A", to the report from the Planning & Development Services Department dated January 12, 2000;

AND THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the Southeast 1/4 of Section 31 not included within the limit of District Lot 580a, S.D.Y.D., Township 29, O.D.Y.D., except Plans B3677, 3093, 13170, 17707, 18684, 20390, 32874 and 36632, located between Westpoint Drive and Mission Ridge Road, Kelowna, B.C, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and P3 – Parks & Open Space zones as shown on Schedule "B" attached to the Planning Department's report of January 12, 2000;

#### Staff:

- The Official Community Plan (OCP) Future Land Use Map identifies the property for potential single family on the upper portion and the sloped area suitable for open space purposes and indicates that no development is to take place without first undertaking an Area Structure Plan (ASP).
- The South Mission Area Sector Plan recommends single family residential on the upper portion and retention of the sloped area as park and open space. The sector plan also identifies the generalized guidelines for development with more detailed work to be completed in an ASP.

- The ASP was submitted in January 2000.
- In June 2000 a subdivision application was received that was at variance with statements in the ASP. A list of "housekeeping" amendments have been prepared for the purpose of correcting some errors in the ASP and updating the document to reflect activities that have taken place since the ASP was submitted in January 2000.
- The rezoning is requested to facilitate a 68-lot single family residential development with 46 lots fronting onto the extension of Westpoint Drive and 22 lots fronting onto the extension of Mission Ridge Road.
- The applicant has voluntarily relinquished the mining permit and the Ministry of Mines has closed that file. If a new application was submitted for a Mining Permit, the applicant would have to among other things demonstrate that there is a commercial source of aggregate on the property and the City of Kelowna would receive a copy of the application prior to consideration by the Ministry.
- The adjacent Westpoint Drive subdivision was initiated in 1980 and approved in 1998. The old files show that Westpoint Drive would be extended to lands beyond and that is how the road was designed.
- Westpoint Drive meets today's standards with the exception of the radius on one curve at the bottom which is to a 30 km per hour standard rather than 50 km per hour standard.
- Five traffic studies have been carried out between 1991 and 2000. Two dealt primarily with trucking when it was estimated that 140,000 m<sup>3</sup> of soil would be removed from the site. The applicant has now provided information indicating that pretty well all the trucking activity is finished and any further soil that is moved will remain on site. One traffic study was commissioned by the residents of Westpoint Drive and it made recommendations for improving safety on Westpoint Drive. One traffic study was an ICBC study commissioned by the City and it again made recommendations for safety improvements on Westpoint Drive including adding a sidewalk. The last study was done this year and again it looks at Westpoint Drive and establishes that it does meet standards other than the radius on the one curve.
- Westpoint Drive falls within local road standards at 1,000 trips per day. The 46 lots proposed off the end of Westpoint and the potential additional lots which could come in future from the two large unsubdivided properties to the west would still bring it within the standards of a local road.
- The requirement for a sidewalk on Westpoint Drive is a staff recommendation to improve safety and is based on the ICBC study. The sidewalk can be constructed within the boulevard with minimal impact. Some Westpoint residents have submitted letters saying they do not want a sidewalk but staff feel it is needed to improve the pedestrian capacity of the road.
- Improving the curve in Westpoint Drive to a 50 km per hour standard has never been achieved because of difficulties acquiring the necessary road right-of-way.
- It is anticipated that the traffic that would be generated by the additional 22 lots off Mission Ridge Drive would not unduly add to the traffic on Crawford Road.
- The Coronado Slope is to be zoned to Parks & Open Space with a no-disturb covenant registered. Council has resolved that the City would accept dedication of the slope should this application proceed to completion. Staff met with the residents backing onto the slope to resolve the interface problems between their rear yards and the sloped area and those issues would be resolved through the subdivision process.
- A path has developed at the bottom of the Coronado Slope area over the years. Additional engineering work needs to be done by the applicant as to whether the area of ditching and berming needs to be improved to deal with drainage off the slope. Once that report is received then it will be possible to determine whether there is any surplus property at the rear of the lots. If there is, the developer would be required to install a chainlink fence along the property line and then work with the individual land owners adjacent to the slope to distribute the surplus to them. The developer has agreed to do that through the subdivision process.

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- About 16 properties are affected by the Coronado Slope and staff are committed to work with them, to notify them of further developments and make sure the concerns that can be addressed get addressed.
- The applicant has voluntarily provided a signed covenant that would restrict the density for the proposed development to 68 residential lots. The proposed lots are similar to the existing lots in the area in terms of width and buildable area.
- Issues such as lot line boundaries, drainage, irrigation, fencing/berming requirements, etc., will be addressed through the subdivision stage.
- ASP submitted in January 2000 indicated a bareland strata subdivision but the subdivision application that has been received indicates fee simple lots.

The City Clerk advised that this file has been open for many years and a lot of correspondence has accumulated. Specific to the advertising surrounding this Public Hearing, the following correspondence and petitions have been received in opposition to the subject application:

**Opposition:**

- 3 letters from the Mission Ridge Road/Westridge Road/Crawford Road Neighbourhood Residents Association
- letter from Arthur & Jane Bowering, 777 Westpoint Drive
- 2 letters from Dr. Randall Fairey, 877 Westpoint Drive
- letter from Jack Kingma, 889 Westpoint Drive
- letter from Okanagan Mission Residents Association
- letter from Colin & Barbara Jordan, 1172 Mission Ridge Road
- letter from Donna & Zmytro Zelman, 901 Westpoint Drive
- letter from Hugh Clemence & Dr. Marilyn Hopp, 947 Westpoint Drive
- letter from Westpoint Drive Residents Association
- letter from Deborah Ballard, 783 Westpoint Drive
- petition bearing 53 signatures

All opposed for reasons of safety, increased traffic, heavy equipment during construction, too many lots, obstruction of views, negative impact on ALR land off Westpoint Drive, and parking problems because of the trail.

**Support:**

- letter from Martin & Donna Cook, 1193 Mission Ridge Road
- letter from Murray Weeks, resident of the immediate area
- letter from Guy Gant, 2663 O'Reilly Lane
- late letter from Peter McFadden, 418 Okaview Court

Mayor Gray invited the applicant anyone in the public gallery who deemed themselves affected to come forward.

Dave Cullen, Earthtech (engineering consultant for the applicant):

- Advised that the applicant could not be here because of a last minute emergency.
- Submitted a letter from the applicant and asked that it be read into the record.

The City Clerk read the letter, dated December 12, 2000, outlining the applicant's undertaking with respect to this application.

Jack Harris, Schamerhorn Court:

- 11 of the 16 residents of Coronado and Schamerhorn were at a meeting last night to draft a letter that was going to be read tonight. However, there is no need to read the letter because virtually all of the residents' concerns about the slope were covered off in the staff presentation. It sounds like a good start at putting an end to the problems and concerns of the residents.
- The residents would like to be involved once the geotechnical information is received and to participate in any decisions that are made on future use of the slope. Public access is the key for the residents and it is important to them that the engineering study have a bearing on the linear trail connection between neighbourhoods that is being encouraged by the City's Parks Department.
- Submitted the letter the residents had drafted.

Ryland Garton, 840 Coronado Crescent:

- Advised that his letter was not opposed to the rezoning or the subdivision as was indicated by the City Clerk and that his letter only addressed the continued use of the trail at the rear of the Coronado properties.

The City Clerk explained that he had grouped the correspondence and tried to list all the major objections from them all; it was not his intent to suggest that every letter contained the same objections.

Jim Strong (resident of Kelowna for 32 years but not in this area):

- Pleased that reasonable solutions have been reached to solve the neighbourhood concerns.
- Dismayed at the amount of tax dollars that have been paid to staff working on this subdivision between 1980 and now. As a taxpayer would like to see development done in a little more hasty fashion.
- Concerned about the high costs of extending services to fringe areas.

Don Martin, 752 Westpoint Drive:

- One of the traffic studies concluded that the curve on Westpoint Drive is sub-standard and only acceptable as a local residential with low traffic volumes and that an extension of Westpoint would aggravate the problems being experienced at the bottom of Westpoint.
- The Westpoint Drive Residents Association have always maintained that safety is an issue and are concerned that particularly in the winter, Westpoint Drive is not constructed to a safe standard.
- The residents do not want a sidewalk because it would disrupt landscaping on some properties and would narrow the roadway. There has to be some on-street parking on Westpoint Drive.
- The applicant has relinquished the Mining Permit as a gesture of good faith but that permit was gained to circumvent the usual processes development applications are expected to follow and sends a very poor message to other developers.

Dr. Randall Fairey, 877 Westpoint Drive:

- Access to Queen Anne Estates (the proposed subdivision) does not have to travel through either of the existing neighbourhoods and would be better accessed across the ALR land to the north. Not enough work has been done on looking at the alternatives.
- The safety concerns regarding Westpoint Drive cannot be ignored. The residents have many times expressed concerns about current problems with speed, parking, driveway access, the exit bottleneck at Crawford/Dehart and Gordon/Dehart, and the danger for children crossing the road at Dehart. The sidewalk should have been provided when the road was constructed.

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- Westpoint is below standard and exceeds the 5% grade for cul-de-sac roads.
- The applicant has treated everyone with disrespect and contempt and the late cooperative effort is cynical in light of the history to this application. To approve this application in its amended form would send a wrong message to the development community.
- The applicant should have to provide a new direct road system to the proposed subdivision and be required to post a very large performance bond to guarantee a satisfactory level of performance that has not yet been demonstrated.

Dave Bowering, 777 Westpoint Drive:

- The residents' reaction to having a sidewalk is negative because they do not believe that a sidewalk would address the issue of safety.
- The residents' concern is for the safety of children on bicycles, particularly with cars parking on the street.

George Wolter, 1200 Mission Ridge Road:

- Over the past 12 years, the applicant has by-passed City Hall and the concerns and protests of the residents and obtained a Mining Permit that was not endorsed by City Hall. Trucks hauling material from the site caused unbearable stress and damage over a period of 6 months. Vegetation was considerably altered and a precedent has been set.
- The rezoning and OCP amendment should not be approved until concerns regarding density, lot size, road and traffic issues, and damage to properties have been addressed, and until the applicant provides soil density studies, commits to no further removal of sand or site grading, and provides sufficient bonding to ensure compliance to all conditions.

Charles Lund, 4590 Westridge Drive:

- Crawford Road is maintained as a rural road and the inadequate road width needs to be addressed before any further development takes place.
- The subject property has been devastated.
- The precedent set with this development should not be accepted and the poor track record leaves concern about what could happen in future despite the letter from the applicant.

Colin Jordan, 1172 Mission Ridge Road:

- If this proceeds, would like input into the lighting, landscape treatment of the emergency access road and the proposed wall along the common boundary with his property, gates at either end of the emergency access road to keep out motorized vehicles, access to sewer at his discretion if the main is close enough to make hook up feasible, adequate setbacks to protect his privacy from the lots to the west, a height restriction on any houses in front of his property to protect his view, and larger transition lot sizes on the lots adjoining.
- A \$3,000 bond is not adequate.
- Crawford is an exceedingly dangerous road and over the years the number of lots accessing that road have increased significantly. At what point does the road need to be upgraded? There have already been a number of serious accidents and it is time for the City to acquire the land that is needed to allow the road to be upgraded.
- Opposed to proposed density and the aesthetics of the smaller lot sizes.
- Developers that treat Council and the citizens in such a shabby way should not be rewarded.

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Gail Temple, president of the Okanagan Mission Residents Association:

- History has left the area residents with a high level of distrust and has shown that this subdivision will not be completed until the construction is done. A lot of details will be handled through the subdivision process and hopefully when the residents disagree with something, the City will intervene quickly.
- Would like a better transition in lot sizes.
- Crawford Road will be the way it is for a long time. If it is not possible to acquire the land needed to straighten out the curve, then the City needs to find some other way to address the safety issue with children going down that road on bikes and others using the road.

Ed Jabs, 900 Westpoint Drive:

- Summit Drive goes through agricultural land and eventually the adjacent land north of the subject property will be released from the ALR and so it makes sense that the road should go through that ALR land.
- The intersection at Westpoint and Dehart is a real traffic hazard.

Dave Cullen, Earthtech (engineering consultant for the applicant):

- Earthtech, formerly Reed Crowther, has a good reputation and would not get involved in a development they could not put their name to. Earthtech brings to the project the long term work Reed Crowther has done on hillsides within the city and will help carry the subject project through to a manner fitting to the city and to the residents in the neighbourhood.
- The applicant will work with Mr. Jordan to address his concerns regarding building height on Lot 61 and treatment of the emergency access abutting his property.
- The applicant intends to negotiate with the adjoining property owners to address their concerns as well as the City's concern with the long term treatment of the Coronado Slope and its environmentally sensitive habitat.
- Westpoint Drive is a hillside development and under the City's Hillside Development Guidelines, from a traffic standpoint a number of the improvements discussed tonight can be addressed by the applicant.
- Geotechnical investigations will confirm or refute the compaction that has been done and if necessary corrective measures will be taken to ensure that compaction and the building foundations meet City standards.
- The applicant is considering a 3 phased development starting first at the Westpoint side and then the Mission Ridge side and then in the middle. The applicant will do whatever the City requires for dust control on the balance of the site in the interim.
- Market demand will determine how long it takes to complete the development.
- There is room for negotiation on the size of the transition lots. The intent would be to keep the number of lots at 68 and reduce the size of some of the lots in the internal part of the development that exceed 20 m wide to allow the transition lots to be widened.
- The building in front of the Jordan residence need not be 2-storeys. The applicant will register a covenant on that lot to ensure that the Jordan's view is protected.

Staff:

- Road improvements can only be a requirement of development if the impact of the development can be directly attributable to the need for the improvements. The impact of the proposed development on Crawford Road would be minimal and therefore would not trigger improvements to Crawford Road.
- What has occurred on the subject property is contrary to the Hillside Development Guidelines that are now in place and therefore staff do not view approval of this application as precedent setting.

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Council:

- Staff to consider whether to place a moratorium on the number of lots being developed on Crawford Road until such time as the road is upgraded.
- Councillor Clark submitted a copy of a letter addressed to Mr. Guy Gant from himself setting the record straight with respect to allegations that Councillor Clark was involved in a subdivision on Steele Road.
- Councillor Hobson advised that he did not participate in the South Mission Area Sector Plan discussions because his family owns acreage in the Mission. That acreage is now under subdivision and there appears to be some concern in the community about tree removal on the property. For the record, seven of the proposed lots include treed areas and a professional tree person has identified trees to be removed for safety reasons. All other trees are protected by covenant.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 10:44 p.m.

Certified Correct:

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Mayor

BLH/bn

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City Clerk