

Public Hearing
held at Penticton Trade and Convention Centre
273 Power Street, Penticton, B.C.

Monday, November 2, 2020
at 6:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Regrets: Councillor Kimberley

Staff: Jim Bauer, Acting Chief Administrative Officer
Angie Collison, Corporate Officer
Blake Laven, Director of Development Services
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2020-41.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. "Zoning Amendment Bylaw No. 2020-41" (375 Smythe Drive)

The purpose of "Zoning Amendment Bylaw No. 2020-41" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 2 District Lot 196 Similkameen Division Yale District Plan KAP90446, located at 375 Smythe Drive from A (Agriculture) zone to RM1 (Bareland Strata Housing). Add Section 10.7.3.2: "In the case of Lot 2 District Lot 196 Similkameen Division Yale District Plan KAP90446, located at 375 Smythe Drive, duplexes are not permitted, townhouses are not permitted, the maximum density shall be 27 single detached dwellings, and the maximum building height for principal buildings shall be 10.5m."

The applicant is proposing to subdivide the property to create a 27-lot bare land strata development consisting of single detached dwellings.

The Corporate Officer advised that eighty-three letters have been received since the printing of the agenda and distributed to Council.

DELEGATIONS

Mayor Vassilaki asked the public for the first time if anyone wished to speak to the application.

- Donna Butler, Ecora Engineering, representing Mr. Skinner, present to answer any questions. Darryl Haddrell in audience to answer any questions. Owner aware of the history that brought us to this point. City was able to access to Skaha Bluffs and the dog beach on behalf of owner. Owner paid to upgrade Smythe Drive. Owner and Ecora Engineering spoke with Lakeside Corridor Residents and came up with agreement for 27 homes. The Official Community Plan supports commercial use and tourist property. The Lakeside Corridor Residents cannot support rezoning unless the issues are dealt with. The intersection at Lakeside Road and Smythe Drive has traffic issues and safety concerns. The owner is willing to contribute 10% to the intersection and staff are recommending 15%. The development will add about 7% traffic to this intersection. The homes will have in house sprinkler systems to protect the house and others.
- Randy Boras, Lakeside Road, spokesperson on behalf of the 270 residents for Lakeside Corridor Residents, they cannot support the rezoning as it stands, concerned with loosing agriculture land. They agreed to 27 homes and there are key areas that need to be address first, traffic, fire, flooding, and environmental approvals. First is traffic, happy to see the contribution for upgrades to the intersection and agree with staff on the recommendation. They urge Council to consider low cost safety measures including a limit on the size of trucks, reduced speed limits, roads are too narrow for bikes, improved sidewalks and painted crosswalks, and path on Smythe Drive. Skaha Bluffs sees 90,0000 visitors each year. The second is fire risk, if a fire starts up there, fire trucks are more than 10 minutes away from the fire hall, no second way out of the development, new fire hydrants should have been fixed over 15 years ago. The third is flooding, the flood hazard report was over a decade ago should have been updated. Run off from last year damaged Smythe Drive. The fourth is environmental approval, proper permits need to be sought. No discussion for riparian area permit even though the development is right beside a creek. Reference reports are over a decade for traffic and fires. In conclusion the Lakeside Corridor Residents cannot support the rezoning as it is presented.

Mayor Vassilaki asked the public for the second time if anyone wished to speak to the application.

- Kendra Mitchell, Finnerty Road, traffic through Lakeside Corridor is a concern, the added trucks to develop the development is a concern. Traffic is unsafe and will get worse, speed needs to be addressed and it was brought to your attention a year ago and would like action taken as required in a timely manner, feel powerless in the process and what is the point. It will go forward without the necessary infrastructure in place proactively, so how can you move forward if you can't fix it first. Safety is first before development, and not opposed to development, but issues needs to be addressed first.
- Matt Verboeket, Lakeside Road, concern is traffic and need to install barriers in the middle of the road to slow down traffic. Traffic is the main and only concern. Passed around picture to council of barriers in the middle of the road for examples.
- R A Nickel, Lakeside Road, read into the record the letter that was provided in the agenda package. Questioning if the small pockets of development on the dry hillsides should be enabled. Rational is the wildfire that ravaged this summer. Risk and liability faced by City from wildfire threat should be assessed.

- Wendy Nickel, Lakeside Road, supports concerns in Lakeside Corridor Residents letter. Agriculture use should not be lost, implement low cost safety measures. Developer should contribute 15% as condition to bylaw amendment.
- Judy Comire, Lakeside Road, member of Lakeside Corridor Residents, concerns with rezoning, fire risk in light of the recent fire lasted two weeks and came close to many properties. Possibly up to 100 extra vehicles if four cars per dwelling, can't be done in safe and controlled manner. Developer has not installed foot path on Smythe Drive. The intersection is unsafe, speeding and blind corners are risky, and risk of accidents increase drastically. When exiting, needs to listen to traffic to enter Lakeside Road and then enter, faced with impatient people and overtake people when people are entering Lakeside Road, worried about hurting people/animals/cars. Traffic and fire must be addressed sooner to minimize injury or property loss.
- Lyse Deselliers, Lakeside Road, read into the record the letter that was added as late submission. Need to be careful when exiting cul-de-sac. Filled out traffic safety concern two years ago and never got acknowledgment letter back. Need trust to listen to City for fire concerns and traffic concerns and not to postpone upgrades.
- Fritz Hollenbach, Valleyview Road, own farm on south end of Valleyview Road, farms the same elevation and soil as proposed development. Against rezoning to save viable piece of farm land in the City, sat on the Agriculture Advisory Committee for 15 years, borders 120 acres of undeveloped land that is in ALR, many conflicts can occur with wanting to develop farm land. Read quote from Official Community Plan. If loose valuable farm land, then it's gone forever.
- David Kozier, Todd Road, farmer at north end of town and far from development. Opposed to development on agriculture land and should be protected. Short sighted to take farm land out and turn into homes, the land should be farmed.

Mayor Vassilaki asked the public for the third and final time if anyone wished to speak to the application.

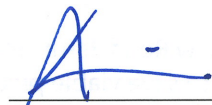
- Lori Spence, Lakeside Road, part of Lakeside Corridor Residents, concerns with Smythe Drive, currently no speed limit on road, no bike path, fire threat, environmental issues, animals live around the creek and is used for agriculture, and not opposed to developments. What precedent does it set if the land is changed from agriculture to something different.
- Trevor Gurthrie, Lakeside Road, applicant is a mutual friend, opposed to development, love agriculture land, have enough traffic and houses in the area. The traffic issue is so severe on Lakeside Road. Starting biking and people don't care about how fast they are going past you, this has to be addressed before consideration for rezoning occurs.
- Donna Butler, applicant representative, respond to a few comments, sympathetic to Lakeside Road and owner prepared to contribute money to the intersection. Lots of properties zoned agriculture and not farms. Could possibly be farmed. Decision for urban use was 10 years ago. Not in the Agriculture Land Reserve. Quite a slope and ravine, and good separation between development. Process to go through with City staff and issues that required in the subdivision issue. Fire protection is key issue with having sprinklers in the house. Conservation land is owners and no plans for development. Measured road at Smythe Drive, 7.5m built to standard, 5 feet left over for cycling and walking, adequate width.
- Darryl Haddrell, worked with owner since 2006 on the proposal, and already has substantial amount of land dedicated as farming with grapes already on another property. Looked at the land to plant, but not the type of property that would be conducive to a vineyard.
- Fritz Hollenbach, Valleyview Road, early 1970's province drew lines and some parcels were in the Agriculture Land Reserve and some were not. There was an agronomist

report, but not sure if ever came forward, very familiar with the piece of land, currently farms the same piece of land with same topography and soils. What is going to happen around the parcel in future, going to be farms.

- Kendra Mitchell, Finnerty Road, much broader issue with the corridor needs to be addressed, safety at risk, nothing being done.
- Lori Spence, Lakeside Road, traffic is still bad and clean up the road with the creek and keep the property zoned as agriculture.
- Randy Boras, Lakeside Road, pathway promised in 2009 from owner and not yet built.
- Darryl Haddrell, recommendation in 2009 from traffic consultant and the City didn't go forward with the concept. They wanted to see pedestrian access up Smythe Drive.

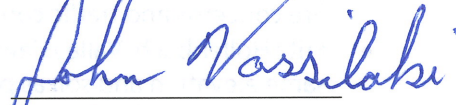
The public hearing for "Zoning Amendment Bylaw No. 2020-41" was terminated at 7:26 p.m. and no new information can be received on this matter.

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor