

THE CORPORATION OF THE CITY OF VERNON

**RECORD OF A PUBLIC HEARING OF COUNCIL
HELD JANUARY 10, 2022
COUNCIL CHAMBERS – 3400 30th STREET**

PRESENT: Mayor Cumming

Councillors: K. Fehr, K. Gares, A. Mund. T. Durning
(B. Quiring and S. Anderson – absent)

Staff: W. Pearce, Chief Administrative Officer
K. Poole, Director, Administration, Lands & Safety
K. Austin, Manager, Legislative Services
J. Nicol, Deputy Corporate Officer

K.Flick

C. Broderick, Manager, Current Planning
M. Austin, Current Planner
E. Croy, Acting Manager, Transportation

Mayor Cumming called the Public Hearing to order at 5:30 pm.

LAND ACKNOWLEDGEMENT

As Mayor of the City of Vernon, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx People of the Okanagan Nation.

Mayor Cumming outlined the procedures to be followed.

Corporate Officer, Keri-Ann Austin, advised that Notice of the Public Hearing was published in the **December 30, 2021 and January 6, 2022** issues of the Morning Star Newspaper, as required by the *Local Government Act*.

Administration provided a brief overview of the application for:

“Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw Number 5875, 2021” together with Public Input for Development Variance Permit #00532”

No written submissions were received prior to January 10, 2022 (3 pm).

Mayor Cumming called a first time for representation from the public in attendance with regard to:

“Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw Number 5875, 2021” together with Public Input for Development Variance Permit #00532”.

SPEAKER NAME	COMMENTS
John Rogan	<ul style="list-style-type: none"> • Member of Hawkes Landing Strata Council • Hawkes Landing Strata is not in favour of the Development Variance Permit as it is in direct violation of Zoning Bylaw Sec. 4 • Referred to unsigned and undated rationale for this DVP on the website, letter is untrue and he doesn't understand it • Fencing is in violation, will be debris from Lot 1 • Developer did not contact Hawkes Landing Strata regarding proposal • There have been failings and cracking from steep slopes • Hawkes Landing Strata spent \$200,000 on slope remediation • Why does the City go against its own rules? • City Administration does not support this DVP#00532 • Hawkes Landing residents are not in favour, documentation regarding easement on website is incorrect and developer has not contacted Hawkes Landing residents.
John Kosmino	<ul style="list-style-type: none"> • Whole hill was previously his dad's dairy farm • He sold that property to the developer • Confirms that there is legal access to this property.
Chris Howser	<ul style="list-style-type: none"> • Not anti-construction, just want a safe site • Would like to work with developer for traffic, parking and damage to road • Concerned about sloughing of wall, \$200,000 was spent on slope remediation • Want a safe site that is workable for everyone but concerned about slope for proposed Lot 1.
Dean Kosmino	<ul style="list-style-type: none"> • Concerned about retaining walls and sloughing off of slope • Used Lock Block wall for development below • Engineered Lock Block wall was used on his development, would like this development to use same requirement as there are four lots directly below • Admin. – applicant has submitted Geotechnical preliminary plans, will be up to the civil and geotechnical engineers to determine wall requirement.
Arie Van Someren	<ul style="list-style-type: none"> • Concerned about retaining wall • Five years ago, selected house because there is a park behind him and there are deer • There is wildlife around and this project will have an environmental impact.

Stewart Schmidt	<ul style="list-style-type: none"> • Lives right beside Hawkes Landing and concerned about rock fall as it has been happening lately • Has birds eye view of what is happening in neighbourhood – workers on harnesses having been bringing down some rockfall • He is regularly sweeping fallen debris • Can't imagine what kind of fill would be required, especially as rockfall increases with rainfall • Appreciates living in Vernon, do not like steep hill being developed.
Judy Collison-Commance	<ul style="list-style-type: none"> • Please look at the agony that Hawkes Landing experienced - Google 'Brock White Vernon Hawkes Landing' – a great deal of work was done to protect residents safety. • Development on greater than 30% caused them misery.
Andy Doyle	<ul style="list-style-type: none"> • Purchased on Mt. Revelstoke Place in 2008 • Variance was requested and Hawkes landing was built • This affects a number of residents • Building on 30% slope with this rock is dangerous and shouldn't be allowed • Terrible water drainage problems and erosion as a result of slopes • Road not constructed for the weight of trucks needed for this development • Why is a variance being considered, another access needs to be considered? • There are a great number of hawks in area.
Bob Gablehouse, Developer's Director	<ul style="list-style-type: none"> • Access – was told that access is in perpetuity by their lawyer. A letter has been supplied by their lawyer as well as a second lawyer. • Applying for variance because development is not currently allowed • Saw a unit from Hawkes Landing that is just as steep, if not steeper than this proposed Lot 1 • Would like to develop if geotechnical engineers approve • Didn't realize there were problems with Hawkes Landing and questioned the underground water • Developers said that they have heard that there are areas on Middleton Mountain that are problematic • Leave the decision up to the geotechnical engineers that were hired for this development • Has had trouble digging rock as it is very solid • Geotechnical engineers indicate that you can build on Lot 1 • If variance is approved, it is subject to a secondary report from a geotechnical engineer

	<ul style="list-style-type: none"> • Does have the contact number for Hawkes Landing Strata • Strata lots will have to pay for snow removal in Hawkes Landing as there is a pro-rated cost sharing agreement with Hawkes Landing • Variance will clearly state that more than just fencing material would need to be constructed • Have not been required to decide on retaining wall material or if it is required to date • City engineers may require more than just the retaining walls • Understands residents' concerns • Will use a pneumatic machine to remove rock for roads • Have done environmental assessments and there were no serious concerns • Have not had workers on property scaling • Recognize concerns and will address, do not want to be liable for any damage • Had to drive machine on laneway to ensure it did not damage constructed roads.
--	--

Mayor Cumming called a second time for representation from the public with regard to **“Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw Number 5875, 2021”** together with Public Input for Development Variance Permit #00532.

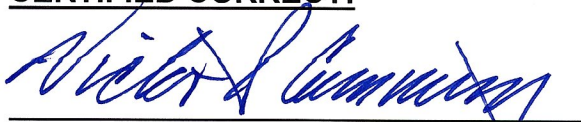
SPEAKER NAME	COMMENTS
Judy Commance	<ul style="list-style-type: none"> • Hawkes Landing provided geotechnical report to City but newer report disputed the original geotechnical report.
John Kosmino	<ul style="list-style-type: none"> • Was first one to build house on hill • Used blocks that were hauled up from Vancouver, there has been no movement in 40 years • If it is done properly, there will not be problems.

Mayor Cumming called a third and final time for representation from the public and there being no persons wishing to speak, Mayor Cumming closed the Public Hearing for **“Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw Number 5875, 2021”** together with Public Input for Development Variance Permit #00532”.


CLOSE:

The Public Hearing closed at 6:49 pm.

CERTIFIED CORRECT:



 Mayor



 Corporate Officer