

CRYSTAL WARIACH LAW

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DELIVERED VIA EMAIL:
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Mayor & Council
City of Kelowna
1435 Water Street
Kelowna, B.C.
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Dear Mayor & Councillors:

RE: 1151 McKenzie Road, Bell Mountain ASP, and Growth Scenario 3

I act as solicitor for Mr. Balbir Wariache and Mrs. Prem Wariache, the owners of 1151 McKenzie Road, Kelowna, B.C., (hereinafter referred to as the "Property").

The Property consists of 90.19 acres and is not in the Agricultural Land Reserve (except for a part of the Property's driveway). **Kelowna's current Official Community Plan supports the development of almost the entire Property into "Single / Two-unit Residential Hillside" dwellings (OCP designations S2RESH and S2RES).** The Property is currently zoned A1.

Over the past two years, my clients have had professional development plans created for the Property. The plans provide for the build out of up to 320 lots for single family homes on the Property. They were made available to the Community Planning Department in 2018. Meetings were also held with city staff to identify the requirements to rezone and develop the Property.

My clients strongly oppose the decision made by Mayor and Council in December, 2018 to pursue "Growth Scenario 3", and the proposed changes to the Official Community Plan which would completely **remove the long-standing OCP support for the development of their Property.**

BACKGROUND:

My clients purchased the Property in 1999 with a vision to develop it into a vibrant family-oriented community. Accordingly, they were party to the **Bell Mountain Area Structure Plan (ASP)** of 2003. The 90-acre Property accounts for approximately 20% of the total area

encompassed by the Bell Mountain ASP. The purpose of the Bell Mountain ASP was to provide the applicant and future property owners with a blueprint for development, and an understanding of the associated requirements for any subsequent rezoning, subdivision, and development permit applications. Development of the Property is vital to the full realization of the Bell Mountain ASP.

PRESENT:

In accordance to the Bell Mountain ASP, most of the land surrounding the Property is zoned RU1H and is being developed into single-family housing. The area has seen steady growth over the past 15 years. It has resulted in the creation of the vibrant communities of Blue Sky and Prospect Mountain, which are home to hundreds of families. It has also resulted in the recent expansion of Lone Pine Estates. The construction of Phase 6 of Lone Pine Estates brought a paved road and utilities to the Property's southern boundary last summer, making it ripe for development.

FUTURE:

Over the past several months, my clients negotiated and secured a Road Reservation over 685 Lone Pine Drive, to the benefit of the City of Kelowna. This reservation helps allow the municipality to accomplish its goals for the area with respect to its **"20 Year Major Road Network"**.

Specifically, it allows for the construction of a road between the Property and Toovey Road, or Lone Pine Drive, or Highway 33, or all three. Development of the Property would ultimately lead to the construction of a Minor Collector Road **through the Property and up to Turnberry Street**. This road would interconnect all the surrounding subdivisions (Blue Sky, Lone Pine Estates, and Toovey Heights).

The creation of this road network would provide for an additional exit for the Blue Sky and Lone Pine neighbourhoods, improving traffic flow and benefiting over 100 current and future homes in the event of a wildfire or other emergency. Currently, both Turnberry Street and Deans Drive are dead-end roads.

Without allowing for the Property to be developed, these roads will likely never be built because the City would have to purchase or expropriate land and pay for road construction.

GROWTH SCENARIO 3:

The current and historical statistical data of the supply and demand of the various types of dwellings in Kelowna directly contradicts the proposed and desired results of Growth Scenario 3 to achieve certain goals e.g. densification of the urban core by severely limiting single family homes.

Growth Scenario 3 undoubtedly creates an artificial growth plan that will create significant, negative ripple effects including, but not limited to: severely limiting or ending the build-out of both pre-planned neighborhoods and planned future development sites, to the direct detriment of the residents who purchased homes in those specific neighborhoods on the basis of full build out of their neighborhood(s); pushing residents looking to purchase single family homes out to surrounding communities such as Lake Country and West Kelowna; and, impacting the development and construction industry in every area e.g. contributions to the local economy, job creation, taxation, etc.

My clients respectfully request that Mayor and Council reconsider the approval of Growth Scenario 3. Further, my clients request that their Property be allowed to rightfully retain its Future Land Use Designations under the current Official Community Plan.

Yours truly,



Crystal K. Wariach, B.A., J.D.
Barrister & Solicitor