

# Submission to Kelowna City Staff

## Draft OCP - Park Designation Watt Rd Area

On behalf of the undersigned residents of Watt Rd. we respectfully request that Kelowna City Staff set aside the proposed designation of Park over eight (8) homes mid-block on Watt rd. (see Figure 1) at this time.

It is our view that the designation is premature, unprecedented, and will lead to the degradation of our neighbourhood and enjoyment of our property. All citizens of our City deserve the quiet enjoyment of their property and neighbourhood and any negative impacts on those neighbourhoods should be taken seriously by Staff before submitting the Draft OCP to Council.

### Staff Rationale:

*“The City had identified South Pandosy as having one of the lowest rates of local parks per population, second only to the downtown.*

*The 2040 OCP focuses on providing more of these community-based parks and amenities in South Pandosy to offset the shortage and support future population growth. Also, we know there is a strong demand for more beach parks and access to Okanagan Lake as a city-wide asset. The addition of a beach park at Watt Road will address both of these demands efficiently, which is consistent with our strategy of expanding on existing parks whenever possible, to save on infrastructure costs and better focus our resources on providing new amenities. “*

### Neighbourhood’s Response:

#### 1. The Need for community or neighbourhood park

The first point Staff should consider is need and how it has been derived. Depending on how something is defined there could be the appearance of a shortage however neighbourhood boundaries are administrative constructs, and most people would not know they exist. If one took a 650 m radius from the corner of KLO/Cedar and Pandosy/Lakeshore there are two major beaches Strathcona (technically in a different neighbourhood) and Boyce- Gyro.

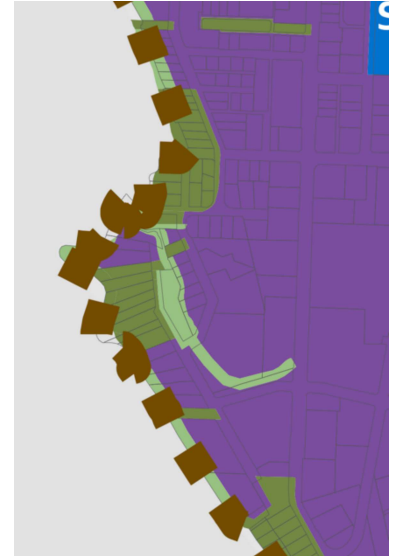


Figure One

Within the South Pandosy area but further away you also have Rotary Beach. In terms of green space, you have the Mission Greenway, Cameron, Munson Pond, and Osprey parks, Mission Sports Fields, Roxby Boardwalk, Cedar Avenue and the new Pandosy Waterfront Park to name a few. You also have KSS and OK College which both have large open green spaces in the heart of the neighborhood.

These extremely costly acquisitions on Watt Rd, which would in the words of City Staff function as a “community-level” beach (serving tourists) miss the mark on achieving neighbourhood-level green spaces and respite areas for residents. As we have seen during COVID people often want quiet areas to relax and enjoy the fresh air and sun as opposed to crowded beaches. If the goal is more green space for residents, then surely the money that would have to be spent acquiring these mid-block isolated parcels would be better spent acquiring lots for local level parks throughout the area.

If the goal is more waterfront beaches for the greater community and tourists like Gyro and Rotary, then Watt Road is also a poor location with limited access and no parking. Cars routinely fill Watt Road despite a large gravel lot near Gyro and the angle parking that will soon be eliminated by density condominiums. The new Pandosy Waterfront Park will attract even more vehicles. Adding a legacy park along Watt Road will in total overwhelm the already limited parking in the area.

## **2. No background studies or plans.**

Normally when the City allocates funds to acquire or develop major capital studies plans or research is backing the recommendations. Before Cedar Avenue was designated in the OCP and funds allocated to develop it, the land was acquired, and a series of plans were undertaken each with substantial involvement and engagement of the residents and general public. Where is the City-Wide Parks Master Planning which would indicate that this particular designation is needed, and a higher priority than other areas of the City like the Downtown which we are led to believe is even more deficient? Where is the study of beach usage and need throughout the City?

The residents have yet to be given any research, plan, or studies that indicate why these isolated mid-block properties warrant an OCP designation at this time. All we have received to date is anecdotal information about the shortage of park space which we understand was developed to justify the change in the Parks DCC bylaw.

**Figure 2.** illustrates a portion of the Future Land use Map presented to Council on September 24, 2020.

You will note that only a single Watt Rd Property was designated. When Mr. and Mrs. Petrin the owners were notified of the proposed designation in July 2020 before the above-noted report to Council it was made very clear that the City wanted their lot and only their lot for access. Two of the designated properties were on the open market as late as August 2020.

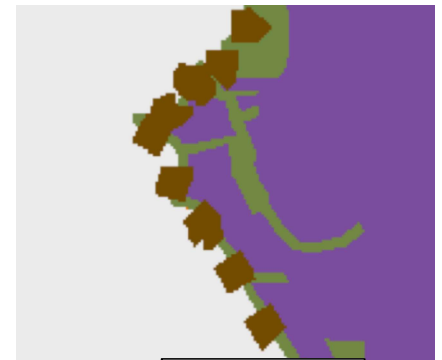


Figure 2.

Mr. Steve Dobler - 3152-Watt Road had a conditional purchase agreement signed on August 31, 2020. The subject removal date was September 8, 2020. His realtor (Jane Hoffman) notified him of the potential intent of the City to purchase Norm's property as beach access, but she didn't think it was likely to happen. Mr. Dobler spoke with the City and they didn't have any knowledge about the proposed beach access through Norm's property (never mind any info about purchasing 8 lots!). Based on the information that the City didn't even have any info on the beach access, Mr. Dobler proceeded with removing his conditions and then subsequently Closing on September 18, 2020.

If the City had a plan for a **"legacy park"** why were the lots not purchased and why was only one lot designated as late as September.

At some point in time between September 24, 2020, and December 2020, (three months) staff did an abrupt change and decided without previous intent, plans, research, or studies to commit the City purchase of eight (8) properties with a current assessed value of twenty-eight 28 million dollars.

Although it is acknowledged that the properties have a nice beach, they are mid-block, isolated on a dead-end street with limited parking. They are not adjacent to Cedar Avenue as the City does not intend to purchase the lots adjacent to Cedar Ave. One of the criteria cited is that the lots are adjacent to the existing park. A close examination of Watt Rd. park reveals that it is in effect a stream protection area and at best a passive green space with little ability to make it a usable part of a larger Community level beach park. Does this acquisition solve the neighbourhood park shortage for South Pandosy? Is there a need for another beach here for tourists? Is it worth the money?

Before the announced expansion from one to eight properties, the neighbourhood questioned Petrin's single property for neighbourhood beach access, essentially arguing the proposed beach access would be located further from what any nearby resident already had access to. Yet, this was the reasoning given. Furthermore, providing it as an access point to the entire Watt Road beachfront was also not rational because the rest

of the area is private property, leaving only the foreshore (underwater during the summer). With no demarcation or fencing allowed within a Riparian zone, the public would be encouraged to trespass.

### **3. Unprecedented Action:**

Under normal circumstances private property is designated Park in the OCP Future Land Use Map after detailed planning for example in an Area Structure Plan or Neighbourhood Plan or after it is acquired, and detailed site planning is undertaken, and capital budgeting for. There is only one case of the Park designation being placed on private property before purchase and without the agreement of the owner and that is Mara Lumber. The property was included due to a severe shortage of parks in Rutland. Ironically the Mara Lumber site will no longer be designated as Park in the new OCP.

Instead of designating the eight (8) lots as proposed without any research, studies, plans or public process would it not be more prudent to truly determine need? The last three major waterfront acquisitions (Bluebird, Manhattan Point, and the Lightbody property) came about by acting on an opportunity. In the interim, the City could develop a waterfront acquisition policy that sets out criteria to consider when the opportunities become available. This would provide everyone with a good understanding of what the rules will be moving forward and provide the City with more flexibility than an OCP designation. The properties are not going anywhere.

### **4. Degradation of the neighbourhood**

The residents of Watt Rd. understand that the OCP is a planning policy document of Council and that the Future Land Use Map is an indication of what Council deems to be an acceptable land use at some time in the next 20 years. Property rights are derived from zoning and the homeowners have a right to use their land for residential purposes until Council rezones the properties. The residents acknowledge that the City will purchase their homes when needed for an amount to be negotiated and at the very least fair market value. Although it has rarely been undertaken for park purposes (as in the case of designating private property) the City also has the power of expropriation.

Although the homeowners have been told that the designation is “nothing to worry about” we are worried. Once designated the properties in question will have an “encumbrance” that other waterfront properties do not have impacting the designated properties and adjacent properties. For example, if someone wanted to move here and buy a waterfront property to build a dream home on a large lot, would they pay the same amount for a lot with no designation as one that the city hopes to buy in 20 years and make into a park? Would that same person want to live next to a beach with limited parking serving it? The designation does impact the homeowners and in all likelihood

the value of our properties. Eventually, the only buyer will be the City, which will in turn harm “fair market value”. Should the City treat citizens in this manner?

Second, the City has not been good landlords and neighbours when they have acquired waterfront property in the past. The Cedar Avenue area is a great example of how a neighbourhood was destroyed due to the slow acquisition and development of that park. Are we expected to live through a similar degradation of our neighbourhood?

Third, although no one is guaranteed the right to densify their properties and everyone has the right to apply, in reality, it would be difficult and probably impossible for a Council to change a Park designation to even a slightly higher density designation. Hence the designation is an encumbrance with real undeniable negative impacts another waterfront owner would not have.

There is a reason why the City has not designated properties, except for Mara Lumber or areas in an ASP as Park before acquisition and that is because there are real and definable present-day negative impacts with only a potential for compensation at some time in the next twenty years or more.

## **Summation**

Every citizen of Kelowna regardless of neighbourhood deserves the right to the quiet enjoyment of their homes and neighbourhood. Part of the duty of the City is to try to preserve that right for its citizens. It is not always easy in a fast-growing city to balance the rights of the individual with the greater common good. The roads must be built, neighbourhoods densified, and amenities built. Often those that benefit are not the same people that are impacted by the change. At the very least the City should strive to mitigate the imbalance and first try “to not harm.”

Before this designation negatively impacts our neighbourhood, we the residents of Watt Rd. request that Staff NOT designate the eight (8) lots in question at this time.

If Council or staff wish to have another “Legacy” it should be done after careful study and presumably following a Parks Master Planning exercise to be sure it is needed and it is a priority taking into account, all other park’s needs in the city. It shouldn’t be dreamed up seemingly out of the blue in a few months.

We ask why now, why is this designation being rushed? The land is not going anywhere, and the City is many years from acquisition let alone development. Like the Mara Lumber site will this too be reversed years from now after it has negatively impacted our neighbourhood? As we have pointed out this unprecedented designation will in our opinion impact our lives and degrade our neighbourhood over time. It is a decision that should not be taken so lightly.

If this area is the ideal location to deal with a parking shortage in Pandosy then we are asking staff to provide the evidence as part of a comprehensive planning process with full public engagement BEFORE the parcels are designated.

Thank you for your consideration,

**The residents of Watt Rd.**