

**TOWN OF CRESTON**  
**PUBLIC HEARING MINUTES – April 11, 2017**

Minutes of the Public Hearing held on Tuesday, April 11, 2017 at 4:00 p.m. in the Town of Creston Council Chambers.

**PRESENT:** Mayor Toyota  
Councillors Boehmer, Comer, Elford, Unruh, Wilson  
Lou Varela, Town Manager  
Ross Beddoes, Director of Municipal Services/Chief Building Official  
Colin Farynowski, Manager of Engineering  
Mike Moore, Fire Chief  
Steffan Klassen, Director of Finance & Corporate Services  
Bev Caldwell, Executive Assistant

**GALLERY:** Approximately 31 members of the public, as per the Attendance Record attached as Appendix '1' to these minutes.

**CALL TO ORDER:** Councillor Elford called the Hearing to order at 4:00 p.m.

**PURPOSE OF PUBLIC HEARING** Councillor Elford explained the Public Hearing process and reviewed the intent of Bylaw No. 1843, as follows:

- BYLAW 1843  
AMEND ZONING  
BYLAW 1123

**ZONING AMENDMENT BYLAW 1843**

The intent of this Bylaw is to amend Zoning Bylaw No. 1123, Schedule "A", being the Zoning Map, by rezoning the properties legally described as Lots 17 - 22, District Lot 9554, Kootenay District, Plan NEP87108 (718, 724, 730, 736, 742 & 806 Hawk View Drive), from "Single Family Residential (R-1)" to "Multi-Family Residential (R-3) Zone", subject to all legal requirements. This rezoning would allow an increased housing density, permitting the construction of up to a maximum of 21 dwelling units on the subject properties, in the form of clustered housing (pocket neighbourhoods), townhomes, or other similar housing options.

**STAFF REPORT**  
☞ BYLAW 1843

Notification of this Public Hearing, with respect to Zoning Amendment Bylaw No. 1843 was published in the Creston Valley Advance on March 30 and April 6, 2017. 26 Notices regarding this Hearing with respect to Zoning Amendment Bylaw No. 1843 were mailed to adjacent property owners within a 60 meter (197 feet) radius of the subject property. A staff report was provided to Council for consideration prior to first and second readings of the proposed Bylaw, on January 10, 2017. Written and verbal submissions have been received by staff up to 4:00 pm. on April 11, 2017. The written and verbal submissions have been documented and are included, along with the report to Council, in the Public Hearing binder for viewing by members of Council or the public. The Director of Municipal Services read seven additional letters that had just been received regarding this Public Hearing.

A written report from the Applicant's Information Meeting, held on April 5, 2017, with persons who deem their interest to be affected by these applications, has been submitted and states as follows, and is included in the Public Hearing binder:

The meeting commenced at 3:00 pm.

In attendance for the Applicant, Hawk View Estates, were 4 of the Authorized Agents; namely, Norm Mailhot, Gail Mailhot, Carol Geurts and Bruce Anderson. Also in attendance was 1 resident, 1 member of the public, Ross Beddoes (for technical support from the Town of Creston) and, Donna Cassel (Recording Secretary from the Town of Creston).

The Applicant had handouts available with respect to the proposed development of the property, potential questions and answers, and, a copy of the proposed building scheme for this development. Discussions were focused on:

1. What is the vision for the type of housing that will be built in this new development?
  - It will be along the lines of the handout provided which highlighted cottage neighbourhoods.
  - Should Council approve this rezoning, a more stringent building scheme will be imposed on this new development than what is in effect for the property now.

2. Will this be low-income or affordable housing?
  - This will be affordable housing. Depending on the square footage for each unit (which will be approximately 1000 – 1100 square feet), the price range could be approximately \$300,000 - \$350,000 per unit. This would fill a good niche in the housing market for Creston.
3. If families with children move into this new development, where would the children play?
  - A common useable open space will be created that could have gardens, a playground and possibly a gazebo.
  - A trail will be constructed that will allow easy access and connectivity to Northwest Boulevard.

The meeting adjourned at 4:00 pm.

#### **APPLICANT'S COMMENTS**

Councillor Elford asked Mr. Norm Mailhot, representing the applicant Hawk View Estates, if he wished to speak or comment on the application.

Mr. Mailhot stated that the proposed development plan complies with the proposed new Official Community Plan for the Town of Creston. He advised that the covenants placed on this next phase of development will be more stringent and the Town will ensure compliance. There is a high demand for cottage homes and single storey dwellings (targeting baby boomers). This development is not intended to be a 'low income housing' development. Mr. Mailhot advised that green space has and will be accommodated in Hawk View Estates, which includes all phases of the development. There is no current development plan, but parking will be accommodated on all lots, with overflow parking on side streets, as in any neighbourhood.

#### **PUBLIC COMMENTS**

Councillor Elford asked for comments and/or questions from the Gallery, comments were received as follows:

Mr. Sam Parsons, 1025 Selkirk Drive, Creston

- Excited for new development.
- Current history of Hawk View Estates is not for high density development. This new development proposes 21 dwelling units that should accommodate only 6 units.
- Concern for pedestrian traffic due to the high density and increased traffic.
- Covenants on Phases I and II have not been enforced by the developer and are not being abided by the property owners.
- Signage was to be installed at all entrances to Hawk View Estates, walking paths, playgrounds (green space) were to be provided.
- No trust that covenants on future development would be enforced.

Mr. Peter Kemp, 812 Hawk View Drive, Creston

- Concerns/complaints of noise, dog defecating on property, children playing in the streets in Hawk View Estates – no enforcement.

Ms. Cheryl Habart, 724 Highway 21, Creston

- Opposed to rezoning to R-3 as the development would change the character of her home environment and she was concerned over privacy loss. She would not have purchased her property if she had known that the adjacent property was zoned for multi-family residential.
- Existing problem with the number of cats and dogs in the area, this development would only increase that problem.
- Increased noise, traffic. Most families have two vehicles, if the development only accommodated one vehicle per lot, this would increase street parking considerably.
- Other R-3 zoned property within the Town would be more suitable for such development.
- If there was an R-3 zone in the Hawk View Estates, suggest that be located on the upper level of the property, with its own street entrance.

Mr. Bob Heffel, 1046 Purcell Crescent, Creston

- Lack of enforcement of bylaws, such as tall grass, weeds.
- Current construction of one house has been ongoing for a year and builders have no concern or respect for laws or regulations, i.e. double parking, mud and dirt left on streets, interference with snow removal, etc.
- Hawk View Drive there are 9 licenced vehicles at one house, parking is an issue.

Mr. Gary Boyden, 1009 Hawk View Drive, Creston

- Complaints to developer to enforce covenants, developer advises to bring concerns to the Town, the Town refers him back to the developer.
- The proposed rezoning jeopardizes the integrity of the Hawk View Estates development.

Mr. Vern Bigelow, 1015 Hawk View Drive, Creston

- Who would be responsible for enforcing the covenants on the next phase of development? The Director of Municipal Services advised that it would be the Town of Creston.
- Who would be the developer? Mr. Mailhot advised that the developer is unknown, the lots would be sold individually.

Mr. Norm Mailhot, representing Hawk View Estates.

- Covenants on next Phase will be 'etched in stone' and enforced by the Town of Creston.
- Green space is provided in the current development and will be included in the next Phase.
- A 10 to 12 ft. wide walking path will be constructed and will be maintained.
- The owners of Hawk View Estates currently maintain the unsold lots in the development and make every attempt to keep the areas mowed and free of weeds.

Mr. Bob Heffel, 1046 Purcell Crescent, Creston

- When they build their home, they had plans of constructing a suite in the basement for family members. He was told he would require additional parking on his property to accommodate the suite, so he has room for 6 vehicles on his property. He knows of property owners on Purcell Crescent that do not have that parking accommodation and wants to know why that was not required of those property owners.
- Mowing lots is an issue due to rocks, dirt, ruts from contractors on adjacent lots during building construction.

Councillor Elford asked for comments and/or questions from Council.

Councillor Boehmer asked who is responsible to enforce the covenants.

The Director of Municipal Services stated that there are two types of covenants. One is developer applied, regarding design or other specifics of construction, and placed on title. This type of covenant is not enforceable by the Town of Creston. The second type of covenant is placed on title under Section 219 of the *Land Title Act*, and is enforceable by the Town of Creston and ensures compliance throughout the development process.

The Director of Municipal Services addressed the issue of green space / trails, advising that a trail will be constructed through the development and will connect Highway 21 to Valley View Drive. The developer will be responsible to complete this linkage. A trail will also be developed along Valley View Drive by the Town of Creston in the near future.

Normally once a subdivision is approved and road construction is complete, the roads/streets then become the responsibility of the Town of Creston to maintain. With respect to Phase I and Phase II development, the covenants on those properties continue to be the responsibility of the developer, not the Town of Creston. With this proposal the covenants on the property will become the responsibility of the Town of Creston with respect to enforcement/compliance.

Mr. Robin Habard, 724 Highway 21, Creston.

- The top portion of the Hawk View Estates property is steep and water runs all year round in that area, making the ground unstable for development.

The Director of Municipal Services advised that curb, gutter and storm drains will be installed and drainage will be addressed at the building permit stage.

**RECESS HEARING**

Moved by Councillor Boehmer, seconded by Councillor Comer  
THAT staff report back to Council regarding proposed Zoning Amendment  
Bylaw No. 1843, 2017; AND FURTHER, THAT the Public Hearing for  
Zoning Amendment Bylaw No. 1843, 2017 be recessed to April 25, 2017 at  
4:00 p.m. in Town Hall Council Chambers. CARRIED

CERTIFIED TRUE AND CORRECT:

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Councillor Jim Elford

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Bev Caldwell, Executive Assistant