

PUBLIC HEARING SUBMISSIONS
Zoning Amendment Bylaw No. 0154.88 (File No. Z 20-01)

NO.	Date RECEIVED	Time RECEIVED	RECEIVED FROM
Submissions included with Public Hearing Report to Council			
1.	May 14, 2020	11:53 a.m.	Margaret Hunden
2.	May 14, 2020	2:10 p.m.	Ray and Judy Lamoureux
3.	May 14, 2020	9:51 p.m.	Joanne and Chris Straub
4.	May 15, 2020	3:39 p.m.	Hazel Albers
5.	May 16, 2020	4:18 p.m.	Keith and Cheryl Berg
6.	May 17, 2020	1:03 p.m.	Barbara Goddard
7.	May 17, 2020	3:42 p.m.	Terry and Helen Wilson
8.	May 17, 2020	5:57 p.m.	Lee Karvonen
9.	May 17, 2020	6:09 p.m.	Laurie Campbell
10.	May 17, 2020	6:48 p.m.	Karen Michaud
11.	May 17, 2020	7:31 p.m.	Doug Waines
12.	May 18, 2020	3:43 p.m.	Sandy Manske
13.	May 19, 2020	9:18 a.m.	Margaret and Victor Fast
14.	May 19, 2020	9:30 a.m.	Maurice and Monique Dufour
Submissions included with Late Items Agenda			
Submission received after Late Items Agenda deadline			
Submissions received at Public Hearing			

#1

Collette Beggs

Subject: RE: Attn: City Clerk, File Number (Z 20-01)

From: Dan & Marg <[REDACTED]>
Sent: May 14, 2020 11:53 AM
To: info west kelowna <info@westkelownacity.ca>
Subject: Attn: City Clerk, File Number (Z 20-01)

This is in response to an letter we received about the warehouse on Kyle Rd which is to be used to grow cannabis. I have heard that there is a distinct odour from growing cannabis. I hope the the mayor and council have taken this into consideration before approving this.

I live in Crystal Springs which is right above the proposed warehouse and I do not want to smell this when I am sitting on my deck. I am sure that if this was in your neighbourhood you would not want it either.

Margaret Hunden
1850 Shannon Lake Rd – Unit 161

#2

May 14/2020

City of West Kelowna
Attn City Clerk
re zoning amendment bylaw # 0154.88

File # Z20-01

2648 Kyle Rd.

All are against this bylaw
or zoning amendment

Ray & Judy Lamoureux
49-1850 SHANNON LAKE RD
WEST KELOWNA
V4T 1L6



#3

Collette Beggs

Subject: RE: Attention City Clerk ,File Number (Z 20-01)

From: [REDACTED]
Sent: May 14, 2020 9:51 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: Attention City Clerk ,File Number (Z 20-01)

I , Joanne Straub and Chris Straub, both residing at # 189 1850 Shannon Lake Road in Crystal Springs mobile home park are both strongly apposed to the zoning amendment bylaw no 01554.88 . It is only 100 metres of our property and also the multi-tenant building will cause increased traffic and noise.

It will also cause a security issue and lower the property value of our house. I also believe that it will cause an odor. WE BOTH VOTE NO, TO THE ZONING AMMENDMENT BYLAW

#4

Collette Beggs

Subject: RE: City clerk. File number (Z 20 - 01)

-----Original Message-----

From: Hazel Albers <[REDACTED]>
Sent: May 15, 2020 3:39 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: City clerk. File number (Z 20 - 01)

I am very concerned about the cannabis grow.op proposed for our. Area. I live in crystal springs senior village. I suffer from COPD.

The oder and air pollution emanating from these growing places could affect my Breathing.
I am definitely opposed to this growing site.

Hazel Albers. -78-1850. Shannon lake Rd. West Kelowna V4T 1L6

Collette Beggs

Subject: RE: Attn: City Clerk, File Number (Z 20-01)

From: Vern and Cheryl Berg <[REDACTED]>

Sent: May 16, 2020 4:18 PM

To: info west kelowna <info@westkelownacity.ca>

Subject: Attn: City Clerk, File Number (Z 20-01)

Submitted by Keith and Cheryl Berg, 180-1850 Shannon Lake Road, West Kelowna V4T 1L6

We are opposed to the Site-specific Text Amendment (Z 20-01) as proposed as it is in direct opposition to the substance and spirit of the current bylaw. It should not be considered as an amendment because it will change the original intent to develop a bylaw in compliance with Federal Regulation. A major essence of the original bylaw was to stipulate a minimum distance that a Cannabis production plant could be from buildings used as residences. This change in distances from 150 m. to 110 m. is not a "text" amendment but a major change in the buffer zone.

We also object to the site-specific stipulation as it means only our community of Crystal Springs is affected while all other residential communities will have the continued protection of the current bylaw.

Why is this "Amendment" being proposed? I'm not aware of any community issues or concerns to generate this change. This will benefit only the developer to increase business and profit.

The Amendment is clearly against Federal Regulations which state Cannabis production facilities shall be sited a minimum distance of 150 m. (492 ft.) from an abutting zone that permits dwellings as its principal use. In the Information Package Staff provided you with a diagram (page 3 of 5). It clearly shows the 150 m. measurement circle would be well into the Park and thus many homes will be adversely affected if the change were made to 110 m.. The buildings (5 and 6) will back onto the back line of Crystal Springs homes. This could definitely affect property values and enjoyment of property due to smell and noise.

We commend the Mayor for ensuring that this matter received a Public Hearing. We thank all the Council Members for their attention to this matter. We respectfully request that Application Z 20-01) be denied.. (Option 3.)

Keith and Cheryl Berg
180-1850 Shannon Lake Road
West Kelowna, BC
V4T 1L6

Collette Beggs

Subject: RE: cityclerk(220_01)

From: William Goddard <[REDACTED]>

Sent: May 17, 2020 1:03 PM

To: info west kelowna <info@westkelownacity.ca>

Subject: cityclerk(220_01)

In Response to the letter about the new plant on Kyle rd, I object I live in Crystal springs & we have many residents who have breathing problems,it would affect them,greatly.Also the smoke . Barbara Goddard 79 1850 SHANNON LK RD,

Collette Beggs

Subject: RE: Attn: City Clerk, File Number (Z 20-01)

From: Terry & Helen <[REDACTED]>
Sent: May 17, 2020 3:42 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: Attn: City Clerk, File Number (Z 20-01)

We are concerned about the possible odor and noise emanating form the buildings inn this complex.

Thanks.

Terry & Helen Wilson
#114 1850 Shannon Lake Road (Crystal Springs)

Collette Beggs

Subject: RE: West Kelowna Council bylaw bypass

From: lee <[REDACTED]>
Sent: May 17, 2020 5:57 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>
Subject: West Kelowna Council bylaw bypass

The Mayor and Council:

The following is a copy of a letter sent to local media and politicians (federal and provincial) in response to the undemocratic, underhanded, and illogical proposal to alter city bylaws for an unknown (to the public) developer to place a cannabis grow-op in Kyle Court. Read this and take it to heart.

WHY? Yes, why is the West Kelowna council altering a zoning bylaw for a maybe, might be, could be cannabis grow operation in Kyle Court? There is NO grow-op applicant at this time. That there might be is moot, though likely. But why is the council so ready to bend its bylaws for an unknown future marijuana development? Official Community Plans exist for a purpose: to be followed. Why do communities create them, only to go around them or nullify them or ignore them, especially when these distortions of the plan are not in the public interest, but rather in the interests of special interest groups or individuals who will increase their wealth as a result? Well, for the tax revenue, of course. And because these special interest people are friends of those who can change the bylaws to give their friends a special advantage.

This is no murky water. This is a flat abrogation of responsibility. This is a clear violation of public trust and accountability. This is just plain wrong. It reminds us of the newly intended city hall, yes, the one voted down in civic referendum not so long ago. This new edifice will arise, if it does, without public input. The council has discovered another way to circumvent public policy and its usual rules to again spit in the face of the voters, voters who will surely remove them from office, should their memories be long enough. One can only hope they will be.

The buildings which MAY house a new grow-op are already under construction. There will be six, any or all of which could be used by the grow operators, should they surface, even though, according to community rules, this should be a multi-tenanted site. That it is nervously close to Brookhaven Care Home has been neatly taken care of by a spurious technicality. Although the borders of each are within 110 metres of each other (150 metres being the legal minimum), the council is using the fact of the actual buildings being far enough away from the boundaries for the new site to be licit. And the fact that there are trees between the two sites is apparently a sufficient odour filter should the distancing still be prohibitive. I have observed and felt wind for decades and never have I seen trees stop it from blowing right through them, although, admittedly, with less force than when they entered the trees.

Wind is a consideration should a grow-op be placed there and its strong odours allowed loose on the general public. There are several options for reducing or eliminating odours and these should be required should a grow operator emerge from this political maneuvering. It seems that an agricultural operation with the strong smells it produces should be a more rural area, the same as other farms with their manure and other strong odours which could make any urban area unpleasant to live in.

West Kelowna voters should flood the media and the council with letters and emails and phone calls of protest against this egregious distortion of our bylaws.

Lee Karvonen
#14 - 2025 Shannon Lake Road
West Kelowna, BC
V4T 1V5
[REDACTED]

Collette Beggs

Subject: RE: Public Hearing - File Number (Z 20-01)

From: Laurie Campbell [REDACTED]
Sent: May 17, 2020 6:09 PM
To: info west kelowna <info@westkelownacity.ca>
Cc: Duck Lake Enterprises [REDACTED]
Subject: Public Hearing - File Number (Z 20-01)

Attention: **City Clerk**, City of West Kelowna

Re: Public Hearing - **File Number (Z 20-01)**

Please find letter attached.

A hard copy of this correspondence was also dropped off in the drop box at City Hall on Sunday, May 17, 2020.

Thank you very much.

Laurie Campbell, Crystal Springs
#16-1850 Shannon Lake Rd.
West Kelowna, BC
V14 1L6

[REDACTED]

May 17, 2020

To: West Kelowna **City Clerk** & Mayor Gord Milsom and West Kelowna City Council
2760 Cameron Road, West Kelowna, BC
V1Z 2T6

Re: Development Proposal File No: Z 20-01 – Cannabis Grow Operation on Kyle Road
File Number (Z 20-01) Public Hearing

Dear Mayor Milsom and West Kelowna City Council Members,

First, allow me the opportunity to express my appreciation for the decision that was made to hold a public hearing for the change in the bylaw that currently prohibits cannabis production in multi-tenant buildings, if all tenants of the building are not growing cannabis. The discussion between council members was also appreciated. As mentioned in the meeting, growing cannabis is a controversial issue and one that the general public may not have a great deal of understanding of since legalization of marijuana grow ops is still relatively new. Especially one that involves a 'multi-tenant' grow op. I believe that the media (Castanet) did portray the situation accurately and was not spreading 'fake news'. Counsellor Friesen tried to lay all the blame on the media for getting the public "all riled up". Sorry, Mr. Friesen, but your 'staff' got the general public all riled up when they suggested waiving the public hearing. You may want to re-read the Castanet article as it accurately portrayed what was happening in this situation. They did not suggest that you were trying to approve a grow-op, rather, that you were trying to change a bylaw to allow multi-tenants to grow cannabis, if all tenants are not growing cannabis. I can only speak for myself, but I certainly did not misunderstand the situation.

In addition to the five questions that I expressed in my previous letter (I will include below), following the council meeting, **could you please provide more information as to what a 'multi-tenant' grow op is?** It sounds like it is where people can rent a small space, a stall, within each building to grow their own marijuana? If so, **is this type of grow op still regulated by the federal government? Do these individuals each require a licence to grow cannabis? Would all the same strict regulations and guidelines set out by the federal government related to odor, noise, security, etc., still be in place?** If I read the guidelines as to who does and does not have to apply for a licence from the CRA, one would think that individual growers would not have to apply and obtain a licence. This is directly from their website:

"You do not have to apply for a licence in any of the following situations:

- you are an individual who produces cannabis products in Canada for your own personal use in accordance with the Cannabis Act*
- you are an individual who under the Cannabis Act produces cannabis products in Canada for your own medical purposes*
- you are an individual who produces cannabis products in Canada, and who under the Cannabis Act are a designated person who is authorized to produce cannabis products in Canada for the medical purposes of another individual*
- you are an industrial hemp grower who produces industrial hemp by-products"*

Perhaps there would only be one tenant in each of the buildings who uses all the stalls in that space, rather than several growers within each building. But it sounds like there could be 21 stalls available for the general public to 'rent' out? That would certainly be a lot of people coming and going, which could greatly affect security. Would they be able to come and go at any time of the day or night to work on their grow ops? Will security be on site 24 hours a day? **Some clarification in this area would be appreciated.**

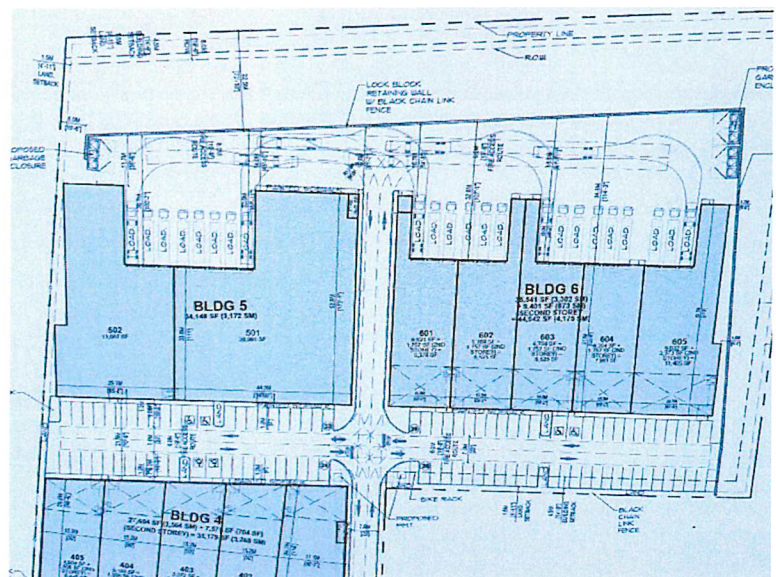
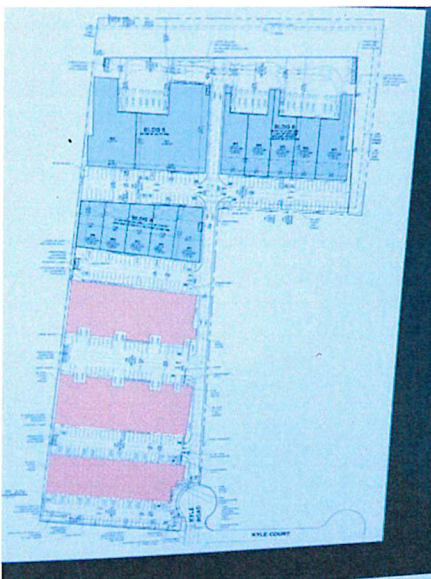
Can you confirm whether or not 'staff' have determined if Interior Health was consulted on any of these matters related to this situation, prior to the April 21st meeting? Furthermore, if contact was not made before that meeting, has contact been made now? If so, what was the response from Interior Health?

Personally, I would prefer a big grower such as *Flowr* as a single resident since they will probably have better equipment to control odor, noise, etc. Better security may also be in place. In fact, I drove by the Flowr production company in Lake Country one weekend and did not smell any odor or hear any loud fans operating when I was there. I did speak with a security guard who said that he has worked there for over a year now and that he has never smelled an odor outside of the building and that there are no large fans running that can be heard outside. Security was obviously on site. I am sure that an operation like this must be regulated by strict federal guidelines.

I also drove by the grow op in the *Blue Heights Industrial Park* and there was definitely a strong 'skunk' odor and the security consisted of a couple of flimsy little cameras that could easily be knocked down. There was no visible 'human' security on site. My guess is that this grow op is much smaller than Flowr. **I recently read an article that stated the Lake City Bowling and Billiards business shut down because the smell of marijuana was so bad that families bowling stated that the place smelled like marijuana.** Apparently, the mayor and council from Kelowna did not respond to concerns from the neighbors. **This type of grow op would not be desirable beside single-family homes, a senior's care facility, or a school.** My neighbor has a flag on his property and, since April 21st, I have witnessed many days when the wind blows directly from the industrial site through Crystal Springs.

On the drawing of the proposed buildings, **I see that the back of one of the buildings has several loading bays. This is directly opposite of Crystal Springs, along the property line. In order to cut down on the noise to local residents, regardless of who the business tenants might be now or in the future, could the building be flipped?** Trucks could easily access the loading docks from the opposite side, rather than trying to drive and maneuver in behind the buildings with air brakes, etc. Individual vehicles could easily drive around to the front access of the building. These types of vehicles would be much quieter to residents of Crystal Springs. As well, hopefully consideration will be given to avoid having the loading docks of any future buildings on the Crystal Springs side of the building.

Crystal Springs Property



A final concern, other than those previously submitted to Mayor and Council is, **will we have to go through this every time a new building is added to the property as development continues?**

These were my previous questions that I asked to be answered. Some have been. Some are still not clear.

1. In the past, there was often a **strong pungent skunk smell** associated with grow ops, in general. Is this still the case or has this issue been resolved for people living close to a grow op? **Counsellor Friesen said in the April 21st council meeting that "if you come to the public meeting and say that it will stink, yes it will stink, but it is allowed." Counsellor Friesen, what did you mean by that remark? Are you saying that there will be a strong pungent skunk smell? Or are you more concerned about developers than people who live in West Kelowna and who vote for city politicians? A strong skunk like smell would not be acceptable to residents of Crystal Springs and I think that you will have close to 300+ very angry residents to deal with if that was the case. They will also be very concerned about health issues that may also arise of the smell.**
2. Also associated with grow ops in the past have been the use of **huge, noisy exhaust fans**. If these are still needed, residents who live on the other side of the cedar hedge, and those living throughout the park, will be impacted significantly. **Will noise be an issue?**
3. If this is a grow op, one would think that **trucks will be needed to transport the cannabis to other sites**. Again, if this is the case, how will the noise be addressed and will they be allowed to load at all hours of the day and night?
4. The proposed location of this grow op is extremely close to **Constable Neil Bruce Middle School**. How is this possible? I understand the explanation given, but I am still not sure if it is a good idea to be that close to a school.
5. I am concerned for the **residents of Brookhaven**. Have you worked directly with **Interior Health** and gained their approval to move ahead with your plan to change the bylaws to accommodate this grow op?

Hopefully all correspondence/phone calls from Crystal Springs sent to Mayor and Council previously, prior to the April 21, 2020 council meeting, will be presented at the public hearing. Many residents are very concerned about negative tenants in the industrial park who may negatively impact home prices in the future. Hopefully, mayor and council will respect that and make decisions that will be positive for residents such as those in Crystal Springs.

As I mentioned before, if all of these concerns can be addressed, I may have no problem with you going ahead with the changes to the bylaw and having the grow operation as a neighbor. I must say that I am somewhat uncomfortable with 'multi-tenants', but, if they are required to have a licence and if they have to follow all of the federal regulations and guidelines that growers must follow, then I may still be fine with having them as a neighbor.

Thank you for your time. I look forward to hearing from you.

Respectfully,

Laurie Campbell
Crystal Springs Resident
#16-1850 Shannon Lake Rd., West Kelowna, BC, V4T 1L6

Collette Beggs

Subject: RE: File No. Z 20-01, Zoning Amendment Bylaw No. 0154.88

From: Karen Michaud <[REDACTED]>
Sent: May 17, 2020 6:48 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: File No. Z 20-01, Zoning Amendment Bylaw No. 0154.88

Attn: City Clerk, File Number (Z 20-01), Bylaw No. 0154.88

I live in Crystal Springs MHP and am opposed to the zoning amendment to bylaw no. 0154.88. Specifically, {1} The amendment is proposing to allow for a Cannabis Production Facility in a multi-tenant building where not all occupancies will be cannabis production facilities and {2} the amendment is proposing a Cannabis Production Facility to be sited 110m from a P zoned parcel.

I can see why Interior Health (Brookhaven) is not that alarmed with the requested reduction from 150m to 110m as the nature of their facility does not allow their residents to use their outdoor property in the same way as residents at crystal springs. And they have the buffer of Mcdougall creek within the 110 m.

I understand that Cannabis Production is approved at 2648 Kyle Rd. whether we like it or not. However, I would like to think that resident owners at Crystal Springs would be strongly considered when proposing amendments to the initial bylaw. If only cannabis production is limited to buildings 1, 2, and 3 and there are no other tenants, the tenant numbers are reduced. And with fewer tenants, the vehicle traffic and vehicle noise would be reduced. Or if there is no cannabis production at all in these buildings, we will not have to contend with the stinky smells.

In the few years I have lived here, there has been a pellet plant with constant truck and production noise and blowing cinders into crystal springs, as well as a recent mobile home manufactured production which also provided a constant loud banging and blowing sawdust throughout our park. Not to mention, the east/west winds blow up from the lake through the industrial site and straight through Crystal Springs MHP. Our decks are covered in dust from the industrial site now as well as loose debris that has not been cleaned up on the site. And yes there will be a stinky smell as one councillor admitted so the further away from our homes a cannabis facility can be located can hopefully disperse the stinky cannabis emissions over Crystal Springs MHP. I am aware of other cannabis production facilities in lake country and kelowna and both are on ALR lands and are not closely surrounded by a dense residential community.

These are my reasons for my **"NO VOTE"** to allowing the zoning amendments:

1. In 2013 federal government regulations were introduced regarding "medical marijuana commercial production". In 2014 Cannabis Production Facilities were permitted on Industrial Zoned properties in the City of West Kelowna. **I did not reside in West Kelowna in 2014 but would have objected to Cannabis Production in a Light Industrial Zone (I1), Namely 2648 Kyle Rd., West Kelowna, BC as it is surrounded by community residents, school, church, and businesses. Cannabis production should be zoned and located on agricultural land.**
2. In March, 2018 an industrial development with a total of 6 multi-tenant industrial buildings was approved for 2648 Kyle Rd. and in March, 2019 a permit was issued to allow for construction of six multi-tenant industrial buildings. The existing bylaw states cannabis production facilities are not prohibited in buildings with multiple occupancies unless all of the occupancies in the building are cannabis production facilities. **I would like to see this bylaw wording remain unchanged. With fewer tenants in each of the buildings 1, 2 and 3 it would mean a reduction in vehicle traffic and limit the frequency of their visits.**
3. From drawings of Site Plan DP 18-35.01, the entire subject property at 2648 Kyle Rd. is zoned as **Light Industrial I1** and is intended to include multi tenant buildings 1 and 2 (already permitted for cannabis if all tenants are cannabis production), building 3 (permit requested with proposed amendments reducing 150m separation from a P Zone to 110m), and future buildings 4, 5 and 6. **I count this as a multitude of tenants, employees, and varied uses in a light industrial zoning resulting in continuous traffic, movement and noise.**
4. Total density of the site at 2648 Kyle Rd. is 229,000 sq. ft of industrial buildings with 59 units ranging in size from 1700 to 20,000 sq. ft. I am unsure of the 59 unit total and square footage as there appears to be 2 storeys for buildings 2, 3, 4, and 6. **Industrial Parking and Loading spaces indicates 62 stalls are provided and Parking spaces for regular cars and handicap indicates 255 stalls are provided for a total of 317 parking spaces. This has just gone from Light Industrial to a Heavy Industrial Site with constant movement of noisy traffic.**
5. I understand all the required federal regulations around air filtration and ventilation to prevent odors as well as security measures (such as a secured perimeter, monitoring, and restricted access) will be practised. **Who will be policing these regulations to provide the least impact on Crystal springs owners?**
6. **I understand this proposed amendment is in relation to buildings 1, 2 and 3. However, I question if this will set a precedence for future buildings 4, 5 and 6.** The proposed drawing shows buildings 5 and 6 abutting Crystal Springs with a chain link fence as a retaining wall and 73 ft. from Crystal Springs property line. **Building 5 shows 2 tenants with 8 loading zones only 38ft. from the chain link fence. Building 6 is 2 storeys with 5 tenants (maybe 10) and 14 loading zones only 53-61ft. from the chain link fence. Plus 6 garbage disposal bins on the right side of building 6 and 3 on the left side of building 5. You can bet this will call for another public hearing as this is just disrespectful and negligent to the residents of Crystal Springs. With 22 loading spaces on the backside of buildings 5 and 6 facing Crystal Springs and garbage disposal**

bins you can bet there will incredible noise levels and dirt particles imposed on crystal springs owners.

- 7. Can you truthfully say that cannabis production will not be permitted in buildings 4, 5 and 6?**

At Crystal Springs, there are 213 homes with residents of 55+ years of age and several with severe health conditions. Please consider the owners with respect to smell, noise, security, traffic, health issues, and our future property values. The surrounding community of residents, schools, and businesses, is greatly impacted by the operations on this Industrial Site.

Questions:

- 1. How many pieces of commercial rooftop exhaust equipment will be operating on each of the buildings? Will these exhausts fulfill the requirements for air filtration and odour emissions and will there be additional ventilation equipment with noisy fans?**
- 2. What is the projected distance these emissions will be spumed up and out into the environment?**
- 3. Will the exhaust equipment operate 24hrs/day and 7 days/week?**
- 4. Have you considered the path direction the wind blows through the industrial site and straight through crystal springs?**
- 5. Would you want your retirement home surrounded by 229,000 sq ft of industrial and cannabis production? I am quite sure you wouldn't be a happy owner.**

Respectfully submitted,

Karen Michaud
Unit 112, 1850 Crystal Springs
West Kelowna, BC

Collette Beggs

Subject: RE: Public hearing Cannabis amendment

From: Doug <[REDACTED]>
Sent: May 17, 2020 7:31 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>
Subject: Public hearing Cannabis amendment

Good Day to you all.

Attached is my petition to defeat the proposed cannabis amendment Bylaw 054.88. please add it to the council agenda of May 19, 2020.

Regards,

Doug Waines

[REDACTED]
#58 -1850 Shannon Lake Road
West Kelowna, BC, V4T 1L6

This electronic mail is confidential and is intended solely for the use of the ADDRESSEE.

If you have received it in error, please do not copy forward, or use in any way, as it is copyright protected.

Simply reply to me by Email to the sending address and advise me of my mistake; then delete it from your computer system.

THANK YOU in advance for your kind co-operation!

Petition to City Council Re PUBLIC HEARING (Z 20-01)

May 19, 2020

To the Mayor and Council,

RE Zoning Amendment Bylaw No. 0154.88 for 225,000 sq. Ft. Cannabis Production Facility

Dear Council,

This amendment is uncharacteristic of amendments, in it is asking to change a Bylaw for a hypothetical tenant. It is proposing to waive legal protections, and rights that other tenants, residents, and occupiers of adjoining lands presently have. In its rarity and unusual nature, it may well set precedent for other future Bylaw and Regulatory requests which Council would therefore have difficulty denying should it pass.

At the behest of a limited company, the ownership of which is not disclosed, Council is being asked to amend its own Bylaws controlling Cannabis Production Facilities without any specifics about the type of cannabis operation proposed to be occupying this development.

The Bylaw presently allows the type of Production Facility without this amendment, but requiring any proposed facility to submit its planning for approval before having an absolute right to occupy the buildings. These provisions in the existing Bylaw #0154 allow oversight by administration and council of any proposed production including the air quality concerns. That may now be lost forever if the wording changes. For this reason, **Council should deny the application.**

Administration recommended that no Public Hearing be held, as the Planning Manager Bret Magnan did not think there would be any public interest, how wrong he was. There is considerable public interest both adjacent to and in the entire City as seen from the letters received by the City and the Media on the occasion of first reading.

This application has not been reviewed by the quasi independent Advisory Planning Commission (APC) a public oversight committee not meeting due to the ongoing Provincial state of emergency and public health orders restricting public gatherings. This lack of Public oversight further diminishes the urgency for the Bylaw and hasty Public Hearing (Z 20-01). It also raises the question why council is putting the adjacent senior citizens at risk in a Public Hearing in the cramped quarters of the council chambers when Council itself will be meeting on-line at their respective homes?

Because Cannabis Production is permitted with controls there is no need to change the text of the Bylaw as it presently protects the rights of the citizens to scrutinize any proposal for changes to the Bylaw. In 2014 this matter went to exhaustive investigation and public hearing procedures to set a fair and judicious Bylaw that met the needs of the coming legalization of Cannabis. Why is it important to amend this carefully crafted Bylaw in such a rush? There is no obvious civic need or reason given. Does it serve the city – No; does it serve the residents,

Petition to City Council Re PUBLIC HEARING (Z 20-01)

citizens, or tenants in the area – No; it only serves the developer. Therefore, **Council should deny the application outright.**

The Administrations' analysis claims the P2 Zone which is 110 meters from the Building footprint, not the required 150 meters separation is "...well buffered..." and in the Discussion Section pg. 4, they introduce the concept as "...FUNCTIONAL separation..." so the distance required within the Bylaw is only a suggestion and is waived. That concept is of course a fair concern for Council, and seems well justified. If it is functionally far enough, away then the Bylaw is not material.

The corollary to that is that the "Functional Buffer" must meet the needs of the Crystal Springs MHP residents' property line which is 150 plus 3 to 5 meters away. In fact, there is ample evidence that a full Kilometer away may not be sufficient Functional Buffer based on the experience around the world. Even in the City of Kelowna, noxious odours (and complaints) abound with various Cannabis Production Facilities already established. The odour problem moves with the wind. This concept also applies to the P2 Zone, a Kilometer may not be enough considering the residents in that Zone are persons with compromised immune systems, serious mental, and physical health challenges. We have already seen the Federal and Provincial Health Regulators have abandoned our most vulnerable and disadvantaged seniors with the Covid 19 Pandemic disasters in nursing and care homes. This Council has a duty to protect these residents in light of the failures of the Health departments in Canada. For this reason, **Council should deny the application.**

While the City recently up-graded its' air filtration requirements, the primary responsibility for Air Quality Standards rests with Health Canada, who have not been able to keep up with its responsibilities in this and many other important matters.

The Air quality filtration problem vexes most nations, let alone a small City with limited staff, having little technical training and knowledge in this very complex matter. There are over 200 varieties of legal cannabis plant varieties, many of which require completely different systems of Air Quality controls. Council may lose the ability to control the filtration within the production facility with this change. It should be noted that the literature abounds with examples of Air Filtration Systems that are fraught with problems of control and effectiveness. Many of the approved systems are simply masking the odour not scrubbing it, so the health issues remain for persons with compromised immune disorders.

Nationally and internationally, there are significant increases in noxious odour complaints arising from Cannabis Production Facilities, there is no comment on how the extra costs of Bylaw officers' responses to complaints will be dealt with. Further, most operators of these facilities adopt a "take me to court position" as it takes years to wind through the court system. The operator's goal is "production to profit" as quick as possible (value for shareholders the only concern) so time, not court is the most valuable consideration to them. Has the City

Petition to City Council Re PUBLIC HEARING (Z 20-01)

planned for and budgeted the legal costs in their long and short-term budgets? There is no evidence presented they have included this. This Council Document does not address these issues at all. For this reason, **Council should deny the application.** (Three examples - Denver Col experienced 87% increase in odour complaints; Pelham On. has complaints from 5 Klms away; Carpentaria Calif. has an entire valley with a skunk like odours that persists.)

While the developer has proposed the changes for only the first 3 buildings, that only applies to the **PRODUCTION** OF CANNABIS, it does not prohibit the same or different companies (under contract) from occupying the other three buildings or parts thereof and acting as extension of the production facilities for - Labs, Storing, Sorting, Packaging, Distributing, Sales and Marketing, or any other support needed, potentially and effectively making this a huge single use cannabis production facility. Once again for this reason, **Council should deny the application.**

Other considerations which such a potentially large scale of operations would bring overwhelming problems to this City not covered in this report to Council are:

- MULTI TENANT BUILDINGS in Zoning Bylaw #0154 for Light Industrial Zones
 - Contemplated Multi Tenants in the Zone, not a SINGLE Tenant in 3 buildings or more in excess of 225,000 sq. ft.
 - This flies in the face of the basic Zoning concept.
 - The applicant is changing the character of the Industrial Park and its Social commitment to the community.
 - The Developer's property value will likely rise.
 - The Residential property values will likely fall to the detriment of many residents.
 - For this reason, **Council should deny the application.**
- WASTE
 - Whose waste site will accept the Solid Waste generated?
 - Whose waste site will accept and clean up the rejected or un-certifiable product?
 - Can the Regional Waste Water Plant treat the liquid waste?
 - Where can the waste products be safely stored?
- POLICING
 - Criminal activity often accompanies these facilities due to the high cash value of the product. The City is already short of provincial standards for municipal policing, who will bear the costs of this added burden?
 - Bylaw complaints and enforcement will become 24/7 issues, who bears the costs of this? Will the City be able to assist with residents' complaints 24/7, or will there be no Bylaw enforcement response from 4:00pm to

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9:00 am and on weekends and holidays as we have now? These are 7/24/365 production operations not 9 to 5 store fronts.

- RESIDENTIAL SECURITY
 - Who and what form of security is the City requiring for a large scale operation for the surrounding residential districts? – None is mentioned in the documents provided.

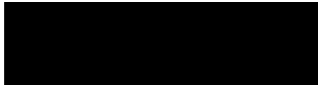
The entire issue seems poorly thought out, and the information incomplete as presented in this Council package. No case for the change has been presented that benefits the City or its residents. It only supports the applicant's best hoped for zoning. For this reason, **Council should deny the application.**

CONCLUSION

For the above reasons, and others that are not covered due to time constraints imposed by a one day notice of public hearing (if a petition is to be included in the council package), it is clear **Council should unanimously defeat on third reading, the Bylaw Amendment 0154.88.**

Respectfully submitted,

D. R. Waines,
#58 – 1850 Shannon Lake Road
West Kelowna, BC
V4T 1L6



Ref:



Financial Post
Willms & Shier LLB
Google multiple sources

Collette Beggs

Subject: RE: Notice of Public Hearing File Number (Z 20-01)**From:** Bryce Manske <[REDACTED]>**Sent:** May 18, 2020 3:43 PM**To:** MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; info west kelowna <info@westkelownacity.ca>**Subject:** Fwd: Notice of Public Hearing File Number (Z 20-01)

City of West Kelowna
Development Services
2760 Cameron Road
West Kelowna, BC V1Z 2T6
Attention: City Clerk, File Number (Z 20-01)

RE: NOTICE OF PUBLIC HEARING (Z 20-01)
ZONING AMENDMENT BYLAW NO. 0154.88

It is with great concern I write this in response to the City's zoning bylaw to permit a cannabis production facility in close proximity to our home in Crystal Springs Park (1850 Shannon Lake Road). There are several reasons for my concern, but the main point is the potential smell and noise.

Please keep in mind that our park is also close to the Stevens Road gravel/sandpit where the trucks and equipment are going day and night. I'm not sure what time they start, but I swear I hear their backup warning alarms going all night long. The dust from the construction area is a constant concern, as well as the smell from the asphalt plant (wherever it is)? There are times we have to close our windows in the middle of summer because of the above.

So now you're proposing to have a cannabis operation, where I've read the odor is comparable to skunk and the noise from the generators can be unbearable. Our park is ABOVE the proposed operation, and the noise and smell will only be worse for us. I can't imagine what it will be like on a hot summer's day when the wind blows in our direction.

Please take our residents' concerns seriously. Our park consists mostly of senior citizens, many who already have respiratory problems. Your facility is also very close to a high school as well as a personal care home. WHAT ARE YOU THINKING?

Thank you.

Sandy Manske

#26 - 1850 Shannon Lake Road

West Kelowna, BC V4T 1L6

[REDACTED]

Collette Beggs

Subject: RE: Subject: Cannibas Grow Proposal for West Kelowna Industrial Area

From: Vic Margaret Ann Fast <[REDACTED]>
Sent: May 19, 2020 9:18 AM
To: Hailey Rilkoff <Hailey.Rilkoff@westkelownacity.ca>
Subject: Re: Subject: Cannibas Grow Proposal for West Kelowna Industrial Area

Public hearing Z 20-01
Zoning Amendment Bylaw No . 0154.88

Due to the impact that the proposal will have on my health and property value we are strongly opposed to having a grow-op so close to our home.

Our vote is No
Margaret Fast
Victor Fast
160-1850 Shannon Lake Road
West Kelowna

Sent from my iPhone

On Apr 20, 2020, at 8:49 PM, Hailey Rilkoff <Hailey.Rilkoff@westkelownacity.ca> wrote:

Good Afternoon,

Thank you for your email in regards to the application at 2648 Kyle Road (Z 20-01). To clarify, Cannabis Production Facilities are already a permitted use on the subject property. The current Cannabis regulations in the City's Zoning Bylaw, including which zones permit Cannabis Production Facilities, have already had a public hearing in order to adopt the amendments within the Zoning Bylaw. A Public Hearing was first held in 2014 to introduce the Cannabis Production Facility regulations in the Zoning Bylaw (formerly referred to as Commercial Marihuana Facility). The following clarifies the current proposal:

- A industrial development of a total of 6 multi-tenant buildings has been approved for the subject property through a Development Permit (DP 18-35) in March of 2019. This application proposes amendments to the Zoning Bylaw which would affect 3 of the 6 buildings on the subject property (located in the southern portion of the property).
- The proposed buildings on the subject property (Buildings 1, 2 and 3) all meet the required separation from residential properties, as they are over 150m from Crystal Springs Mobile Home Park (1850 Shannon Lake Road). No amendments are being proposed in relation to regulations related to Cannabis Production Facilities and residential properties.
- The application is proposing to amend the regulation that prohibits Cannabis Production Facilities in multi-tenant buildings. The applicant proposes to ensure all future tenants and owners of the

buildings are aware that a Cannabis Production Facility would be permitted to operate in the buildings.

- The application is also proposing to amend the regulation which requires 150m separation between the Cannabis Production Facility and a P Zoned (Parks & Institutional) Parcel (2250 Bartley Rd – Brookhaven Care Centre).
 - The functional separation between the closest proposed building (Building 3) and Brookhaven Care Centre is approximately 245m (which includes the densely treed McDougall Creek ravine offering a highly vegetated buffer).
 - The subject property is over 150m from Constable Neil Bruce Middle School (Zoned P2) which meets the City's Zoning Regulations.
- If approved, a Cannabis Production Facility may locate within one or more units within the 3 buildings, at this point there is no confirmed Cannabis Production Facility operator. The applicant has advised that they would anticipate each business could potentially have 2-3 full time employees.
- As the proposal is consistent with the Official Community Plan and no amendments are proposed to the OCP, Council may waive the holding of a public hearing. If council chooses to waive the requirement for a Public Hearing, notice will be published in the Newspaper as well as mailed to all property owners/tenants within 150m of the subject property disclosing that the Public Hearing is being waived.

The staff report and attachments for additional clarity can be found included in Council's Agenda Package on the City's website here:

<https://calendar.westkowncity.ca/councilcommittee/Detail/2020-04-21-1800-Regular-Council-Agenda>.

- The Staff Report is linked directly here for your convenience: <https://pub-westkowna.escribemeetings.com/filestream.ashx?DocumentId=2311>

I have provided some additional information that may be useful in understanding regulations for Cannabis Production Facilities as well as the context of this particular application:

- The recommendation to waive the public hearing pertains only to this application and this subject property, not all public hearings. Council will still be required to give 3 readings of the bylaw prior to adoption, over multiple Council meetings.
- Cannabis Production Facilities are licensed by Health Canada and must meet all of the requirements of the Federal Cannabis Act and Cannabis Regulations in order to obtain and maintain their license.
- Section 3.25.2 of the City's Zoning Bylaw requires that all Cannabis Production Facilities meet, at a minimum, the air filtration and security requirements set out in Part 1 of the Federal Regulations.
 - Specifically they must *"Filter air to prevent the escape of cannabis odours associated with cannabis plant material to the outdoors"* under section 85 of the Federal Cannabis Regulations.

I hope this helps to clarify the application and the proposed amendments to the Zoning Bylaw.

Kind Regards,

<image001.jpg> **HAILEY RILKOFF | PLANNER II | CITY HALL**
City of West Kelowna
2760 Cameron Road, West Kelowna, BC V1Z 2T6
778.797.2229 | www.westkelownacity.ca

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From: Vic Margaret Ann Fast <[REDACTED]>
Sent: April 20, 2020 2:48 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; dev services <dev.services@westkelownacity.ca>
Subject: Subject: Cannibas Grow Proposal for West Kelowna Industrial Area

Attn: Mr. Mayor, Council Members, Hailey Rikoff

Having read about the above mentioned proposal for the new industrial area on Kyle Road we, as residents of Crystal Springs MHP directly behind the said industrial area have concerns about the possible air purification systems that will be enforced to ensure clean air for all surrounding areas. In a recent publication the only concern seemed to be for Brookhaven Care Centre who apparently have the required distance. There was no mention of Crystal Springs residential area of 213 homes and its proximity to cannibas growth operations; not to mention Cst. Neil Bruce School as well. With no school in progress at the moment one must wonder how teachers, parents and students will react to such.

Having noted all of the above, we have been in favour of the new industrial area on Kyle Road. It is a pleasant relief for us to get rid of the sounds, noise and grit of other operations. We would support the cannibas grow proposal if you are able, as a City and caring Council, to give us assurance there will be some kind of air purification system installed to negate the odors from such operations. We understand that Scrubbers are sometimes installed for this purpose and research has indicated a more updated and efficient system called Agriair's eco-

ionic oxidation technology neutralizes all odors, making life bearable for all concerned nearby.

The desire to push this proposal through without a public hearing is most inappropriate.

We would appreciate assurances that there will be NO odor that will impact our lives negatively.

We are appalled that our elected officials feel they can push through this proposal without a public hearing.

Vic and Margaret Fast
160-1850 Shannon Lake Road
West Kelowna

Sent from my iPhone

#14

TO : CITY CLERK
FILE # (Z20-01)

MAY 16-2020

FROM : M + M. DUFOUR

RECEIVED
MAY 19 2020
CITY OF WEST KELOWNA
Development Services

@9:30am

PLEASE TAKE NOTE THAT MY
WIFE AND I OBJECT TO ALLOWING
THESE CANNABIS PRODUCTION FACILITIES
NEAR OUR HOME ; IT WOULD RESULTS
IN A LOSS OF PROPERTY VALUE , COMFORT
AND PROBABLY HEALTH .

THANK YOU FOR TAKING OUR REQUEST
INTO CONSIDERATION .

MAURICE DUFOUR MONIQUE DUFOUR

32-1850 SHANNON LAKE RD.
WEST KELOWNA BC.

