

File # Z 20-01 #15

HOW TO MAKE A SUBMISSION

During this Provincial State of Emergency, the City encourages you to make your submissions in writing.

Submit in Writing

Send your written submissions to City Council by mail, email or by leaving it in the drop box outside the main doors of the Municipal Hall, 2760 Cameron Road. All submissions must be made **Attn: City Clerk, File Number (Z 20-01) and must include your name and address** by 4:00 p.m. on Monday May 25, 2020.

Any written submissions received prior to 10:00 a.m. May 19, 2020 will be included in the Council Agenda package. Any written submissions received after 10:00 a.m. May 19, 2020 and before 4:00 p.m. Monday, May 25, 2020, will be included as a Late Agenda Item. All submissions received before the close of the Public Hearing are provided to Council.

Attend in Person

If you require, the City is providing an option to attend the Public Hearing in person. The City will conduct the Public Hearing in accordance with the physical distancing requirements directed by the provincial health authorities. Council will participate in the Public Hearing electronically and you may present to Council via web conference. To participate in-person, please attend at the date, time and address stated on this notice and staff will provide you with further instructions to participate safely.

Please note that Council cannot receive submissions after the conclusion of the Public Hearing.

For more information contact Chris Oliver, Planner III at 778-797-8830.



*Dorothy Witt #108 1850 SHANNON LK Rd.
WEST KELOWNA BC*

*The location is too close to
churches - schools and large modular home
park. The arena I am sure will not
be pleasant. I object to this site.*

*Dorothy Witt
Claire Measheo #93 1850 SHANNON LK Rd
WEST KELOWNA*

#16

Collette Beggs

Subject:

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

From: E & E Hees <[REDACTED]>

Sent: May 21, 2020 3:00 PM

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

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

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

I am very much disturbed with the proposed Grow Operation on Kyle Road. I Recently drove down that road and saw the proposed site. From there I could see Crystal Springs buildings where my home is and realized just how close this development would be.

Because of Health, Noxious odours, property value degradation and policing, I totally agree with the attached presentation to City Council that **Council should deny the application outright.**

Sincerely

A very concerned citizen

E. Hees

138-1850 Shannon Lake Rd.

West Kelowna, BC V4T 1L6

[REDACTED]

Collette Beggs

Subject:

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

From: Bill Wilson <[REDACTED]>

Sent: May 21, 2020 7:31 PM

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

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

This is in response to the letter we received about the application for a grow-op in the warehouse on Kyle Road. As 20 year veterans of the Westside Citizens Patrol we are well accustomed to the smell of marijuana. As residents of Treasure View Estates we request that if council choses to approve the application for this grow-op they apply conditions to the application that require the developer to install an odor filtration system. These systems are readily available.

Thank you,
W.O. Wilson
#5-2025 Shannon Lake Road

Collette Beggs

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

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

From: noreply@westkelownacity.ca <noreply@westkelownacity.ca> On Behalf Of Ted Duch

Sent: May 22, 2020 9:33 AM

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

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

As residents of Crystal Spring we are very concerned with the possibility of more pollution, noise and smell were we reside! We already have to put up with the asphalt stink(which is very bad in our yard), pollution, dust from the trucking company and a lot of noise from all the industrial that is already right across the street to the east of us! It's enough already!!!We do not want to be surrounded by it!So we are definitely against this proposal in the event it could very possibly lead to more noise, smell and pollution.

Ted Duch and Corrie McCartney

#68 Crystal Springs

Origin: <https://calendar.westkelownacity.ca/councilcommittee/Detail/2020-05-26-1800-Notice-of-Public-Hearing-Z-20-01>

This email was sent to you by Ted Duch<[REDACTED]> through <https://www.westkelownacity.ca/>.

Collette Beggs

Subject: RE: City Clerk - file number Z20-01

From: Shirley Misener <[REDACTED]>
Sent: May 22, 2020 9:41 AM
To: info west kelowna <info@westkelownacity.ca>
Subject: City Clerk - file number Z20-01

From Shirley & David Misener
186 – 1850 Shannon Lake Road
West Kelowna, B.C.
V4T 1L6
[REDACTED]

I am writing in regard to the by law allowing a cannibals grow op on Kyle Road, we are concerned with the smell from the grow op ot grow op's and the effect that a continuous smell would have on our life style, we would not be able to enjoy our patio, we worked for many years to be able to sit back and enjoy out door living in West Kelowna. Will this intended grow op or grow op's have the proper industrial fans to keep the smell away? Is the City of Kelowna making this a requirement?

We have decided not to go to the meeting because of Covid 19 restrictions please use this letter as our testimony.

Shirley & David Misener

Collette Beggs

Subject: RE: ZONING AMENDMENT BY-LAW NO.0154.88

From: Almer & Agnes Elias <[REDACTED]>
Sent: May 22, 2020 11:46 AM
To: info west kelowna <info@westkelownacity.ca>
Subject: ZONING AMENDMENT BY-LAW NO.0154.88

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

We want to voice our strong opposition to the proposed Zoning Amendment regarding the Cannabis Grow Operation on Kyle Road. This development would be much too close to an aging population residential area, as well as Brookhaven Care Home.

Because of Health concerns, Noxious odours, increased traffic noise and volume, property value degradation and policing, I totally agree with Doug Waines' presentation to City Council that Council should deny the application outright.

Respectfully Submitted

Almer & Agnes Elias

184 - 1850 Shannon Lake Rd.

West Kelowna, BC V4T1L6

Collette Beggs

Subject: RE: Zoning Amendment Bylaw No. 0154.88

From: Colleen Deans <[REDACTED]>
Sent: May 22, 2020 1:21 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>
Cc: dev services <dev.services@westkelownacity.ca>
Subject: Zoning Amendment Bylaw No. 0154.88

Attn: City Clerk, File Number Z 20-01

In previous discussions and emails with Development Services staff we indicated that we would not oppose a Cannabis Grow Production for the Kyle Road Industrial Park as long as the matter of noxious odors permeating the surrounding areas was addressed. However, after more thought, review, input and reflection we must advise we are totally opposed to multi occupancy buildings permitting cannabis grow operations. There would be so many issues to be addressed; security, fire protection, disposal of hazardous waste, noxious odors and harmful particles and the list goes on.

We absolutely and unequivocally feel this Zoning Amendment application should be denied.

Arnold and Colleen Deans
#159-1850 Shannon Lake Road (Crystal Springs)
West Kelowna.

#22

May 21/21

Attn: City Clerk
File # Z-20-01

Council

I would like to voice my objection to a Cannabis grow operation in my back yard. I am concerned about the odour as the wind will bring that right to me. I am concerned about the property values. Crystal Springs has worked hard to be an "upscale" mobile home park and pay accordingly to live here.

I am strongly opposed to allowing this in Building #3 or any future buildings.

Sydney Carlstrom

Unit 36

1850 Shannon Lake Rd.



Collette Beggs

Subject: RE: public hearing Z 20-01

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

From: noreply@westkelownacity.ca <noreply@westkelownacity.ca> On Behalf Of Bill & Jean Harshenin

Sent: May 23, 2020 10:27 AM

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

Subject: public hearing Z 20-01

We strongly oppose this cannabis grow op operation... due to property values will decrease also there is the odor factor as well...

Origin: <https://www.westkelownacity.ca/en/city-hall/contact-us.aspx>

This email was sent to you by Bill & Jean Harshenin<[REDACTED]> through <https://www.westkelownacity.ca/>.

Collette Beggs

Subject:

RE: File Number: Z 20-01

From: LORRAINE PATTISON <[REDACTED]>

Sent: May 23, 2020 3:41 PM

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

Subject: File Number: Z 20-01

Lorraine Pattison

120 - 1850 Shannon Lake Road, West Kelowna, B.C. V4T 1L6 [REDACTED]

May 23, 2020

West Kelowna City Hall
2760 Cameron Road
West Kelowna, B.C.

Attention: City Clerk, File Number ((Z 20-01) - Regarding Building Number 3

Dear Sir/Ma'am:

I live at #120 in a mobile home park known as *Crystal Springs* located off Shannon Lake Road. Our park is situated just above the "light Industrial" area where a Cannabis Grow-op is being considered.

What the heck is this kind of facility being planned for so close to a residential area, affecting hundreds of people within a couple of miles...

I would like to submit my objection to this operation.

I only just moved into Crystal Springs in February, 2020. It is a well-established, gated community for those 55 years, and older – a beautiful place to live out my final years in peace, with a feeling of security. Then, I am hit with the terrible news of a cannabis grow-op right behind us. **I am already thinking of moving out!** This would be a financial burden to me to have to move again, especially so quickly before I've even had a chance to enjoy my new home.

I located to this area to be close to the Kelowna General Hospital. But, now, with my chronic health problems and my age, I feel, the smell and noise of fans going from an operation like this, and heavy vehicle traffic, with trucks coming and going and backing up – BEEP; BEEP; BEEP. It would be very disturbing, and hard on my health.

As one ages, smells, sounds, chemicals bother us more. I think it would be difficult to have the windows open in the summer with all the noise and the smells coming 24/7. Those with asthma, and respiratory problems, would have great difficulty. The constant generator noise, the skunk-like stench, and whatever else, could ruin the peace we seek to live out the rest of our lives.

Please, I beg you, reconsider building such an operation here, where so many seniors live, especially the BrookHaven Nursing Home just on the other side of the creek.

Sincerely, Lorraine Pattison

Collette Beggs

Subject: RE: Z 20-01; Zoning Bylaw Amendment No. 0154.88; 2648

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

From: noreply@westkelownacity.ca <noreply@westkelownacity.ca> On Behalf Of Leonard Cotton
Sent: May 23, 2020 5:39 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: Z 20-01; Zoning Bylaw Amendment No. 0154.88; 2648

Here is my submission regarding Z 20-01; Zoning Bylaw Amendment No. 0154.88; 2648 Kyle Road

Origin: <https://www.westkelownacity.ca/en/city-hall/contact-us.aspx>

This email was sent to you by Leonard Cotton<[REDACTED]> through <https://www.westkelownacity.ca/>.

Date: May 23, 2020

To: West Kelowna City Council

Att'n: City Clerk (File #Z 20-01)

Re.: Submission to PUBLIC HEARING May 26, 2020 - Item 5.1
Z 20-01; Zoning Bylaw Amendment No. 0154.88; 2648 Kyle Road

One of two complete and utter surprises was that a marijuana grow-op is a permitted industrial park land use for which no resident of the park seems to have been aware. It seems that this use was one of several that was tucked into the language of the original council zoning by-law created in 2014.

The second complete and utter surprise was the admission that Councillor Jason Friesen did not care in the slightest that the grow-op would produce noxious odours throughout the nearby residential area, not just Crystal Springs! He was, in fact, quoted by Castanet News as having stated that "yes it's going to stink, but it is allowed.", clearly indicating that the residents of Crystal Springs and the surrounding area are about to not be considerately represented or protected by our own city council. This is a stunning reflection on the inconsiderate, high-handed manner in which West Kelowna City Council finds it acceptable to treat its citizens!

So, Coun. Friesen and, by extension city council it would seem, has no problem in allowing such a gross, skunky, disgusting stink to waft around my home despite the effects on my health, my real estate values, and my lawful enjoyment of my property. But Coun. Friesen reminds us that this is not what he wants to talk about. His attitude is one of "too bad, so sad" and/or "it sucks to be you". Residents of Crystal Springs moved here and spent hundreds of thousands of dollars to purchase their property in this area in their senior years. Residents of Crystal Springs are NOT second class citizens!

To say that it's been decided that a marijuana grow-op is permitted and so it is a done deal is purposely misleading and ingenuous to say the least. Before it was decided by council to be a permitted use, it was not a permitted use. All it took was a city council decision to change it to a permitted use, as mistakenly as it was to do so immediately adjacent to a residential area, and just as easily corrected. Do we indeed actually have to go through the expense of lawyers to have council acknowledge the obvious?

The decision was taken back in 2014 when it was the beginning stages of coming to terms with the issue of legal marijuana grow-ops. There is absolutely nothing wrong with re-considering the issue in light of the things we now know that we did not fully understand back then, such as the sickening skunk smell of that activity. To

say that regulations insist on odour control does not negate the fact of that sickening stink when the controls, if they work, break down.

From a community health perspective, we know that exposure to unpleasant odours will affect an individual's quality of life and sense of well-being. Exposure to odorous compounds can potentially trigger physical symptoms, depending on the type of substance responsible for the odour, the intensity of the odour, the frequency of the odour, the duration of the exposure, and the sensitivity of the individual detecting the odour.

This marijuana grow-op activity is not just passing through; it will be permanent and full-time! The time and cost of dealing with the issue after it's in place will be exponentially more expensive, time-consuming, and difficult to correct after it's in place. It is drastically smarter to negate the problem before it occurs.

These homes cost over \$200,000 to over \$300,000 and the effort and financial investment that its residents have put into the park has made it the best park in the Okanagan valley. The egregious stink of a marijuana grow-op would make it no better than an open dump pit!

West Kelowna has a vast swath of un-occupied land available for this kind of activity. There is absolutely no need or acceptable reason to stick it so blatantly uncaringly and disrespectfully up our collective nose!

Sincerely,

Leonard Cotton [REDACTED]
164-1850 Shannon Lake Rd.
West Kelowna BC V4T 1L6

Collette Beggs

Subject: RE: Senum

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

From: noreply@westkelownacity.ca <noreply@westkelownacity.ca> On Behalf Of Sheri and Merv
Sent: May 24, 2020 4:47 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: Senum

Absolutely appalled at the idea of a marijuana grow op in our back yard! So many older people here in crystal springs are very stressed at the idea of this project which rightly belongs in an isolated area, not Literally right in our back yard. The wind is almost always from the north and I know the smell (like skunk) will be intolerable. What is the city thinking? Don't we have enough to worry about now without this?

Origin: <https://www.westkelownacity.ca/en/city-hall/contact-us.aspx>

This email was sent to you by Sheri and Merv<[REDACTED]> through <https://www.westkelownacity.ca/>.

Collette Beggs

Subject: RE: Bylaw Amendment

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

From: noreply@westkelownacity.ca <noreply@westkelownacity.ca> On Behalf Of Eileen & Joe Boriska

Sent: May 24, 2020 5:40 PM

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

Subject: Bylaw Amendment

I am opposed to the change of the Cannabis you want to make The original zone for a bay or two out of a multi tenant building was approved in the city plans. A major industrial scale production facility of 225,000 sq. ft. was Not. All the information clearly shows these large scal operation are dangerous to health. Please vote this amendment down. Do not allow it.

Origin: <https://www.westkelownacity.ca/en/city-hall/contact-us.aspx>

This email was sent to you by Eileen & Joe Boriska<[REDACTED]> through <https://www.westkelownacity.ca/>.

May 23, 2020 #28

Re: Amendment to zoning on Kyle Rd.
Concerning grow-op (INDUSTRIAL SCALE)
ATTN: City Clerk / File # 220-01

To the WISE DECISION MAKERS OF
WEST KELOWNA.

I am totally against an industrial
scale grow up so close to my
new home in Crystal Springs just
three weeks ago, did not know this
was on the table.

We are all seniors here, I
imagine the most of us
with health concerns, asthma,
allergies, heart issues, etc, etc,
etc, etc (you know what I'm
talking about) so do not need to
add another potential air pollutant
to the mix. Not to mention
traffic and market values.

Please consider my "no thanks"
very seriously.

Sincerely Carol Atchison

CAROL ATCHISON
33-1850 SHANNON LK. RD.
WEST KELOWNA, BC
V4T 1L6

RECEIVED
MAY 25 2020 @ 8:30am
CITY OF WEST KELOWNA
Development Services

Collette Beggs

Subject: RE: May 26, 2020 Council Meeting re Zoning Amendment Bylaw No 0154.88

From: DL Thompson <[REDACTED]>

Sent: May 25, 2020 12:34 PM

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

Subject: May 26, 2020 Council Meeting re Zoning Amendment Bylaw No 0154.88

Hello,

Chris Oliver informed us that we could submit the following letter which is due no later than 4:00pm today, with respect to the Notice of Public Hearing re Zoning Amendment Bylaw No 0154.88.

Sincerely,

Lenore and Dave Thompson

[REDACTED]

To: West Kelowna City Council
Date: May 25, 2020

Re: Zoning Amendment Bylaw No 0154.88 Public Hearing May 26, 2020 6:00PM

A proposed commercial cannabis growth operation raises many issues for West Kelowna. As the governing Council you are being asked to decide whether the facility should be allowed to go ahead. It is assumed that whatever your decision is, it will be based on a thorough review of the impact on the communities and facilities adjacent to the proposed site and the community as a whole. Hopefully the following questions/issues will be taken into consideration when making a final decision. A failure to do so would represent a failure of the Council to act on behalf of the citizens of West Kelowna.

1. What impact will this have on the reputation of West Kelowna. We would not want West Kelowna to be considered a stinky city.
2. How much strong odor will be present affecting adjacent neighbourhoods, the students at Constable Neil Bruce Middle School, and the residents of Brookhaven Care Center. Outdoor activities may have to be severely curtailed for all parties impacted. Studies in the U. S. where urban commercial facilities are located indicate the odor travels on average 1.4 kilometers. This means from Stevens Road down Hwy 97 to Westview Village, and from Shannon Lake Golf Course to Quail's Gate Winery will be affected.
3. What will the noise pollution be as a result of the facility? Have studies been completed as to the decibel range, and the time of day when it is necessary to run the equipment? If the equipment is run at night for favourable cost considerations, there will be an impact on the mental health of local residents. Will noise bylaws be breached?
4. Have electrical consumption studies been completed to ensure that no outages will occur as a result of the high consumption of electric power by this facility?
5. How will disposal of solid and liquid waste be dealt with and what impact will it have on our environment?
6. What will be the impact of the increase in large commercial carrier vehicles to move product, from both a noise level and road usage point of view.
7. What are the emissions that will be released into the air; are they harmful in any way over a period of time? Where can we obtain a copy of the results of this study?
8. Have security concerns around this operation been considered, as the product could attract those interested in obtaining the product illegally?

We would appreciate it if you could email us the answers to the above questions.

We have inserted below an excerpt from the Register Guard (newspaper) in Eugene Oregon, describing their experience with an urban Cannabis growth facility:

Are the neighbors of large cannabis operations just collateral damage? Here's what it's like to live next to the industrial-scale marijuana operation on Cedar Park Road, our mostly residential street just outside Cottage Grove.

Classified by the state as an "agricultural" crop, cannabis can be grown and processed in Lane County on lots surrounded by rural residential properties -- with many undesirable but not really unexpected effects. Our neighborhood's core concern is not the legalization of recreational marijuana, but rather the permitted size and proximity to residential neighborhoods of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge (six to 10 times) increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks on this once-safe dead-end street. The facility emits a constant rattle of commercial-scale diesel generators running all day, every day.

The stench: We have experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench prevented us from opening our windows and doors to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted by the cannabis operations triggered severe headaches, asthma episodes and other respiratory problems in several households on our street. We are greatly concerned about the effects of such chemicals on infants and people with weakened immune systems -- and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operations.

For months, the stench forced us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor projects) and play (patios, porches, outdoor dinners, swimming pools, etc.)."

The facility being proposed appears to be quite large, taking up three buildings and close to 60,000 square feet. This would qualify as a major facility, will all these attendant issues. Should these issues occur, then we will be left with perhaps only the legal avenue to pursue the cannabis facility. Precedent indicates parties may not have an avenue of pursuit against the city, but that is based on existing bylaw enforcement not the failure of the city to do a complete due diligence before making a decision affecting its citizens.

You can tell from the tone of our letter we feel to allow this facility to be built as proposed would be a major mistake on the part of city council, and we encourage you not to permit it to go through.

Sincerely,

Dave & Lenore Thompson, 1919 Cornerstone Drive, West Kelowna [REDACTED]

Collette Beggs

Subject: RE: Kyle Road - Letter of support for public hearing

From: Jackie Lee <[REDACTED]>
Sent: May-25-20 12:44 PM
To: Chris Oliver <Chris.Oliver@westkelownacity.ca>
Cc: Aaron Vornbrock <[REDACTED]>; Jackie Lee <[REDACTED]>
Subject: Kyle Road - Letter of support for public hearing

Chris,

Enclosed is my letter to be submitted for the public meeting. Please review and comment. Thanks.

Regards,

Jackie Lee
VICE PRESIDENT, CONSTRUCTION



1620-1185 WEST GEORGIA ST
VANCOUVER BC V6E 4E6
[REDACTED]

denciti.ca



May 25, 2020

City Council of West Kelowna

RE: Public meeting for text amendment request for Kyle Road

With respect to due process and the physical distancing requirements, we understand that the Public Meeting will be done with letters and via video conferencing to address the community concerns. Since we cannot be there in person, Chris Oliver has kindly forwarded me the link to the letters that were submitted for the meeting. I have read every one of the letters, and completely understand and appreciate the community's concerns.

First, let me thank all our neighbours who wrote in, showing how much love they have for their beautiful community. Second, I think there is a misunderstanding regarding the purpose of our request for the text amendment, and the relaxation of the 150 metres buffer abutting a P zoned property.

As developers, we work with the local government to focus on how to improve the community and how to create a better environment for the surrounding businesses when projects of this magnitude are developed. We take pride in developing a concept on these lands so local businesses can grow and expand. We, however, do not dictate what the spaces are to be used for when we construct the shell of the buildings meeting local codes and bylaws. The use of businesses is governed by the local zoning bylaws. In this situation, buildings 1 and 2 were purchased by 2 different private entities, so we have no control over how the individual units are being addressed toward future businesses.

Due to some early dialogue with one of the potential purchasers about Cannabis facilities, we concluded that a text amendment was necessary to create a more vibrant mix of businesses for both the owners and the community, if a Cannabis facility was housed in one of these buildings. With the existing bylaw, if there is a tenant that is a Cannabis facility, the entire building has to cater to the Cannabis industry, which would force the owner's hand to lease or sell the remainder of the building to Cannabis facilities. Therefore, by amending the text to allow other uses to share the building with a Cannabis facility in a multi-occupancy building, opportunities for other businesses to be in the same building will be provided, and create a more vibrant mix of businesses within each of the three buildings.

With a similar purpose, we requested a relaxation of a distance of 110 metres from the required 150 metres to an abutting P zoned property, so we can provide a better business mix to the community since we have no idea or control on how buildings 1 and 2 are being used. In fact, we estimated that the minimum functional separation is more towards 245 metres from the residences, since the adjacent P2 property is pushed back and separated by a riparian area and McDougal Creek.

In conclusion, I think the text amendment and the relaxation will protect the community's interest and concerns as noted in most of our neighbour's letters. If we stay with the original text in the bylaw, there is a possibility of multiple buildings solely used for Cannabis production. However, if the amendment and the relaxation are adopted, the city ensures opportunities to create a greater mix of businesses on this land in the community, even if the demand for Cannabis facilities prevails.

We look forward to working with the city and the neighbours to further understand the benefits of this adoption. I will be watching the webcast and will be available at [REDACTED] throughout the broadcast to answer any questions the Council might have during the public meeting.

Sincerely,



Jackie Lee

VP of Construction



Collette Beggs

Subject: RE: Proposed Grow Op on Kyle Road

From: Duck Lake Enterprises <[REDACTED]>
Sent: May 25, 2020 1:57 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: Proposed Grow Op on Kyle Road

Attention: City Clerk, File Number (Z 20-01) Grow Operation on Kyle Road

To: West Kelowna City Council and Mayor Milsom

We are acting managers of the Crystal Springs Modular Home Park. Upon learning of the proposed grow op on Kyle Road, next to Crystal Springs, we have some concerns for our residents. These are in regards to noise, smell, security, and property values. There are currently 215 homes in close proximity to the proposed building. This being a 55+ park, many of our residents are retired, elderly and some have health issues. With a proposed grow op so close by, can you say for certain that it would not affect their ability to enjoy their homes and community? We ask the mayor and council to consider the potential negative effect this could have on all residents in the area, including Brookhaven and the school close by. Please examine all issues related to this amendment.

Sincerely,
Colette and Jason Walker
Duck Lake Enterprises
#203-540 Groves Avenue
Kelowna, BC
V1Y 4Y7

Collette Beggs

Subject:

RE: Urgent - Invalid Public Hearing Notice - Zoning Amendment Bylaw No. 0154.88 on May 26, 202

From: Bill <[REDACTED]>

Sent: May 25, 2020 4:18 PM

To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>

Subject: Urgent - Invalid Public Hearing Notice - Zoning Amendment Bylaw No. 0154.88 on May 26, 202

1. Herein is detailed the reasons the notice of Public Hearing for Zoning Amendment Bylaw No. 0154.88 on May 26, 2020 is invalid.
2. Also included is notice that the Public Hearing cannot be completed safely and that it's planning is careless, not in the public interest, and was has not followed any guidelines necessary.
3. Finally there are reasonable grounds to consider serious implications of bias and conflict of interest and ethical improprieties in both the planning of the hearing and the intent and behavior of council member(s). Inquiries are made in the public interest and no accusations are made. Clarifications are welcome and requested.

Notice

You have failed to issue notice properly.

The mailing was postmarked the 12th of May. Covid-19, recognized by this council as impacting business of the city, and Canada Post is no exception. These did not reach our boxes until Friday of the Victoria Day long weekend, and setting a deadline for submissions for Tuesday the 19th at 10am the first day business day after the long weekend.

Many impacted residents, as you and/or your staff should have known before making their recommendations, are immune compromised or with health conditions. Due to Covid-19, the same impact on the hearings, just checking mail is a risk so it is not done as often. Note substantiated by our management:

Cleaning of Mailboxes 📧

Duck Lake Enterprises <ducklakeenterprises@orange.com>

Wed Apr 1 1 30 PM

to cc: me

Dear residents

There is an article in the news regarding disinfecting mail boxes

This was clearly **planned to take advantage** of the focus on the long weekend in a confusing time of pandemic, counting on the inattention due to circumstances, to slip under the radar so to speak.

I have also long subscribed to the eNews service of the City of West Kelowna. It includes among other things Public Hearing notices which I have received prior to this. I have certainly been attentive to any and all notices from the city and it was not issued.

You even have a social media policy for notice of same on Twitter and Facebook, which many of us do not follow or have no access to. I am not even sure which newspaper you would use for notice as to my knowledge you do not announce that.

The problem is that you have created an expectation of eNews notifications as a pro forma accepted medium for notification. You cannot now disavow it's shortcomings.

This together shows a disregard for your own Code of Ethics policy.

- Act in the Public Interest "...conduct their business with integrity, in a fair, honest and open manner.'
- Respect for Process '...meaningful involvement of the public..."

I believe there is more than sufficient evidence to declare invalid the bylaw amendment notwithstanding section 470(4) of the Local Government Act.

Public Hearing policy

As for the ability to safely hold public hearings in this time of pandemic you have a legal responsibility to follow the same procedures originally used to craft existing policies. You may not operate ad-hoc without careful consideration of all needs to attend and without input.

I spoke with Tracey Batten who identified herself as Corporate Officer last Wed. May 20 in part about this issue. I fully documented the discussion.

When asked for the updated policy for public hearings she said it was still being determined. I confirmed this with her and it is clear you initiated a public hearing without knowing how you would accomplish this, **another indication of the lack of ethics in pushing this notice out.**

She referenced BC Public Health policy as their guide. I asked for a link or direction to the specific text she was using. She accepted my email address and said she would send it to me. I have received nothing.

I cannot be expected to participate if you will not publish the relevant basis for your actions.

For context, I informed Ms Batten I am immune compromised, and your letter to attend for further instructions from staff is insufficient and short sighted. You cannot anticipate individual needs again without a process to seek input and formally adjust your hearing policy.

Tracey Batten made more than one attempt to dissuade me from attending in person, even though the first time I told her she was wasting her time as I was going to attend in person. This is not conjecture, or para-phrasing, as I did document it verbatim. **She actively attempted to convince me to give up my right to be heard in person.** I believe you are duty bound to investigate this.

To date I see no direction on your site nor in notifications electronically of current hearing guidelines or policy. Like the hearing itself, you have pushed ahead outside of legal, ethical and regulated boundaries.

Should you choose to ignore these facts saner heads will see the facts and the hearing will be overturned, and as well you will make the citizens of West Kelowna possibly liable for damages to the parties affected.

Bias & Conflict of Interest

Councillor Friesen's public statement "...it will smell..." shows he is biased:

UBCM Fact Sheet 17, Public Hearings, defines bias as:

Having a totally closed mind prior to the public hearing; not being amenable to any persuasion.

His comments and clearly aggressive attitude in his response also raise the likelihood he has a Non-Pecuniary Conflict of Interest defined in the same UBCM Fact Sheet;
'...a personal but non-financial interest in the outcome. For example a close friend or a family member may be affected by the outcome.'

I base this also on my experience as a smoker quit twenty years ago, and one that now understands the impact use of tobacco had on my ability to recognize it's odor and the effect it had on those nearby me. I propose his lack of concern reasonably be assumed could be due to his own use of cannabis thereby not appreciating the impact it would have on the masses that do not.

I believe it fair and just under your own ethics policy to request Councillor Friesen announce formally and on the record his individual personal use.

In fact, in the interest of full disclosure all council and staff directly or indirectly connected to this issue need to declare formally and publicly whether they or family, friends or business contacts use/used cannabis products in any form, and any personal and non-arms length associations with any owners, principals, vendors or future tenants of the property at issue .

The conduct and observations as described in this email make this both reasonable and necessary.

For the record federal Cannabis Regulation section 85(1) in part reads;

85 (1) Any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with a system that
(a) filters air to prevent the escape of odors associated with cannabis plant material to the outdoors

Conclusion

While many of my neighbors whom I have confidence in have put a great deal of time and effort into compiling the errors you have made in pursuing the original subject, I admit that I missed my opportunity to make a proper submission before your premature deadline. The second deadline was too limited, and we know that anything submitted for it does not have time to be seriously considered by staff or council. There is far too much information to be seriously considered to make an informed decision in this timeline.

This is a complicated weighty issue and has been over-whelming with your obvious haste to push it through in the face of the mountain of evidence and public interest to the contrary. Frankly I believe the business will eventually be ordered closed as evidenced by the documents forwarded by those concerned. For now I was denied my right to join my neighbors in a meaningful way.

Crystal Springs Adult Community is one of the most sought addresses in this demographic in the central okanagan. The inevitability of negative health, safety and security issues will decimate the futures of it's residents. This will be each and every one of your's legacy in choosing a drug grow op over the lives of so many who deserve to enjoy their just rewards in life. Your guidelines and bylaws are anemic and not thoroughly supported.

You will not be alone. The developers, owners, landlords, tenants, suppliers and even customers of tenants will all stand up publicly and accept their part in this legacy. Even Justine Trudeau must also accept this legacy ultimately as well particularly for the toothless enforcement of federal regulation and similar pandering to corporate interests. *Though I have already been confronted aggressively by a principal in this project, and that too will be part of your legacy.*

Make the correct decision, not the easy one.

Sincerely,

Bill Friesen