



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, MAY 26, 2020

MEMBERS PRESENT:

Mayor Gord Milsom
Councillor Rick de Jong (via Zoom)
Councillor Doug Findlater (via Zoom)
Councillor Jason Friesen (via Zoom)
Councillor Stephen Johnson (via Zoom)
Councillor Carol Zanon (via Zoom)
Councillor Jayson Zilkie (via Zoom)

Staff Present:

Paul Gipps, CAO
Mark Koch, Director of Development Services
Sandy Webster, Director of Corporate Initiatives
Brent Magnan, Planning Manager
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant

1. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 6:05 p.m.

It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

The meeting was open to the public and all representations to Council form part of the public record. The meeting was webcast live and archived on the City's website.

In accordance with Council's Procedure Bylaw, some Council members attended the meeting by electronic means.

2. INTRODUCTION OF LATE ITEMS:

Correspondence was received from the following:

- Dorothy Witt and Claire Meashaw
- E. Hees
- W.O. Wilson
- Ted Duch and Corrie McCartney
- Shirley and David Misener
- Almer and Agnes Elias
- Arnold and Colleen Deans
- Yvonne Carlstrom

- Bill and Jean Harshenin
- Lorraine Pattison
- Leonard Cotton
- Sheri and Merv Senum
- Eileen and Joe Boriska
- Carol Atchison
- Leonore and Dave Thompson
- Jackie Lee (Applicant)
- Colette and Jason Walker
- Bill Friesen

3. **ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

4. **OPENING STATEMENT:**

The Mayor welcomed those in Royal LePage Arena who attended to watch and participate in a modified Public Hearing process being held during Covid 19. The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Zoning Amendment Bylaw No. 0154.88.

The Mayor noted that information pertinent to this application has been made available for inspection which includes any written comments received to date for the applications and that Notice of the Public Hearing was duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 **Z 20-01, Zoning Amendment Bylaw No. 154.88, 2648 Kyle Road**

The Planning Manager introduced Zoning Amendment Bylaw No. 0154.88 to change the Zoning from Light Industrial Zone (I1) to a Site Specific Text Amendment to the Light Industrial Zone (I1) to permit a cannabis production facility in a multi-tenant building sited a minimum distance of 110m from a P (Institution and Assembly) zoned parcel.

The Mayor advised that due to Covid 19, the Applicant was not attending the meeting in person, but had provided a written submission.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file.

Doug Waines

- Concern with the notification process; 263 residences were served notice; Crystal Springs and Treasure View received 233 notices, however 168 residents of Brookhaven were not served notice;
- Dr. Henry cautioned that a gathering of any kind is a risk during the pandemic and yet the City decided to proceed with holding this Public Hearing;
- The development application bypassed the Advisory Planning Commission;
- Due to the pandemic, frontline healthcare and other workers are too busy to evaluate this application and attend to present their concerns;
- The notice only provided one day to research and respond to the proposal;
- Council is at home in safe surroundings while the public are required to attend this public gathering in an arena;
- The folks attending are at the highest risk during this pandemic;
- Concerns include health hazards from air and noise pollution, noxious particulates in the atmosphere, foul smells, change of character of the building, and potentially having one operator for 110,000 square metres of production space;
- Concern with excessive noise from continuous exhaust fans;
- Concern with loss of safe enjoyment of homes and yards of neighbouring properties;
- There is a security risk due to size and nature of business;
- There may be an increase in property crime;
- Residential property values may be reduced;
- There may be an increase in health risks - why are employees required to wear personal protective equipment?
- There is a risk to resident's health when things go wrong;
- Do not trust government to look out for resident's best interests.

Lee Karvonen

- Concern that the proposed development process is undemocratic, unhealthy, immoral and illegal;
- This Public Hearing would not have occurred without public outcry;
- There are a number of cannabis facilities that have emitted noxious odors; Health Canada's plan does not stop these odors from occurring;
- Brookhaven Care Home, Crystal Springs, Treasure View Estates and Constable Neil Bruce school may be subject to noxious odors and hazardous chemical particulates;
- Brookhaven Care Home, Crystal Springs, and Treasure View Estates include seniors with compromised immune systems;
- Students may be subject to smelling cannabis off-gases and chemical particulates in the air every school day;
- What guarantee is there for safely vented air?
- Grow op's belong in rural areas where most farms are located;
- The proposed site will provide tax dollars no matter who operates from there;
- Business will not want to set up near a 100,000 square metre cannabis producer;
- This application should be voted down unanimously;

- Concern that the process is being mis-handled and illegitimate.

Karen Michaud

- Submitted a letter May 17, 2020 but have not received answers to any of the questions;
- It is not fair to ask residents to attend in person given the Covid 19 climate;
- It is sad that all Council could not be present and distanced 6 metres apart in Chambers;
- Not opposed to cannabis production; however, there are more appropriate locations in West Kelowna for these facilities;
- Cannabis facilities should be built away from residential properties;
- The Developer's comment states there is a misunderstanding with the neighbours and the purpose of their request and the realization of their 150 metre buffer abutting a P zone property;
- The Developer wishes to improve the area for surrounding businesses; what about the surrounding residences?
- Community betterment is not the case for residential neighbours – this industrial site is bordered by one P zone (Brookhaven), RMP zone (Crystal Springs), Constable Neil Bruce Middle School, 8 small business on Kyle Road, 2 multi-tenant commercial buildings, Westbank Industrial park with 8 businesses, and the old pellet plant
- This is a proposed 6 multi-tenant building, with 59 units, possibly 2-3 employees per unit, 317 parking stalls, 62 loading zones (22 on the back facing their park), with significant traffic issues; how will this be beneficial to the residents and the environment?
- The only way out of Kyle Road is onto the secondary Byland Road;
- Concern with traffic issues on these intersections;
- The subject property has existing debris and is adjacent to a highly vegetated buffered and densely treed McDougall Creek separation to Brookhaven Care Centre;
- There are many dead and down trees on site with no buffer for Crystal Springs residents from the south winds that blow through the industrial site carrying particles and smells through the Park;
- There should be no cannabis in buildings 4, 5, or 6;
- The owners of buildings 1 and 2 are unknown at this time;
- Cannabis is already permitted in buildings 1 and 2 if there are no other tenants;
- If other tenants are accepted, there should be no cannabis in any of these buildings.

The Mayor asked if any wished to address Council for a first time. There were no comments from the public.

The Mayor asked if anyone wished to address Council for a second time.

Doug Waines

- Concern with smoke and particulates, and increase in noise;
- It may put 500 vulnerable seniors into risk because of the proposed use;
- 110,000 square metres of cannabis operations in one site is too much;

- Concern with Federal Health Canada overseeing, regulating, and inspecting production facilities;
- There are currently four existing cannabis producing facilities in the West Kelowna Industrial Park;
- The Industrial Park is suited for large productions as no residents live nearby;
- This is a huge change from a small 1 or 2 unit building to a massive industrial scale building;
- Asking Council to remove cannabis operations from this particular I1 zone due to the residents nearby and the proximity to Brookhaven

The Mayor asked if anyone wished to address Council for a second time. There were no comments from the public.

The Mayor asked if anyone wished to address Council for a third time. There were no comments from the public.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

It was moved and seconded that Council adjourn the Public Hearing and reconvene the Public Hearing on June 2, 2020 at 6:00 p.m. at City Hall. The motion carried unanimously.

The public hearing adjourned at 7:20 p.m.

The public hearing reconvened at 6:04 p.m., Tuesday, June 2, 2020

MEMBERS PRESENT:

Mayor Milsom
Councillor Rick de Jong (via Zoom)
Councillor Doug Findlater (via Zoom)
Councillor Jason Friesen (via Zoom)
Councillor Stephen Johnson (via Zoom)
Councillor Carol Zanon (via Zoom)
Councillor Jayson Zilkie (via Zoom)

Staff Present:

Paul Gipps, CAO
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It was acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

The meeting was open to the public and all representations to Council form part of the public record. The meeting was webcast live and archived on the City's website.

In accordance with Council's Procedure Bylaw, some Council members attended the meeting by electronic means.

INTRODUCTION OF LATE ITEMS:

Correspondence received from the following:

- Steven and Wendy Fish
- Kate and Paul Smith
- Richard Lasouski
- Margaret and Victor Fast
- Tom and Roni Campbell
- Doug Waines
- Muriel Steffenson
- Emma and Mike Plimley
- Donald Schultz

ADOPTION OF THE LATE ITEMS AGENDA:

It was moved and seconded that the Agenda be adopted as amended. The motion carried unanimously.

OPENING STATEMENT

The Mayor advised that this Public Hearing is a continuation of the May 26, 2020 Public Hearing.

The Mayor welcomed those in Royal LePage Arena who attended to watch and participate in a modified Public Hearing process being held during Covid 19. The Mayor read the Public Hearing Opening Statement, advising that this Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

The Planning Manager provided an update on the Application.

The Mayor asked for a first time if there were any members of the public who wished to address Council regarding this file.

Lee Karvonen

- There is currently an on-line petition in progress with 275 signatures opposed to the proposed cannabis production facility;
- Feels that the re-zoning process is flawed as it conflicts with existing regulations and bypassed the Advisory Planning Commission;

- Stakeholders, including Treasure View, Brookhaven, Crystal Springs, schools and surrounding businesses were not consulted;
- Only one business day was given to prepare for last week's public hearing;
- No negative aspects of the proposed cannabis production were provided from staff;
- Health Canada Regulations have not prevented noxious exhaust and odors from escaping production facilities;
- The 150 m buffer zone is meant for small scale production facilities, not for large facilities as proposed;
- The effects from large cannabis operations emitters are unknown;
- Workers will be required to wear masks; what about people living around the site;
- The Community is almost unanimously opposed to the bylaw change;
- The Developer can rent to non-cannabis tenants;
- Request that this application be voted down.

Doug Waines

- After first and second reading of the bylaw, there was no consultation with stakeholders;
- If there had been no opposition from the residents, the Bylaw would have been passed;
- There could be over 500,000 square feet of pot plants on site;
- Why could the proposed facility not be located somewhere else;
- It is being proposed next to a community, a care home, a school and other businesses;
- The Developer did not attend the Public Hearing;
- Does the Developer have a tenant ready to move in;
- Request that Council keep the status quo;
- Requesting the bylaw be amended to exclude cannabis production completely from this site.

Devinder Saini

- Support the residents who are opposed to the application;
- Asking that this matter be resolved without having to go through the Courts.

The Mayor asked a first time if anyone wished to address Council. There were no comments from the public.

The Mayor asked a second time if anyone wished to address Council. There were no comments from the public.

The Mayor asked for a third and final time if anyone wished to address Council. There were no comments from the public.

The Public Hearing terminated at 6:35 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Zoning Amendment Bylaw No. 0154.88 held on May 26, 2020 and on June 2, 2020.

Legislative Services Manager