



## City of Kelowna Public Hearing Minutes

Date:	Tuesday, April 25, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack
Members Absent	Councillor Charlie Hodge
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith, Urban Planning Manager, Terry Barton; Suburban & Rural Planning Manager, Todd Cashin*; Divisional Director, Community Planning and Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on Wednesday, April 12, 2017 and by being placed in the Kelowna Daily Courier issues on Friday April 14 and Wednesday April 19 and by sending out or otherwise mailing 57 statutory notices to the owners and occupiers of surrounding properties on April 12, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

### 3. Individual Bylaw Submissions

#### 3.1 TA16-0007 (BL11376) - Medical Marihuana Amendments

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence had been received:

**Letters of Opposition or Concern:**

Mark Conlin, Webber Rd, West Kelowna

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Mark Conlin, Webber Rd, West Kelowna

- Speaking as a medical marijuana user, advocate and media representative for Starbuds Canada.
- Opposed to this application.
- Referenced correspondence previously submitted including a summary of court rulings; the end of status quo – the current system of cannabis prohibition is failing our communities; patients need access to medicine.
- Provided comment on why the current federal regulations are discriminatory and cumbersome.

Robert Duncan Kay, Highway 33

- Owner of a local compassion club and grower under license for 8 years.
- Believes more time is required to compile further information to determine the implications this amendment will have.
- Noted that access is an important factor to consider; access should not be denied.
- Many patients have mobility and isolation issues and may not have credit cards as a form of payment.
- Recognizes that the recreation market will change the playing field dramatically.
- Responded to questions from Council.

Simon Grant, Swainson Road

- Spoke to the medical effectiveness of medical marijuana for patients with specific illnesses and diseases.
- Raised concern with denying patient access to cannabis dispensaries.
- Suggested Council delay their decision and take a tour of a modern dispensary.
- Believes that if dispensaries are closed it will increase more black market access.

Wayne Baron, Gordon Drive

- Is a member and patient of the local Compassion Club and praised Mr. Kay for his efforts.
- Spoke to the benefits to his health and pain management that medical marijuana provides him.
- Spoke to the compassion and support that staff at the Compassion Club provide.

Michelle Thiessen, Badke Road

- Registered student at UBCO and working on a Masters regarding clinical psychology on cannabis and harm reduction.
- Spoke to studies that show lower opiate deaths in States that allow marijuana dispensaries.
- Spoke to the benefits of substituting medical cannabis for prescription drugs.
- Spoke to a study on dispensaries that will be published shortly that details the community benefit of neighbourhood dispensaries and the social support for community members that it provides.

There were no further comments.

**3.2 1225 Hwy 33 W, OCP16-0024 (BL11380) and Z16-0071 (BL11381) - Seventh Day Adventist Church**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present.

Gallery:

James Daily, Morgan Road

- Lives in direct proximity to the subject property.
- Spoke to previous and current issues with this property.
- Spoke to the noise, nuisances and property damage previous tenants have created.
- Opposed to this rezoning.

There were no further comments.

### **3.3 Arab Ct, Appaloosa Rd and Sexsmith Rd, OCP17-0008 (BL11382)- Various Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence had been received:

**Letters of Opposition or Concern:**

Darcy Holloway, Angus Aitken and Jim Harder, Concerned Owners Group  
 Ken Bach, Appaloosa Road  
 Darcy Holloway, Appaloosa Road  
 Susan Hayes, Arab Road  
 Peter Bouchard, Appaloosa Road  
 Dora and Todd Gronsdahl, Appaloosa Road  
 Sara and Angus Aitken, Appaloosa Road  
 Chris and Rebecca Kellerman, 2870 Sexsmith Road  
 Evan A. Cooke, Eyford Macaulay Shaw & Padmanabhan LLP – Concerned Owners Group  
 Greg and David Kornell, Appaloosa Road  
 Chantelle Kshyk and Curtis Froats, Appaloosa Road  
 Dora & Todd Gronsdahl, Appaloosa Road

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Evan Cooke, Carrington Road, Legal Representative, West Kelowna

- Lawyer retained by a group of property owners.
- Referenced correspondence that had been submitted.
- Spoke to the various attempts to implement land use plans for the area.
- Spoke to the various staff reports and objectives stated in each of the reports.
- Spoke to the reasons that Council should retain the land use designations that are already in place.
- Questioned the boundary of the survey and noted that they don't all have the same properties or interest.
- Requested that Council retain existing land designations and have owners work with staff to determine best future of these lands.

- Responded to questions from Council.

#### Peter Bouchard, Sarsons Road

- Owner of property on Appaloosa Road.
- Opposed to this application.
- Spoke to the wording and boundary of the survey conducted and noted the percentage in favour.
- Spoke to the correspondence submitted.
- Made reference to the positive consolidation of owners who are more organized than they have been over the last several years.
- As a commercial realtor, spoke to the low availability and high demand for commercial lands and current designations increase the amount of commercial and industrial land inventory.
- Responded to questions from Council.

#### Dora Grons Dahl, Appaloosa Road

- Made reference to the correspondence submitted.
- Opposed to this application.
- Believes that changes made to the OCP for Appaloosa Road would mean a tremendous loss in their property value.
- Made comment that they had not been provided an estimate of their cost for servicing.
- Responded to questions from Council.

#### Darcy Holloway, Appaloosa Road

- Opposed to this application.
- Spoke to correspondence and video previously submitted.
- Believes the area is no longer a low impact area as the traffic volume has increased substantially.
- Believes the Appaloosa area will never be suitable for the REP designation and will make their properties undesirable.
- Raised concerns with relocation of their businesses and loss of livelihood.
- Encouraged Council to recognize the majority vote on the LAS decision.

#### George Trautmann on behalf of Gerta Trautmann, Appaloosa Road

- Speaking on behalf of his mother.
- Property was purchased in 1983 and is compliant with the current zone.
- No objection to zoning but raised concerns with the cost implications of a successful LAS.
- Currently has suitable water and sewer and would like to remain in her residence and not be forced to move.
- Responded to questions from Council.

#### Martha Harder, Appaloosa Road

- Has resided at this property for 36 years.
- Made comment on the increased traffic since opening of Commercial at the east end of Appaloosa Road
- Raised concerns with traffic using Appaloosa Road as a means to avoid congestion of Sexsmith Road as well as the residents of Sol Terra using Appaloosa Road to exit their area with their loss of access from Arab Road.
- Conducted her own traffic count on April 10<sup>th</sup> between 8:30 and 8:40 a.m. and 70 vehicles passed.
- Raised safety concerns for pedestrians and cyclists in the area.
- Opposed to this application.
- Responded to questions from Council.

#### Angus Aitken, 3156 Appaloosa Road

- Made reference to a rezoning application he submitted to I6 in 2012; currently operating a business from his property.
- Many residents were confused with the original survey but with the second survey residents were more organized.
- Would like to have more dialogue with staff and Council.
- Opposed to this application.
- Responded to questions from Council.

Kevin Kellerman, Sexsmith Road

- Speaking on behalf of his son Chris Kellerman who owns property on Sexsmith Road.
- Purchased property in 2016 on the understanding from the Planning Department that the land purchased was zoned I6.
- Made comment that 80% response to the survey was in favour of paying for servicing and proceeding with a formal LAS.
- Advised that his son did not receive a registered letter.
- Would like more discussion between staff and property owners.
- Responded to questions from Council.

Jim Harder, Appaloosa Road

- Member of the committee working with legal counsel.
- Lived in this area for 36 years and has been working with the City for several years on land use initiatives.
- Many developments are occurring with heavy traffic onto our road and believes it will only get worse.
- Spoke to his frustration with the changing of city staff reports over the past several years.
- Believes a majority vote should win and the majority of owners want the LAS.
- Asked Council to not change the OCP so that property owners can continue to work with staff.

Verne Kroschinsky, Appaloosa Road

- Advised that he never received a registered letter.
- Spoke with staff and was told that properties fronting Sexsmith Road would pay for Palamino Road.
- Questioned upfront servicing requirements that staff have stated are required.

Chantelle Kshyk, Appaloosa Road

- Over the last year the community has rallied together over the application.
- Inquired if there has been discussion on any other option other than the REP designation; believes the REP designation has no relevance.
- Encouraged Council to proceed with the LAS as per the majority preference.
- Opposed to this application.
- Believes the OCP designation will destroy the value of their land.

Sara Aitken, 3156 Appaloosa Road

- Advised that she has a home based business and never received a registered letter.
- Made comment that she is aware of the estimated cost for her property.
- Employees would have to be laid off if this application proceeds.
- Opposed to this application.

Bruce Aitken, Hemlock Road

- Son and daughter-in-law purchased property in the area and before subjects were removed was told by previous staff it was designated I6; when the new OCP came out we submitted an application and it has been there for years.
- Feels like we are now in limbo.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 8:37 p.m.

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Mayor

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City Clerk

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