



City of Kelowna Public Hearing Minutes

Date: Tuesday, May 2, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Deputy City Manager, Joe Creron, City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton*; Suburban & Rural Planning Manager, Todd Cashin*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:04 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 April 19, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, April 21, 2017 and Wednesday, April 26, 2017 and by sending out or otherwise mailing 311 statutory notices to the owners and occupiers of surrounding properties on April 18, 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

Councillor Donn joined the meeting at 6:07 p.m.

3.1 Temporary Farm Worker Housing Bylaw Amendments OCP16-0022 (BL11373)
 TA16-0015 (BL11374) - City of Kelowna

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:

Norm and Tasha Melnichuk, Shanks Road
Lynn Lashuk, Seaton Road, Winfield
Glen Lucas, BC Fruit Growers' Association

Letters of Support or No Objection:

Martin Collins, ALC
Kevin Edgecombe, Urban Development Institute Okanagan Chapter
Elizabeth Heier, McKenzie Road

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

Gallery:

Glen Lucas, General Manager, BC Fruit Growers

- Displayed a PowerPoint Presentation, re: Temporary Farm Worker Housing Bylaw, May 2, 2017
- The BC Fruit Growers' Association was established in 1889 and represents 520 commercial tree fruit growers from the Canada-US Border to Salmon Arm.
- The Thompson-Okanagan Tree Fruit area cultivated a total of 14,766 acres.
- Each year the BC Tree Fruit Industry contributes consistently to the economy with an economic activity contribution of \$552 million.
- The Seasonal Agriculture Worker Program has a requirement to provide housing for foreign workers.
- Mexico and Caribbean Commonwealth Nations fill a labour shortage and the Industry would not be growing without the SAWP Program.
- Workers and employers prefer on farm housing.
- There is a short supply of rental housing off-site and not available for short-term or summer only.
- BCFGAs agree that a housing bylaw is needed and undertakes to work with the city for a long-term solution to non-compliant rentals to non-employees.
- BCFGAs requests:
 1. The farm unit definition: contiguous parcels.
 2. Threshold for a public hearing to be held on the housing project be increased from 40 to 60 workers.
 3. Term of occupation: 10 months per year.
 4. Undertaking of staff city that agricultural capability and minimization of impact on neighbours can be factors in locating TFWH more than 30 meters from the road.
- Specific changes proposed for Schedule B – TA16-0015
- Responded to questions from Council.

Bunvir Nijjer, Corporate Secretary and Seasonal Agriculture Worker Program, BC Fruit Growers

- Displayed a PowerPoint Presentation, re: Labour General Introduction.
- Provided a summary of BCFGAs labour recruitments, regulations and audits.
- Confirmed the Seasonal Agricultural Worker Program (SAWP) has an annual inspected housing requirement.
- The SAWP program has been the key to a thriving tree fruit industry.
- Maintaining a temporary foreign worker housing program is crucial.

Fred Steele, President BC Fruit Growers

- Made comment on previous cutting edge initiatives brought forward and supported by the industry and local governments.

- Made comment on the potential federal tree fruit funding program that may be announced soon with infrastructure to support the new improvements.
- Requested the opportunity to work with City staff to come up with a mutually agreeable plan based on anticipated future massive growth in the industry.
- Responded to questions from Council.

Sukhpaul Bal, BC Cherry Association

- Made comment on having a policy that meets the needs of the industry and currently the policy will not work for the anticipated growth in this area.
- Will need labour to go with acquiring and increasing farm land; ideally 1 worker per acre at harvest time.
- Has travelled to many companies and noted that Okanagan cherries are very well received on an international scale.
- Responded to questions from Council.

Amarjit Lalli, McKenzie Road

- Farming activity will increase if we receive federal funding and the need to bring in farm workers will be that much greater.
- Made comment on the land use process and how few respond and that there is a need to get people more engaged.
- Believes BCFGA proposals were made under a rushed time limit.
- Recommended that Council defer further consideration in order for homeowners, farmers and all partners to become more engaged in the process to find a rationale outcome.
- Responded to questions from Council.

Christine Denby, Pooley Road

- Displayed a PowerPoint Presentation re: Pooley Farm – Then
- Family has been farming here since 1903.
- Now modern commercial cherry farming, production, packing and sales are integrated.
- Modern BC Cherry Industry is growing and flourishing
- We require short term employees, and employ 120-150 for a 5-week period.
- During Kelowna's peak tourist season there are no options for cheap motel rentals, house rentals, or even public campgrounds where workers can stay.
- Having seasonal employees on site makes control and supervision possible; workers save money and time with minimal commuting (public transit does not go to orchards) and minimal issues with neighbours.
- Opposed to bylaw as it is presented.
- Supportive of the BCFGA's amendments.
- Responded to questions from Council.

Norm Melnichuk, Shanks Road

- Not an orchardist but a neighbor of an orchard.
- The need for foreign workers is real but there has to be mediation of where they will reside and the size of the temporary farm worker housing at it has real impacts on neighbouring property owners.
- Spoke to concerns raised in correspondence that was previously submitted>
- Spoke to noise and nuisances that a large worker housing compound can create for adjacent property owners and neighbourhood and noted that a 10-foot landscape buffer will do very little to stop the noise.
- Responded to questions from Council.

Resident, Dunster Road

- Farming family for many years.
- Agrees there needs to be a suitable setback from neighbouring properties.
- Believes that not all farmers provide adequate facilities for their temporary workers and that should be covered in the bylaw.
- Would like camps included in this bylaw to ensure that all farm workers have proper facilities as well.
- There needs to be an appropriate complaint system in place to include noise and trespass.

- Responded to questions from Council.

David Geene, Lake Country

- Owner of 28 acres in the north end of Kelowna.
- Spoke to the flaws in staff report pertaining to impact, BCFGAs and Work BC numbers.
- Believes the bylaw should apply to all farm workers.
- Questioned the definition of farm unit in the bylaw.
- Believes that city regulations currently make using housing year round problematic.
- Opposed to an 8 month residency limit.
- Raised concern with impacts the bylaw will have on the cherry industry in the Valley.
- Responded to questions from Council.

Resident, Lake Country

- Used to be part of the SAWP program and immigrated to Canada from Mexico.
- Commented that this program provides an important source of income for many Mexican families.
- Many workers are only here for harvest time and would like to stay longer but there is not enough housing.
- Responded to questions from Council.

Alex Geene, Lake Country

- Fifth generation farmer and involved with family business for several years.
- Opposed to the bylaw amendments
- Made comment that farming is a business and adequate labour is needed.
- Agrees that some regulation is required.
- Believes that those purchasing property in the agricultural area should know the implications of buying land next to farms.

Domenic Rampone, Kelowna BC

- Family has farmed in the area since 1893.
- Believes it's important for the City to support the large farming industry.
- The 40 worker threshold does not work for a large portion of growers.
- Believes more discussion should take place before an exact number of workers is determined.
- There are no tax payer dollars being spent to support this industry.
- Responded to questions from Council.

Alfred Kempf, Mathews Road

- Opposed to this bylaw and any restrictions for these large growers that in turn help the smaller growers.

Resident, Molnar Road

- Opposed to the bylaw amendments.
- Difficult to communicate and resolve issues with workers if they are spread out and living in various locations.
- There are issues with transportation of workers.

Mike Bylands, Bylands Road

- Opposed to the bylaw.
- Believes the 40 worker threshold is too low to trigger a Public Hearing process.
- Suggested cycling workers through 11 months of the year but no worker stays for more than 8 months.
- There is a lot consolidation occurring in this industry and to be a player and support large growers the workers are needed.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

The meeting recessed at 8:54 p.m.

The meeting reconvened at 9:06 p.m.

3.2 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Road, Rezoning Application Z16-0069 (BL11384) - Aqua Resort Ltd and City of Kelowna

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:

Pamela Beck, Cook Road
 Mark and Doreen Watson Cook Road
 Douglas Cebryk P Eng, Truswell Road, letters)
 Tony and Bev Walls, Cook Road
 Darryl and Sharyn Ruff, Truswell Rd.
 Angela McManus, Lequime Rd
 LJ Hornby, Truswell Road
 John and Evelyn Lorraine Schenk, Truswell Road
 Mike and Janet Smith, Trowel Road
 Thomas and Florence Steven, Truswell Rd
 John Matthews, Cook Road
 Julia Waddell, Truswell Road
 Geoff and Judith Sutherland, Truswell Road
 Cathy and Barry Dorin, Truswell Road
 Ron and Maureen Darnbrough, Truswell Road
 Larry McGuire, Truswell Road
 Carol Stein, Bird Place
 Murray Patterson, Truswell Rd
 Lesley Eames, Truswell Road

Letters of Comment:

Brent Pay, Okanagan Mission Residents Association

Letters in Favour/Support or Support with concerns:

Catherine and Barry Jaenen, Abbott Street
 Brad Pelletier, Radant Road
 Daniel Lobsinger, APM, St. Paul St. Associated Property Management Ltd.
 David Atkins, Selkirk Drive
 Bill Hardy, Campbell Place
 Dr. Paul Clark, KLO Neighbourhood Association
 Michelle Lemoine, Glacier Court
 Tony Markoff, Barnaby Road
 Laverne and Marianne Hannotte, 2 Evergreen Estates Dr, Meadow Lake, Saskatchewan
 John Link, Tanager Ct.
 Irving Goldenberg, Almandine Ct
 Peter Brady, Bernard Ave
 Murray Patterson, Truswell Rd

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

Luke Turri, Mission Group, Applicant Representative

- Displayed a PowerPoint Presentation summarizing their application.
- Spoke to required approvals and proposed rezoning of five Capozzi Road waterfront lots from the RU1 zone to the C9 zone; Aqua Marine Valet lot is currently zoned C9.
- Made comment on the OCP 2030 vision regarding Mixed-Use Tourism.
- Spoke to the floor area ratio, maximum floor area, number of homes, vehicle parking on site and maximum height of the C9 zone and Aqua proposal.
- Spoke to the design process and community engagement.
- Spoke to the land exchange, foreshore dedication and site access.
- Spoke to the land exchange agreement that includes the Capozzi Road closure, improved parcel layouts and the Cook Road extension.
- Made comment on the foreshore dedication of 1.3 acres dedicated for environmental protection and public use.
- Spoke to key concerns identified from stakeholder engagements being, traffic; parking; height and boat storage.
- Displayed photos of key community benefits including lakefront boardwalk, dedicated foreshore, Greenway connection, lack of marina, public launch upgrade, Cook Road extension and public spaces that will provide economic benefits.

Gallery:

Darren Schlamp, Argus Properties Ltd.

- Displayed a PowerPoint presentation summarizing road alignment changes since 2008.
- Raised concern with reduction in parking for public vehicles and boat trailer parking spaces.
- Noted a net loss of 57 parking spaces for the neighbourhood and raised concern where people will park once the development is complete.
- Made comment to Council's parking principles regarding protection of on street parking.
- Recommended alternate road improvements to improve parking in the area.
- Not opposed to the rezoning, however, have parking concerns.
- Responded to questions from Council.

Cheri Fennel-Saundry, Appleridge Road

- Mission area resident.
- In support of the rezoning and believes this is an appropriate use of land as well supports the waterfront access for residents and visitors.
- Raised concern with the height that is being proposed.
- Would like to see a notable waterfront restaurant.

Jake Thiessen, Truswell Road

- Raised concerns with the development in terms of number of units.
- Raised concerns with traffic implications.
- Raised concerns with foreshore access and implications of the constant changing of sand and silt deposits from Mission Creek.
- Believes the existing and future boat launch is in the wrong area.
- Raised concern with the Cook Road extension and parking layout.

Barry McDonald, Raymer Road

- Opposed to the land use change and believes the conceptual plan grossly over uses the area.
- Raised concerns with the high water mark, creek water flows and lack of riparian zones.
- Raised concerns regarding parking implications.

Douglas Cebryk, P. Eng., Truswell Road

- Displayed a PowerPoint presentation outlining reasons for his opposition.
- Opposed to this application.
- Made reference to previously submitted correspondence.
- Opposed to variances to increase the building height.
- Made comment on various OCP bylaw policies that this application is at odds with.

- This development is not compatible with the character of the neighbourhood and will obstruct views of the lake and mountains.
- Raised concerns with the impact of increased traffic.

Joanna Chase, Lakeshore Road

- Long- time resident of the Mission with a young family.
- In favour of this application.

Charles Fipke, Capozzi Road

- Owns a neighbouring property for the past 12 years.
- Moved to this location to have a nice quiet place to live
- Displayed photos of birds who live, nest or feed near the water and concerned they will be driven away due to the development.
- Believes that he is being driven out of his home due to this development.
- Raised concerns with increased traffic from this development.
- Raised concerns with access for EMS services.
- Responded to questions from Council.

Lloyd Manchester, Stockwell Avenue

- Opposed to this application as it is beyond what is stated in the OCP.
- Raised concerns with environmental impacts of this development on the watershed and air shed.
- Raised concerns with how these environmental impacts will be mitigated and believes more research should be done first.
- Believes this development is short sighted and not dealing with future community needs.

Diane MacDonald, Radant Road

- Opposed to this application.
- Raised concerns with traffic impacts and the number of boats causing congestion.

Ken Cappals, Casorso Road

- Opposed to this application.

Darren Brams, Truswell Strata President

- Opposed to this application.
- Raised concerns with increased traffic, parking and congestion.
- Raised concerns with the current Truswell Road intersection that will only get worse with an additional 350 units.
- Raised concerns that the C9 Tourist Commercial zone will allow for short term rentals and believes that will not benefit the community or local business except for 2 months of the year.

Irving Goldenburg, Almandine Court

- In favour of this application.
- This development provides the opportunity for people to downsize and remain in the neighbourhood.

Moved By Councillor Hodge/Seconded By Councillor Singh

R366/17/05/02 THAT Council continue the Public Hearing past 11:00 p.m.

Carried

Adrian Skinner, Kensington Drive

- Opposed to this application.
- Believes this development is too dense and should be scaled back.
- Believes there isn't the appropriate infrastructure in this area to support such densification.
- Raised concerns regarding parking issues.
- Responded to questions from Council.

Domenic Rampone, Kelowna BC

- In favour of this rezoning.
- Believes the project is an elegant design and will make the waterfront very interacting.

John Mulner, Truswell

- Opposed to this application.
- Raised concerns with traffic impacts on Truswell Road.
- Believes Truswell Road is not wide enough for parked vehicles.

Resident, Dundee Court

- Likes that Kelowna is becoming a large city.
- Recommended the City should have a long term development plan.
- Believes that alternate modes of transportation need to be looked at and implemented.

Luke Turri, Mission Group, Applicant Representative

- Confirmed that the number of boats stored is 200 which is a replication of what's currently there.
- Confirmed that Truswell Road on the north side would be developed as a full urbanized street with curb and gutter, sidewalk and landscaping.
- The majority of all areas would be parallel parking.
- Valet for boats for the general public will still be accessible as well as new condo owners; spots will be available for condo owners on an annual basis as it is for the general public.
- Met a number of times with Argus Properties regarding removal of the Cook Road extension however there would be concerns with doing that.
- The only commercial component is a small retain space that is not on the waterfront.
- A restaurant component creates site design challenges and parking challenges.

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:26 p.m.

Mayor

City Clerk

/acm