



City of Kelowna

Public Hearing

Minutes

Date: Tuesday, August 23, 2016
 Location: Council Chamber
 City Hall, 1435 Water Street

Council 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: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Corporate & Protective Services, Rob Mayne*; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Planner Specialist, Melanie Stepphun*; Bylaw Services Manager, Greg Wise*; and Council Recording Secretary, 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 August 9, 2016 and by being placed in the Kelowna Capital News issues on Friday, August 12 and Wednesday, August 17, 2016 and by sending out or otherwise delivering 97 statutory notices to the owners and occupiers of surrounding properties between August 9 and August 12, 2016.

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 Agri-tourist Accommodation (A1t), BL11265 (TA16-0006) - 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 or petitions had been received:

Letter of Opposition or Concerns:

Susi Foerg, High Rd
Michelle Hyde, MM Corp, Union Road

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

Gallery

Ken Smith, Rojem Road

- Customer of Agritourism sites.
- Commented that there is a lack of sufficient sites in the area and provided statistics on the number RV sites there are in BC.
- Believes there is a real need for compliant RV Sites.
- Believes there is a boost to the local economy having more RV sites.
- Encouraged Council to permit agri-tourist sites.
- Responded to questions from Council.

Adjourned for a break due to technical difficulties at 6:49 p.m.
Reconvened at 7:02 p.m.

Mayor Basran stated that the sound system isn't working and asked presenters to speak loudly and clearly.

Carly Drought, Robson Road W

- Speaking on behalf of other farmers who have a language barrier or who are picking their crops.
- Distributed speaking notes including petition of opposition from farmers and concerned citizens.
- Opposed to the Text Amendment.
- Responded to questions from Council.

Eva Linttell, KLO Road

- Believes agri-tourist sites are needed in Kelowna; too extreme to prohibit RV's on ALR land.
- Believes agri-tourism is an appropriate additional income source for farmers.
- Opposed to this text amendment.

Fred Steele, President BC Fruit Growers Association, Glenmore Road

- Believes a text amendment is not the answer to the issues; there is a compliance issue, not an agri-tourism issue.
- Believes there needs to be better enforcement to ensure compliance.
- Believes the essence of agri-tourism not only requires a farmer but also urban dwellers in order to understand what farming is all about.
- Recommended a six month moratorium to create an Agri-tourism association.
- Responded to questions from Council.

Nancy Cameron, Tourism Kelowna, Richter Street

- Tourism Kelowna is opposed to this Text Amendment.
- Commented on the importance of agri-tourism and that RV sites are in high demand and are an important segment to tourism.
- Advised that they regularly turn away tourists who want to stay in their RV in Kelowna.

- Advised that tourists are generally looking for a smaller capacity RV experience located on agricultural land, however, a large RV Park would be suitable as well.
- Responded to questions from Council.

Colleen Linttell, Gallagher's Green

- Grandmother of Tyler Linttell who was approved last June for the A1t zone.
- Opposed to the Text Amendment.
- Believes there is a need for additional RV sites; their RV site has bookings into 2017.
- Believes there are various disconnects between City policies.
- Recommended the City enforce against non-compliant sites and not penalize all sites.
- Responded to questions from Council.

Tom Dyas, President, Kelowna Chamber of Commerce

- Advised that the Chamber of Commerce is opposed to the Text Amendment.
- Believes agri-tourism is important for the sustainability of farming in this community.
- Believes all stakeholders should be engaged prior to any further consideration of the bylaw.
- Believes alternative measures should be investigated and to consult with key stakeholders and those that are operating in compliance and for those who have approached the City for the A1t zone.
- Recommended increase in business licensing requirements.
- Suggested examining why enforcement has been unsuccessful.
- Responded to questions from Council.

Adjourned for a break at 7:45 p.m.

Reconvened at 7:55 p.m.

During the break a speaker system was set up to enable members of the public to speak into a microphone.

Suzi Foerg, High Road

- Referenced the correspondence she had submitted prior to the Public Hearing.
- Spoke to the business plan identified in her written submission and raised concern with the impact the text amendment would have on her business plan.
- Responded to questions from Council.

Robert Hanington, Rojem Road

- Lives adjacent to two agri-tourist sites.
- Commented that the neighbour to the west is in compliance however the neighbour to the east is not in compliance.
- Spoke to his frustration and the way in which the experience is resulting in a negative impact on his quality of life.
- Made reference to his recent chaining of himself inside of City Hall.
- Commented that one site is more of a low cost housing complex than an agri-tourism operation with 15 units housing excessive people and pets; the other site is in compliance and an example of how such an operation should work.
- In support of the text amendment.
- Responded to questions from Council.

Sujit Bal, McCurdy Road East

- Spoke to the process and regulatory environment before and after 2010 when the A1t zone was introduced.
- Commented that sites prior to 2010 required a proactive enforcement policy not just complaint based.
- Commented that there have only been two approvals for the A1t zone and that it should be given a chance to prove itself.
- Believes the agricultural community should be involved in determining regulations.
- Suggested the City form an agri-tourism committee.

- Opposed to the text amendment.
- Responded to questions from Council.

Chanchal Bal, Highway 33 East

- Referenced the current A1t bylaw and believes it is a good bylaw that deserves a chance.
- Advised that he had hired a draftsman to work on applying for A1t rezoning and directed him to discuss with City staff in June and not once was it mentioned of the changes to the bylaw.
- Believes that nonfarm use is appropriate within reason.
- Believes this text amendment is a competitive disadvantage to those who already have one.
- Commented that there was no research done with the stakeholders.
- Opposed to this text amendment.

Richard George Day, McKenzie Road

- Opposed to the text amendment.
- Opposed to excessive bureaucracy at both Provincial and Municipal levels.
- Believes Council should have meaningful dialogue on revamping the ALR; farmers do not need ALR to farm our land.
- Believes Council should be trying to save small and medium farmers.
- Commented that he will be non-compliant with the RV on his property and will resist any attempt by the City at achieving compliance.
- Responded to questions from Council.

Lesley Reid, Canyon Farms RV Park, Field Road

- Operates an RV Park on farmland for the past six years and compliant with pre 2010 regulations.
- Advised that Bylaw Enforcement visited her property twice a month while setting up her business.
- Believes that consistent follow up with bylaw enforcement will ensure compliance.
- Commented that all neighbours are very supportive.
- Opposed to the text amendment.
- Responded to questions from Council.

Bob Snyder, Morrison Road, Acres RV Park

- Spoke to his previous comments to Council in 2009/2010.
- Believes Kelowna is lacking RV sites and stated that he receives requests for accommodation year round as Kelowna is a four season destination.
- Believes that it should be allowed to rent RV pads to those who are unable to afford accommodation elsewhere.
- Confirmed that his RV Park is non-compliant and is currently in the Courts with the City.
- Agreed that he has been non-compliant since his business opened; has year round accommodation for people who live there.
- Responded to questions from Council.

Staff:

- Confirmed proactive enforcement activity takes place and not just complaint driven.
- Provided a summary of enforcement processes, timelines and impacts on staff resourcing.
- Provided a summary of the ways in which a property owner could apply for Agri-tourism use should the text amendment be adopted.

There were no further comments.

3.2 Upper Mission Drive (E of), BL11266 (OCP16-0011) & BL11267 (Z16-0041) - Calcan Joint Venture

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

The Applicant was present and available for questions.

No one from the gallery came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 9:27 p.m.

Mayor

/acm

City Clerk

DRAFT