

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, February 24, 2014  
1:30 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

#### 1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

#### 2. Development Application Reports & Related Bylaws

- 2.1 Zoning Bylaw Text Amendment No. TA14-0002 - Proposed Text Amendment to Zoning Bylaw No. 8000 to permit Medical Marihuana Production Facilities in the I2, I3 and I4 Zones. 4 - 9

In response to the new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR), staff seeks Council's approval for a text amendment to the Zoning Bylaw No. 8000, in order to add a definition for Medical Marihuana Production Facilities (MMPF) and allow MMPF as a permitted use in the I2 – General Industrial, I3 – Heavy Industrial zones and I4 – Central Industrial zones.

- 2.1.1 Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marihuana Production Facilities - Industrial Zones 10 - 10

To give Bylaw No. 10917 first reading in order to amend City of Kelowna Zoning Bylaw No. 8000 with respect to Medical Marihuana Production Facilities in certain Industrial Zones.

- 2.2 Zoning Bylaw Text Amendment Application No. TA14-0003 - Proposed Zoning Bylaw Amendment to Prohibit Medical Marihuana Production Facilities in the Agriculture 1 (A1) Zone 11 - 23

In response to the new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR), staff seeks Council's approval for a text amendment to Zoning Bylaw No. 8000, in order to prohibit Medical Marihuana Production Facilities in the Agriculture 1 (A1) Zone.

- 2.2.1 Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana 24 - 24

## Production Facilities in Agriculture 1 Zones

To give Bylaw No. 10919 first reading in order to amend City of Kelowna Zoning Bylaw No. 8000 with respect to Medical Marihuana Production Facilities in Agriculture 1 Zones.

### 3. Non-Development Reports & Related Bylaws

#### 3.1 Medical Marihuana Producer Business Licence and Regulation Bylaw 25 - 27

To advance a new Medical Marihuana Producer Business Licence and Regulation Bylaw for first three readings and to establish an opportunity for public input on the proposed Bylaw.

##### 3.1.1 Bylaw No. 10920, Medical Marihuana Producer Business Licence and Regulation Bylaw 28 - 33

To give Bylaw No. 10920 first, second and third readings in order to provide for the Licencing and Regulating of Health Canada Licenced Medical Marihuana Businesses within the City of Kelowna.

##### 3.1.2 Bylaw No. 10921 - Amendment No. 8 to Bylaw Notice Enforcement Bylaw No. 10475 34 - 35

To give Bylaw No. 10921 first, second and third readings in order to amend Bylaw Notice Enforcement Bylaw No. 10475 with respect to Medical Marihuana Producer Business Licences and Regulations.

### 4. Bylaws for Adoption (Development Related)

#### 4.1 Bylaw No. 10389 (OCP08-0011) - 5007 Chute Lake Road, Kathleen Mooney 36 - 37

**Requires a majority of all member of Council (5).**

To change the future land use designation of the subject property from the Major Park/Open Space Designation to the Single/Two Unit Residential Designation.

#### 4.2 Bylaw No. 10390 (Z07-0079) - 5007 Chute Lake Road, Kathleen Mooney 38 - 39

To amend Bylaw No. 10390 at third reading to remove the 's' designation and to adopt Bylaw No. 10390 in order to rezone the subject property from the RR1 - Rural Residential 1 zone to the RU1h - Large Lot Housing (Hillside Area) and RU2h - Medium Lot Housing (Hillside Area) zones.

#### 4.3 Bylaw No. 10779 (Z12-0063) - 836 Solly Court, Kamalpreet & Gurdev Gill 40 - 40

To adopt Bylaw No. 10779 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

### 5. Bylaws for Adoption (Non-Development Related)

5.1 Bylaw No. 10911 - Amendment No. 3 to Development Applications Procedures  
Bylaw No. 10540

41 - 42

To adopt Bylaw No. 10911 in order to amend the Development Applications Procedures Bylaw No. 10540 with respect to Public Notification, Signage Requirements.

6. Mayor and Councillor Items

7. Termination

# Report to Council



**Date:** 2/24/2014  
**File:** TA14-0002  
**To:** City Manager  
**From:** Shelley Gambacort, Director, Subdivision, Agriculture & Environment  
**Subject:** Proposed Text Amendment to Zoning Bylaw 8000 to permit Medical Marihuana Production Facilities in the I2 - General Industrial, I3 - Heavy Industrial and I4 - Central Industrial Zones

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## **Recommendation:**

THAT Zoning Bylaw Text Amendment No. TA14-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by adding a definition for Medical Marihuana Production Facilities (MMPF) and adding Medical Marihuana Production Facilities (MMPF) as a Principal Use in the I2 - General Industrial, I3 - Heavy Industrial and I4 - Central Industrial Zones, as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated February 24, 2014, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## **Purpose:**

In response to the new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR), staff seeks Council's approval for a text amendment to the Zoning Bylaw No. 8000, in order to add a definition for Medical Marihuana Production Facilities (MMPF) and allow MMPF as a permitted use in the I2 - General Industrial, I3 - Heavy Industrial zones and I4 - Central Industrial zones.

## **Background:**

The new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR) regulations came into force July 19, 2013 and will be in full effect April 1, 2014 replacing the current *Marihuana Medical Access Regulations* (MMAR), which will be repealed on March 31, 2014.

Under the new Health Canada MMPR's a production site must be located indoors and must not be within a residence. Previously the regulations did allow for the production to occur within a residence. In order to address some of the questions and inquiries that Staff have been

fielding the attached Commercial Medical Marihuana Technical Bulletin has been prepared as is available on the City's Website.

In response to the new Health Canada Regulations Council has directed Staff to bring forward for Council consideration:

- Amendments to Zoning Bylaw 8000 that would permit Medical Marihuana Production Facilities in the I2 - General Industrial and I3 - Heavy Industrial Zones and prohibit the use in all other zones including the A1 - Agriculture 1 zone;
- A Commercial Medical Marihuana Business Licence Bylaw; and
- Adoption of the Safe Premises Bylaw No. 10064 (currently at third reading)

Before a Health Canada licence can be issued, compliance with the site and physical security requirements under the MMPR's is required. Key Health Canada MMPR's criteria include:

- Mandatory building and production security requirements relating to monitoring and detection to prevent unauthorized access;
- All areas within a site where cannabis is present must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen; and
- Before a Health Canada licence can be issued, compliance with the site and physical security requirements under the MMPR and Health Canada *Directive on Physical Security Requirements for Controlled Substances* will be verified through a pre-licence inspection by Health Canada.

A City of Kelowna Commercial Medical Marihuana Business Licence Bylaw is also being proposed concurrently with the proposed zone amending bylaw and is intended to ensure that the MMPF maintains its operation in compliance with the Health Canada Regulations.

#### MMPF as a Permitted Use within the I2, I3 Industrial and I4 Zones

A number of factors have been considered when determining the appropriate zones for the MMPF land use including:

- the compatibility of, and impacts on, adjacent uses,
- the available infrastructure (road, water, storm, sanitary and electrical)
- accessibility for emergency services; and
- the ability to repurpose the buildings.

Considering these factors Staff are recommending that a definition be added to Zoning Bylaw 8000 for MMPF's and the MMPF use then be added as a Principal Use to the I2 - General Industrial, I3 - Heavy Industrial and I4 - Central Industrial zones. Original consideration excluded the I4 zone, however, given the existing Principal Uses contained within the I4 zone it would be consistent with the I2 and I3 zones to also allow MMPF's in this zone. This proposed Text Amendment will result in only three zones permitting MMPF's and by definition the MMPF's must be licenced by Health Canada.

#### **Internal Circulation:**

Divisional Director of Community Planning & Real Estate  
Divisional Director of Corporate and Protective Services  
Divisional Director of Communications and Information Services  
Director Development Services  
Building & Permitting Manager  
City Clerk  
Policy & Planning Manager

Urban Planning Manager  
RCMP, Crime Prevention Supervisor  
Deputy Fire Chief, Fire Administration, Training & Fire Prevention

**Legal/Statutory Authority:**

Health Canada establishes the Regulations and issues licences for medical marihuana under the *Marihuana for Medical Purposes Regulations* (MMPR) regulations which came into force July 19, 2013 and will be in full effect April 1, 2014 replacing the current *Marihuana Medical Access Regulations* (MMAR), which will be repealed on March 31, 2014.

**External Agency/Public Comments:**

**Existing Policy:**

There is currently no existing policy specific to Medical Marihuana Production in either the OCP or the Zoning Bylaw.

**Considerations not applicable to this report:**

Financial/Budgetary Considerations  
Personnel Implications  
Alternate Recommendation  
Communications

Submitted by: S. Gambacort, Director/Approving Officer  
Subdivision, Agricultural & Environmental Department

**Approved for inclusion:** Doug Gilchrist, Division Director Community Planning & Real Estate

Attachments: Schedule "A"  
Commercial Medical Marihuana Technical Bulletin

SCHEDULE "A"  
SUMMARY OF PROPOSED TEXT AMENDMENT

Zoning Bylaw No. 8000		
Section	Existing Text	Proposed Text
General Definitions Section 2.3.3	N/A	<i>Add as a new definition:</i> <b>Medical Marihuana Production Facility</b> means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of marihuana and must be licenced under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119.)
15.2- I2-General Industrial 15.2.2 Principal Uses	N/A	<i>Add as a principal use:</i> <b>Medical Marihuana Production Facility</b>
15.3 - I3 - Heavy Industrial 15.3.2 Principal Uses	N/A	Add as a principal use: <b>Medical Marihuana Production Facility</b>
15.4 - I4 - Central Industrial 15.4.2 Principal Uses	N/A	Add as a principal use: <b>Medical Marihuana Production Facility</b>

Created: Feb 06, 2014

*This bulletin is for  
informational purposes only.  
Please be sure to consult the  
relevant  
City of Kelowna bylaw.*

### **PURPOSE**

To inform potential license applicants, owners, developers, builders, subcontractors, designers, consultants and staff about the new Health Canada guidelines for a licenced producer under the *Marihuana for Medical Purposes Regulations*.

### **BACKGROUND**

The Marihuana Medical Access Program ends on March 31, 2014. This is also the date that all Authorizations to Possess, Personal-Use Production Licences and Designated-Person Production Licences expire. As of April 1, 2014, the only legal access to marihuana for medical purposes will be through licensed producers under the *Marihuana for Medical Purposes Regulations*, even if you have an authorization to possess or a licence to produce that has a later date.

Changes to the Health Canada's *Marihuana for Medical Purposes Regulations* will require that all City of Kelowna by-law requirements including zoning are met.

Health Canada will only inspect for compliance with the *Marihuana for Medical Purposes Regulations* and any related federal legislation. Licensed producers are required to notify their local government, local police force and local fire officials of their intention to apply to Health Canada, so that local authorities are aware of their proposed location and activities. The contacts are as follows;

1. City of Kelowna - Stephen Fleming 250-469-8660
2. Kelowna Fire Department - Fire Prevention Officer 250-469-8801
3. RCMP Kelowna Detachment - 250-762-3300

The new medical marihuana production facilities use is proposed as being a principal permitted use in certain Industrial zones (e.g. I2 - General Industrial and I3 - Heavy Industrial Zones) while being prohibited in all other zones (e.g. Residential, Agricultural and Commercial). Council will be considering the amending bylaw shortly for this use.

The proposed Health Canada *Marihuana for Medical Purposes Regulations* includes the following compliance requirements:

- The licensed producers are required to comply with all federal, provincial and municipal by-laws. This includes compliance to the City of Kelowna bylaws such as zoning, building, plumbing, gas, development cost charges and business license by-laws.
- The licensed producer is obligated to obtain the required permits prior to commencement of any related work on a chosen development site or building.
- The onus is on the potential licensed producers to communicate with the City of Kelowna to ensure that they do not contravene any municipal by-laws.

**Building & Permitting**  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8960  
FAX 250 862-3314



- Licensed producers are required to communicate with local authorities whenever there is a change in the status of their license.
- When production ceases, the premises must be cleaned to the standard contained in the Safe Premises Bylaw (currently under development).
- Health Canada identification number must be provided.
- Copy of Health Canada Medical Grow licence must be provided to the City;
- A list of employees must be provided to the City and kept updated;
- Evidence must be presented that all employees have passed an RCMP criminal records check on an annual basis;

### **Grow Operations Licensed PRIOR to March 31, 2014**

The production of marihuana in homes or commercial spaces beyond March 31, 2014, **will be illegal** and may result in law enforcement action. The *Marihuana for Medical Purposes Regulations* license holders under expired federal regulation may contact Health Canada for guidance to dismantle the operation.

The City of Kelowna may be in a position to declare that a building of a grow operation, which was licensed prior to April 01/2014 is in compliance with the legislative health and life safety requirements for the purpose of resale or further occupancy, once the property owner obtains the required permits for dismantling or decommissioning of the grow operation, completes the upgrade work (if any) and passes all inspections.

### **IMPLEMENTATION**

Under the new *Marihuana for Medical Purposes Regulations*, the City of Kelowna Building & Permitting Branch may process a complete building permit application, for any construction or renovations that are required to facilitate the licences facility, upon City Council approval of the following bylaws or text amendments currently in progress:

- Zoning Bylaw No. 8000
- Business License Bylaw No. 7878
- Safe Premises Bylaw No. 10064

More information about the new regulation of Health Canada MMPR may be found at <http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php>

# CITY OF KELOWNA

## BYLAW NO. 10917

### TA14-0002 - City of Kelowna

### Medical Marihuana Production Facilities - Industrial Zones

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 2 - Interpretation, 2.3.3** be amended by adding in its appropriate location the definition for **Medical Marihuana Production Facility** that reads:  
  
“**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of marihuana and must be licenced under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119).”
2. AND THAT **Section 15 - Industrial Zones, 15.2 I2-General Industrial, 15.2.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
3. AND THAT **Section 15 - Industrial Zones, 15.3 I3-Heavy Industrial, 15.3.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
4. AND THAT **Section 15 - Industrial Zones, 15.4 I4-Central Industrial, 15.4.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# Report to Council



**Date:** 2/24/2014  
**File:** TA14-0003  
**To:** City Manager  
**From:** Shelley Gambacort, Director  
**Subject:** Proposed Zoning Bylaw amendment to prohibit  
Medical Marihuana Production Facilities in the Agriculture 1 (A1) Zone

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## **Recommendation:**

THAT Zoning Bylaw Text Amendment No. TA14-0003 to amend City of Kelowna Zoning Bylaw No. 8000, by amending the definition of **Agriculture**, as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated February 24, 2014, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## **Purpose:**

In response to the new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR), staff seeks Council's approval for a text amendment to Zoning Bylaw No. 8000, in order to prohibit Medical Marihuana Production Facilities in the Agriculture 1 (A1) Zone.

## **Background:**

The new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR) regulations came into force July 19, 2013 and will be in full effect April 1, 2014 replacing the current *Marihuana Medical Access Regulations* (MMAR), which will be repealed on March 31, 2014.

Under the new Health Canada MMPR Regulations a production site must be located indoors and must not be within a residence. Previously the regulations did allow for the production to occur within a residence. Before a Health Canada licence can be issued, compliance with the site and physical security requirements under the MMPR and Health Canada *Directive on Physical Security Requirements for Controlled Substances* will be verified through a pre-licence inspection by Health Canada.

In response to the new MMPR regulations Council has directed Staff to bring forward for Council consideration:

- Amendments to Zoning Bylaw 8000 that would permit Medical Marihuana Production Facilities in the I2 - General Industrial and I3 - Heavy Industrial Zones and prohibit the use in all other zones including the A1 - Agriculture 1 zone;

### Agricultural Land

The Agricultural Land Commission (ALC) has issued three information bulletins over the last year to address the issue of Medical Marihuana production in the Agricultural Land Reserve. The ALC recognizes that local governments are determining, through zoning bylaw amendments, where the Medical Marihuana Production facilities (MMPF) should be permitted.

Through the initial bulletin the ALC has clarified that based on the ALC Act's definition of farm use *"if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve is allowed and would be interpreted by the Agricultural Land Commission as being consistent with the definition of 'farm use' under the ALC Act"*.

The ALC further clarified that accessory uses associated with this definition of farm use would also include a small business office, testing lab, processing and drying, packaging, shipping areas, cloning room and anything else that would be directly related to the growing and processing of the plant.

The most recent Bulletin, which was update January 2014, recognizes that Zoning Bylaws enacted by municipalities may set out restrictions on land use, *"including but not limited to the use of land for medical marihuana production. Where such restrictions may apply to land within the ALR, such restrictions with respect to the particular land use of lawfully sanctioned medical marihuana production would not in and of themselves be considered as inconsistent with the ALC Act"*.

Concerns with allowing the MMPF use within agricultural zones include:

- the potential sterilizing affect additional structures would have on viable agricultural land;
- the limited ability for repurposing under the uses allowed within the agricultural zones should the MMPF cease operating; and
- inflating the property value due to the additional structures, utilities and security measures required for this specific use thus increasing the entry level value of agricultural land, and thereby economically decreasing the viability of growing other crops in the future.

Staff are proposing an amendment to the definition of Agriculture which will exclude MMPF's. Research shows that this approach, to prohibit MMPF's in agricultural zones, is consistent with the regulatory approach being considered by a number of other larger municipalities (e.g.: Chilliwack, Kamloops, Abbotsford, Langley, Burnaby, Surrey, Ottawa).

### **Internal Circulation:**

Divisional Director of Community Planning & Real Estate  
 Divisional Director of Corporate and Protective Services  
 Divisional Director of Communications and Information Services  
 Director Development Services  
 Building & Permitting Manager  
 City Clerk

Policy & Planning Manager  
Urban Planning Manager  
RCMP, Crime Prevention Supervisor  
Deputy Fire Chief, Fire Administration, Training & Fire Prevention

**Legal/Statutory Authority:**

Health Canada establishes the regulations and issues licences for medical marijuana under the *Marihuana for Medical Purposes Regulations* (MMPR), which came into force July 19, 2013 and will be in full effect April 1, 2014 replacing the current *Marihuana Medical Access Regulations* (MMAR), which will be repealed on March 31, 2014.

**Legal/Statutory Procedural Requirements:**

Should Council favourably consider the text amending bylaw, in accordance with the Right to Farm Regulation 261/97 and Section 903.4 of the Local Government Act the Minister of Agriculture will be required to approve the bylaw prior to adoption.

**External Agency/Public Comments:**

Circulated for comments to Resource Stewardship Agrologist, Southern Branch, Ministry of Agriculture

Correspondence received to date from the public is attached.

**Existing Policy:**

There is currently no existing policy specific to Medical Marihuana Production in either the OCP or the Zoning Bylaw.

**Considerations not applicable to this report:**

Financial/Budgetary Considerations  
Personnel Implications  
Alternate Recommendation  
Communications

Submitted by: S. Gambacort, Director/Approving Officer  
Subdivision, Agricultural & Environmental Department

**Approved for inclusion:** Doug Gilchrist, Division Director Community Planning & Real Estate

Attachments: Schedule "A"  
Correspondence from Marlys Wolfe  
Correspondence from Kevin Carta

SCHEDULE "A"  
SUMMARY OF PROPOSED TEXT AMENDMENT

Zoning Bylaw No. 8000		
	Existing Text	Proposed Text
General Definitions	<b>AGRICULTURE</b> means <b>development</b> or <b>use</b> for the primary production of farm	<b>AGRICULTURE</b> means <b>development</b> or <b>use</b> for the primary production of farm
Section 2.3.3	products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops. This <b>use</b> is limited to one <b>dwelling</b> , and the processing and marketing of the products of the farm and those off-farm products permitted by the <b>Land Reserve Commission</b> .	products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops <i>but shall exclude a <b>Medical Marihuana Production Facility</b></i> . This <b>use</b> is limited to one <b>dwelling</b> , and the processing and marketing of the products of the farm and those off-farm products permitted by the <b>Land Reserve Commission</b> .



A Better Choice<sup>TM</sup>  
MEDICINALS

Site Proposal Inquiry

#307 Old Vernon Rd.

February, 2014

## **Purpose**

We would like to request municipality to consider the approval of an ALR zoned site as a Health Canada licensed indoor production facility of medical marihuana. This pre-proposal will outline the benefits associated with utilizing ALR property vs industrially zoned areas for this purpose, as well as our primary prospective location for our production site.

Upon the arrival of a new market, buyers and sellers alike are unsure of what the supply and demand of medical marihuana will be in the first few years of transition. From an entrepreneurs perspective, initially low overhead and the ability to expand on demand is a key factor in running a business in a time when there is the expectation of running long capital burn periods in the transitions of a new market. Although industrial sectors may be well suited to large indoor production facilities, there is no guarantee on the demand of the product to fill the supply that must be met to break even with the given overhead. In addition, industrial zoning lacks financial support through funding, while the ALC has declared intentions of supporting medical marihuana production through farm credit and grants.

## **Site Location**

The proposed site is located at **307 Old Vernon Road** and is currently agriculturally inactive. The property was originally purchased around 1975 with the intent of running a hobby farm. Unfortunately, the owner passed away before the property could meet its agricultural potential, and his wife, the current occupant has decided she is ready to sell the property. We have talked to her extensively about our business and our intent to buy the property, and she is willing to accept an offer from us.

The site is zoned as 3.5 acres of ALR. The front of the property facing the road is separated by a large yard, and has a house that is positioned directly in front of the 3200 sq. ft. brick building. The building is large and secure enough to contain an adequate growing facility with great security, and the general layout of the buildings in relation to the property would lend to a very unassuming operation. In addition, the remainder of the property directly behind the shop is



currently undeveloped and would allow for sufficient expansion as demand increases. Geographically, the prospective site is in a reasonable location amongst other ALR and industrial areas, and is in close proximity to multiple police detachments.

### **Municipal Benefits**

Currently, ABC Medicinals has five members that form our corporate structure. Once licensed and operating, we will increase this to create a total of 12 jobs to support the labor and management force in the first phase of development. In the second and third phase of development, there is great potential for job creation. In addition, we are actively seeking to collaborate with OC and UBCO professors, in order to and engage in possible graduate employment and grant opportunities involving the research and development of medical marihuana.

We would be obliged to introduce ourselves to council with a formal proposal for our business, and the proposed site. Thank you for your time,

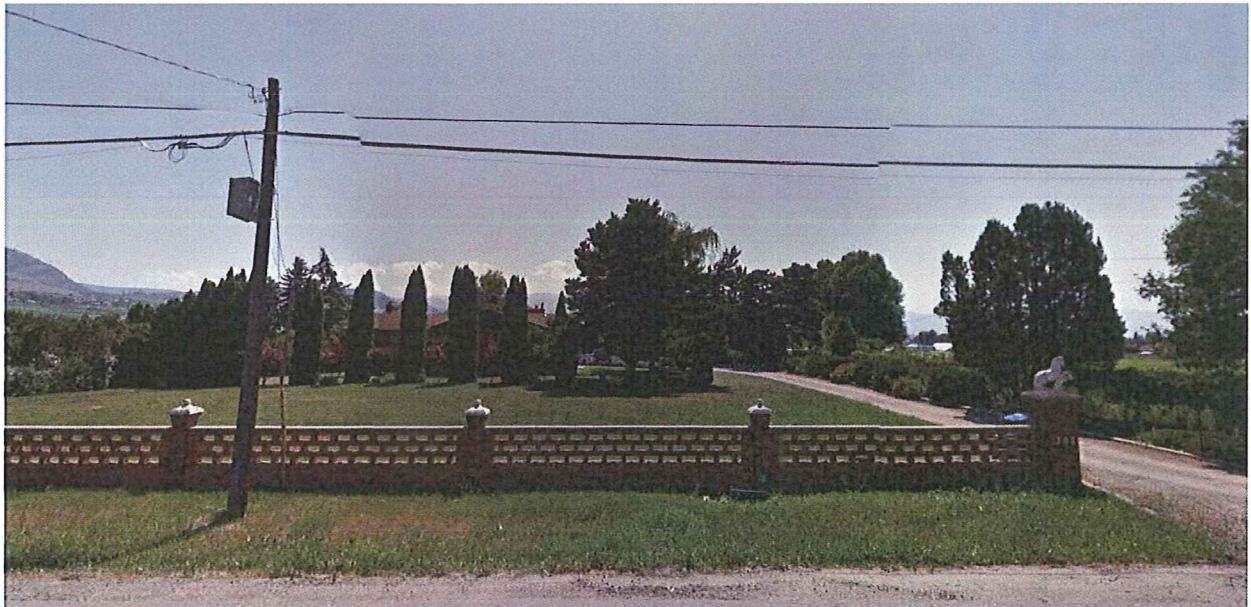
Kevin Carta, CEO/Founder

1.250.215.2246

[kevcarta@gmail.com](mailto:kevcarta@gmail.com)



Driveway and front yard



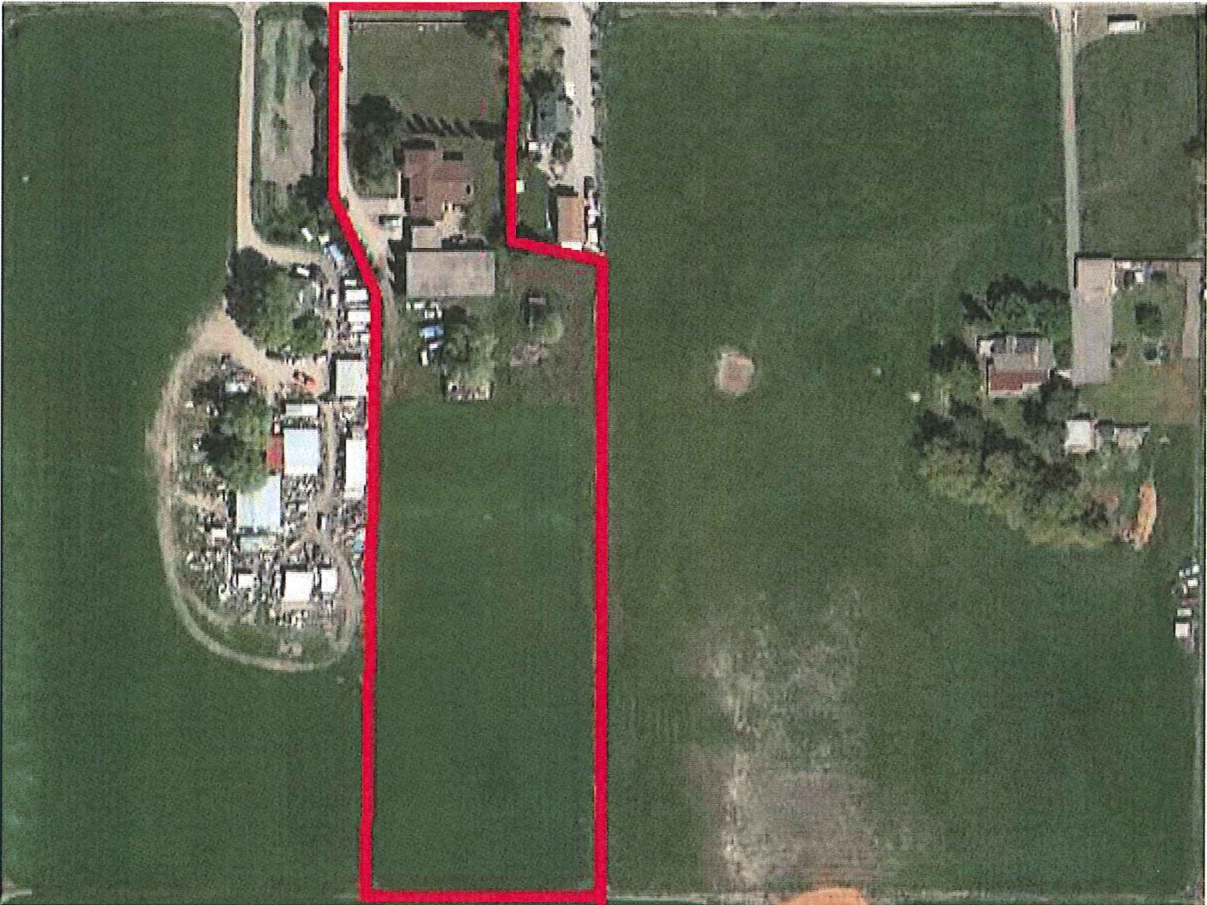




Front of Brick Shop



Property boundaries







579 Rifle Road,  
Kelowna, BC V1V 2H2

250-861-5441  
[www.falconridgefarms.ca](http://www.falconridgefarms.ca)

February 5, 2014

City of Kelowna  
1435 Water St.,  
Kelowna, B.C.  
V1Y 1J4

ATTENTION: MAYOR WALTER GRAY AND KELOWNA CITY COUNCIL

Dear Sirs:

Re: Zoning for Medical Marihuana within the City of Kelowna

Further to the recent recommendations by City Council and my subsequent meetings with Shelley Gambacort and Stephen Fleming from your offices regarding the proposed zoning for medical marihuana, please be advised of the following:

I have a vested interest in the proposed zoning uses as I have applied for and am imminently close to receiving the Commercial licence from Health Canada for growing medical marihuana. At this point, I am waiting for physical inspection after finalizing all of the paperwork that is required . It has taken 1 ½ years for this process including applying for the Research and Development aspect prior to applying to become a commercial licenced producer.

At no time during this whole process, including 1 ½ years ago when the City of Kelowna received a letter from ourselves advising of our intentions, has there been any indication that our A-1 zone would not allow the production of a legal agricultural product.

The name of our farm is Falcon Ridge Farms and we have been doing business for the past 10 years. We are certified organic, have a Site Licence from Health Canada for production of health products, have successfully completed courses and obtained Certificates for Good Agricultural Practices, Good Manufacturing Practices, taken HACCP courses and follow HACCP principals for a high level of food safety. We are zoned A-1 , agricultural .

We applied for the commercial licence for medical marihuana as it would be a good additional organic product for the health products we already grow, produce and offer for sale on our farm. At this time we grow Echinacea, Mint and other herbs and make tinctures and other products from those herbs. It makes good sense to be able to produce a tincture using medical marihuana as well as being able to produce an organic source for medical marihuana in our community.

We have spent two years obtaining a Site Licence, have had it for an additional two years; have spent a year obtaining certified organic status and have had that organic status for 8 years. We feel that it would be beneficial to be able to offer people legitimately in need an organic product. At this time we see Health Canada only has 5 producers listed on their site. We would be the only one that would be offering a certified organic product and in addition have the Site Licence facilities to produce tinctures and other medicinal products from medical marihuana when the time comes for that.

Other than our own interests of wanting to be able to grow medical marihuana in the existing A-1 zone that we have, it just doesn't make good sense to recommend that an agricultural product cannot be grown in an agricultural zone! . A-1 in my understanding is for agricultural use and that is what is intended for.....why would this be allowed in any other zone before the zone for which agriculture was intended?

If the City is trying to limit "who" is going to be in the business, it makes better sense to limit and set up parameters for obtaining the business licence for that particular operation rather than trying to eliminate them from the entire zone.

I don't think creating a new zoning just for medical marihuana is the answer either. This would just make it easy for clandestine people to target those operations. If the purpose of the City is to try and control what type of venture and what type of people are involved in the venture, they can do so by making the licence parameters stricter, it is not necessary to "blot out" the zone for which agriculture was intended.

Shelley and Stephen indicated to me that most of their problems have come from the A-1 zoning. It makes sense that that would be the case since agricultural would be the zone that covers all of the rural areas where people would be growing outside and/or wanting to be clandestine about their operations. There will always be problematic situations in all zones with regard to illegal marihuana .. I don't think you will eliminate those problems or help with neighbourhood safety by eliminating the A-1 zone. I believe it would be better addressed making the business licence to operate these operations stricter.

It was also indicated by Shelley and Stephen that it would not be good to take good agricultural land to build a large building to produce marihuana. In our case, our operation will not require a large building because of the different method we are using with automatic machines built for this purpose. Regardless of our own situation, the reason a building is required is that it has been made a requirement for medicinal marihuana for extra security and this has been made a prerequisite by Health Canada. Whether the product is grown outside using the land to grow it without a building or on the same land with a building should not be a consideration as in both scenarios, the land is being used for an agricultural product ....ginseng requires overhead coverage, echinacea is grown in the open, mushrooms in an enclosed building, herbs and other plants in greenhouses, medical marihuana indoors and with more security ....there doesn't seem to be any problem for erecting greenhouses or other buildings for agriculture on viable agricultural land; it should not be a consideration as to whether or not a building is

required; no other agricultural product is denied in A-1 zoning if it needs a building to grow in! The ALR governs land use within Agricultural zoning and they accept that medical marihuana as a land use in A-1.

We would really appreciate the City considering the aspects that I have mentioned in favour of allowing the production of medical marihuana in the A-1 zoning of the City of Kelowna using stricter parameters for obtaining a business licence for such operations.

Sincerely

FALCON RIDGE FARMS

Per

A handwritten signature in black ink, appearing to read 'Marlys Wolfe', with a long horizontal flourish extending to the right.

Marlys Wolfe  
Grant Wolfe



**CITY OF KELOWNA**  
**BYLAW NO. 10919**  
**TA14-0003 - City of Kelowna**  
**Medical Marihuana Production Facilities in Agriculture 1**  
**Zones**

---

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT Section 2 - Interpretation, 2.3.3 be amended by deleting the definition for **AGRICULTURE** in its entirety that reads:

**“AGRICULTURE** means **development** or **use** for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops. This **use** is limited to one **dwelling**, and the processing and marketing of the products of the farm and those off-farm products permitted by the **Land Reserve Commission**.”

And replace with the following:

**“AGRICULTURE** means **development** or **use** for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops but shall exclude a **Medical Marihuana Production Facility**. This **use** is limited to one **dwelling**, and the processing and marketing of the products of the farm and those off-farm products permitted by the **Land Reserve Commission**.”

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# Report to Council



**Date:** 2/19/2014  
**File:** RIM Classification Number  
**To:** City Manager  
**From:** Bylaw Services Manager  
**Subject:** Medical Marihuana Producer Business Licence and Regulation Bylaw

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Bylaw Services Manager dated February 19 2014 with respect to the Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920;

AND THAT Bylaw No. 10920, being Medical Marihuana Producer Business Licence and Regulation Bylaw, be forwarded for reading consideration;

AND THAT Bylaw No. 10921 being amendment No.8 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to give notice by way of advertising in a local newspaper and on the City web site, and to provide notice directly to identified MMPR producers of their opportunity to make representations to Council regarding the proposed bylaw prior to adoption.

## **Purpose:**

To advance a new Medical Marihuana Producer Business Licence and Regulation Bylaw for first three readings and to establish an opportunity for public input on the proposed bylaw.

## **Background:**

Staff recommend a "stand alone" business licence bylaw for Health Canada Licenced Medical Marihuana Production Facilities to help ensure such facilities are operated with as little neighbourhood impact as is reasonable. The proposed business licence regulations are intended to protect public safety and welfare through reasonable limitations on medical marihuana production in relation to noise, air and water quality, community safety and security and other health and safety concerns. This Bylaw is not intended to promote or condone the production, distribution or possession of medical marihuana in violation of any applicable law.

The proposed Medical Marihuana Producer Business Licence and Regulation Bylaw includes the following requirements:

- The applicant is obligated to ensure the location of the Medical Marihuana Production Facility meets all applicable stipulations of the City of Kelowna Zoning Bylaw 8000;
- The applicant is obligated to obtain the required permits prior to commencement of any building, plumbing, natural gas, propane and electrical installations on any development site or building.
- All new construction and tenant improvements must comply with the BC Building code, BC Fire Code and City of Kelowna Building Bylaw, Plumbing, Gas, Development Cost Charges, and Life Safety Bylaws;

Submission of:

- A ventilation plan used to control the environment detailing how such system(s) prevents the escape of pollen, and other particles through exhausted air ensuring no odours leaving the premises can be detected by a person with a normal sense of smell at the exterior of the Premises;
- A plan that specifies the methods to be used to prevent the growth of harmful mould and achieve compliance with limitations on discharge into the waste water system of the City;
- A security and exterior lighting plan consistent with the requirements of the Health Canada MMPR regulations, including monitored alarm system;
- A plan of the placement and use of security cameras consistent with the Health Canada MMPR regulations;
- A storage plan for the Medical Marihuana produced and/or otherwise stored on the Premises;
- A plan for disposal of any Medical Marihuana or Infused Marihuana that is not consumed by patients in a manner that protects any portion thereof being possessed or ingested by any person or animal;
- A plan for packaging and delivery of Medical Marihuana to patients, including the loading and transport of product;
- Provide a signed declaration that no pesticides or other toxic substance shall be used in Medical Marihuana production and that the operation will meet the Health Canada Technical Specifications for Dried Marihuana for Medical Purposes document;
- A Copy of the Health Canada Medical Marihuana Producer licence ;
- The names of every individual employed in the MMPR business and provide updates within 72hrs of any change in personnel;
- Documentation that the applicant and all employees have passed an RCMP criminal records check on an annual basis;
- The premises must be cleaned to the standard contained in the Nuisance Controlled Substance Bylaw 9510, as amended or replaced from time to time;
- City may inspect at any time to confirm any and all conditions are being met;
- Failure to meet any of the conditions will be grounds for a business licence suspension hearing [staff decision] or business licence revocation hearing [council decision].

Staff recommend amending the Bylaw Offence Notice Bylaw to include enforcement options for ensuring compliance with the Medical Marihuana Producer Business Licence and Regulation Bylaw.

**Internal Circulation:**

City Clerk  
Divisional Director of Corporate and Protective Services  
Director Subdivision, Agriculture & Environment  
Director, Development Services  
Building and Permitting Manager  
Building, Plumbing & Gas Inspector Supervisor  
Crime Prevention Supervisor  
Deputy Fire Chief, Fire Administration, Training and Fire Prevention

**Legal/Statutory Authority:**

Council's business regulation and business licence authorities are found in the *Community Charter* sections 8(3)(6); 15; 59 & 60.

**Legal/Statutory Procedural Requirements:**

Council must provide an opportunity for and give notice to those persons who consider themselves affected by the proposed bylaw to make representations to Council prior to Council adopting the bylaw.

**Considerations not applicable to this report:**

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Financial/Budgetary Considerations:

Alternate Recommendation:

Submitted by:

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Greg Wise, Bylaw Services Manager

Approved for inclusion:



R. Mayne Divisional Director  
Corporate & Protective Services

cc:

# CITY OF KELOWNA

## BYLAW NO. 10920

**A bylaw pursuant to the provisions of the Community Charter S.B.C. [2003] Chapter 26 to provide for the Licencing and Regulating of Health Canada Licenced Medical Marihuana businesses within the City of Kelowna**

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WHEREAS it is the purpose of this bylaw to:

- (a) require an owner or operator of an **MMPR business** within the City of Kelowna to hold a valid and subsisting licence for the carrying on of such **MMPR business** and,
- (b) fix and impose licence fees for licences; and,
- (c) provide for the collection of licence fees and the granting, issuing and transferring of licences, subject to the limitations contained within the bylaw;

AND WHEREAS it is also the purpose of this bylaw to regulate the carrying on of **MMPR business** within the City of Kelowna, to the extent not inconsistent with the intent of this bylaw, for the purpose of protecting the public or preventing or minimizing nuisances and misleading business practices;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as 'Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920.'

2. DEFINITIONS

In this bylaw unless the context otherwise requires:

"**Applicant**" means any person who makes application for a licence under the provisions of this Bylaw;

"**Medical Marihuana Production Regulation Business**" or "**MMPR Business**" means carrying on a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services, whether or not for the purpose of gain or profit, under the authority of the Health Canada Medical Marihuana Production Regulations, as amended or replaced from time to time;

"**City**" means the City of Kelowna or the area within the Municipal boundaries thereof;

"**Council**" means the Municipal Council of the City of Kelowna;

"**Licence Inspector**" means the officials appointed by Council under Section 14 of this bylaw and includes Building Inspectors, Bylaw Enforcement Officers, and Plumbing Inspectors;

"**Premises**" means a building, portion of a building or an area of land where business is carried on;

3. LICENCING PERIOD

- 3.1 A licence period shall be one (1) year, to commence on the first day of January to terminate on the 31st day of December in each and every year.

4. LICENCE REQUIRED

- 4.1 Every person who owns or operates an **MMPR business** within the **City** shall apply for, obtain and hold a licence for each **MMPR business**.
- 4.2 In the case of different **MMPR businesses** in one building which are operated or owned by the same person and which are accessible to each other through internal doorways without leaving the structure, such **MMPR businesses** shall be considered one **premises** for the purposes of this bylaw.
- 4.3 Every person who carries on a **MMPR business** from more than one **premises** in the **City** shall obtain a separate licence for each **premises**, whether or not the **premises** are located in the same building.
- 4.4 No person shall carry on a **MMPR business** for which a licence is required by this bylaw within the **City** without holding a valid and subsisting licence for the carrying on of such **MMPR business**.

5. LICENCE APPLICATION AND FEE

- 5.1 An application for an initial licence for a **MMPR business** shall be made on the application form set out in Business Licence and Regulation Bylaw No. 7878, as amended or replaced from time to time, and shall be signed by an owner or operator of the **MMPR business**, or the owner or operator's agent duly authorized in writing.
- 5.2 Every application for an initial licence for a **MMPR business** shall include a detailed description of the **premises** in or upon which the **applicant** intends to carry on the **MMPR business**. All such licences shall be subject to the provisions of the **City** of Kelowna Zoning Bylaw No. 8000 as amended or replaced from time to time.
- 5.3 Every application for an initial licence for a **MMPR business** must obtain any required building, plumbing, natural gas, propane and electrical installation permits applicable to the **MMPR business**.
- 5.4 It is the responsibility of the **applicant** for a licence, not the responsibility of the **Licence Inspector**, to obtain the inspection and confirmations required under this bylaw.
- 5.5 Where an **applicant** applies for more than one licence, the particulars of each licence applied for shall be included on a separate application form for each licence.
- 5.6 The application form shall be delivered to the **Licence Inspector** and shall be accompanied by a fee of \$510.00 and any inspection forms and confirmations required under this bylaw.
- 5.7 Licence fees paid hereunder shall not be refundable.

6. PRO-RATING OF LICENCE FEE

- 6.1 The licence fees described in this bylaw may be reduced pro-rata in respect of any person who becomes liable to be licenced after the commencement of the licence period on a quarterly basis.

7. FORM OF LICENCE

- 7.1 Every licence granted pursuant to this bylaw shall be in the form outlined in Business Licence and Regulation Bylaw No. 7878, as amended or replaced from time to time.

8. TRANSFER

- 8.1 Any person proposing to obtain a transfer of a licence with respect to a change of **Premises** shall make application in the form set out in Business Licence and Regulation Bylaw No. 7878, as amended or replaced from time to time, and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.

- 8.2 Any person proposing to obtain a transfer of a licence shall pay a licence transfer fee of \$30.00 at the time of application.

9. EFFECT OF LICENCE

- 9.1 A licence authorises only the person named in the licence to carry on only the **MMPR business** described in the licence, and only at the **premises** or locations described in the licence.
- 9.2 A licence is not a representation or warranty that the licenced **MMPR business** or the **business premises** comply with the bylaws of the **City** or with any regulations or standards.

10. LICENCE RENEWAL

- 10.1 A licensee is responsible for submitting a licence renewal form and the annual licence fee outlined in Section 5.6 of this Bylaw prior to the expiration of the licence.
- 10.2 If a licence is not renewed as required by this bylaw, the licence shall be terminated and the licensee who wishes to continue to carry on the **MMPR business** shall submit an application form and supporting documentation in the same manner as an application for an initial licence for a **MMPR business** and shall pay an additional licence fee as set out in set out in Business Licence and Regulation Bylaw No. 7878, as amended or replaced from time to time.

11. REQUIREMENTS

- 11.1 Every person or individual carrying on the **MMPR business** shall submit to the **Licence Inspector**, as part of an application, the following:
- a) A ventilation plan used to control the environment detailing how such system(s) prevents the escape of pollen, and other particles through exhausted air ensuring no odours leaving the **premises** can be detected by a person with a normal sense of smell at the exterior of the **premises**;
  - b) A plan that specifies the methods to be used to prevent the growth of harmful mould and achieve compliance with limitations on discharge into the waste water system of the **City**;
  - c) A security and exterior lighting plan consistent with the requirements of the Health Canada MMPR regulations, including monitored alarm system;
  - d) A plan of the placement and use of security cameras consistent with the Health Canada MMPR regulations;
  - e) A storage plan for the Medical Marihuana produced and/or otherwise stored on the **premises**;

- f) A plan for disposal of any Medical Marihuana or Infused Marihuana that is not consumed by patients in a manner that protects any portion thereof being possessed or ingested by any person or animal;
  - g) A plan for packaging and delivery of Medical Marihuana to patients, including the loading and transport of product;
  - h) Provide a signed declaration that no pesticides or other toxic substance shall be used in Medical Marihuana production and that the operation will meet the Health Canada Technical Specifications for Dried Marihuana for Medical Purposes document;
  - i) A copy of the Health Canada Medical Marihuana Producer licence;
  - j) a Health Canada identification number;
  - k) The names of every individual employed in the MMPR business and provide updates within 72 hours of any change in personnel;
  - l) Documentation that the **applicant** and all employees have passed an RCMP criminal records check on an annual basis;
- 11.2 Upon the termination of the MMPR business, an owner is required to clean the **premises** to the standard contained in the Nuisance Controlled Substance Bylaw No. 9510 as amended or replaced from time to time.

## 12. GRANTING AND SUSPENSION OF LICENCES

- 12.1 The **Licence Inspector** may grant a licence where he is satisfied that the **applicant** therefore has complied with the requirements of the bylaws of the **City** regulating building, zoning, health, sanitation and **MMPR business** and may suspend for such period as he may determine any licence if the holder of the Licence:
- (a) is convicted of an offence indictable in Canada;
  - (b) is convicted of any offence under any Municipal Bylaw or Statute of the Province in respect of the **MMPR business** for which he is licenced or with respect to the **premises** named in his licence;
  - (c) has, in the opinion of the Official, been guilty of such gross misconduct in respect of the **MMPR business** or in or with respect to the **premises** named in his licence that it warrants the suspension of his licence;
  - (d) has ceased to meet the lawful requirements of Health Canada to carry on the **MMPR business** for which he is licenced or with respect to the **premises** named in the licence;
  - (e) Failure to comply with or refusal to submit any of the requirements identified in **Part 11 REQUIREMENTS** of this Bylaw;
  - (f) The suspension of a licence by the **Licence Inspector** shall be made, in writing, signed by the Inspector and served on the person holding such licence or delivered to the holder of such licence by registered mail to the address given by the Licencee on the application for the licence. A notice of suspension of licence may be posted by the **Licence Inspector** upon the **premises** for which the licence was issued and such notice shall not be removed until the licence is reinstated, the former Licencee ceases to occupy the **premises**, or a new **MMPR business** other than the one carried on by the former Licencee is started in the **premises**. The **Licence Inspector** may also pick up any licence held by the Licencee during such period of suspension.
  - (g) The **Council** may revoke a licence for reasonable cause after giving notice to the Licencee and after giving him an opportunity to be heard.

13. LICENCE TO BE DISPLAYED

- 13.1 The Licencee or person in charge or control of **premises** where the **MMPR business** for which the licence is issued is carried on, shall at all times keep the licence or licences prominently displayed in the **MMPR business** area of the **premises** to which the public have access.

14. LICENCE INSPECTOR

- 14.1 The **Council** may, by resolution, appoint a person to be the **Licence Inspector**.
- 14.2 **Licence Inspectors** appointed pursuant to Section 14.1 are hereby authorized to enter at all reasonable times on any property that is subject to the direction to ascertain whether the requirement is being met or the regulations observed.

15. INSPECTION

- 15.1 The **Licence Inspector** is hereby authorized to enter at all reasonable time, on any property that is subject to the regulation of this bylaw in order to ascertain whether such regulations are being observed.

16. PENALTIES

- 16.1 Any person guilty of an infraction of this Bylaw shall be liable for a penalty under the City of Kelowna Bylaw Notice of Enforcement Bylaw No. 10475 as amended or replaced from time to time.

16.1.2 A person who:

- a) contravenes, violates or fails to comply with any provision of this Bylaw or of any permit or order issued under this Bylaw;
- b) suffers or allows any act or thing to be done in contravention or violation of this Bylaw or any permit or order issued under this Bylaw; or
- c) fails or neglects to do anything required to be done under this Bylaw or any permit or order issued under this Bylaw;  
commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the cost of prosecution.  
Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

17. SEVERABILITY

- 17.1 In the event that any section of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or sub-section shall be severed from and not affect the remaining provisions of this bylaw.



20. EFFECTIVE DATE

20.1 This bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## CITY OF KELOWNA

### BYLAW NO. 10921

#### **Amendment No. 8 to Bylaw Notice Enforcement Bylaw No. 10475**

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw No. 10475 be amended as follows:

1. THAT Schedule "A" be amended by adding in its appropriate location a new section for Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920 as attached to and forming part of this bylaw;
2. This bylaw may be cited for all purposes as "Bylaw No. 10921, being Amendment No. 8 to Bylaw Notice Enforcement Bylaw No."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

Schedule 'A'

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
<b>Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920</b>						
10920	4.4	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
10920	8.1	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
10920	8.2	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	Yes
10920	9.1	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
10920	11.1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j)	Fail to submit required plan, declaration, licence or identification number (for each offence)	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (k)	Fail to submit names of employees	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (k)	Fail to provide employee changes	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (j)	Fail to submit criminal records check	\$100.00	\$90.00	\$110.00	Yes
10920	13.1	Fail to display business license	\$50.00	\$45.00	\$55.00	Yes
10920	15.1	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	Yes

# CITY OF KELOWNA

## BYLAW NO. 10389

### Official Community Plan Amendment No. OCP08-0011 – Kathleen Mooney 5007 Chute Lake Road

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A bylaw to amend the "Kelowna 2020 – Official Community Plan Bylaw No. 7600".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 19.1 - **GENERALIZED FUTURE LAND USE** of Schedule "A" of "Kelowna 2020 – Official Community Plan Bylaw No. 7600" be amended by changing the Generalized Future Land Use designation for a portion of Lot 2, Section 24, Township 28, SDYD, Plan 33972 Except Plan 35765, located on Chute Lake Road, Kelowna, B.C., from the "Major Park & Open Space" designation to the "Single/Two Unit Residential" designation as per Map "A" attached to and forming part of this bylaw;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26<sup>th</sup> day of July, 2010.

Considered at a Public Hearing on the 24<sup>th</sup> day of August, 2010.

Read a second and third time by the Municipal Council this 24<sup>th</sup> day of August, 2010.

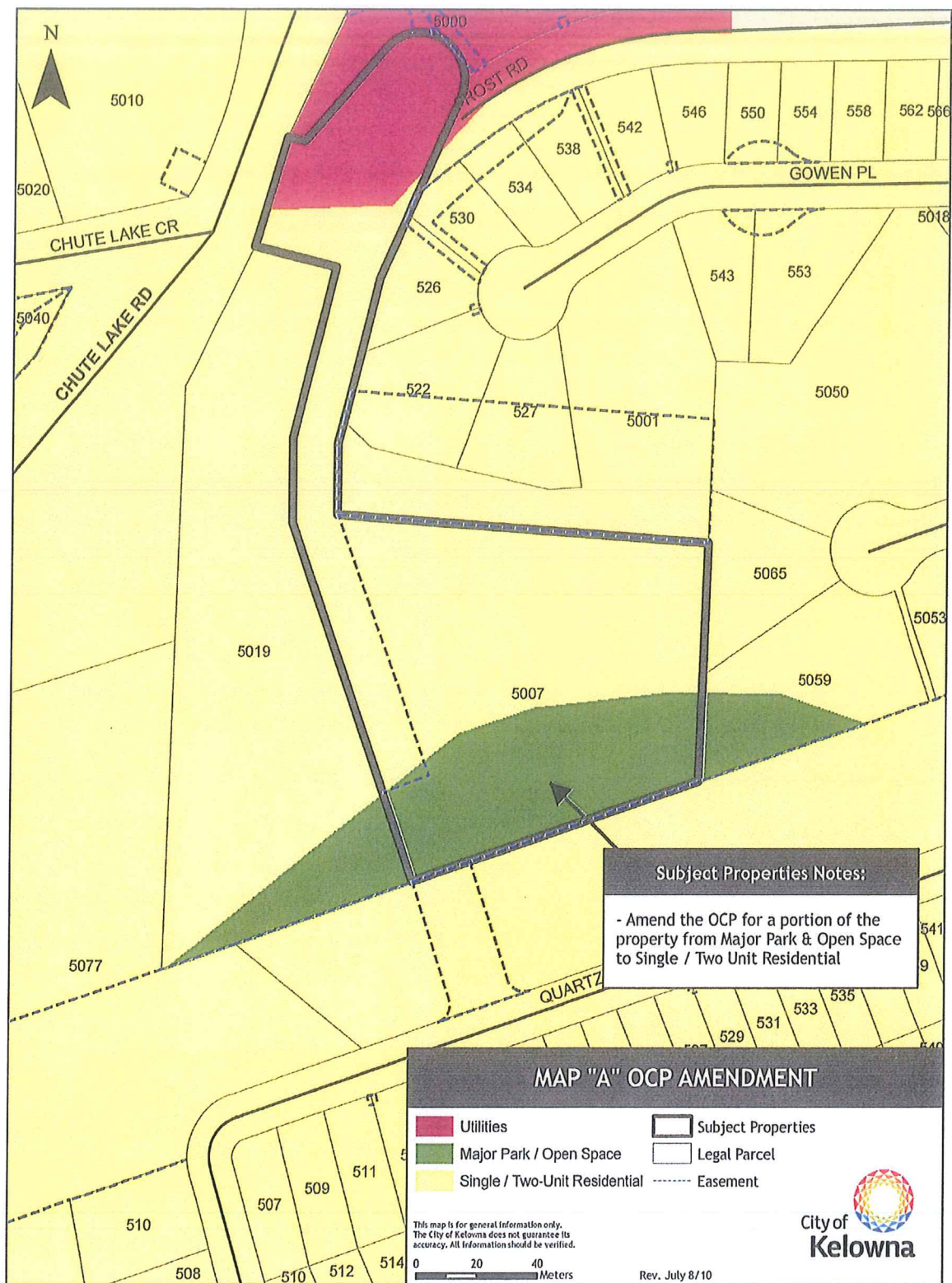
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 10390**  
**Z07-0079 – Kathleen Mooney**  
**5007 Chute Lake Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 2, Section 24, Township 28, SDYD, Plan 33972 Except Plan 35765 located on Chute Lake Road Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the RU1h – Large Lot Housing (Hillside Area) & RU2h Medium Lot Housing (Hillside Area) zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26<sup>th</sup> day of July, 2010.

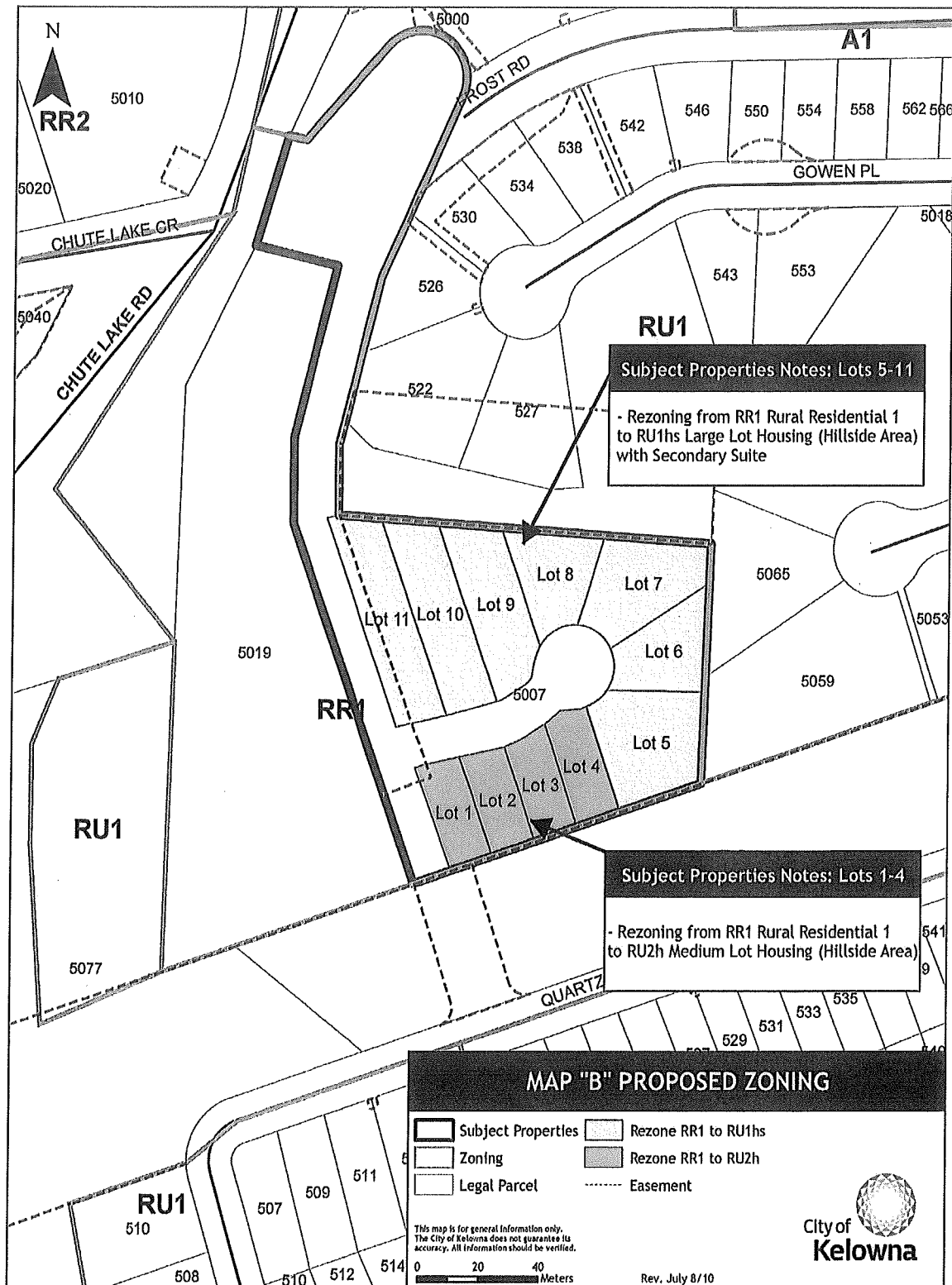
Considered at a Public Hearing on the 24<sup>th</sup> day of August, 2010.

Read a second and third time by the Municipal Council this 24<sup>th</sup> day of August, 2010

Amended at third reading and adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





**CITY OF KELOWNA**  
**BYLAW NO. 10779**  
**Z12-0063 - Kamalpreet Gill & Gurdev Gill**  
**835 Solly Court**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 26, Township 26, ODYD, Plan 20566 located on Solly Court, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 5<sup>th</sup> day of November, 2012.

Considered at a Public Hearing on the 27<sup>th</sup> day of November, 2012.

Read a second and third time by the Municipal Council this 27<sup>th</sup> day of November, 2012.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO.10911

### Amendment No. 3 to Development Applications Procedures Bylaw No. 10540

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Applications Procedures Bylaw No. 10540 be amended as follows:

1. THAT 4.2 PUBLIC NOTIFICATION, 4.2.2 Posting a Development Notice Sign, sub-paragraph be amended as follows:

- a) Deleting sub-paragraph d) Sign Content be deleted that reads:

“d) Sign Purchase:

The sign(s) will include the following information, as applicable to the application:

- Present and proposed Zone of the property;
- The City’s development application file number;
- Any requested variances of City bylaws;
- A brief description of the proposal;
- The date(s) of the relevant **Public Hearing** and/or **Council** meeting at which the application is to be considered, or the final date for receipt of public input if the **Public Hearing** has been waived; and
- Any additional information the **Director of Land Use Management** may require.”

And replaced with:

“d) Sign Purchase:

The sign(s) will include the following information, as applicable to the application:

- The City’s development application file number;
- A brief project description;
- The date(s) of the relevant **Public Hearing** and/or **Council** meeting at which the application is to be considered, or the final date for receipt of public input if the **Public Hearing** has been waived; and
- Any additional information the **Director of Land Use Management** may require.”

- Any additional information the **Director of Land Use Management** may require.”

b) Deleting sub-paragraph f) Sign Purchase be deleted that reads:

“f) Sign Purchase:  
Development Notice Signs will be purchased from the City at the applicant’s expense for the fee described in the **Development Application Fees Bylaw.**”

“f) Sign Purchase:  
Development Notice Signs will be purchased from a signage provider at the applicant’s expense . The City’s signage template must be used and the signage content must be endorsed by City Staff.

2. This bylaw may be cited for all purposes as "Bylaw No. 10911, being Amendment No.3 to Development Application Procedures Bylaw No. 10540."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 17<sup>th</sup> day of February, 2014.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk