



## City of Kelowna Public Hearing Minutes

Date: Tuesday, March 18, 2014  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh and Gerry Zimmermann

Council Members Absent: Councillors Andre Blanleil and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham; Divisional Director Community Planning & Real Estate, Doug Gilchrist; Urban Planning Manager, Ryan Smith; Subdivision, Agriculture & Environment Director, Shelley Gambacort; Bylaw Services Manager, Greg Wise; and Council Recording Secretary, Tania Tishenko

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m. Mayor Gray 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 Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on March 4, 2014 and by being placed in the Kelowna Capital News issues of March 7th, 2014 and March 11th, 2014. 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. Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marijuana Production Facilities - Industrial Zones

Staff:

- Summarized the application before Council.
- Responded to questions from Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received:

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

Gallery:

Mark Conlin, West Kelowna Resident

- Currently is a legal outdoor grower (not located in an industrial zone).
- Wants to dispel myths and fear based perceptions, and is seeking from Council that they don't act upon fears and make their decisions accordingly and based on facts.
- Believes Council is burdened with figuring out community impacts - criminal, fire regulations, mould and other hazards.
- Believes if industry comes to fruition, recreational needs may be met, but believes medicinal patients will need smaller growers to keep costs manageable.

Responded to questions from Council.

Kyle Mirnickle (ph), Kelowna Resident

- Does not support Industrial zoning.
- Believes small outdoor grow operations are not dangerous
- Large scale grow operations should be restricted. Small scale operations are more controlled.

Responded to questions from Council.

Gary Pushy, Kelowna.

- Doesn't understand zoning, but knows a lot of medicinal users will have difficulty with these changes.
- Has expressed his concerns in writing to the Federal Government.

Paul Mehain, Rutland

- Co owner of Be Kind Compassion Club. (in Rutland )
- Provided an overview of the Be Kind Compassion Club.
- Works with UBCO and they have a membership base of over 2500 people.
- Good relationship with neighbors and surrounding community and have had no RCMP issues.

- Believes they are taking people out of the streets and into their club.
- Stated that currently 29,000 people own license to possess.
- Concerned that club will have to close down and send 2500 people onto the street.
- Seeking confirmation that nothing in new Bylaw or new Business License Bylaw will impact the Club.
- Concerned that April 1, 2014 the RCMP could shut them down and that the legal foundation for Compassion Clubs will be gone.

Responded to questions from Council

City Clerk clarified that the City will not be enforcing the April 1st deadline.

Don Crompton, Kelowna

- Enquired if the new zoning will be taxed as industrial use?
- He disagrees and opposes and thinks this should be an agriculture land use only. (large commercial agricultural use)
- Thinks it's not good to spend money and resources servicing industrial land, not meant for agriculture.

No questions from Council

Staff:

- Confirmed that the portion of a site being used for production of medical marihuana is currently to be taxed under BC Assessment as "farm use", regardless of the actual zoning.

Tracey Jackson, Lake Country.

- Personal grower for own medicinal needs, and is concerned that personal control will be taken away.
- Concerned with standards and cross-contaminants of growing in buildings that have been used for industrial uses previously.

Responded to questions from Council.

Keith Funk, Kelowna

- In support of A 1 and industrial.
- Thinks that fire safety is not a big issue.
- Believes that Health Canada permit requirements are rigorous and that City needs to consider future repurposing opportunities as well in zoning decisions.
- We need to seize the market in variety of ways that won't limit or restrict from future changes.

Responded to questions from Council.

There were no further comments.

### 3.2. Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones

#### Staff:

- Summarized the Proposed Amendment before Council.
- Responded to questions from Council.

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

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

#### Gallery:

##### Jennifer Thorne, Kelowna.

- Represents a number of Medical Marihuana Producers but is here as an individual.
- Believes this is a product and industry we should embrace.
- Understands there are concerns with zoning, "are we going to have agricultural land next to schools"?
- Believes trend and movement is towards green houses, although currently enclosed buildings are being used.
- Considers Agricultural land as a primary place where these operations should be located.

Responded to questions from Council.

##### Jesse McConnell

- Co-founder of Whistler Medical Marihuana.
- Believes industrial growth won't last beyond 3-5 years.
- Provided an overview of the intense process he had gone through with Health Canada to meet their requirements.
- Believes greenhouses are more economically viable as repurposing greenhouses for other agricultural production is easily done
- Zoning should allow certain structures consistent with agriculture and not concrete bunkers. Peace Naturals Project Inc plan to use green house productions.
- Other issues like odour can be addressed with large filtration systems and bylaw regulation.
- Believes one year permitting is to provide for transition and to ensure process for licensing is working.

Responded to questions from Council.

#### Staff:

- Confirmed that the City currently has no control on building specifications, character and design in A1 zone, and will be up to Health Canada to enforce these issues.
- Confirmed that the city could regulate siting on the property through zoning.

Kip Vogelsang, Kelowna

- Has epilepsy, diabetes as well as other issues.
- Medical user and is concerned that his right to help himself is being taken away.
- Feeling like he is being held captive and held ransom.
- Believes Industrial will only drive up cost.

Norton Singhavon, Kelowna

- Been operating Medical Marihuana Production facilities since 2010.
- Has been working with the City of Kelowna with inspections, drawings and his facilities are on hold.
- Has potential facilities in both industrial and agricultural zones and believes use is less intrusive on A1 land.

Responded to questions from Council.

There were no further comments.

### **3.3. Bylaw No. 10920, Medical Marihuana Producer Business Licence and Regulation Bylaw**

Staff:

- Summarized the Amendments to the Business Licence and Regulation Bylaw before Council.

The Deputy City Clerk advised that no correspondence was received.

There were no further comments.

## **4. Termination**

The Hearing was declared terminated at 9:40 p.m.

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Mayor

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Deputy City Clerk

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