

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, May 6, 2013

9:45 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. Call to Order
2. Confirmation of Minutes  
Regular AM Meeting - April 29, 2013  
3 - 5
3. Issues Arising from Correspondence & Community Concerns
  - 3.1 Mayor Gray, re: Issues Arising from Correspondence 30 m
4. Reports
  - 4.1 Council Orientation - Information Services 45 m  
To provide Council with an overview of the role of Information Services.
  - 4.2 Agricultural Advisory Committee (AAC) 30 m 6 - 14  
This report with respect to the City's Agricultural Advisory Committee provides information and a recommendation with respect to public consultation on Agricultural Land Reserve (ALR) files. The report also considers the role of the AAC in making recommendations to Council.
5. Resolution Closing the Meeting to the Public  
THAT this meeting be closed to the public pursuant to Section 90(1) (i) of the Community Charter for Council to deal with matters relating to the following:

- Legal Advice.

6. Adjourn to Closed Session



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 29, 2013  
Location: Knox Mountain Meeting Room (#4A)  
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Singh and Councillor Colin Basran, Maxine DeHart, Gail Given, Luke Stack and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray and Councillors Andre Blanleil and Robert Hobson

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

### 1. Call to Order

Deputy Mayor Singh called the meeting to order at 9:38 a.m.

### 2. Confirmation of Minutes

Moved By: Councillor Stack/Seconded By: Councillor Given

R305/13/04/29 THAT the Minutes of the Regular AM Meeting of April 22, 2013 be confirmed as circulated.

Carried

### 3. Issues Arising from Correspondence & Community Concerns

#### 3.1. Mayor Gray, re: Issues Arising from Correspondence

##### 3.1.1 Deputy Mayor Singh, re: Gordon Drive Truck Route

Deputy Mayor Singh:

- Advised that she has been contacted by some residents in Glenmore regarding the Gordon Drive truck route.

Council:

- Had a discussion regarding the Ellis Street and Gordon Drive truck routes.

City Manager:

- Advised that staff is moving towards expansion of the truck route on Gordon Drive.

Council:

- Requested that staff provide a copy of the previous Report to Council regarding the Ellis Street truck route.

### **3.1.2 Councillor Zimmermann re: Letter from Lambert Schmaltz**

Councillor Zimmermann:

- Inquired if staff will be responding to Mr. Schmaltz.

City Manager:

- Advised that Land Use Management staff is reviewing whether or not to continue with the City's practice of tying a Development Permit to a rezoning application.
- Advised that he has instructed staff to make this a high priority. Once the review has been completed, staff will bring forward recommendations for Council's consideration.

### **3.1.3 Councillor Stack, re: Lakeshore Bridge Public Open House**

Councillor Stack:

- Requested an update on the recent Lakeshore Bridge Public Open House.

### **3.1.4 Councillor Stack re: SILGA Convention**

Councillor Stack:

- Inquired who on Council will be attending the SILGA Convention as a member of Council will need to speak to the City of Kelowna's SILGA Resolutions.

Council:

- Advised that Mayor Gray and Councillor Hobson are attending.
- Requested that staff provide both of the City of Kelowna's SILGA Resolutions for reference.

## **4. Resolution Closing the Meeting to the Public**

**Moved By: Councillor Given/Seconded By: Councillor DeHart**

**R306/13/04/29** THAT this meeting be closed to the public pursuant to Section 90(1) (e) and (g) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition, Disposition, or Expropriation, of Land or Improvements;
- Litigation; and
- Negotiations with the Provincial Government.

**Carried**

**5. Adjourn to Closed Session**

The meeting adjourned to a closed session at 9:53 a.m.

The meeting was terminated at 11:57 a.m.

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Deputy Mayor Singh  
/slh

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*R. Seedham*  
Deputy City Clerk

DRAFT

# Report to Council



**Date:** April 30, 2013  
**File:** 0615-20-01  
**To:** City Manager  
**From:** Greg Sauer, Environment & Land Use Planner  
**Subject:** Agricultural Advisory Committee (AAC)

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## **Recommendation:**

THAT Council receives, for information, the report from the Environment & Land Use Planner dated April 30, 2013, with respect to the Agricultural Advisory Committee;

AND THAT Council endorses the revised Agricultural Advisory Committee (AAC) Terms of Reference (TOR) which incorporate the changes recommended in Schedule "A" attached to the report from the Environment & Land Use Planner dated April 30, 2013.

## **Purpose:**

This report with respect to the City's Agricultural Advisory Committee provides information and a recommendation with respect to public consultation on Agricultural Land Reserve (ALR) files. The report also considers the role of the AAC in making recommendations to Council.

## **Background:**

Staff provided a report and presentation to Council on April 8, 2013 which reviewed the following:

- the number of communities in BC which currently have an AAC;
- impacts of the recent ALC policy change on extending the reconsideration period for applications declined by the ALC to 5 years; and
- the weight and influence given to Council and AAC recommendations by the ALC.

Council directed staff to further consider the AAC's mandate and TOR; and report back to Council prior to an anticipated meeting between Council and the AAC.

## **Public Consultation on ALR Files**

Council deferred acceptance of the revised TOR seeking additional consideration on new text intended to clarify the ability of public to address the AAC. As a reminder, staff proposed the following:

### ***Public In Attendance***

*Public in attendance shall be afforded the opportunity to address the Committee.  
Public comment will be recorded and will be limited to one (1) address not to exceed*

*three (3) minutes. The Chair, or Acting Chair will ensure that public comments are limited to those consistent with both the AAC's scope of work (see Section 4, above) and to the agenda item under consideration.*

This addition was intended to formalize a point in the process where public who deemed themselves affected by an application for Exclusion, Subdivision, or Non-Farm Use in the ALR could participate. As a reminder, ALR applications are considered by Council at Monday afternoon meetings, with a recommendation passed, and files forwarded to the ALC who make the decision. Unlike Rezoning, Temporary Use Permit (TUP), or Development Variance Permit (DVP) files which provide a public engagement opportunity, individuals potentially affected by an ALR application have no formal public comment opportunity at this time<sup>1</sup>. Land Use Management staff felt that the lack of public consultation is a deficiency in the current process that should be addressed.

Some concern was expressed with AAC meetings being the venue for affected parties to communicate their concerns. This concern led to the TOR being deferred in favour of additional staff consideration.

Land Use Management staff agree with concerns regarding the AAC being the venue for affected parties as opposed to Council. While potentially more efficient in terms of facilitating ALR applications through the City to the ALC, Council Committees such as the AAC were not envisioned to take on this responsibility and are not equipped to do so. Although the AAC providing this function is preferred to no opportunity for public engagement (as exists now), the opportunity for public to address Council is a possibility.

Staff have removed the above-noted addition from the proposed TOR as a result. Instead, Land Use Management staff will work with the Office of the City Clerk to identify the procedural changes required to ensure that files which warrant public input may be afforded this opportunity. It is expected that changes to the Development Applications Procedures Bylaw (10540) and Council Procedures Bylaw (9200) are necessary to accommodate this desire.

To ensure that the process can remain streamlined while ensuring enhanced consultation opportunities where necessary, it is anticipated that applications will need to be categorized into two types. First are the applications that do not require public comment and can continue to be considered on a Monday afternoon meeting. These applications include requests for "Subdivision in the ALR", "Inclusion into the ALR", and most "Non-Farm Uses in the ALR".

In contrast, public desire to be engaged appears most directly linked to applications to exclude land from the ALR. This is true given the permanence of this decision and what appears to be a growing interest in agriculture, local food and land preservation. Staff recommend that Exclusion applications be forwarded to a Regular Tuesday Council Meeting. These Tuesday evening meetings occur approximately fortnightly, whereas Monday afternoon Council meetings are typically weekly. Processing time for these files will be affected by approximately one week on average.

The process can be monitored to ensure that the files (e.g. specific types of Non-Farm Use) that require public input are forwarded to a public meeting. At the present time none of these appear to warrant public input.

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<sup>1</sup> Public comments are limited to written correspondence provided to Council and/or the Commission.

## **AAC Recommendations**

As a historical practice, the AAC has provided guidance to Council in the form of a recommendation (Support/Non-Support) which is determined by a simple majority of eligible voting members. However, the value of a formal AAC recommendation versus a series of comments was questioned, and staff was asked to give this item additional consideration. Council also requested further consideration of the information communicated to Council from meetings of the AAC.

With respect to information communicated, staff are currently providing AAC minutes as an attachment to the Council report, in addition to the AAC “Recommendation” and “Anecdotal Comments” which are within the report itself. It is hoped that this recent change in practice has resulted in Council obtaining a better understanding of what transpired at the AAC meeting and will therefore adequately resolve this concern.

With respect to AAC recommendations, staff have identified the following four options:

1. The status quo be maintained;
2. The AAC continue to make a recommendation, but that the Council (Committee) Recording Secretary revise the AAC Minutes from “That the AAC support/NOT support...” to “That the AAC recommends that Council Support/NOT Support...”;
3. The AAC recommendation of support/non-support not be forwarded to the ALC; or,
4. The AAC no longer vote on a recommendation of support.

Staff recommend Option 2, that the current practice of the AAC voting on a recommendation be maintained and that the resolution recorded in the AAC Minutes be stated as “That the AAC recommends that Council Support/NOT Support...”. Simply providing anecdotal comments may not provide Council with a clear understanding of whether or not the AAC is supportive of the proposal. The current practice of voting on a recommendation to Council provides Council and staff a clear indication of where they stand after balancing the potential benefits and impacts to agriculture and agricultural land.

It is expected that this minor change in wording will make it much more clear to all readers (i.e. public and the ALC) that the AAC is making a recommendation to Council (not the ALC) and further, that the AAC is not making a decision on the file being considered.

## **Conclusions**

Staff are confident that the proposed changes to the TOR and each of the Development Application and Council Procedures bylaws will result in desirable outcomes. As the TOR do not specifically require a vote on each file considered, no changes to the TOR are required.

In terms of impacts, forwarding ALR Exclusion files to a public meeting prior to Council making a recommendation of “Support” or “Non-Support” will extend the processing time for these files by approximately one week. This delay may be longer depending on the decisions that will need to be made with respect to advertising for the public meeting. The details will be worked out in greater detail through the amendments to the Procedures Bylaws. The extra time is however not extensive and the benefits of having this public engagement opportunity are thought to outweigh the extra processing time.

## **Internal Circulation:**

Office of the City Clerk

## **Legal/Statutory Procedural Requirements:**



- Development Applications Procedures Bylaw (10540); and
- Council Procedures Bylaw (9200)

**Personnel Implications:**

Bylaw amendments are required for both the Development Applications Procedures Bylaw and Council Procedures Bylaw should Council endorse the recommended changes with respect to considering ALR Exclusion applications at a public meeting on Tuesday evenings. The impact on staff time is not extensive.

From an ongoing operations perspective, there will be an incremental impact to staff and Council time at the Tuesday evening meetings. However, ALR exclusion applications are relatively rare and staff experience suggests that the public input is valuable.

**Financial/Budgetary Considerations:**

Notice of ALC applications to be considered at a Tuesday Regular Meeting may require delivery and newspaper advertising.

**Considerations not applicable to this report:**

Legal/Statutory Authority:  
Existing Policy:  
External Agency/Public Comments:  
Communications Comments:  
Alternate Recommendation:

Submitted by:

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Greg Sauer, Land Use Planner

Approved for inclusion:

☐

T. Cashin, Manager, Environment & Land Use

Approved for inclusion:

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D. Gilchrist, Acting General Manager, Community Sustainability

**Attachments:**

Agricultural Advisory Committee - Terms of Reference (proposed changes) (5 pages)

# Terms of Reference



## AGRICULTURAL ADVISORY COMMITTEE

### 1. INTRODUCTION

The Agricultural Advisory Committee (AAC) advises Council on issues important to the agri-business community. The Committee advises Council on land use and economic development matters with respect to agriculture, and acts as a liaison between Council and the agricultural community.

The Agricultural Advisory Committee functions as an **Advisory Committee** of Council.

### 2. OBJECTIVES

- | The primary objective of the AAC is to advise Council on sustainable agricultural land use from a multiple bottom line (i.e. cultural, economic, environmental, and social) perspective.

The AAC may function as a working group to advise on matters affecting the agri-business community as directed by Council.

### 3. SCOPE OF WORK

- | The AAC will-may provide advice to Council on matters relating to agriculture and agri-business in the City of Kelowna including:
  - Applications initiated under the Agricultural Land Commission (ALC) Act, which are to be considered by Council.
  - Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is within or adjacent to the Agricultural Land Reserve (ALR).
  - Applications to amend the Official Community Plan and Zoning Bylaw Amendments where the subject property is zoned agricultural or is adjacent to an agriculturally zoned parcel.
  - Assisting with the comprehensive review of the following documents as they relate to agriculture and agri-business matters of the City of Kelowna:
    - Bylaws;
    - Official Community Plan;
    - Neighbourhood and Comprehensive Development Plans;
    - Farm 'Edge' Policies;
    - Culture and Heritage Plans;
    - Park and Recreation Plans; and
    - Transportations Plans.
  - Working with Council, at Council's request, on submissions related to agricultural issues with other levels of government.
  - Other matters as referred by Council.

### 4. CRITERIA

In reviewing applications, plans, proposals or issues as listed above, the AAC will consider the following:

- Existing relevant policies and regulations (e.g. ALC Act & Regulations, OCP, Agriculture Plan);
- | • The effect of the proposal on the agricultural potential of the subject property in both the near and long term;

- The effect of the proposal on adjacent ALR properties and surrounding agricultural production;
- ~~The effect of the proposal on intergenerational equity;~~
- ~~The effect of the proposal on wWater resources~~ and transportation issues or opportunities that are deemed to impact upon agricultural land;
- A rating of the priority or impact of the applications on the maintenance of the ALR;
- Where appropriate, possible alternatives to the proposal; and
- The identification of issues relating to the protection of the ALR land specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

## 5. MEMBERSHIP

In order to provide representation from the agricultural community, the membership of the Committee shall consist of seven (7) voting members derived as follows:

- One (1) member of each of the following commodity groups, associations or interests:
  - greenhouse and nursery products;
  - tree fruits;
  - wine/grapes;
  - livestock/animal husbandry; and
  - agricultural processing and/or distribution (including farm retail sales).
- Two (2) members from the agricultural community at large and with direct agricultural interest and expertise. Examples include agricultural finance, or academia.
- Two (2) alternates may be appointed to replace regular members unable to attend Committee meetings. Alternates will be chosen from the agricultural community at large.
- Where insufficient members can be identified to represent the specific commodity groups, associations or interests identified above, additional members may be appointed from the community at large.

## 6. QUALIFICATIONS

The following are considered to be minimum qualifications to serve on the Committee:

- resident of the City of Kelowna;
- understanding of the agricultural planning framework and planning instruments including, but not limited to Kelowna's Official Community Plan, Zoning and other bylaws with respect to agricultural land use, Local Government Act, and Agricultural Land Commission Act;
- commitment to the AAC's objectives and available to attend most AAC meetings;
- ability to objectively review complex applications and planning considerations; and
- access to a computer and an e-mail address in order to receive and respond to communications and information including meeting packages.

## 7. APPOINTMENT AND TERM

Members shall be appointed by Council for a three year term, to run concurrent with the Council term.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign at any time upon sending written notice to the Chairperson of the Committee.

Committee members who are absent for three consecutive meetings shall forfeit their appointment, unless such absence is authorized by resolution of the Committee.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

The Committee may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

## 8. CHAIR

Unless appointed by Council the Committee shall elect a Chairperson and if applicable Vice-Chair, annually. In the absence of the Chairperson and Vice Chairperson, the Committee may elect an Acting Chairperson from those members present at that meeting.

The Chair and Vice-Chair shall be provided a training session by the City on procedures for Committees of Council.

## 9. MEETING PROCEDURES

The Chairperson shall call meetings of the Committee on a monthly basis unless there are no items to be reviewed in a particular month. ~~Generally, a~~All meetings will be held on the second Thursday of each month, in City Hall. Alternate dates may occur where special circumstance demand.

The Committee will recognize that each meeting requires a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work.

A special meeting may be called by the Chairperson, at the request of any three Committee members, or the **Director, Land Use Management**. Notice of the day, hour, and place of special meeting shall be given at least three days prior to the meeting, by providing a copy of the notice for each member of the Committee and the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedure Bylaw No. 9200 as amended, or replaced from time to time, all meetings will be held in open session and in a location accessible to the public.

~~Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.~~

A majority of the Committee members, four (4), shall represent a quorum. A meeting shall not proceed if a quorum cannot be achieved. Members must make a reasonable effort to notify the staff liaison at least two (2) working days before the meeting if they are unable to attend.

The order of business is to be set out in an agenda package and provided to the Committee members in advance of the meeting ~~date~~. ~~Items for the a~~Agenda items will be forwarded ~~electronically~~ to the Office of the City Clerk at least seven complete working days prior to the meeting date for agenda preparation and posting for the public on the City's website.

Minutes of the meetings will be prepared by the Office of the City Clerk and signed by the Committee Chair, or Acting Chair for the meeting for which the minutes pertain. Originals of the minutes will be forwarded to the Office of the City Clerk for safekeeping. Once adopted, minutes will be posted for public viewing on the City's website.

~~Committee members have a responsibility to make decisions based on the best interests of the City at large.~~

## Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200 as amended, or replaced from time to time. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

#### Voting

Committee members have a responsibility to make decisions based on the "criteria" established in Section 4, above.

All Committee members, including the Chair, vote on every question unless they have declared a conflict and left the meeting.

Members who do not indicate their vote, or have left the meeting without declaring a conflict, are counted as having voted in favour of the question.

If the votes are equal for and against, the question is defeated.

#### Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, a representative of another agency or community group, or as an individual. Committee members must convey the public interest and remember that they represent the Corporation of the City of Kelowna.

#### Contact with the ALC Commissioners or Staff

Committee members shall not discuss active files with ALC staff and Commissioners. Rather, Committee members shall direct ALC Commissioners or staff to the City's staff liaison or City Manager if additional information or clarification is required by the Commission.

#### 10. SCHEDULED DELEGATIONS

The Committee may, from time to time, invite resource people or delegations to participate in a Committee meeting. Individuals or delegations must be authorized by the City Manager and identified in advance as an item on the meeting agenda.

#### 11. REPORTING TO COUNCIL

Where appropriate, recommendations of the Committee should be adopted by a motion of the Committee prior to an application being considered by Council. The Committee will report their recommendations to the **Land Use Management Department** who shall forward the Committee recommendations to Council as part of a comprehensive report on the development proposal or bylaw.

The Committee will provide a status report to Council annually. This report should include a record of work conducted and an indication of the associated costs attached to the Committee's work including staff resources.

The Committee Chairperson will, accompanied by the staff liaison, report to Council on behalf of the Committee.

## 12. BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Community Sustainability Division budget.

## 13. STAFF SUPPORT

The **Land Use Management Department** shall provide support for the Committee to undertake work assigned by Council within the Committee's scope of work. Support functions may include the following:

- Forwarding all agenda items to the **Office of the City Clerk** at least seven working days prior to the meeting date for agenda preparation and posting as a public notice;
- distributing the agenda packages to Committee members;
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee;
- reviewing and returning draft minutes to the **Office of the City Clerk** to finalize prior to adoption by the Committee; and
- maintaining a list of outstanding issues for Committee action in accordance with the Committee's scope of work and Council's direction.

The **Office of the City Clerk** shall provide clerk support for the Committee. Support functions include the following:

- organizing and preparing the meeting agendas, in conjunction with the Chair & staff liaison;
- receiving and organizing all agenda-related presentation materials and/or hand-outs prior to the meeting date for inclusion in the agenda package;
- posting all meeting notices and agendas for the public in accordance with the statutory timelines;
- taking and preparing draft minutes, and providing the final minutes to the City Clerk and staff liaison;
- maintaining the records of the Committee, including posting and filing of minutes for the public record; and
- forwarding the Committee's meeting agendas and minutes electronically for circulation to all Council members

The Office of the City Clerk, in conjunction with the staff liaison, shall initiate recommendations to Council for Committee appointments and maintain an updated list of appointees, including the date they were appointed.

Endorsed by Council: December 18, 2000

Revised & Endorsed by Council: August 26, 2002

Revised & Endorsed by Council: November 18, 2002

Revised & Endorsed by Council: October 19, 2009

Revised & Endorsed by Council: February 13, 2012

Revised & Endorsed by Council: May 6, 2013 (TBD)