

City of Kelowna

Regular Council Meeting

AGENDA



Monday, January 26, 2015
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. Confirmation of Minutes

3 - 17

Budget Deliberations - January 15, 2015
Regular PM Meeting - January 19, 2015

3. Committee Reports

3.1 Agricultural Advisory Committee - Terms of Reference Update

18 - 33

Staff are seeking Council support for a revised Terms of Reference (TOR) for the Agricultural Advisory Committee (AAC).

4. Development Application Reports & Related Bylaws

4.1 TA14-0020 - Analytical Testing of Medical Marihuana in the I1, I2, I3 and I4 Zones, City of Kelowna

34 - 38

To make associated amendments to the Zoning Bylaw to add a definition for Analytical Testing and to permit Analytical Testing as a principal use in Industrial Zones.

4.2 BL11054 (TA14-0020) - Amendment to City of Kelowna Zoning Bylaw No. 8000, Adding Analytical Testing of Medical Marihuana as a Principal Use

39 - 40

To give Bylaw No. 11054 first reading.

4.3 354 Christleton Avenue, Z12-0036 - Dennis William Hector McGuire

41 - 43

To consider the rescindment of the rezoning bylaw for the subject property from RU1- Large Lot Housing to RU1c - Large Lot Housing with Carriage House.

44 - 44

To rescind first, second and third readings given to Bylaw No. 10731 and to direct staff to close the file.

5. Bylaws for Adoption (Development Related)

45 - 46

To adopt Bylaw No. 11036 in order to rezone the subject property.

6. Mayor and Councillor Items

7. Termination

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Thursday, January 15, 2015.

Council members in attendance: Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn*, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Financial Services, Genelle Davidson; Financial Planning Manager, George King; Deputy City Manager Paul Macklem; Divisional Director Corporate & Protective Services, Rob Mayne; the Divisional Directors, Directors and Managers of the Strategic Services Division*, Community Planning & Real Estate Division*, Infrastructure Division*, Civic Operations Division*, Active Living & Culture Division*, Corporate & Protective Services Division*, Communications & Information Services Division*, Human Resources & Corporate Performance Division*; and Financial Services Accountant, Nicole Unruh.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Basran called the meeting to order at 8:31 a.m.

2. BUDGET DISCUSSION

The Director, Financial Services provided opening remarks and an explanation of the Budget Review Process.

OPERATING PROGRAM:

Strategic Services

A motion by Councillor Donn to amend the operating supplemental request for the Transit Real Time Service Monitoring System on page E13 from P2 to P1 was lost due to lack of a seconder.

Moved by Councillor Donn/Seconded by Councillor Hodge

B001/15/01/15 THAT the P2 operating supplemental request for Transit Service Enhancement and Expansion from page E12 be starred for further discussion.

Carried

Fire Department (includes Capital - Tab V)

Staff:

- Provided information on how **Shift Coverage** on page E25 is managed and the situations that may result in overtime.
- Provided information on the potential uses of the **Side by Side ATV** including fire incidents or rescue in remote areas, and assisting with snow removal at the McKinley station.
- Confirmed that currently remote area incidents require firefighters to hike in or use a helicopter if deemed necessary; are working with Civic Operations on a solution for snow removal at the McKinley station.

- Confirmed that reserve funding is only used for replacement equipment, therefore, as new equipment, this is a capital request.

Moved by Councillor Singh/Seconded by Councillor Gray

B002/15/01/15 THAT the P2 capital supplemental request for the Side by Side ATV/Trailer from page V4 be starred for further discussion.

Carried

Airport (includes Capital - Tab W)

Staff:

- Advised that the airport is self-funding and therefore there is no impact to taxation.
- Confirmed that the *Airport Master Plan Land Development Guideline* project (E45) includes the participation of staff from the Real Estate & Building branch and will include consideration of generating general revenues for the City.
- Confirmed the P2 request for *Transit Service Enhancement and Expansion (Airport)* on page E12 reflected mostly early morning, late evening and weekend staff demand as the airport continues to grow and offer more services.
- Commented that if the airport was to consider covering any additional transit service costs, further economic review would be required.
- Confirmed there is no increase to the Airport Improvement Fee (AIF) in this budget.
- Confirmed the four year *Flight to 2020 Capital Improvement Program* has fifteen million dollars in capital improvements projected for the first year.
- Announced the Drive to 1.6 Million passengers has been met a full year ahead.
- Confirmed the *Oshkosh Striker Replacement* on page W4 is manufactured in the United States and built to federally legislated specification requirements.

CAPITAL PROGRAM:

Real Estate

Staff:

- Responded to questions from Council regarding *Parking Equipment, Downtown* on page M4, including information on the use of cameras in the parkades for security and RCMP incident reviews, as well as an overview of the parking management strategy for the ongoing replacement of meters with pay stations.

There were no amendments to the Real Estate Capital budget as presented.

Building Capital

Staff:

- Responded to questions on the design of the *Ellis Street Parkade* on page N3, including street frontage presence and space for City of Kelowna staff and services currently located on the Central Green site.
- Provided details on the structural repairs to the *Glenn Avenue School* heritage building on page N5 as required under the terms of the lease with the Boys & Girls Club; confirmed the lease revenue does not cover maintenance costs.

City Manager:

- Advised that staff is currently preparing a building asset strategy that will be presented for Council consideration at a future meeting.

Staff:

- Confirmed that the request for structural repairs to the **Cameron House** on page N7 is in addition to the \$330,000 approved in previous budgets, however, the level of repair has not yet been determined.

Moved by Councillor Sieben/Seconded by Councillor Gray

B003/15/01/15 THAT the P1 capital request for Cameron House, Structural Repairs from page N7 be starred for further discussion.

Carried

City Manager:

- Advised more information would be provided if necessary.

Staff:

- Provided priority criteria for **Civic Building Roof Replacement** on page N8 and confirmed the need for roof repair on a portion of Parkinson Recreation Centre.
- Confirmed the **Queensway Jetty Retaining Wall Repairs** on page N8 is repair, not full replacement.

The meeting recessed at 10:00 a.m. The meeting reconvened at 10:13 a.m.

Parks Capital

There were no amendments to the Parks Capital budget as presented.

Transportation Capital

Staff:

- Confirmed that with the **Canyon Creek Partnering Agreement** on page P12, if the development does not proceed, the city has a mortgage in form of letter of credit to cover costs of the KLO bridge reconstruction.

There were no amendments to the Transportation Capital budget as presented.

Solid Waste Capital

There were no amendments to the Solid Waste Capital budget as presented.

Storm Drainage Capital

There were no amendments to the Storm Drainage Capital budget as presented.

Street Lights Capital

There were no amendments to the Street Lights Capital budget as presented.

Information Services Capital

Staff:

- Provided background information on the **Office equipment replacement program** from page T3/T4, confirming that savings are projected in the budget and that replacement only occurs when necessary with funds carried over if not used.

There were no amendments to the Information Services Capital budget as presented.

Vehicle & Mobile Equipment Capital

There were no amendments to the Vehicle & Mobile Equipment Capital budget as presented.

Water Capital

Staff:

- Confirmed that any Water Capital P2 requests funded by the utility that were added as a P1 would reduce our annual surplus.

There were no amendments to the Water Capital budget as presented.

Wastewater Capital

There were no amendments to the Wastewater Capital budget as presented.

OPERATING PROGRAM:

City Administration

City Manager:

- Confirmed that the *Strategic Priority Projects* operating request on page D9 is new and that the funds would be used for exploring opportunities presented as new strategic projects that are not identified in the 10yr capital plan, without using funds from reserves.

Staff:

- Confirmed that the amount of the request was determined by averaging the costs associated with previous emergent strategic projects, including the soccer dome, innovation centre, and CN rail funding.

Moved by Councillor Hodge/Seconded by Councillor Sieben

B004/15/01/15 THAT the P1 capital request for Strategic Priority Projects from page D9 be starred for further discussion.

Carried

Infrastructure

There were no amendments to the Infrastructure operating budget as presented.

Community Planning & Real Estate

Staff:

- Confirmed the *Parking Strategy - Hospital District Area Plan Development* on page G19 will fund an external consultant working with IHA and utilizing in house City expertise as well.

There were no amendments to the Community Planning & Real Estate operating budget as presented.

Active Living & Culture

Staff:

- Confirmed the **Community Neighbourhood Association** project on page H11 would involve hiring an external contractor to look at best practices and engage with stakeholders; the project will involve City staff expertise and support teams.

City Manager:

- Indicated this project will help inform the building of strong resilient neighbourhoods.
- Clarified the funding request on page H12 in preparation for **Canada's 150th Celebration** will include support for activities and initiatives beyond Canada Day celebrations.
- Confirmed there are no Federal funds announced at this time, but staff will investigate any funding opportunities as they arise.

Staff:

- Directed Council to the late item submitted by Active Living & Culture and requested a motion.

Moved by Councillor Given/Seconded by Councillor Sieben

B005/15/01/15 THAT the late item operating request for Kelowna Museums - Sports Hall of Fame from the page following H16 be amended from P3 to P1, deleting the item from Budget.

Carried

Council:

- Requested a discussion of P2 item **Festivals Kelowna Grant Increase** on page H16.

Councillor Donn declared a conflict, as Festivals Kelowna is his employer, and left the meeting at 11:25 a.m.

Staff:

- Commented that the requested increase in grant funding is to provide Festivals Kelowna with additional leverage to build more sponsorships for the New Year's Eve event.
- Confirmed existing budget has been used over the previous two years to gain sponsorship, however, as the event continues to grow and new opportunities arise, there have been additional costs; example, the video projection on City Hall for the 2014 event.

Council:

- Commented that with Stuart Park increasing in size, need to consider animating this space as well.

Moved by Councillor Stack/Seconded by Councillor Hodge

B006/15/01/15 THAT the P2 operating request for Festivals Kelowna Grant Increase from page H16 be starred for further discussion.

Carried

Prior to Councillor Donn returning to the meeting, and to avoid Councillor conflict when reviewing starred items at the end of the meeting, Council then passed the following motion:

Moved by Councillor Stack/Seconded by Councillor Hodge

B007/15/01/15 THAT the P2 operating request for Festivals Kelowna Grant Increase from page H16 be removed from the starred items list and moved from P2 to P1.

Carried

Councillor Donn returned to the meeting at 11:36 a.m.

Civic Operations

Staff:

- Noted a budget correction to **Pavement Repairs** on page I19, by changing the taxation amount of \$11,800 to \$0.00.
- Directed Council to the late item submitted by Civic Operations in relation to the **Park Maintenance Contract Annual Increase** on page I20 and requested a motion.

Moved by Councillor Given/Seconded by Councillor Stack

B008/15/01/15 THAT the late item operating request for the Park Maintenance Contract from the page following I36 be amended from P3 to P1, thereby reducing the taxation impact on the Park Maintenance Contract Annual Increase on page I20 from \$50,000 to \$31,000.

Carried

Staff:

- In response to a question from Council on **Green Bike Lane Markings** on page I25, confirmed they have received lots of positive feedback from both the biking community and motorists.
- Provided clarification on comments found under **Security Camera Maintenance** on page I26 that there is currently no city policy to expand the security camera network, rather they are added in areas of concern in consultation with the City Risk Manager.
- Provided information on the pilot project for an **Energy Specialist Coordinator** from page I28, including the initial part time status, funding from the reserve, and the anticipated cost savings that will result in a positive return on investment in the future.
- Confirmed the addition of **Handrails at the Apple Bowl/Rutland West** from page I28 is based on priority and may impact other civic properties in the future.

Moved by Councillor DeHart/Seconded by Councillor Singh

B009/15/01/15 THAT the P2 operating request for Pickleball Courts from page I36 be starred for further discussion.

Carried

Staff:

- Confirmed the addition of six additional **Pickleball Courts** would eliminate the final two of four tennis courts immediately adjacent to PRC, however, they can be used for learn to play tennis groups.
- Provided information on the local pickleball club organization which has contributed to the cost, and which has been awarded the Western Nationals for the next 3 years.

The meeting recessed at 12:12 p.m. The meeting reconvened at 12:53 p.m.

Corporate & Protective ServicesPolice Services

Staff:

- Confirmed there are six additional members in this budget, three (3) approved as part of the Prosser report for **RCMP Resourcing** on page J32, and three (3) additional members under **RCMP - 3 Regular Members** on page J33 that fall under growth expectations from the Prosser report.

There were no amendments to the Corporate & Protective Services operating budget as presented.

Communications & Information Services

Staff:

- Confirmed the **Pesticide Free Program** reduction request on page K13 relates to elimination of the in-person workshop portion only; access to all program information has been moved on-line.
- Directed Council to the late item submitted by Communication and Information Services in relation to the **Office 365 Subscription** following page K13 and requested a motion.

Moved by Councillor Given/Seconded by Councillor Donn

B010/15/01/15 THAT the late item expenditure reduction request for the Office 365 Subscription from the page following K13 be amended from P3 to P1, thereby reducing the taxation impact by \$38,390.

Carried

Human Resources & Corporate Performance

There were no amendments to the Human Resources & Corporate Performance operating budget as presented.

Director, Financial Services:

- Provided an update with respect to the current status, with starred items: Transit Service Enhancement and Expansion, Side by Side ATV/Trailer, Cameron House Structural Repairs, Strategic Priority Projects, and the Pickleball Courts, and the addition of Festivals Kelowna as a P1, there is a 3.41% tax rate prior to consideration of starred items.

The meeting recessed for a break at 1:23 p.m. The meeting reconvened at 1:33 p.m.

Wrap-Up & Discussion

Council considered the following starred items individually:

Cameron House Structural Repairs (N7)

Council:

- Would like more dialogue and discussion with regards to a heritage strategy.

Moved by Councillor Hodge/Seconded by Councillor Singh

B011/15/01/15 THAT the starred item, P1 capital request for Cameron House Structural Repairs from page N7 be moved to P2, and be revisited as part of final budget.

DEFEATED

Mayor Basran and Councillors Donn, Given, Gray and Sieben - Opposed.

Moved by Councillor Given/Seconded by Councillor Sieben

B012/15/01/15 THAT the starred item, P1 capital request for Cameron House Structural Repairs from page N7 be revisited as part of final budget;

AND THAT, prior to final budget, Council directs staff to hold a Council workshop to discuss heritage priorities;

AND FURTHER THAT Council directs staff not to spend any existing funds on Cameron House repairs (\$330,000) until the Council workshop has been held.

Carried

Strategic Priority Project (D9)

A motion by Councillor Hodge that the P1 operating request for Strategic Priority Projects from page D9 be reduced by \$30,000 was lost due to lack of a seconder.

Council deferred further discussion until the end of starred items.

Transit Service Enhancement and Expansion (E12)

Moved by Councillor Donn/Seconded by Councillor Hodge

B013/15/01/15 THAT the P2 operating request for Transit Service Enhancement and Expansion from page E12 be moved to P1.

DEFEATED

Mayor Basran and Councillors DeHart, Given, Gray, Singh and Stack - Opposed.

Pickleball Courts (I36)

Moved by Councillor Stack/Seconded by Councillor DeHart

B014/15/01/15 THAT the P2 operating request for Pickleball Courts from page I36 be moved to P1.

Carried

Side by Side ATV/Trailer (V4)Moved by Councillor Hodge/Seconded by Councillor Singh

B015/15/01/15 THAT the P2 operating request for Side by Side ATV/Trailer from page V4 be moved to P1.

Carried
Mayor Basran and Councillor Given - Opposed.

Director, Financial Services:

- Provided an update, indicating Council's discussion thus far of the starred items would result in a 3.46% tax increase; confirmed this included the full operating request of \$180,000 for the P1 Strategic Priority Project budget item.

Moved by Councillor Given/Seconded by Councillor Hodge

B016/15/01/15 THAT the operating request for Strategic Priority Projects from page D9 be removed from starred items and remain a \$180,000 P1 request as presented in the 2014 Budget.

Carried

Council had no further questions or comment on the 2015 provisional budget.

Moved by Councillor Hodge/Seconded by Councillor Sieben

B017/15/01/15 THAT the 2015 Financial Plan, as amended by Council, and resulting in a 3.46% tax increase, be approved subject to Final Budget considerations.

Carried

4. COUNCILLOR ITEMS

Councillor Stack:

- Recommended baseline budget information, as found in Civic Operations, be included in all sections of the annual provisional budget documents in the future.

Director, Financial Services:

- Advised that the information will be included in the future.

Councillor Hodge:

- Expressed a concern with policing costs being dictated by the Federal Government and suggested that UBCM lobby that 90% is too high.

5. TERMINATION

The meeting was declared terminated at 2:33 p.m.

Certified Correct:

Mayor

/kln/slh



Deputy City Clerk

DRAFT



City of Kelowna

Regular Council Meeting Minutes

Date: Monday, January 19, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith*; Urban Planning Supervisor, Lindsey Ganczar*; Fire Chief, Jeff Carlisle*; Deputy City Manager, Paul Macklem*; Urban Forest Health Technician, Andrew Hunsberger*; Park & Landscape Planner, Barb Davidson*; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

Mayor Basran advised that the 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. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Donn

R045/15/01/19 THAT the Minutes of the Regular Meeting of January 12, 2015 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Rezoning Application No. Z14-0050 - 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, Dickson Avenue Holdings Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

Council:

- Raised questions pertaining to traffic impacts of the proposed development and the timing of staff's analysis of the traffic study coming back to Council.
- Raised concerns regarding the applicant's efforts with public consultation to date.

Staff:

- Will provide Council with the traffic study and staff comment at a future Monday afternoon Council Meeting, prior to the Public Hearing being scheduled.

Moved By Councillor Gray/Seconded By Councillor Hodge

R046/15/01/19 THAT Rezoning Application No. Z14-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

1. Requirements of Development Engineering Branch being completed to their satisfaction.

Carried

3.2 Bylaw No. 11051 (Z14-0050) - 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue and 1517-1521 Dickson Avenue, Dickson Avenue Holdings Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R047/15/01/19 THAT Bylaw No. 11051 be read a first time.

Carried

3.3 Rezoning Application No. Z14-0053 - 545 Radant Road, Stacey Lynn Fenwick

Staff:

- Provided a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Stack

R048/15/01/19 THAT Rezoning Application No. Z14-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 Section 1 Township 25 ODYD Plan 8768, located on 545 Radant Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

3.4 Bylaw No. 11052 (Z14-0053) - 545 Radant Road, Stacey Lynn Fenwick

Moved By Councillor Donn/Seconded By Councillor Given

R049/15/01/19 THAT Bylaw No. 11052 be read a first time.

Carried

3.5 Rezoning Application No. Z14-0056 - 385 Cadder Avenue, Andrew & Lesley Wilson

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R050/15/01/19 THAT Rezoning Application No. Z14-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14, ODYD Plan 3305, located on 385 Cadder Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1C - Large Lot Housing with Carriage House zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

3.6 Bylaw No. 11053 (Z14-0056) - 385 Cadder Avenue, Andrew & Lesley Wilson

Moved By Councillor Gray/Seconded By Councillor Hodge

R051/15/01/19 THAT Bylaw No. 11053 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna

Moved By Councillor Singh/Seconded By Councillor DeHart

R052/15/01/19 THAT Bylaw No. 11014 be adopted.

Carried

4.2 Bylaw No. 11029 (OCP14-0021) - 5505 Chute Lake Road, Calcan Investments Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R053/15/01/19 THAT Bylaw No. 11029 be adopted.

Carried

4.3 Bylaw No. 11030 (Z14-0041) - 5505 Chute Lake Road, Calcan Investments Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R054/15/01/19 THAT Bylaw No. 11030 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Rescue 1 Replacement

Staff:

- Summarized the report recommendations and responded to questions from Council.

Deputy City Manager:

- Advised that staff will review equipment reserve and strategy for replacement with Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

R055/15/01/19 THAT Council approve an increase to the previously approved amount of \$600,000 for the 2014 Capital Request Fire Trucks - Rescue 1 to \$706,200, including taxes, funded from the Fire Equipment Replacement Reserve;

AND THAT the 2014 Financial Plan be amended accordingly.

Carried

5.2 2015 Okanagan Basin Water Board Grant Applications

Staff:

- Summarized the report recommendations and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Given

R056/15/01/19 THAT Council approves an application by staff to the Okanagan Basin Water Board for the 2015 Water Conservation and Quality Improvement Grant to develop a plan to increase and maintain the tree cover along Mill Creek with the intent of improving water quality and riparian habitat;

AND THAT Council endorses by resolution the application by the Central Okanagan Land Trust to the Okanagan Basin Water Board for a 2015 Water Conservation and Quality Improvement Grant for restoration plantings at Munson Pond Park;

AND FURTHER THAT upon confirmation of successful grant award, the 2015 Financial Plan be amended to include the additional expenditure of \$30,000 for the Mill Creek Tree Management Plan funded by an Okanagan Basin Water Board grant.

Carried

6. Mayor and Councillor Items

Councillor Donn:

- Welcomed area Mayors, Councillors and Directors to the upcoming Local Government Leadership Academy Training sessions being held in Kelowna this week.

Councillor Sieben:

- Welcomed area Mayors, Councillors and Directors to the upcoming Local Government Leadership Academy Training sessions being held in Kelowna this week.

Councillor Singh:

- Spoke to the Carma Project that donates vehicles for families in need.

City Clerk:

- At the request of Mayor Basran, the City Clerk made comment on the Traffic Bylaw requirements to remove snow and ice from sidewalks.

Mayor Basran:

- Friendly reminder to residents to clear snow on the sidewalks in front of their homes.

7. Termination

This meeting was declared terminated at 2:47 p.m.

Mayor

/acm

Amcellal
City Clerk

REPORT TO COUNCIL



Date: January 26, 2015
File: 0615-20-08
To: City Manager
From: Subdivision, Agriculture & Environment Services Manager
Subject: Agricultural Advisory Committee - Terms of Reference Update

Recommendation:

THAT Council receives, for information, the Report from Subdivision, Agriculture & Environment Services Manager dated January 26, 2015 with respect to a revised Terms of Reference for the Agricultural Advisory Committee;

AND THAT Council approves the revised Terms of Reference for the Agricultural Advisory Committee attached as Schedule "A" to the Report of the Subdivision, Agriculture & Environment Services Manager dated January 26, 2015.

Purpose:

Staff are seeking Council support for a revised Terms of Reference (TOR) for the Agricultural Advisory Committee (AAC).

Background:

The importance of agriculture to our community is confirmed by the fact that over 57% of the City's 21,700 hectare land base is zoned A1 - Agriculture. That agricultural land is woven throughout our urban fabric adds significant challenge to managing this land.

The AAC came into effect in 1993 with the goal of having a stakeholder group with specific knowledge to advise Council on land use and economic development matters pertaining to agriculture and also to act as a liaison between Council and the agricultural community. Kelowna's AAC experience has proven very positive and is highly regarded by both Ministry of Agriculture and Agricultural Land Commission staff and commissioners who promote Kelowna's AAC as a model.

In the past two decades, the AAC has filled an important role to our community. In addition to providing guidance to Council, the AAC provides an opportunity for applicants to receive feedback consistent with what they are likely to hear from both Council and the Agricultural Land Commission (ALC), which typically results in an improved proposal. The AAC also assists staff in arriving at a position on development applications and help to shape policy with respect to agriculture.

The TOR is based on the "Model Terms of Reference" for AAC's established by the BC Ministry of Agriculture (see attached). The "Model TOR" provides improved guidance with respect to the mandate of the AAC and the considerations that the AAC should comment on relative to what currently exists.

In terms of major changes, staff received a request from the Interior Health Authority's (IHA) Community Integration Department (attached) to participate on the AAC. IHA staff bring expertise in both community nutrition and food security. Given this, staff recommend that Interior Health have the opportunity to provide a non-voting member to the AAC, to provide input from a community health and food security perspective.

At this time, City staff also recommend a few minor changes to the AAC TOR to improve on this already valuable committee. The proposed TOR have been revised with minor edits to better achieve the proposed mandate, it is recognized that AAC member composition is critical. The existing TOR requires that seven members be selected from the "agricultural community at large" and that five members be appointed to represent specific sectors as described in the TOR, with the remainder from the agricultural community at large.

It is felt that the above recommendations (as detailed in the updated TOR) will add additional value to an already valuable committee. Staff expect to return to Council in early March with member appointment recommendations for Kelowna's new AAC.

Internal Circulation:

Office of the City Clerk

Legal/Statutory Authority:

Committees of Council are created under the Community Charter and the Local Government Act to provide an opportunity for members of the public to work together collaboratively to provide advice on matters referred to them by Council.

Existing Policy:

Terms of Reference - Revised & Endorsed by Council: May 6th, 2013 (see attached).

Personnel Implications:

The AAC is supported by City staff including a staff liaison from the Subdivision, Agriculture & Environment Department, along with oversight by the Subdivision, Agriculture & Environment Services Manager and Director, Land Use Management. Administrative support is provided by the Office of the City Clerk.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by:

T. Cashin, Subdivision, Agriculture & Environment Services Manager

Approved for inclusion:



Shelley Gambacort,
Director, Subdivision, Agriculture & Environment

Attachments:

Schedule "A" - Agricultural Advisory Committee Terms of Reference (Updated)

Schedule "B" - Agricultural Advisory Committee Terms of Reference (May 6th, 2013)

Interior Health Authority Letter (December 1st, 2014)

Model Terms of Reference - Ministry of Agriculture, Food and Fisheries

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 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;
 - Agriculture 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;

- Water 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 should 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.
- One member from Interior Health (non-voting) to provide input regarding community nutrition and food security.

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;
- available to attend most AAC meetings;
- commitment to the AAC's objectives;
- ability to objectively review complex applications and planning considerations;
- understanding of the agricultural planning framework and planning instruments including, but not limited to Kelowna's OCP, Zoning and other bylaws with respect to agricultural land use, Local Government Act, and Agricultural Land Commission Act; 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

The committee will run concurrent with the 4 year Council term with a mid-term review at the end of two years. Members shall be appointed by Council for a two year 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. 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.

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.

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 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.

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, 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 of Subdivision, Agriculture and Environment**. 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.

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. Agenda items will be forwarded 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.

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 **Subdivision, Agriculture and Environment Services Branch** 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 Planning & Real Estate Division budget.

13. STAFF SUPPORT

The **Subdivision, Agriculture & Environment Services Branch** 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.

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Revised & Endorsed by Council:	

Terms of Reference



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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;
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Revised & Endorsed by Council:	February 13, 2012
Revised & Endorsed by Council:	May 6, 2013

December 1, 2014

Attention: Karen Needham, Deputy City Clerk, City of Kelowna

Re: Interior Health membership on Agricultural Advisory Committee

Please accept this letter of request to the City of Kelowna regarding the inclusion of an Interior Health representative as a member of the Agriculture Advisory Committee.

Given Interior Health's interest in agriculture, and the integral role agricultural land plays in the preservation and enhancement of community food security, we would like the opportunity to participate in the discussions, decisions and recommendations that are made on behalf of the Agricultural Advisory Committee.

Interior Health brings expertise in the field of food security, knowledge of best and promising practices from across the province and the country, as well as strong connections with the Provincial Health Services Authority (and the Provincial Manager for Food Security), as well as the Ministry of Health (and the Office of the Provincial Nutritionist).

Interior Health currently provides comment for municipal government consideration when deliberating over land use referrals. We also offer input related to Official Community Plans, Regional Growth Strategies and Integrated Community Sustainability Plans. I believe our contributions to the City of Kelowna would be strengthened with the opportunity to participate more fully in discussion among the group of stakeholders at the City's Agricultural Advisory Committee.

On behalf of Interior Health's Food Security Program, I can offer the appointment of an IH staff person to be a member of the Agricultural Advisory Committee. This person will meet the qualifications as itemized in the current Terms of Reference and will bring the health perspective to help advise council on sustainable agricultural land use from a multiple bottom line. The same person will be attending the meetings, thereby providing a consistent and relevant health knowledge base to bolster the integrity of the Agricultural Advisory Committee and its contribution to council decisions.

Thank you for your consideration.

Regards,



Heather Deegan, MSc, RD
Manager, Population Health Services
Community Integration, Interior Health

Bus: (250) 868-7887
Fax: (250) 868-7826
Email: heather.deegan@interiorhealth.ca
Web: www.interiorhealth.ca

Population Health Services
CIHS Promotion & Prevention
1340 Ellis Street
Kelowna, BC V1Y 9N1

Agricultural Advisory Committees: A link to your farm community



Starting a Successful Agricultural Advisory Committee

- **First steps**
- Make contact with Ministry of Agriculture staff to discuss AAC formation.
- Speak to other jurisdictions with AACs about their experience.
- Identify agricultural groups in the area.
- Assign specific staff to provide on-going support and ensure the AAC functions smoothly. Many communities assign a planner and secretarial support. These staff can help distribute information to AAC members, book meeting rooms, and record and forward minutes and decisions to the council or board.
- Develop a clear “terms of reference” for the AAC, while providing a degree of flexibility so that it can meet local needs. See <http://www.al.gov.bc.ca/resmgmt/st/aac/package.htm> for a model terms of reference.

Appointing members

- To gain the best advice on agricultural issues, at least two-thirds of the AAC members should be farmers. Appointments should represent a cross-section of commodity types that are important within the community the AAC serves. Where relevant, include a representative from the agricultural processing or distribution sector.
- Contact agricultural groups for advice on possible AAC appointments and discuss the relationship that the AAC will have with each group. Ideally, a broad-based agricultural group will nominate AAC members from its membership. If not, local agricultural groups could nominate most members and elected officials could appoint a few members.
- Discuss possible appointments with Ministry of Agriculture staff.
- Ensure that a strong, committed Chair person is available to lead the AAC. Consider designating a member of the agricultural community as Chair to encourage fruitful discussion and effective decision-making.
- To establish a solid link between the AAC and the council or regional board, appoint a council or board member to be responsible for staying updated on the AAC's activities and reporting back to the council or board.
- Consider appointing a university representative involved with agricultural courses or research.
- If the agricultural area includes other major land uses such as rural residential, forestry or recreation, consider including people that represent these interests, but ensure that farmers remain the majority of the membership.
- Where there are inter-related issues and a local government has several committees, consider having joint meetings or “cross-over” committee members. For example, there is often a strong relationship between agriculture and economic development. Members could be appointed to sit on both the AAC and economic development committees or commissions. Other examples include environment, planning advisory, parks and recreation, transportation, or healthy community committees.
- Non-voting AAC members could include municipal or regional district planning staff and secretarial staff, Ministry of Agriculture staff and Agricultural Land Commission staff and council or board members.
- Set term limits for AAC appointments and indicate the number of times an individual can be renewed. Jurisdictions with few farmers may want to choose longer term limits.
- Specifically, consider limiting the term of office for the Chair to keep things fresh and build leadership capacity.

Once the AAC is formed

- Put the best interests of agriculture forward and be a credible source of agriculture-related information for the council or board.
- Have patience, as it often takes time for new AACs to “find their feet” and for the council or board to feel comfortable with its new committee. Don't get discouraged!

Agricultural Advisory Committees: A link to your farm community



Best Practices for Agricultural Advisory Committees

- Plan meeting times with daily and seasonal farming schedules in mind. It may make sense to have less frequent meetings during planting and harvest, or evening meetings.
- Establish and follow conflict of interest guidelines so that members understand when they should leave the discussion. Where applicable, the *Community Charter* conflict of interest guidelines should be followed (http://www.bclaws.ca/EP/Libraries/bclaws_new/document/t/ID/freeside/03026_04).
- Make sure the local government staff liaison contacts the AAC members regularly, especially when meetings are infrequent. One way to do so is through monthly emails.
- Encourage the AAC to tackle day-to-day issues as well as broader initiatives. Note: If the AAC is an official Advisory Planning Committee under section 898 of the *Local Government Act*, the AAC's activities need to be outlined in a bylaw. Any additional activities need to be directed by the council or board.
- Maintain a clear, effective relationship between the AAC and council or regional board and provide frequent updates on AAC activities. When possible, connect with council or regional board members informally through lunches and other social engagements.
- For other key committees or commissions, appoint an AAC member to act as liaison.
- Connect with the farm community beyond AAC members (see below for ideas).



Additional Ways for Local Governments to Link to the Farm Community

- Appoint farm representatives to advisory planning commissions and other committees.
- Seek the advice of farmers' institutes and commodity groups.
- Maintain contact with staff at the Ministry of Agriculture and Agricultural Land Commission.
- Appoint a council or board member as the farm/ranch liaison.
- Designate a specific staff person to focus on agricultural issues.
- Coordinate farm tours and on-farm workshops for local government staff, politicians and/or the public.



Agricultural Advisory Committees: A link to your farm community

Provincial Support for Agricultural Advisory Committees

The Ministry of Agriculture and the Agricultural Land Commission support AACs by making knowledgeable personnel available and by sharing information.

- Staff can be available to attend AAC meetings as non-voting technical resource members.
- The Strengthening Farming website (<http://www.al.gov.bc.ca/resmgmt/sf/aac/index.htm>) has a number of resources including a model terms of reference, a sample volunteer's contract and "The AAC Information Exchange" where AACs can post resources to share with one another.
- The Ministry of Agriculture hosts biennial AAC workshops. Information about previous workshops is available at: <http://www.al.gov.bc.ca/resmgmt/sf/aac/workshops.htm>.

**For more information on Agricultural Advisory Committees,
contact the Strengthening Farming Program at the Ministry of Agriculture!**

1767 Angus Campbell Road
Abbotsford BC, V3G 2M3

Telephone: 604-556-3001

Fax: 604-556-3099

Toll-free: 1-888-221-7141

www.al.gov.bc.ca/resmgmt/sf



AGRICULTURAL ADVISORY COMMITTEES

A link to your farm community

What is an Agricultural Advisory Committee?

Agricultural Advisory Committees (AACs) are an effective way for local governments to link with their farm and ranch communities. An AAC is appointed and functions similarly to other advisory committees of councils or regional boards. A key asset is that the AAC members are predominantly drawn from the farm and ranching community and the committee focuses on agricultural issues. Over 40 local governments have appointed AACs to work with councils and regional boards and their staff. For a current list of AACs, see: <http://www.al.gov.bc.ca/resmgmt/sf/aac/list.htm>.

Agricultural Advisory Committee Activities

Local governments with AACs have access to the advice of knowledgeable members of the farm community in a timely manner, on any issue that might affect agriculture. Although each AAC functions slightly differently, most advise local governments in two broad areas: day-to-day issues and broader initiatives.

Day-to-Day Issues:

- review proposed bylaws and official plans and rezoning applications
- advise on applications under the *Agricultural Land Commission Act*
- share insight on water supply and drainage issues
- give feedback on the effectiveness of insect and weed control programs
- provide input on parks and recreation, transportation, growth management plans and other land use proposals that impact agriculture

Broader Initiatives:

- steer agricultural studies, economic plans, and agricultural area plans to completion
- assist with implementation of the plans for the agriculture and food sectors
- assist with the development of agricultural edge policies to enhance land use compatibility
- advise on the need for and appropriateness of farm bylaws
- steer studies and reports on farm infrastructure needs
- propose local government policies related to farming
- advise on opportunities for joint funding of drainage or irrigation works
- steer studies on the impacts of transportation corridors and park and recreation proposals
- raise agricultural awareness
- assist with farm tours and on-farm visits
- contribute to Agriculture in the Classroom initiatives

Report to Council



Date: January 9, 2015

File: 1250-04

To: City Manager

From: Urban Planning Department (TY)

Subject: Proposed Text Amendment to Zoning Bylaw 8000 to permit Analytical Testing as a principal use and permit Analytical Testing of Medicinal Marihuana in the I1, I2, I3, I4 zones.

Recommendation:

THAT Zoning Bylaw Text Amendment No. TA14-0020 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the existing definition of Medical Marihuana Production Facility, by adding a definition for Analytical Testing and to permit Analytical Testing as a principal use in the I1 - Business Industrial, 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 December 16, 2014, be considered by Council.

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

Purpose:

To make associated amendments to the Zoning Bylaw to add a definition for Analytical Testing and to permit Analytical Testing as a principal use in Industrial Zones.

Background:

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

The current Medical Marihuana Production Facility definition adopted into the City of Kelowna Zoning Bylaw No. 8000 does not identify analytical testing and the use is not currently a principal use in Industrial zones.

A Guidance Document submitted by health Canada, *Technical Specifications for Testing Dried Marihuana for Medical Purposes* Dated June 19, 2013 speaks directly to the testing requirements:

Testing of dried marihuana can only be performed by the holder of a producer's licence under the MMPR or of a dealer's licence under the Narcotic Control Regulations, and must be performed according to validated methods. Validation means establishing documented evidence that will provide a high degree of assurance that the testing methods must consistently and reproducibly lead to the predetermined specifications and quality results in dried marihuana.

Medical marihuana production involves the cultivation, growing, harvesting, and drying of the marihuana plant, followed by the testing, packaging and storage of the dried marihuana. The dried medical marihuana is then distributed to authorized customers for medical use as per the required federal and municipal licensing restrictions.

Understanding that any operation handling medical marihuana requires operators to meet standards through Health Canada in order to be licensed, City staff is seeking to differentiate between the production facility and the analytical testing laboratory of the medicinal marihuana industry. This testing is not required to be in the same facility as the growing operation of a Medical Marihuana Production Facility and may be conducted by a third party that is licensed under the Health Canada Marihuana for Medical Purposes Regulations.

Due to the laboratory facility that is required to conduct the analytical testing of dried medical marihuana, the zones that permit this use should imitate those zones that permit other pharmaceutical or controlled substance testing laboratories. In review of current bylaws it came to light that the City of Kelowna does not have a definition for a laboratory that carries out analytical testing on substances for research and development or quality control of medical or government regulated products. As such it is not a standalone principal use under City of Kelowna Zoning Bylaw No. 8000. Such uses do exist in Kelowna, currently as a secondary use within a hospital or medical facility.

Analytical Testing solely permits laboratory testing and excludes the ability to produce, store, sell or destroy a controlled substance. This also allows for the principal use of an analytical testing laboratory separate from medical marihuana production in industrial zones. Licensed analytical testing laboratories for licensed producers of Medicinal Marihuana are required to hold a federal licence for each controlled substance and adhere to the monitoring, restricted access, delivery security measures, intrusion detection systems, sanitary conditions and staff clearance levels as regulated by MMPR. Any controlled substance handled in an analytical testing laboratory must be transported, received, tracked and stored in compliance with Health Canada and where appropriate Controlled Drugs & Substances regulations.

An amendment to the City of Kelowna Medical Marijuana Producer Business Licence and Regulation Bylaw No. 10920 is also being proposed concurrently with the proposed zone amending bylaw and is intended to ensure that the Analytical Testing laboratory maintains its operation in compliance with the Health Canada Regulations.

A number of factors have been considered when determining the appropriate zones for the Analytical Testing land use including the compatibility of adjacent uses, the available infrastructure and accessibility for emergency services. Considering these factors the recommendation is to amend the noted zones to permit Analytical Testing.

This approach to permit Analytical Testing in Industrial zones is consistent with a number of the larger municipalities that were researched.

Schedule "A" outlines the Zoning Bylaw Text Amendment being proposed.
Analytical Testing as a Permitted Use within the I1, I2, I3 and I4 Industrial Zones

Internal Circulation:

The proposed text amendment was circulated to the following departments for comment:

Legal/Statutory Authority:

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

Legal/Statutory Procedural Requirements:

Existing Policy:

The following bylaws were adopted for MMPF on May 26, 2014

Amendments to the Zoning Bylaw 8000 that would permit Medical Marihuana Production Facilities in the I1, I2, I3 and I4 as a principal use and creation of a Medical Marihuana Production Regulation Business Licence and Regulation Bylaw No. 10920.

External Agency/Public Comments:

Considerations not applicable to this report:

Financial/Budgetary Considerations
Personnel Implications
Alternate Recommendation
Communications

Submitted by:

Tracey Yuzik, Planner

Approved for inclusion:



Ryan Smith, Urban Planning Manager

SCHEDULE “A”
SUMMARY OF PROPOSED TEXT AMENDMENT
December 16, 2014

Zoning Bylaw No. 8000		
Section	Existing Text	Proposed Text
General Definitions Section 2.3.3	MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of marihuana and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119).	MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013 -119).
General Definitions Section 2.2.3	N/A	<i>Add as a new definition:</i> Analytical Testing means the validated testing, research and development or quality control of a substance or product carried out in a laboratory operation and must be licensed under Health Canada or Controlled Drugs and Substances regulation of any substance or product being tested.
15.1 - I1 - Business Industrial 15.1.2 Principal Uses	N/A	Add as a principal use: Analytical Testing
15.2 - I2 - General Industrial 15.2.2 Principal Uses	N/A	Add as a principal use: Analytical Testing
15.3 - I3 - Heavy Industrial 15.3.2 Principal Uses	N/A	Add as a principal use: Analytical Testing
15.4 - I4 - Central Industrial 15.4.2 Principal Uses	N/A	Add as a principal use: Analytical Testing

Chart for information only, not to be included in report.

MUNICIPALITIES IDENTIFYING TESTING / LABORATORY AS A PRINCIPAL USE				
JURISDICTION	DEFINED	AGRICULTURE	INDUSTRIAL	COMMERCIAL
Burnaby	x			
Chilliwack	✓		M3 (General Industrial) P6 (University Village) CD-14 (Lickman East-Progress Way Industrial Area)	
Kamloops	x			
Kelowna	x			
Langley	x			
Nanaimo	✓		I1, I2, I3,	Commercial Centre 3 & 5
Ottawa	✓	T1	I2E (U of Ottawa King Edward Precinct subzone), IG (General Industrial zone), IH (Heavy Industrial zones), IL (Light industrial zones), IP (Business Park Industrial zones)	AM (arterial Mainstreet zones) GM (General Mixed Use zones) MC (Mixed Use Centre zones) MD (Mixed-Use Downtown zone), TD (Transit Oriented Development zone), TM (Traditional Mainstreet zone), Rural Commercial,
Peachland	x			
Pemberton	✓		INDUSTRIAL	
RDCO	✓		I1	C1, C4,
Surrey	x			

CITY OF KELOWNA

BYLAW NO. 11054

TA14-0020 - Amendment to City of Kelowna Zoning Bylaw No. 8000 - Permitting Analytical Testing of Medical Marihuana as a Principal Use

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 Section 2 - Interpretation, 2.3 General Definitions be amended by:
 - a) Adding a new definition for **ANALYTICAL TESTING** in its appropriate location that reads:

"ANALYTICAL TESTING means the validated testing, research and development or quality control of a substance or product carried out in a laboratory operation and must be licensed under Health Canada or Controlled Drugs and Substances regulation of any substance or product being tested."
 - b) Deleting the definition of **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 licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119)."And replace it with:

"MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119)."
2. AND THAT Section 15 - Industrial Zones, 15.1 - I1-Business Industrial, 15.1.2 **Principal Uses** be amended to add **Analytical Testing** in its appropriate location and renumber subsequent subsections.
3. AND THAT Section 15 - Industrial Zones, 15.2 - I2-Business Industrial, 15.2.2 **Principal Uses** be amended to add **Analytical Testing** in its appropriate location and renumber subsequent subsections.
4. AND THAT Section 15 - Industrial Zones, 15.3 - I3-Business Industrial, 15.3.2 **Principal Uses** be amended to add **Analytical Testing** in its appropriate location and renumber subsequent subsections.
5. AND THAT Section 15 - Industrial Zones, 15.4 - I4-Business Industrial, 15.4.2 **Principal Uses** be amended to add **Analytical Testing** in its appropriate location and renumber subsequent subsections.

6. 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

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: December 3, 2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: Z12-0036 **Owner:** Dennis William Hector McGuire

Address: 354 Christleton Ave **Applicant:** Peter Chataway

Subject: Rezoning Application Rescind and Closure

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1C - Large Lot housing with Carriage House

1.0 Recommendation

THAT Council receives, for information, the report from the Urban Planning, Community Planning & Real Estate Division, dated August 8, 2013 with respect to Rezoning Bylaw Application 10731 (Z12-0036 - Dennis William Hector McGuire (Peter Chataway) - 354 Christleton Avenue;

AND THAT Bylaw No. 10731 be forwarded for rescindment consideration and Staff be directed to close the related files.

2.0 Purpose

To consider the rescindment of the rezoning bylaw for the subject property from RU1- Large Lot Housing to RU1c - Large Lot Housing with Carriage House.

3.0 Urban Planning

Zone Amending Bylaw No. 10731 to rezone the subject property from the RU1- Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone received second and third readings on August 7, 2012. Final adoption of the bylaws was withheld in order for the applicant to arrange financing.

However, the applicant has chosen not to proceed with any further extension requests, and to abandon the project. Confirmation has been provided to withdraw the application, requesting staff to close the files.

Report prepared by:

Adam Cseke, Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

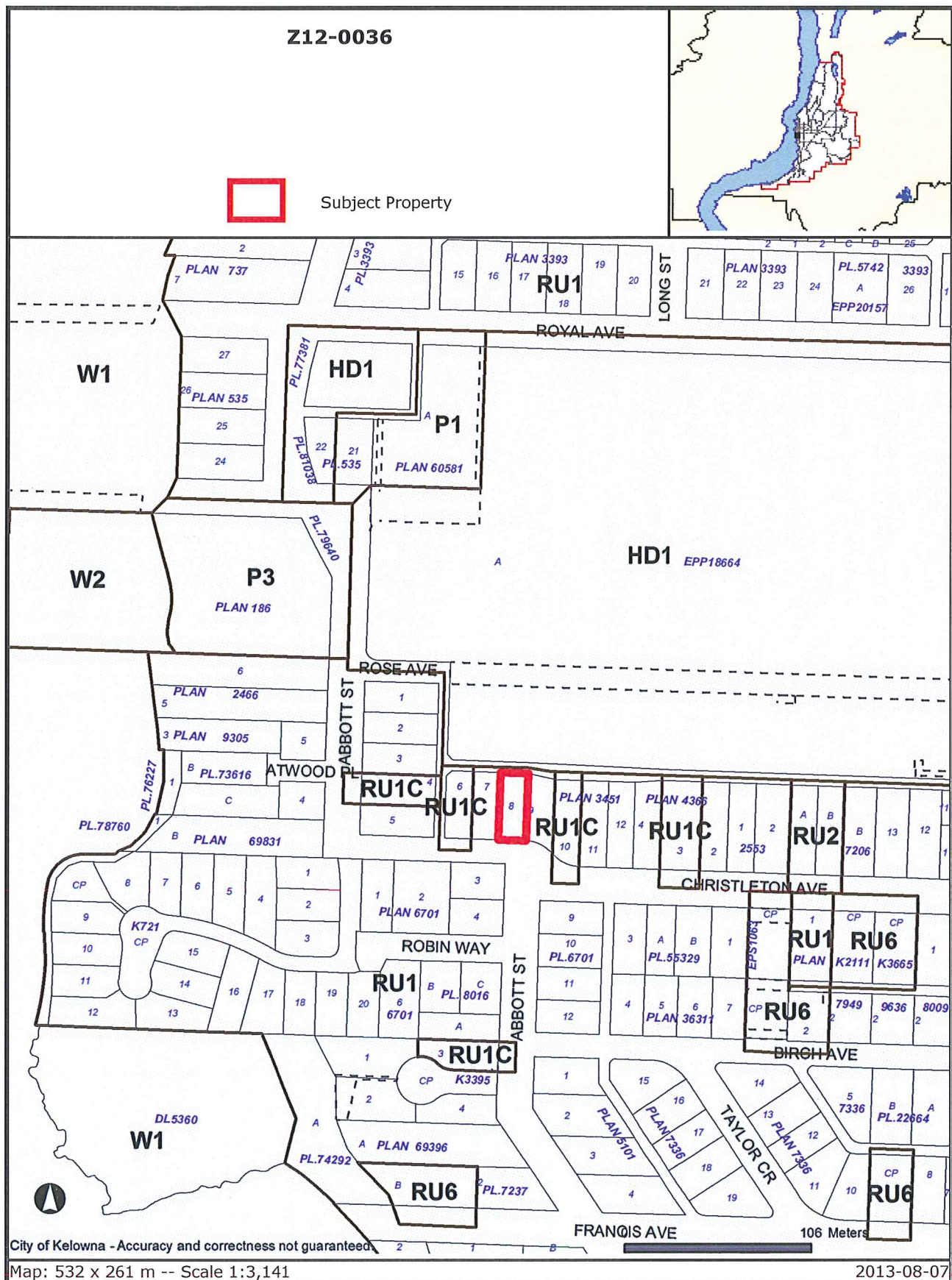
Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Site Plan



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA
BYLAW NO. 10731
Z12-0036 - Dennis McGuire
354 Christleton Avenue

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 8, District Lot 14, ODYD, Plan 3451 located on Christleton Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite 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 9th day of July, 2012.

Considered at a Public Hearing on the 7th day of August, 2012.

Read a second and third time by the Municipal Council this 7th day of August, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11036
Z14-0049 - Midwest Ventures Ltd.
5505-5507 Airport Way

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 portions of Lot A, District Lot 14, Township 23, ODYD, Plan EPP23036 located on Airport Way, Kelowna, B.C., from the C9 - Tourist Commercial zone to the CD15 - Airport Business Park zone and from the CD15 - Airport Business Park zone to the C9 - Tourist Commercial 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 8th day of December, 2014.

Considered at a Public Hearing on the 13th day of January, 2015.

Read a second and third time by the Municipal Council this 13th day of January, 2015.

Approved under the Transportation Act this 15th day of January, 2015.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

