

**Minutes of the *REGULAR BOARD MEETING* of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Monday, November 26, 2012**

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Directors:

J. Baker (District of Lake Country) *arrived at 7:02 p.m.*  
C. Basran (City of Kelowna)  
A. Blanleil (City of Kelowna)  
J. Edgson (Central Okanagan West Electoral Area)  
K. Fielding (District of Peachland)  
D. Findlater (District of West Kelowna)  
G. Given (City of Kelowna)  
W. Gray (City of Kelowna)  
P. Hanson (Central Okanagan East Electoral Area)  
R. Hobson (City of Kelowna)  
D. Ophus (District of West Kelowna)  
G. Zimmermann (City of Kelowna)  
M. Werstuik (Westbank First Nation)

Staff:

P. Macklem, Chief Administrative Officer  
M. Kopp, Director of Parks Services  
R. Fralick, Manager of Current Planning  
R. Mueller, Chief Bylaw Enforcement Officer  
C. Radford, Director of Environmental Services  
D. Plamondon, Director of Development Services  
B. Smith, Communications  
D. Widdis, Regional Growth Strategy Coordinator  
M. Drouin, Corporate Services Coordinator (recording secretary)

**1. CALL TO ORDER**

Chair Hobson called the meeting to order at 7:00 p.m.

**2. ADDITION OF LATE ITEMS**

There were no late items for the agenda. 8.6 has been withdrawn at the request of the applicant.

**3. ADOPTION OF THE AGENDA**

**#257/12**

GIVEN/ZIMMERMANN

THAT the agenda be adopted.

CARRIED

**4. ADOPTION OF MINUTES**

4.1 Regular Board meeting – November 8, 2012

**#258/12**

EDGSON/BASRAN

THAT the Regular Board meeting minutes of November 8, 2012 be adopted.

CARRIED

**5. DELEGATION**

No delegations

**6. CORRESPONDENCE**

- 6.1 Ministry of Community, Sport and Cultural Development – Regional District Population and Voting Strength as a Result of the 2011 Census *(for information) (All Directors – Unweighted Vote)*

The Ministry of Community, Sport and Cultural Development notice of November 15<sup>th</sup> outlined the Board's voting strength as a result of the 2011 Census. The Central Okanagan's total weighted vote moves from 44 to 47 with the City of Kelowna receiving two further votes (total 30) and the District of West Kelowna receiving one (total 8). All other weighted voting strength remain as previous—Lake Country (3); Peachland (2); Central Okanagan West (3); and Central Okanagan East (1).

*Director Baker arrived at 7:02 p.m.*

**#259/12**

**GRAY/FIELDING**

THAT the Ministry of Community, Sport and Cultural Development notice of November 15<sup>th</sup> confirming the Board's voting strength, as a result of the 2011 Census, increasing from 44 to 47 total votes be received.

CARRIED

- 6.2 Local Government Leadership Academy – 2013 Leadership Forum (Feb. 20-22, 2013) – Approval for Electoral Area Directors Attendance *(All Directors – Unweighted Vote)*

The Local Government Leadership Academy 2013 Leadership Forum will be held in Richmond February 20 – 22, 2013.

**#260/12**

**BAKER/GIVEN**

THAT Director Edgson be approved to attend the Local Government Leadership Academy, 2013 Leadership Forum in Richmond February 20 – 22, 2013.

CARRIED

- 6.3 Okanagan Basin Water Board Report – November 8, 2012 *(for Information) (All Directors – Unweighted Vote)*

**#261/12**

**ZIMMERMANN/FIELDING**

THAT the Okanagan Basin Water Board report of November 8, 2012 be received for information.

CARRIED

6.4 District of West Kelowna re: Participation in Regional District Services (*for information*) (*All Directors – Unweighted Vote*)

The District of West Kelowna's letter of November 14, 2012 outlined Council's request to initiate an informal review of West Kelowna's participation in Economic Development Commission and regional planning; as well as initiate discussions regarding withdrawal from Transportation Demand Management (TDM), Noxious Weed Control, Noxious Insect Control and Air Quality services. The letter included a request to facilitate changes prior to adoption of the 2013 Financial Plan.

The Board noted that to cease funding before the next budget year would not be reasonable. Discussion will need to occur with the other service partners and decisions made whether the District can withdrawal from the service, and if so whether to 'pare down' or stop a service entirely. Concern was expressed that withdrawing from regional services impacts the partners and, as example air quality impacts all residents in the valley and beyond.

Staff noted that the Ministry has been contacted with regard to 'dispute resolution' to determine how issues would be resolved--what would the framework be should there be disagreement. Staff will need to determine the amount of work it will take to properly review the request and, if required, the Board will need to further determine priorities for the CAO for the remainder of his secondment.

#262/12

BLANLEIL/GRAY

THAT the November 14, 2012 letter from the District of West Kelowna regarding the notice for an informal review of participation in the Economic Development Commission and regional planning, and withdrawal of service from Transportation Demand Management (TDM), Noxious Weed Control, Noxious Insect Control and Air Quality services be received;

AND FURTHER THAT the Chief Administrative Officer be directed to prepare a timeline and process for consideration of the request by the District of West Kelowna and report back to the Board in due course.

CARRIED

7. UNFINISHED BUSINESS

7.1 Bylaw Notice Dispute Adjudication System (*All Directors – Unweighted Vote*)

Staff report dated November 16<sup>th</sup> outlined that further to Board discussion on the Regional District's participation in the bylaw notice dispute adjudication system, which replaces the Provincial Court ticketing system as a venue for resolving disputes pertaining to minor bylaw breaches, staff have confirmed that it will be possible for the Regional District to participate in this system for minor bylaw infractions including: parks, zoning, noise, animal, unsightly premises, fire and water infractions and minor dog control tickets. This system does not replace any action under the Community Charter for dangerous dog applications.

New partners to the system are invited in September of each year, and as the RDCO was contemplating the move to join the SIBNDA group supported a resolution for the RDCO to join subject to Regional Board approval. The process for final approval and implementation will take approximately 3 months to complete.

#263/12

FINDLATER/EDGSON

THAT the Regional District of Central Okanagan agrees to establish and partner in the Bylaw Dispute Adjudication System with the Southern Interior Bylaw Notice Dispute Adjudication Registry Group;

AND FURTHER THAT the Regional District forward a copy of the resolution indicating its intent to establish a bylaw dispute resolution system to the Court Services Branch, Ministry of Justice.

CARRIED

7.2 Report to Initiate a Tax Requisition for Building Inspection Services in the RDCO Electoral Areas (*All Directors – Unweighted Vote*)

Staff report dated November 20<sup>th</sup> outlined the required tax requisition for the 2013 budget for the electoral area building inspection service. A one-time tax requisition of \$104,841 from both electoral areas (\$45,563 for Electoral Area East and \$59,278 for Electoral Area West) is required due to a projected deficit. As Regional Districts are unable to carry forward a deficit budget, a tax requisition will be required for inspection services for 2013.

Due to the construction slowdown from 2009 to present many local governments have been faced with a reduction in permits and thereby a reduction in fees. Building Inspection staff has been reduced to two days per week in order to reduce the projected deficit. Currently, this staffing level is managing the required inspections.

It was noted in the future when surpluses are available, the Regional District should establish a reserve to help when the economy is in a downturn. It was noted the deficit cannot be charged to any other service, as the *Local Government Act* requires that an area that receives the service, pays for the service. Taxation for building inspection is becoming quite common in other local governments. The service will be adjusted throughout the year if required to prevent any future deficit.

#264/12

EDGSON/FINDLATER

THAT the Regional Board approve inclusion of a tax requisition from the Regional District Electoral Areas for the 2013 Building Inspection portion of the Building Inspection and General Bylaw Enforcement Services program budget.

CARRIED (opposed Hanson)

**8. DEVELOPMENT SERVICES**

Inspection:

- 8.1 Building Statistics – October 2012 (*for information*) (*All Directors - Unweighted Vote*)

#265/12

EDGSON/FIELDING

THAT the building statistics report for October 2012 be received for information.

CARRIED

Planning

- 8.2 Report regarding Regional Growth Strategy Update (6430-40) Central Okanagan West and East Electoral Areas (*All Directors – Unweighted Vote*)

Staff report dated November 19, 2012 outlined the public engagement consultation results for the update of the Regional Growth Strategy. The public was encouraged to complete the 'Do It Yourself' Discussion Guide either on-line or as a downloadable file. Staff received 31 responses. The youth consultation process had a higher response rate. The engagement was completed through a survey and social media targeted at grades 8-12 as well as post secondary students. Staff received 473 responses. A second elected official forum was held in the fall with 46 individuals attending.

Sustainability Solutions Group, Lindsay Cole, reviewed the results of the public engagement including the outcome to move forward in areas where consensus exists, support ongoing dialogue on priority issues and develop a social media strategy (benefit by building a social media community in the long-term, increasingly that is where the public is looking for information).

The question was raised when the draft bylaw will be available for review. Staff noted that it will be brought forward in early 2013 as previously scheduled. Concern was expressed with regards to wording within the document ie: to be careful when using consensus (but, it was noted that consensus typically means can live with the results, not necessarily in favor of everything); can policy decisions be made to 'motherhood' type questions?; a lot of what is in the document is also in municipal OCPs including land use decisions within the municipality and next steps will come through the land use decisions in each community; municipalities will incorporate goals in their own community ie: air quality was identified in the first RGS, what kind of health impacts do you want, what kind of airshed do you want to see. Need to believe in collaboration and cooperation--that is what the next generation is looking for and that is what elected officials need to model at the table.

The Board was reminded that this is an update of the current RGS which is to be updated every 5 years or so. The bylaw, after first reading, will be forwarded to member municipalities and bordering regional districts for comment.

**#266/12**

EDGSON/BAKER

THAT the Regional Board receives for information the Regional Growth Strategy Phase 2 public engagement results.

CARRIED

- 8.3 Report regarding appointment of members to the Agricultural Advisory Commission (0540-20-01) (*All Directors – Unweighted Vote*)

**#267/12**

BAKER/GRAY

THAT the Regional Board reappoint Bob Fugger and Lisa Cameron to additional three-year terms as members of the Regional District's Agricultural Advisory Commission (expiring November 2015).

CARRIED

- 8.4 Report regarding appointment of members to the Environmental Advisory Commission (0540-20-01) (*All Directors – Unweighted Vote*)

**#268/12**

BAKER/EDGSON

THAT the Regional Board appoint Wesley Miles, Peter Dill, Peter Spencer, Rose Gunoff, Melony Catana, and Jacqueline Foley to three-year terms as members of the Regional District Environmental Advisory Commission (expiring November 2015);

AND FURTHER THAT the Regional Board appoint Jenna Gall to a one-year term as a member of the Regional District Environmental Advisory Commission (expiring November 2013).

CARRIED

- 8.5 Report regarding School Site Acquisition Charge (0490-20) (*All Directors – Unweighted Vote*)

Staff report dated November 20, 2012 outlined that staff is working toward finalizing a process for the efficient recording, collection, remittance and other related administrative issues associated with the School Site Acquisition Charge. School District No. 23 approved the School Site Acquisition Charge Bylaw No. 15 on September 26, 2012. It is anticipated there will be minimal impact on the organization in recognition of the limited development that is occurring in the electoral areas.

**#269/12**

OPHUS/BAKER

THAT the Regional Board receive for information the School Site Acquisition Charge report dated November 20, 2012.

CARRIED

Development Variance Permit

- 8.6 Development Variance Permit Application for K. Rintoul (owner) and G. Maddock, Protech Consultants Ltd. (agent) located adjacent to Lakeshore Road and Okanagan Lake. (VP-12-03) Central Okanagan East Electoral Area (*Electoral Areas and Kelowna Fringe Area – Unweighted Vote*)  
***Withdrawn from the agenda at the request of the applicant***

Bylaws: (First Reading)

- 8.7 i) Land Use Contract Amendment Bylaw No. 277-07 for T. & L. Bergman, T. Bergman and M. & R. Kay (owners/applicants) to discharge Land Use Contract No. 277 in its entirety from the property (*All Directors – Unweighted Vote*)
- ii) Zoning Amendment Bylaw No. 871-200 for the above to zone the property to RU6 Small Holdings and RU3 Rural 3 located adjacent to Trepanier Road and Paradise Valley Road. (Z09/05) Central Okanagan West Electoral Area (*Electoral Areas, West Kelowna Fringe Area and Peachland Fringe Area – Unweighted Vote*)

Staff report dated November 20, 2012 outlined the amendment to discharge Land Use Contract No. 277 from the property and rezone to RU6 Small Holdings and RU3 Rural 3 in order to permit subdivision of the 3.42 ha parcel into two lots. At the time of initial consideration, August 24, 2009, staff did not support the application in recognition of the need for a formal planning process an Official Community Plan (OCP) for the area and a fire protection study. The proposed zones do not meet the minimum lot size (4 ha minimum) as prescribed in the Rural Residential designation of the new OCP and any zoning changes must be consistent with the OCP.

Staff reviewed the mapping and proposed plan of subdivision. It was noted that the proposal:

- Is not in keeping with the OCP;
- Does not meet the Subdivision and Development Servicing Bylaw requirements for a community water system;
- The Ministry of Environment supports the requirement of a community water system as a condition for development;
- The Board at its Nov. 8, 2012 meeting directed that a study for a community water system not proceed for a period of three years based on the lack of public support of Trepanier residents;
- The area is not within the boundaries of an established local fire protection district.

*Discussion:*

- The current OCP was just recently adopted. The OCP states that amendments may be considered if one or more key services are in place.
- This application started in 2009 with four extensions granted as an OCP was underway for the area. The applicant has always been aware that there was no staff support for the application based on RDCO policy and provisions of the Subdivision and Development Servicing Bylaw.

-Land Use Contract (LUC) #277 permitted the subdivision of existing lots in the late 1960's or early 1970's prior to the current Subdivision & Development Servicing Bylaw being approved in 1996.

There is no lot size stipulation in LUC--they are very general and vague. In the OCP, the minimum lot size is 4 ha.

-It was noted that many properties in this area likely have a well source, or a license to draw from Trepanier Creek. Staff noted that the MOE has said that Trepanier Creek is over allocated and that water will have to be proven.

-If a subdivision is approved, the applicant would require a variance for no community water source.

- If the Board approves a subdivision with only a well source for 5 acres or less, staff believes it would open a 'flood gate' of applications with no ability for a community water system and this would be in opposition to Regional District policies and bylaws.

As there is a negative recommendation before the Board the applicant was asked if they wish to address the Board.

Terry Bergman, Trepanier Road, addressed the Board.

- The property has power, road access, sewage disposal and water through a water license with the Province.

- How much water do you have and what is the source?

o Water license in place on Trepanier Creek for 1,000 gallons per day.

o If the property is subdivided, the new owner would have use of the license for 500 gallons per day.

- The applicant believes water is not an issue. Fire protection is an issue but can be looked at in various ways.

- The applicant noted that he has letters of support from a variety of property owners in the area: Cliff Stowell, Rusty Ensign, Doug Turner, and Trevor Dixon.

- OCP is to be flexible in changes and values. Conditions have changed. He believes some people want 2.5 acre sized lots to allow for more density in the area.

Further discussion ensued:

- The Subdivision & Development Servicing Bylaw 704 is updated annually with new requirements from IHA and the Ministry.

-This application is not an amendment to the OCP and 'flies in the face' of all elements of the OCP which included an extensive consultation process and common sense planning principles.

-Development in rural areas such as this can have a major impact on neighbouring municipalities ie: fire protection, water issues, and goes against the OCP which encourages development in urban areas.

- If there is an outcry of public concern the Board should hear it at the Public Hearing.

- Concern was expressed that should an application be approved this will not lead to increased fire protection. The costs are just too high and residents recently had the opportunity to confirm they were not interested.

- Staff noted that as there is no designation to support 1 or 2 ha lot sizes within the OCP, and as there is no application for an OCP amendment staff will be required to have discussion with the applicant and consider next steps.

- Staff did not recommend support for this application at the beginning nor do they support it now. Bringing forward a new land use designation will create an issue where others may apply for small sized lots in any rural area.
- There was consensus that consideration of a land use designation is to be applied only to the subject property.

#270/12

EDGSON/GRAY

THAT staff be directed to develop a draft OCP amendment and report how the Board might move forward with a future land use designation for the subject property for T. & L. Bergman, T. Bergman and M. & R. Kay (owners/applicants);

AND FURTHER THAT the Regional Board grant a six-month extension, at no further cost to the applicant, for Land Use Contract Amendment Bylaw LUCA-277-07 and Zoning Amendment Bylaw No. 871-200 (application Z09/05).

CARRIED (opposed Fielding, Hobson)

**9. ENVIRONMENTAL SERVICES**

9.1 Transfer of Funds from Central Okanagan West Community Works Fund Gas Tax (*All Directors – Unweighted Vote*)

Staff report dated November 19, 2012 outlined the requirement to utilize available community works fund gas tax funds from Central Okanagan West towards surfacing of local roads and storm water control and ditching required during construction of the Upper Fintry/Shalal Road/Valley of the Sun water system.

#271/12

OPHUS/GIVEN

THAT the Regional Board approve the transfer of funds from the Central Okanagan West Community Works Fund in the amount of \$52,000 to the Upper Fintry/Shalal Road/Valley of the Sun water system.

CARRIED

9.2 Ownership of the Sunset Ranch Water and Sanitary Sewer Utilities (*All Directors – Unweighted Vote*)

Staff report dated November 22, 2012 outlined the issues related to several water service complaints over the last few years from Sunset Ranch residents pertaining to: lack of pressure in their water service, staining of their plumbing fixtures, lack of adequate reserves for capital replacement, and that a Strata does not have the training, working knowledge for operation and maintenance of a large utility.

The developer, Acorn Communities, and the five strata incorporation presidents have requested that the Regional District take over the water and sanitary sewer utilities that are located within the boundary of the strata properties.

It is noted that bylaws are in place that would allow for a transfer of ownership between the strata corporations and the RDCO, as well the RDCO Utility Acquisition Policy provides for the public utility to own all larger water distribution mains and sewer mains to the residential lot services. Should the Board approve moving forward, each of the strata corporations would be required to obtain a minimum of 75% support from their respective property owners'. It is expected that this would be achieved.

A discussion ensued:

- What is the financial impact of taking over the system? RDCO already owns the expensive equipment that would need to be replaced in the future. The strata corporations own the pipes in the ground. A \$1.00 transfer as per policy. Service costs are included in the rate schedule. There should be minimal impact to residents. Asset renewal is the largest cost and has already been included in the rate schedule. The operational cost would be flushing of mains and that would be minimal.
- The system was originally installed with Regional District staff engagement. A consultant was involved with review of the system.
- There have been water quality issues in the past and IHA is aware of this. There needs to be more controlled flushing system.
- This system is not like a true utility acquisition. RDCO currently has a stake in the system and would be only taking over the pipe supply. There are no concerns with the water supply and the water quality issue is being addressed. This would be controlled better if the RDCO owns all of the system as regular flushing would occur. The Regional District has the qualified staff to monitor and perform maintenance. The strata corporations do not.
- Any additional costs associated with the utility stays with the utility. The risk comes with public health and water quality. We hold the operating permit and this would improve our risk by operating the system fully.

#272/12

HANSON/BLANLEIL

THAT subject to final approval from the five Sunset Ranch strata to transfer ownership of their sanitary sewer and water systems, the Regional District agrees to accept ownership of the sanitary sewer mains, manholes, water mains, water valves and fire hydrants that are located within the boundaries of Sunset Ranch strata subdivision phases 1 to 5: Strata KAS2471, KAS2623, KAS2814, KAS3281 and KAS3573;

AND FURTHER THAT all future water and sanitary sewer works constructed on later phases of the development become the property of the RDCO Sunset Ranch Water and Sewer Utilities that are currently owned by the Regional District.

CARRIED (opposed Ophus)

9.3 Sewer System Bylaws – **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Reading and Adoption**

Staff report dated November 9, 2012 outlined the requirement for establishing separate sewer system bylaws for Central Okanagan West and Central Okanagan East to regulate fees and charges, operation and maintenance, trunk sewer connections and the the East sewer system.

a) Regional District of Central Okanagan Westside Sewer Systems Bylaw No. 1315, 2012, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and Adoption** (District of West Kelowna & Peachland – Unweighted Vote)

#273/12

FINDLATER/FIELDING

THAT Regional District of Central Okanagan Westside Sewer Systems Bylaw No. 1315, 2012 be given first, second and third readings and adopted this 26<sup>th</sup> day of November 2012.

CARRIED

b) Regional District of Central Okanagan East Sewer Systems Bylaw No. 1316, 2012 **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and Adoption** (All Directors – Unweighted Vote)

#274/12

FINDLATER/FIELDING

THAT Regional District of Central Okanagan East Sewer Systems Bylaw No. 1316, 2012 be given first, second and third readings and adopted this 26<sup>th</sup> day of November 2012.

CARRIED

**10. FINANCE & ADMINISTRATIVE SERVICES**

10.1 Regional District of Central Okanagan 2012-2016 Financial Plan Amending Bylaw No. 1317, 2012 **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and Adoption** (All Directors – Weighted Vote)

An amendment bylaw to the 2012-2016 Financial Plan is required to reflect revised budget changes to various services including the Killiney Beach Water System, and Fintry/Valley of the Sun Water System.

#275/12

EDGSON/OPHUS

THAT Regional District of Central Okanagan 2012-2016 Financial Plan Amending Bylaw No.1317, 2012 be given first, second and third readings and adopted this 26<sup>th</sup> day of November 2012.

CARRIED

**11. NEW BUSINESS**

11.1 Regional District of Central Okanagan Ticket Utilization Amendment Bylaw No. 1318, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and Adoption** (All Directors – Unweighted Vote)

Staff report dated November 16, 2012 outlined the amendment is being requested is for housekeeping purposed to the ticket schedule for the Animal Control Bylaw.

**#276/12**

**BAKER/FIELDING**

THAT Regional District of Central Okanagan Ticket Utilization Amendment Bylaw No. 1318, 2012 be given first, second and third readings and adopted this 26<sup>th</sup> day of November 2012.

**CARRIED**

11.2 Regional District of Central Okanagan Noxious Weed Control Amendment Bylaw No. 1319, **1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and Adoption** (All Directors – Unweighted Vote)

Staff report dated November 20, 2012 outlined the amendment being requested is for housekeeping purposes that will bring certainty to the bylaw authority for the RDCO to carry out bylaw re-inspections and enforcement action after September 30<sup>th</sup> in any year.

**#277/12**

**BAKER/FIELDING**

THAT Regional District of Central Okanagan Noxious Weed Control Amendment Bylaw No. 1319, 2012 be given first, second and third readings and adopted this 26<sup>th</sup> day of November 2012.

**CARRIED**

11.3 Approval of the 2013 Meeting Schedule (All Directors – Unweighted Vote)

**#278/12**

**FINDLATER/EDGSON**

THAT the Regional Board approve the 2013 meeting schedule for Regional Board, Governance & Services and Public Hearing meetings.

**CARRIED**

**12. DIRECTOR ITEMS**

a) Director Hanson noted she is no longer pursuing an incorporation study for Central Okanagan East as the City of Kelowna has stopped their boundary study.

**13. ADJOURN TO A REGIONAL HOSPITAL DISTRICT MEETING & REGIONAL BOARD IN CAMERA MEETING**

**#279/12**

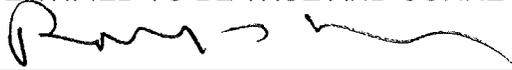
BLANLEIL/BAKER

THAT pursuant to Section 90 of the *Community Charter* the Regional Board adjourn and convene to an 'In-Camera' session to discuss a land and personnel issue.

CARRIED

There being no further business the meeting was adjourned at 9:55 p.m.

CERTIFIED TO BE TRUE AND CORRECT



\_\_\_\_\_  
R. Hobson (Chair)



\_\_\_\_\_  
P. Macklem (Chief Administrative Officer)