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, February 24, 2014

Directors

J. Baker (District of Lake Country)
C. Basran (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)
M. Dehart, alternate for W. Gray (City of Kelowna)
P. Hanson (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
D. Ophus (District of West Kelowna)
L. Stack (City of Kelowna)
G. Zimmermann (City of Kelowna)
M. Werstuik (Westbank First Nation)

Staff:

B. Reardon, Chief Administrative Officer
A. Brennan, Manager - Purchasing
C. Radford, Director of Community Services
M. Rilkoff, Director of Finance & Administrative Services
B. Smith, Communications
M. Drouin, Manager - Corporate Services (recording secretary)

1. **CALL TO ORDER**

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

*Presentation: 30 Year Service Award – Philip Scott, Ellison Fire Department*

The outstanding service and dedication of a member of the Ellison Fire Department was been recognized with a special award from his Excellency Governor General David Johnston for 30 years of service. Chair Hobson presented Phil Scott with the Exemplary Service Award. Scott has been a member of the paid-on-call department since November 1983. He’s the first member of the Ellison department to mark three decades of service to the community.

2. **ADDITION OF LATE ITEMS**

There were no late items for the agenda.

3. **ADOPTION OF THE AGENDA**

#29/14

ZIMMERMANN/BAKER

THAT the agenda be adopted.

CARRIED Unanimously
4. **ADOPTION OF MINUTES**

4.1 Minutes – February 13, 2014

**OPHUS/EDGSON**

THAT the Regional Board minutes of February 13, 2014 be adopted.

**CARRIED** Unanimously

5. **DELEGATIONS**

No delegations

6. **CORRESPONDENCE**

6.1 Okanagan Basin Water Board Meeting Highlights – February 6, 2014 – for information only (All Directors – Unweighted Vote)

**ZIMMERMANN/GIVEN**

THAT the Okanagan Basin Water Board meeting highlights of February 6, 2014 be received for information.

**CARRIED** Unanimously

6.2 Sterile Insect Release Program Board Highlights – February 7, 2014 - for information only (All Directors – Unweighted Vote)

**OPHUS/EDGSON**

THAT the Sterile Insect Release Program Board meeting highlights of February 7, 2014 be received for information.

**CARRIED** Unanimously

6.3 Metro Vancouver Letter re: Metro Vancouver Waste Flow Management and the Greater Vancouver Sewerage and Drainage District Recyclable Material Regulatory Bylaw No. 280 (All Directors – Unweighted Vote)

The question was raised if we need to spend any time on this issue? It was agreed to have staff review the letter and report to the Board.

**FIELDING/STACK**

THAT the February 12, 2014 letter from Metro Vancouver regarding Metro Vancouver Waste Flow Management and the Greater Vancouver Sewerage and Drainage Recyclable Material Regulatory Bylaw No. 280 be received and referred to staff for a report to the Board.

**CARRIED** Unanimously
6.4 District of West Kelowna re: Regional Rescue Services (All Directors – Unweighted Vote)

District of West Kelowna letter of January 31, 2014 provided notice that effective March 31, 2014 West Kelowna plans to assume regional rescue services including: confined space rescue, ice rescue, road rescue, swift water rescue, high angle rescue and low angle rescue.

The Administrator addressed the letter noting he has been in contact with DWK's Administrator and expressed the need for time to review the issue more thoroughly. This is a regional service, and there is a process for withdrawal from a service under the Local Government Act. There is the question of DWK’s authority to take this action without Board approval and completion of the service review. DWK Mayor Findlater noted that Council has taken their position and they believe they have the authority to do what has been communicated in their letter.

It was noted that the Board has directed staff to bring forward a full report from the RESOC before any decisions would be made on any potential changes to the regional rescue program. It was further noted that RESOC is waiting to hear from the CAOs but to date this has not occurred. The DWK letter deviates from the process direction the Board gave to staff. Frustration was expressed that the review process has taken a long time. Lake Country’s Mayor Baker noted they want to consider non-core services as well and what the budget implications are, and questioned when this information would be made available.

EDGSON/FIELDING

THAT the January 31, 2014 letter from the District of West Kelowna regarding Regional Rescue Services be referred to staff & RESOC for a report to the Board prior to final budget.

CARRIED (Ophus/Findlater opposed)

7. OLD BUSINESS

7.1 Review of Purchasing Policy – Commitments Exceeding $100,000 (All Directors – Unweighted Vote)

Staff report dated February 14th outlined the current Purchasing Policy language on sole sourcing of contracts; an overview of the biosolids management contract extension; and an option around sole source provisions in the Policy.

In discussion, staff reviewed the reason for sole sourcing the biosolids contract: the original contract had expired, staff were waiting for WFN on a new site approval—in the end WFN did not approve, there was an urgent requirement to move the biosolids and there was insufficient time to run a RFP--based on that the contract was extended for a further 12 months.

Staff noted the current policy works and provisions are similar to the policy at Kelowna and West Kelowna.
Discussion:

- Is the sole sourcing policy over $75,000 compliant with TILMA? Staff believe the RDCO could defend the policy on urgent sole sourcing requirements.
- Need to ensure processes are transparent and defensible.
- With a contract in the amount for extending the biosolids, it would have been appropriate to make the Board aware of the contract extension.

EDGSON/STACK

THAT the Regional Board receive for information the Review of the Purchasing Policy – Commitments Exceeding $100,000 report;

AND FURTHER THAT the Purchasing Policy be amended by adding:

"3.5 Notwithstanding section 3.4, staff shall seek Board approval to sole source any purchase exceeding $75,000, except where the CAO deems the purchase is urgently required and delay would be injurious to the public interest.

Should this be required, the CAO will subsequently provide a report informing the Board of the sole source contract."

CARRIED Unanimously

8. CORPORATE SERVICES

Dog Control Services

8.1 Regional District of Central Okanagan Responsible Dog Ownership Bylaw No. 1343, 3rd reading and Adoption (All Directors – Unweighted Vote)

Staff report dated February 17, 2014 outlined the public consultation phase of the Dog Bylaw. Staff provided a review of the public input received following 2nd reading of the bylaw: on-line questionnaire (909 responses); emails/letters; phone calls; approximately 35 attended an open house (posted online the panels which were used at the open house); and spoke with individuals who have come into the office to renew their dog license. Incorrect social media efforts were corrected by a press release.

Subsequent to public input staff recommended amendments to the bylaw and reviewed the amendments with the Board.

Discussion:

- It has been a long process with the end result being a well-written bylaw.
- Concern was raised whether 3 dogs are too many in an urban area. The question was raised whether the regulation could be limited to 3 per property. As the bylaw is written, a house with a suite or duplex, four-plex could have 3 dogs per unit. It was noted that apartments, condos, landlords, etc. are allowed to regulate the number of dogs and the size of dog on their property. Is it possible to limit the number to three per property? Staff will need further legal advice to determine if this is possible. Staff noted that if a dog owner is responsible there should be no enforcement issue. The premise of the bylaw is responsible dog ownership.
- District of West Kelowna and the RDCO's current zoning bylaw limits the number of dogs in a hobby kennel from 3 to 20. A zoning bylaw amendment would be required to accommodate a 3 dog maximum (hobby kennel 4-20 dogs).
- 2 meter leash regulation—the intent is to keep the dog under control. Other jurisdictions have similar regulations as well.
- Noise enforcement is complaint driven as it is in the current bylaw.

THAT Regional District of Central Okanagan Responsible Dog Ownership Bylaw No. 1343, 2014 be given 3rd reading and adopted, as amended:

Amendment #1:
Section 8. Upon request by an Animal Control Officer, an Owner in contravention of any provision of this Bylaw shall stop and provide the Animal Control Officer with identification giving his or her full name and current address, and the licensing information of the dog.

Amendment #2:
Definition

Amendment #3:
Section 15. Any dog registered under the Guide Animal Act and resides with a person for whom the dog provides care and assistance will not be considered in the 3-dog limit of section 14 of this Bylaw.

(1) An Owner of a dog registered under the Guide Animal Act or that is registered in the Guide/Service Dog in Training Program; or used by the Royal Canadian Mounted Police; shall obtain a license but not be charged licensing fees provided that the appropriate registration is presented to the Animal Control Officer."

Schedule 'B'
(g) Registered Guide/Service Dog No Charge

Amendment #4:
Definition, Section 12 and Section 28

Dog tag means a tag attached to a dog collar or harness showing the license issued to an Owner of a dog by the Regional District.

Section 12. An Owner shall ensure that the dog tag is attached to the collar or harness worn by his or her dog at all times.

Section 28 a) "The dog wears a collar or harness and a valid dog tag;"

Amendment #5
Section 60 – An Owner may reclaim his or her impounded dog on proof of ownership and upon payment of all applicable fines, fees, and other charges outlined in this Bylaw:
(1) Payment may include impoundment and prosecution costs associated with applications under section 49 of the Community Charter if a dog has been determined in Court to be a dangerous dog.”

Amendment #6
Definition
Unlicensed dog means any dog for which the license fee for the current year has not been paid.

Amendment to the main motion:

STACK/FINDLATER

THAT the number of dogs allowed be limited to two, amending the following sections of the bylaw;

   Hobby Kennel means a house or property where 3 to 20 dogs over the age of 3 months are kept pursuant to a Kennel Operation Permit.

Maximum Number of Dogs
14. No person shall keep, harbour, or have in possession more than 2 dogs over the age of 3 months in a House or Dwelling Unit within the Regional District, except as provided for persons operating a Hobby Kennel, Service Kennel, veterinary clinic, or other dog service business not providing overnight care as permitted by this Bylaw and all applicable bylaws.

AND FURTHER THAT staff be directed to further review the proposed 3 dog limit to determine whether the number can be limited to 3 per property and the number of dogs permitted for kennels in the District of West Kelowna and RDCO's zoning bylaw.

Amendment CARRIED (Given/Hanson Opposed)

Main Motion CARRIED

Bylaw Enforcement:

8.2 Regional District of Central Okanagan Ticket Information and Utilization Amendment Bylaw No. 1345, 2014, 1st, 2nd and 3rd reading and Adoption (All Directors – Unweighted Vote)

OPHUS/FINDLATER

THAT Regional District of Central Okanagan Ticket Information and Utilization Amendment Bylaw No. 1345, 2014 be given first, second and third readings and adopted as amended.

Amendment to Schedule 3 – Keep more than 2 dogs

CARRIED Unanimously
8.3 Regional District of Central Okanagan Bylaw Notice Enforcement Amendment Bylaw No. 1346, 2014, 1\textsuperscript{st}, 2\textsuperscript{nd} and 3\textsuperscript{rd} reading and Adoption (All Directors – Unweighted Vote)

Staff noted that Section 35 - Aggressive Dog and Section 36 - Dangerous Dog are to be removed from the bylaw as adjudication is meant to be for minor regulations.

THAT Regional District of Central Okanagan Bylaw Notice Enforcement Amendment Bylaw No. 1346, 2014 be given first, second and third readings, and adopted as amended.

Amendment to Appendix 2 - Keep more than 2 dogs
- Remove Aggressive Dog – Section 35
- Remove Dangerous Dog – Section 36

CARRIED Unanimously

9. FINANCE & ADMINISTRATIVE SERVICES

9.1 Information Report – Purchase Commitments > $100,000 during 4Q-2013 (All Directors – Unweighted Vote)

THAT the Regional Board, as per section 4.6 of the RDCO Purchasing Policy receive for information the report on the purchase commitments which exceeded $100,000 made during the fourth quarter, ending December 31, 2013.

CARRIED Unanimously

10. COMMUNITY SERVICES

Planning:

10.1 Report regarding Okanagan Basin Water Board Initiative Grants (0360-20 OBWB) (All Directors – Unweighted Vote)

Staff report dated February 17, 2014 outlined seven water conservation and quality improvement grant applications. All projects meet the OBWB criteria as outlined in the OBWB grants program guide. Local government support is required in order to be eligible for OBWB consideration. The projects were outlined.

The question was raised whether staff evaluates the applications. Staff do not give oversight or comments on applications. The evaluation process is done by OBWB staff. All projects meet OBWB’s criteria. Local government support is required in order to be accepted as eligible for consideration by OBWB.
Concern by Lake Country’s Mayor was expressed regarding BC Wildlife Federation – Watershed Evaluation of Aquatic Disturbances Relating to Fish and Wildlife Habitat $22,354. The District of Lake Country has submitted an application for downstream work in the Crooked Lake watershed and questions whether this interferes with Lake Country’s water management plans primarily water storage on Crooked Lake. Lake Country was not aware of this application and believes providing funding is in opposition to Lake Country’s work in the watershed.

#41/14

**OPHUS/ BAKER**

THAT the Regional Board endorse the applications outlined below for the Okanagan Basin Water Board Conservation and Quality Improvement Grant Program;

- RDCO – Biosolids Land Application at Brenda Mines $30,000
- RDCO – Treated Effluent Irrigation at Bylands Nursery $25,000
- RDCO – Phase 1 Regional District Floodplain Risk Assessment and mapping $20,000
- Mission Creek Restoration Initiative – Biophysical Inventory and Management Plan for Ecological Resources along Mission Creek Corridor – Phase 1 $30,000
- Okanagan Collaborative Conservation Program – Improving Habitat Connectivity $10,000
- Okanagan Xeriscape Association – Plant labelling pilot project $20,400

AND FURTHER THAT the endorsements be forwarded to the Okanagan Basin Water Board as part of the application packages.

**CARRIED** Unanimously

**Bylaws – (First Reading):**

10.2 i) Land Use Contract Amendment Bylaw No. 258-04 for N. Weninger and C. Bailey (owners) N. Weninger (agent) to discharge Land Use Contract No. 258 in its entirety from the property located adjacent to Westside Road. (Z14/01) Central Okanagan West Electoral Area (All Directors – Unweighted Vote)

Staff report dated February 17, 2014 outlined an amendment bylaws to discharge a Land Use Contract, amend the Official Community Plan land use designation to Rural Residential and zone a parcel to RU6 Small Holdings in order to allow development of the 2.4 ha property as a rural residential lot. This is a downzoning to the property in order to build a home on a 2.4 ha property and is in keeping with limited servicing in the area and considered a low impact development application.
EDGSON/OPHUS

THAT Land Use Contract Amendment Bylaw No. 258-04 be given first reading.

CARRIED Unanimously

ii) Official Community Plan Amendment Bylaw No. 1274-03 for the above to amend the land use designation on the subject property from Commercial Resort to Rural Residential. (Z14/01) (All Directors – Unweighted Vote)

EDGSON/OPHUS

THAT Official Community Plan Amendment Bylaw No. 1274-03 be given first reading and scheduled for a Public Hearing.

CARRIED Unanimously

iii) Zoning Amendment Bylaw No. 871-221 for the above to zone the property to RU6 Small Holdings (Z14/01) (Electoral Areas, Kelowna, and West Kelowna Fringe Area Directors)

EDGSON/OPHUS

THAT Zoning Amendment Bylaw No. 871-221 be given first reading.

CARRIED Unanimously

10.3 Zoning Amendment Bylaw No. 871-215 for Regional District of Central Okanagan (applicant) to amend the text and mapping of Zoning Bylaw No. 871, 2000 (Z12/05) Central Okanagan West and East Electoral Areas (All Directors – Unweighted Vote)

Staff report dated February 17, 2014 outlined the text amendments proposed for medical marijuana production facilities to be restricted to agricultural and/or larger rural zoned lands, and temporary agricultural worker dwellings/accommodations, as well as housekeeping items identified through day-to-day works with the zoning bylaw.

Staff noted that the Agricultural Land Commission (ALC) has established medical marijuana as farm use and cannot be prohibited on ALR lands. The bylaw amendment proposes a minimum parcel size of 8 ha and significant setbacks including a 15 meter setback from water sources. Staff reviewed:

- Various local government processes are underway to restrict in ALR lands.
- Local governments can regulate but cannot prohibit. The ALC may not approve the bylaws if prohibited on ALR lands.
- A number of municipalities are holding their ground on industrial zoning.
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- In the RDCO, there are no designated industrial zones in the electoral areas. The question was raised whether it is possible to create a special zone in the electoral areas?
- RDCO has received 5 letters of intent to go to Health Canada--3 in Central Okanagan East and 2 in Central Okanagan West. Health Canada has advanced one to the inspection stage. Staff has not been notified of their process.
- What happens if zoning is not amended? Staff noted they do not know as Health Canada has not returned calls. Don't know what part local government's role is in final building inspection.
- The one application in Central Okanagan West has not yet gone through a site inspection. Once Health Canada approves it, it is understood the process can move forward.
- Any building would have to go through the BC Building Code and would be required to meet Health Canada requirements.
- Neighborhoods need some sense of security on what is to be planned. There is no control if zoning is wide open.
- Concern is the servicing requirements which are in conflict with this use on ALR lands.

Councillor Werstui left the meeting at 9:45 p.m.

#45/14

EDGSON/BAKER

THAT Zoning Amendment Bylaw No. 871-215 be given first reading and scheduled for a Public Hearing.

Amendment to main motion

EDGSON/BAKER

THAT the sections related to Medical Marijuana Facilities be removed from the amendment bylaw to allow for further consideration.

Amendment CARRIED

Main Motion CARRIED Unanimously

10.4 Joe Rich Rural Land Use Amendment Bylaw No. 1195-09 for the Regional District of Central Okanagan (applicant) to amend the text of Joe Rich Rural Land Use Bylaw No. 1195, 2007 (RLUB-13-02) Central Okanagan East Electoral Area (All Directors – Unweighted Vote)

Staff report dated February 17, 2014 outlined the Joe Rich Rural Land Use Bylaw text amendments proposed for marijuana production facilities to be restricted to agricultural and/or larger rural designated lands, and temporary agricultural worker dwellings/accommodations, as well as housekeeping items identified through day-to-day works with the bylaw.
Staff noted that to be consistent with Central Okanagan West zoning bylaw the same amendments for medical marijuana facilities and temporary agricultural worker dwellings are being recommended. Staff were asked to review further whether it is necessary to have a regulation for temporary agricultural worker dwellings in the JRRLU bylaw.

HANSON/BAKER

THAT amendments to Joe Rich Rural Land Use Amendment Bylaw No. 1195-09 be POSTPONED until further information is available on medical marijuana facilities. CARRIED

11. NEW BUSINESS

No Board action required/requested.

12. DIRECTOR ITEMS

No Board action required/requested.

13. ADJOURN IN CAMERA

OPHUS/BAKER

THAT pursuant to Section 90 (c), (k) of the Community Charter the Regional Board adjourn and convene to an ‘In-Camera’ session to discuss:
   o labour relations or other employee relations
   o negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages

CARRIED

There being no further business the meeting was adjourned at 9:50 p.m.

CERTIFIED TO BE TRUE AND CORRECT

R. Hobson (Chair)

B. Reardon (Director of Corporate Services)