

APPROVED SEPTEMBER 3, 2020

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN



Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 11:48 a.m. on Thursday, August 6, 2020 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

**MEMBERS PRESENT:**

Chair K. Kozakevich, Electoral Area "E"	Director R. Knodel, Electoral Area "C"
Vice Chair D. Holmes, District of Summerland	Director S. McKortoff, Town of Osoyoos
Director M. Bauer, Village of Keremeos	Director S. Monteith, Electoral Area "I"
Director J. Bloomfield, City of Penticton	Director R. Obirek, Electoral Area "D"
Director T. Boot, District of Summerland	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director F. Regehr, City of Penticton
Director B. Coyne, Electoral Area "H"	Director T. Roberts, Electoral Area "G"
Director S. Coyne, Town of Princeton	Director J. Vassilaki, City of Penticton
Director R. Gettens, Electoral Area "F"	Director P. Veintimilla, Town of Oliver
Director K. Robinson, Alt. City of Penticton	

**MEMBERS ABSENT:**

Director J. Kimberley, City of Penticton

**STAFF PRESENT:**

B. Newell, Chief Administrative Officer

C. Malden, Manager of Legislative Services

**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1** (Unweighted Corporate Vote – Simple Majority)

**IT WAS MOVED AND SECONDED**

THAT the Agenda for the RDOS Board Meeting of August 6, 2020 be amended by adding Item I.2.b. Notice of Motion – Director Pendergraft, and removing Item C.6, Petition to Enter Service Areas.  
**CARRIED**

**1. Consent Agenda – Corporate Issues**

- a. Electoral Area "A" Advisory Planning Commission, Special Meeting - June 22, 2020  
*THAT the Minutes of the Special Meeting, June 22, 2020 Electoral Area "A" Advisory Planning Commission be received.*

*That the RDOS reschedule the development of the OCP Review project to add three months to the schedule for the OCP Review, for the final report to be delivered by the end of Q1-2021 (March 2021), to allow for public engagement including public meetings, presentations, residents being informed of engagement opportunities and requesting input from citizens. Preferably this should involve in-person meetings subject to public health guidelines.*

- b. Electoral Area "C" Advisory Planning Commission – July 7, 2020  
*THAT the Minutes of the July 7, 2020 Electoral Area "C" Advisory Planning Commission be received.*
- c. Electoral Area "D" Advisory Planning Commission – July 14, 2020  
*THAT the Minutes of the July 14, 2020 Electoral Area "D" Advisory Planning Commission be received.*

- d. Community Services Committee – July 16, 2020  
*THAT the Minutes of the July 16, 2020 Community Services Committee meeting be received.*
- e. Environment and Infrastructure Committee – July 16, 2020  
*THAT the Minutes of the July 16, 2020 Environment and Infrastructure Committee meeting be received.*
- THAT the Board of Directors approve the extension of the Penticton Fly Fishers 2019 Penticton Creek project to December 2020 to enable public consultation; and further,*
- THAT the Okanagan and Similkameen Invasive Species Society project approved for 2020 delivery be cancelled due to COVID-19 restraints, and the society be advised that they may reapply at the 2021 intake.*
- f. Planning and Development Committee – July 16, 2020  
*THAT the Minutes of the July 16, 2020 Planning and Development Committee meeting be received.*
- g. Protective Services Committee – July 16, 2020  
*THAT the Minutes of the July 16, 2020 Protective Services Committee meeting be received.*
- h. RDOS Regular Board Meeting – July 16, 2020  
*THAT the minutes of the July 16, 2020 RDOS Regular Board meeting be adopted.*

**RECOMMENDATION 2** (Unweighted Corporate Vote – Simple Majority)

**IT WAS MOVED AND SECONDED**

THAT the Consent Agenda – Corporate Issues be adopted. - **CARRIED**

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**B. DEVELOPMENT SERVICES – Building Inspection**

**1. Building Bylaw Infraction at 579 Lawless Creek Road, Electoral Area “H”**

The Chair enquired whether the property owner was present. The property owner addressed the Board.

**RECOMMENDATION 3** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as District Lot 936, YDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaws No. 2333 and No. 2805;

THAT the owners provide verification from a qualified professional that the cabins are structurally adequate and that all BC Building Code health & safety items have been addressed by December 31, 2020.

**CARRIED**

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**C. DEVELOPMENT SERVICES – Rural Land Use Matters**

1. Request to Re-submit a Refused Temporary Use Permit Application – 3829 37<sup>th</sup> Street, Electoral Area “A”
  - a. Reapplication Letter

The property owner was present to address the Board; However, due to technical issues, the property owner was unable to do so.

**RECOMMENDATION 4** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the matter of the Request to Re-submit a Refused Temporary Use Permit Application be deferred to the next Board meeting as Mr. Law was unable to address the Board of Directors due to technical difficulties. - **CARRIED**

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2. Zoning Bylaw Amendment – 10210 81<sup>ST</sup> Street, Electoral Area “A”
  - a. Bylaw No.2451.30, 2020

**RECOMMENDATION 5** (Unweighted Rural Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw be read a third time. - **CARRIED**

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3. Agricultural Land Commission Referral (“Non-Farm Use”) 7738 Island Road, Electoral Area “C”

Because the original staff recommendation was not put on the floor, and the alternative recommendation was moved instead, the Chair did not enquired whether the property owner was present to address the Board.

**RECOMMENDATION 6** (Unweighted Rural Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the RDOS “authorize” the application to operate “small trailer/modular repair” for a “non-farm use” at 7738 Island Road (Lot 57, Plan 1729, District Lot 2450S, SDYD, Except (1) Parcel A (DD144161F) and (2) Plans 12996 and 14574) in Electoral Area “C” to proceed to the Agricultural Land Commission. - **CARRIED**

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4. Agricultural Land Commission Referral (“Non-Adhering Residential Use”) 5317 Sunflower Street, Electoral Area “C”

Because the original staff recommendation was not put on the floor, and an alternative recommendation was moved instead, the Chair did not enquired whether the property owner was present to address the Board.

**RECOMMENDATION 7** (Unweighted Rural Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “C” Advisory Planning Commission (APC). - **CARRIED**

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5. Liquor and Cannabis Regulation Branch Referral, Unit 8A, 5350 Highway 97, Electoral Area "D"
- a. Representations

**RECOMMENDATION 8** (Unweighted Rural Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the RDOS Board of Directors direct staff to forward the following recommendation to the Liquor & Cannabis Regulation Branch (LCRB);

AND THAT in accordance with Section 33(1) of the *Cannabis Control and Licencing Act*, the RDOS Board of Directors recommends support of an application from Sticky Leaf for a proposed non-medical retail cannabis location at Unit 8A, 5350 Highway 97, Okanagan Falls (Lot A, Plan KAP60058, District Lot 2883s, SDYD), for a Non-medical Cannabis Retail Licence with operating hours from 9:00 am to 11:00 pm seven days a week;

AND FURTHER THAT the RDOS Board of Directors comments are as follows:

- i) The proposed store is located in the General Commercial (C1) and the use is permitted in the C1 zone.
- ii) No significant negative impact on the community is anticipated if the application is approved.
- iii) The Board provided opportunity for residents to provide their views on the licence application. Public notice indicating that the Board would accept written comments on the application until June 5, 2020 was published in the Penticton Western News on May 13, 2020 and May 20, 2020, published on Castanet from May 13 to May 15, 2020, posted on the municipal web site from May 1, 2020, were mailed to owners and tenants within 100 metres of the subject parcel on May 8, 2020. Further, a notification sign was posted on the store front at Unit 8A, 5350 Highway 97 from April 28, 2020 until the Board considered the application on August 6, 2020.
- iv) The views of the residents were considered by the Board and attached to the agenda of August 6, 2020 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published.

**CARRIED**

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6. Petition to Enter Service Areas, 3440, 3498, 3580 & 3690 Arawana Forestry Road, Electoral Area "E" – Street Lighting, Solid Waste Collection and Drop Off
- a. Bylaw No. 1618.02, 2020
  - b. Bylaw No. 2896, 2020
  - c. Bylaw No. 2190.08, 2020

This item was removed from the agenda.

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7. South Okanagan Regional Growth Strategy Bylaw Review & Update – Contract Award

**RECOMMENDATION 9** (Weighted Corporate Vote – Majority)

**It was MOVED and SECONDED**

THAT the Board of Directors award the South Okanagan Regional Growth Strategy Bylaw Review & Update contract to Urban Systems in the amount of \$76,000. - **CARRIED**

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**D. PUBLIC WORKS****1. Osoyoos Landfill Diversion**

**RECOMMENDATION 10** (Weighted Corporate Vote – Majority)

**It was MOVED and SECONDED**

THAT the Regional District waive S. 2.11 of the Fees & Charges Bylaw for the duration of the diversion of mixed waste from the Osoyoos Landfill to the Oliver Landfill to authorize Osoyoos residents and commercial users to pay the same fees and charges as those users within the Oliver Landfill service area, while the Osoyoos landfill has been closed. - **CARRIED**

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**E. COMMUNITY SERVICES****1. Provincial Licence of Occupation Application – Loose Bay Campground**  
**a. Loose Bay Context Map**

**RECOMMENDATION 11** (Weighted Corporate Vote – Majority)

**It was MOVED and SECONDED**

THAT the Regional District apply to the Province of British Columbia to renew Licence of Occupation #345722 containing 3.60 hectares for seasonal farm worker camp purposes, legally described as: Block A, Plan KAP1729, District Lot 2450S, Similkameen Div of Yale Land District;

And, for parts of the unsurveyed Crown land to the east and south of the legal parcel described above, containing 2.0 hectares, more or less.

**CARRIED**

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**2. Transit Reserves**

**RECOMMENDATION 12** (Weighted Corporate Vote –Majority)

**It was MOVED and SECONDED**

THAT the Regional District object to the proposal by BC Transit to use the shared operating reserve fund to mitigate foregone revenue during the COVID-19 health pandemic.

**CARRIED**

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**F. FINANCE****1. Electoral Area “B” & “G” Community Works (Gas Tax) Reserve Expenditure Bylaw**  
**a. Bylaw No. 2908**

**RECOMMENDATION 13** (Weighted Corporate Vote – 2/3 Majority)

**It was MOVED and SECONDED**

THAT Bylaw No.2908, 2020, being a bylaw to withdraw funds from the Electoral Area “B” & “G” Community Works (Gas Tax) Reserve Funds for the contribution of \$70,000 (\$35,000 from each Electoral Area) towards the completion of the Similkameen Rail Trail Project be read a first, second, and third time and be adopted. - **CARRIED**

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2. Electoral Area "H" Community Works (Gas Tax) Reserve Expenditure Bylaw

**RECOMMENDATION 14** (Weighted Corporate Vote – 2/3 Majority)

**It was MOVED and SECONDED**

THAT Bylaw No. 2909, 2020, being a bylaw to withdraw funds from Electoral Area "H" Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$10,000 towards Tulameen Rink improvements be read a first, second, and third time and be adopted. **CARRIED**

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3. 2019 Statement of Financial Information

a. [2019 SOFI Report](#) (revised)

**RECOMMENDATION 15** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the Board of Directors approve the Regional District of Okanagan-Similkameen Statement of Financial Information for the year ended December 31, 2019 pursuant to the *Financial Information Act* Financial Information Regulation Schedule 1, subsection 9(2), as amended and sent out separately. - **CARRIED**

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**G. LEGISLATIVE SERVICES**

1. Bylaw Notice Enforcement Bylaw No. 2507, 2010

- a. Bylaw No. 2507.13, 2020
- b. Bylaw No. 2507, 2010 (Consolidated)

**RECOMMENDATION 16** (Unweighted Corporate Vote – 2/3 Majority)

**It was MOVED and SECONDED**

THAT Bylaw No. 2507.13, 2020 Bylaw Notice Enforcement Amendment Bylaw be read a first, second and third time and be adopted. - **CARRIED**

**RECOMMENDATION 17** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the following classes of persons be appointed as Screening Officers for the Regional District of Okanagan-Similkameen:

- Manager of Building and Enforcement Services
- Manager of Legislative Services
- Manager of Planning Services
- Legislative Services Coordinator

**CARRIED**

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2. UBCM Meetings
  - a. UBCM Meeting Request – Creek and Streams

**RECOMMENDATION 18** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the Board of Directors request a meeting with the Minister of Forest, Lands, Natural Resource Operations and Rural Development at the 2020 UBCM Convention to discuss permitting in creeks and streams. - **CARRIED**

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3. Corporate Services Committee Minutes – July 16, 2020

This item was approved at the July 16, 2020 Corporate Services Committee meeting and now been revised to include the addition of washroom construction in Okanagan Falls Christie Memorial Park.

**RECOMMENDATION 19** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the Minutes of the July 16, 2020 Corporate Services Committee meeting be received;

THAT the following projects be submitted under the CCR Program:

- Kaleden Hotel Park Building Upgrade
- Washrooms at Christie Memorial Park (added after July 16, 2020 Corporate Services Meeting)
- Sections of the KVR and VVE Rail Trail
  - Okanagan River Channel – Road 22 to McAlpine Bridge
  - Kaleden Hotel Park to Pioneer Park
  - Little Tunnel to Chute Lake
  - VVE Trail/ Becks Road to Red Bridge;

THAT the following projects be submitted under the RNC Program:

- Okanagan Falls WWTP Solids Dewatering Facility
- Naramata Water System Infrastructure Upgrade.

**CARRIED**

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## H. CAO REPORTS

1. Verbal Update
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## I. OTHER BUSINESS

1. Chair's Report
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## 2. Directors Motions

### a. Notice of Motion – Chair Kozakevich

THAT staff bring forward recommendations to imbed anti-discrimination wording and concepts in current RDOS Board policies or develop new policy for Board consideration.

### b. Notice of Motion – Director Pendergraft

THAT the RDOS Board apply Environmentally Sensitive Development Permits (ESDPs) to only subdivisions and rezonings; and further,

THAT Staff report back to the Board on the options to make ESDPs more effective at Subdivisions and rezonings; and further,

THAT ESDPs should in no way prevent or discourage residents from firesmartering their properties according to the firesmart principles.

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## 3. Board Members Verbal Update

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## J. CLOSED SESSION

**RECOMMENDATION 20** (Unweighted Corporate Vote – Simple Majority)

It was **MOVED** and **SECONDED**

THAT in accordance with Section 90(1)(e) of the *Community Charter*, the Board close the meeting to the public on the basis of the acquisition, disposition or expropriation of land or improvements, that disclosure could reasonably be expected to harm the interests of the Regional District.

**CARRIED**

The meeting closed to the public at 12:52 p.m.

The meeting opened to the public at 1:29 p.m.

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## K. ITEMS COMING OUT OF CLOSED SESSION

The Chair reported out the following resolutions that were passed during the closed session portion of the meeting:

1. THAT the Board of Directors approve the South Okanagan Conservation Fund Technical Advisory Committee recommendations for funding the Nature Conservancy of Canada (NCC) land acquisition project for an amount not to exceed \$266,597.
2. THAT the Regional District of Okanagan-Similkameen:
  1. Expropriate fee simple title to the land (in these resolutions, the "Land") at 1313 Greyback Road, legally described as PID: 011-781-441, Sub Lot 8 District Lot 2711 Similkameen Division Yale District Plan 1190, for the purpose of constructing and operating an organics treatment and processing facility on the Land, and
  2. Issue an Expropriation Notice pursuant to section 6 of the *Expropriation Act* for that expropriation and the Chief Administrative Officer is authorized and directed to:

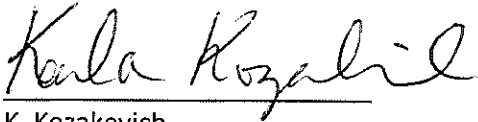


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- (a) approve the form of Expropriation Notice;
  - (b) sign and seal the Expropriation Notice;
  - (c) cause the Expropriation Notice to be filed in the Land Title Office;
  - (d) cause the Expropriation Notice, together with a copy of the *Expropriation Act*, to be served on the registered owner of the Land and, where required under the *Expropriation Act*, on each owner (within the meaning of the *Expropriation Act*) whose interest in the Land is registered in the land title office;
  - (e) cause an expropriation sign to be placed on the Land in accordance with the *Expropriation Act*; and
  - (f) cause the Expropriation Notice to be served on the approving authority under the *Expropriation Act* for this expropriation.
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**L. ADJOURNMENT**

By consensus, the meeting adjourned at 1:32 p.m.

APPROVED:



K. Kozakevich  
RDOS Board Chair

CERTIFIED CORRECT:



B. Newell  
Corporate Officer