

Minutes of the GOVERNANCE & SERVICES COMMITTEE meeting of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Thursday, October 8, 2009

Directors:

J. Baker (District of Lake Country)
J. Edgson (Central Okanagan West Electoral Area)
K. Fielding (District of Peachland)
D. Findlater (District of West Kelowna)
K. Hayes (Central Okanagan East Electoral Area)
R. Hobson (City of Kelowna)
C. Hodge (City of Kelowna)
G. James (City of Kelowna)
D. Ophus (District of West Kelowna)
A. Reid (City of Kelowna)
M. Rule (City of Kelowna)
S. Shepherd (City of Kelowna)

Regrets:

L. Derrickson (Westbank First Nation)

Staff:

H. Reay, Chief Administrative Officer
M. Kopp, Manager of Parks Services
R. Paterson, Chief Building Inspector
D. Plamondon, Manager of Development & Environmental Services
R. Fralick, Planner
M. Drouin (recording secretary)

1. Call to order

Chair Hobson called the meeting to order at 9:00 a.m.

2. Adopt Governance & Services Committee meeting minutes of September 10, 2009

#GS84/09

EDGSON/BAKER

THAT the Governance and Services Committee meeting minutes of September 10, 2009 be adopted as circulated.

CARRIED

Director Reid arrived at 9:02 a.m.

3. Delegations

3.1 Tim Forty – Quaran Environmental re: Update on Liquid Waste Management Plan (LWMP) for the Central Okanagan East Electoral Area

Tim Forty provided an update on the LWMP for the Central Okanagan East Electoral Area highlighting:

- An Advisory Committee was formed after recruitment ads were placed
- The committee was comprised of area residents, members of the technical community and government representatives.

- The process required a comprehensive public information program including: public information, timelines, terms of reference and public survey.
- Options were developed from input from the advisory committee, the public and government agencies. The advisory committee determined preferred solutions in all cases based on all options presented along with public consultation.
- These preferred solutions form the framework for a LWMP considering technically practical and cost effective solutions.

Tim Forty presented the preferred solutions including:

- Area wide preferred solutions including status quo no change; public education programs (to be developed); bylaws (if education program did not work then could move toward regulation—not a first line of action); environmental monitoring program;
- Specific area preferred solutions, if and when a solution is required (currently there is no known sewage issues in any of the higher density areas); stormwater issues were outside the review;
- Next steps: Board ratification and forward the Plan to the Province.

Discussion:

A general discussion ensued regarding the lack of oversight by 'Health' now that the Province has changed the rules eliminating health from the inspection of septic systems and moving to a self-regulation system. It was noted that UBCM has discussed this issue but there is no change in sight. "No one is watching what is going on" which may be affecting environmental pollution. The Regional District does not have the authority to do inspection and in order to do so Letters Patent would have to be changed.

#GS85/09

HAYES/HODGE

THAT Stage 3 of the Liquid Waste Management Plan (LWMP) for the Central Okanagan East Electoral Area be received;

AND THAT the Governance and Services Committee recommends that the Regional Board endorse the preferred solutions identified in the executive summary of the Stage 3 report of the Liquid Waste Management Plan for Central Okanagan East Electoral Area;

AND FURTHER THAT two copies of all the LWMP documents (Stage 1, Stage 2 and Stage 3 documents) be forwarded to the Ministry for approval.

CARRIED

#GS86/09

HAYES/HODGE

THAT staff be directed to look at the implications of implementing mandatory septic system pump outs in the electoral areas and report back to the Governance and Services Committee.

CARRIED

Discussion:

- It was noted that to establish mandatory septic system pump outs a service area for liquid waste management would need to be established.
- Unsure if member municipalities would be interested in a system of mandatory pump outs. The recommendation in the Central Okanagan East Waste Management Plan is to implement an education plan first (education not enforcement).
- Should the recommendations for the Central Okanagan East Liquid Waste Management Plan be implemented there will be budget and staffing implications. Staff will need to report back on these implications.
- There is no Liquid Waste Management Plan in Central Okanagan West.
- There would likely be economies of scale should an education program be implemented across the region.
- Baseline information on the impact of septic systems on ground water is not being done in the electoral areas—is there any monitoring being done within member municipalities?

#GS87/09

SHEPHERD/HODGE

THAT staff be directed to contact member municipalities to determine if there is an interest to become involved in a septic education program, regulations for mandatory septic pump-out and a septic monitoring program.

CARRIED

#GS88/09

HODGE/SHEPHERD

THAT a letter be forwarded to the Province expressing concern regarding the lack of inspection of septic systems and the gathering of information about the cumulative impacts of septic systems on ground water and surface water;

AND FURTHER THAT the Province be encouraged to review the legislation whereby 'Health' is no longer involved in approving septic systems and expressing concern that there may be environmental impacts occurring due to their lack of involvement.

CARRIED

3.2 Chris Radford, RDCO & Stephan Pope, IHA Land Use Environmental Officer, re: Review of sewage regulations (verbal report)

In follow-up to Committee questions earlier this year regarding sewage regulations, IHA staff were invited to update the Committee on this issue. Stephan Pope provided a review of the regulations.

"The new regulation has changed the process for installing a system. Before May 31, 2005 a permit to construct had to be obtained from the Public Health Inspector. He or she would inspect the lot prior to issuing the permit and after construction, to ensure the installation was done properly. The new regulation puts the onus on the industry and on the homeowner to ensure systems are designed, installed and

maintained properly. Now, instead of obtaining a permit, an "Approved Person" (AP) files a "Record of Sewerage System", including the plans, and after he or she has installed the system, files a "Letter of Certification" along with a maintenance plan to finalize the system. The submission of a "Letter of Certification" is required within one year of the original "Record of Sewerage System" filing date. Under the old regulation, a homeowner could install a system, now they must use an AP. An AP can either be an engineer who has experience and/or training in soils and sewerage systems, or a "Registered Onsite Wastewater Practitioner" (ROWP). The homeowner is responsible to follow the maintenance plan for the septic system so that it does not pose a health hazard."

- Oversight issues are the main issue – 'Health' no longer has any regulatory power to deal with these issues. Health is only involved when a problem arises and when it's reported.
- Qualified professionals do not have to report any issue to Health if a failure of the system occurs.
- There is a professional association of qualified installers -- The Association of Professional Engineers and Geoscientists of B.C.
- In 2005 the government put effort into creating the organization and training at the beginning of the process. Installers must be trained and certified.
- Issues vary across other provinces--some provinces have never had legislation to have Health involved.
- The financial resources required for 'Health' to get back into oversight of septic systems would be large. IHA staff have been redirected to other positions.
- Some sort of oversight may be worthwhile: ie: inspect new installs, are applications worthy/sustainable.

#GS89/09

EDGSON/SHERHERD

THAT the presentation from Stephen Pope, IHA Land Use Environmental Officer on sewage regulations be received;

AND FURTHER THAT staff circulate information on BC's septic regulations to the Governance and Services Committee.

CARRIED

3.3 CTQ Consultants re: North Westside OCP Update

Graeme Dimmick from CTQ Consultants provided an update on the North Westside OCP including:

- Stage 1 presented previously.
- Stage 2
 - Public consultation (survey, open house, advisory committee discussions)
 - High turn out at community meetings.
 - Generally a good level of support for environmental policy.
 - Survey was available on line, at the open house, 63 surveys returned.

- General feedback that environmental protection is required for wildfire protection, riparian protection, gravel pit.
- Comments for name change was highlighted – Crystal Mountain far removed from North Westside.

Next steps include final recommendations in the form of a bylaw through text and mapping for the Board's consideration.

- The Committee was reminded this is an environmental update to the OCP, only not land use review.
- The bylaw process will proceed through a normal course which would include a Public Hearing likely in early 2010.

#GS90/09

EDGSON/BAKER

THAT the presentation from CTQ Consultants on the North Westside Official Community Plan be received.

CARRIED

3.4 Jim Kentel, Stantec Consulting Ltd. re: Brent Road Sanitary Sewer Feasibility Study

Stantec Consulting presented an update on the Brent Road Sanitary Sewer study.

- 42 homeowners involved.
- Two possible solutions were reviewed: low pressure and gravity main system. The advantages and disadvantages were reviewed for each option.
- Preliminary costs were reviewed, approximately \$10,000 per household for a low pressure system. For a gravity main system the costs would be approximately \$22,970 per household.
- Common costs for individual connections were reviewed including DCC, connection fees and the annual sewage rate fees. The estimate does not reflect what the District of Peachland connection charge or fees are. There are no costs for land acquisition, legal survey or RDCO admin costs.

Discussion:

- The next step is for discussions with the District of Peachland and the area residents. Peachland needs to be part of the dialogue first to determine if Peachland requires the residents to join the municipality, refine costs, and public consultation.
- In addition, the partners in the Westside Wastewater Treatment Plant (WWTP) need to be consulted to review the future impact on the Treatment Plant. This can be done concurrently.
- The question was raised whether Brent Road can become its own service area within the Regional District in order to hook up to the WWTP? An agreement of the partners would be required first. If they could participate, Peachland would have to decide whether they want some of the collection to be done through them and a service area would have to be required.
- It was noted the net costs to the property line were provided but there are further costs associated with connecting to the system.

#GS91/09 FINDLATER/EDGSON

THAT the issue of Brent Road potentially connecting to the Regional Wastewater Treatment Plant (WWTP) be discussed with the WWTP service partners prior to a public meeting being held.

CARRIED

The committee recessed at 10:40 a.m. and reconvened at 10:50 a.m.

4. Governance

4.1 District of West Kelowna – Withdrawal from the Regional Park Land Acquisition Program

The District of West Kelowna Council in its letter of September 24, 2009 advised the Regional District that effective January 1, 2010 the municipality wishes to withdraw from the Regional Park Land Acquisition Program. In follow-up to discussions at the Regional Board's September 21, 2009 In Camera meeting, the Board directed staff to review legislation pertaining to the Regional Parks Services. Staff confirmed that legislation does not allow for a unilateral service withdrawal by a partner, however, the Province does allow some flexibility in how a partner could participate in a service.

Concern was expressed by the Directors regarding the request to withdrawal from the acquisition program including whether a municipality is allowed to withdraw from the acquisition portion of a regional service; if they are, what that would mean to the overall program; what are the options to the other partners including the financial impact; would the land acquisition program need to be scaled back; regional parks is a partnership of all citizens and what's best for the region is not necessarily specific to residents in one municipality; current options presented are generally not acceptable to the partners. It was agreed that further discussion needs to occur including the possibility of inviting West Kelowna Council to meet with the Board.

#GS92/09 SHEPHERD/HODGE

THAT the District of West Kelowna letter of September 24, 2009 regarding the municipalities wish to withdraw from the Regional Park Land Acquisition Program be received;

AND FURTHER THAT staff develop a process for further discussions on the issue of West Kelowna's request to withdraw from the Regional Parks Acquisition Program including options, financial implications and legislative process.

CARRIED

It was agreed that financial options should not include 2008 and 2009. 2009 funds have been requisitioned and will be spent.

Options to include: a reduction of the program by 18% so taxpayers pay the same amount as originally intended; take out acquisition in West Kelowna boundaries; what are the implications of buy-in when coming back into the program; are there any current implications for long term borrowing versus short term borrowing.

Director James left the meeting at 11:15 a.m.

5. Development & Environmental Services

Inspection Services

5.1 Update – Use of Cisterns within the Regional District of Central Okanagan

In follow-up to the July 9, 2009 Governance and Services Committee meeting, the Committee requested an opinion on allowing the use of cisterns within the Regional District as a source of potable water. Staff reviewed the opinion received in the September 25th staff report noting that based upon the legal opinion, staff do not recommend any changes to the current RDCO policy regarding proof of water for the issuance of Building Permits on existing registered lots or leased lots.

Concern was raised that the Regional District is not looking at the issue of leased lots and whether the Province may create lots simply by raising title not through subdivision. Lease lots are part of Crown lands but if they become fee simple they would not come through the Regional District whereby a lot created through the Regional District must have a water system, not a cistern.

#GS9309

BAKER/EDGSON

THAT the Chief Building Inspector report dated September 25, 2009 on the use of cisterns within the Regional District of Central Okanagan be received;

AND FURTHER THAT the Regional District not change its current policy regarding proof of water for the issuance of Building Permits on existing registered lots or leased lots.

CARRIED

ACTION: Staff were asked to speak to ILMB to discuss the process to create fee simple lots.

Planning

The Committee agreed to move 5.4 forward in the agenda at this time.

5.4 Agricultural Land Commission Application A-09-01 – (Longhorn Farms Ltd. –owners)

Staff report dated October 1, 2009 outlined the background for ALC application A-09-01. Staff reviewed the application noting that there is no specific legislated public notification process that applies to non-farm use ALR applications and further that Policy 2.12 of the Ellison OCP suggests that non-farm use applications should include a professional evaluation assessing the potential impact of non-farm uses on adjoining or nearby ALR land and farm operations. No such assessment has been submitted with the application.

Staff would like to receive input from the Ministry of Agriculture and Lands and the BC Food Processors Association regarding the in-stream ALC application to permit the burial of Specified Risk Material (SRM) on a portion of the property and provide recommendations on next steps in the process. Staff note that the intended non-farm use within the ALR is a relatively new concept in the Province and that the application represents the initial request to the ALC for burial of SRM material on private property in BC.

Mark Raymond from the Ministry of Agriculture and Lands (Waste Management Branch) and Abra Brynne from the BC Food Processors Association were in attendance and answered questions of the Committee. It was noted the abattoir operation is one of the smallest in BC. The Committee was reminded that the current feed lot operation is a legal operation and that this application is only related to whether to allow burial of a limited quantity of SRM material. The Ministry of Environment regulates land-filling of slaughterhouse waste.

Staff reviewed that public notification regarding applications filed to the ALC is limited solely to proposals for exclusion of land from the Land Reserve. As this represents a non-farm use application there is no specific requirement for the applicant to advise neighboring property owners; that public calls received to date relate to concerns that have nothing to do with the application but the existing land use (feed lot); that the Agricultural Land Commission makes the final decision (approval is also required of the Canadian Food Inspection Agency and the Ministry of Environment) and that the Regional District is only a referral agency.

It was agreed that the resolution to the Regional Board should be revised to include increasing the radius of public notice from 1000 metres to a radius up to Scotty Creek and that the applicant be required to hold a public meeting.

#GS94/09

EDGSON/HAYES

THAT the applicant Longhorn Farms Ltd., ALR application A-09-01, be subject to the following conditions prior to Regional Board consideration of non-farm use;

- Forward a letter to all residents located within a radius up to Scotty Creek of the Longhorn Farms operations advising of their proposal. The letter should direct that all responses be forwarded to the Regional District;
- Commission a Qualified Professional to complete and submit for staff review an hydrogeological/environmental assessment which addresses issues identified by the Environmental Advisory Commission (noted in the September 28, 2009 Memorandum from the RDCO Environmental/Land Use Planner), the Interior Health Authority, and the Ministry of Environment;

- The applicant be required to hold a public meeting prior to the application coming forward to the Regional Board for consideration.

AND THAT the Agricultural Land Commission be advised in writing of the above recommended process that is to occur in advance of formal consideration of the non-farm use application by the Regional Board;

AND FURTHER THAT the Regional Board directs staff to enter into discussion with appropriate Provincial Ministries regarding the issue of designating a local/regional landfill site to accept and dispose of SRM material.

CARRIED

5.2 Update Stream Restoration Initiative for Joe Rich Creek

Staff report dated October 1, 2009 provided an update on the stream restoration initiative for the Joe Rich Creek. Staff reviewed the progress to date. Assessment of the previous work completed was done this summer and was shown to be very successful riparian areas have been stabilized with very little maintenance required. A few areas where the restoration work did not work well and where new areas of eroding banks have been identified will be worked on this fall. Next steps will identify additional areas for restoration, communication with local residents with a public forum to be held, and detailed prescriptions identified.

#GS95/09 BAKER/FIELD

THAT the staff report dated October 1, 2009 providing an update on the stream restoration initiative for Joe Rich Creek be received.

CARRIED

5.3 Review of Information re: Sale of Recreational & Commercial Lease Lots on Reservoir Lakes & Sales and Conversion of McCulloch Lake Resort to Fee Simple Status

In follow-up to discussions at the June 22, 2009 Governance and Services Committee meeting regarding information previously presented to the Regional Board on the sale of reservoir lease lots, staff were directed to provide background material related to this issue as well as the information on the conversion of McCulloch Lake Resort to fee simple status.

#GS96/009 BAKER/HODGE

THAT the staff report dated October 1, 2009 providing background information on the Board's position regarding the sale of reservoir lease lots and the conversion of McCulloch Lake Resort to fee simple status be received.

CARRIED

Engineering

5.5 Westside Regional Wastewater Treatment Plant Biosolids – Approval of funds to engage a consultant

The opportunity to participate in an Organic Recycling project (Ogogrow), presented itself to the Regional District in 2007. In 2008, \$25,000 was committed to assist in funding the design to expand the existing Ogogrow facility to accommodate anticipated volumes of RDCO biosolids produced at the WRWWTP.

The existing partnership between the City of Kelowna and the City of Vernon was to be expanded to include the RDCO as a capital partner. Unfortunately, in August 2009 Vernon City Council did not endorse the recommendation from City of Vernon staff to accept RDCO as a partner on the expansion.

Currently, all biosolids produced at the Westside Regional Wastewater Treatment Plant are transferred to the Glenmore landfill in agreement with the City of Kelowna and the Ministry of Environment. This was due to the fact the Westside landfill is moving forward with the closure plan and biosolids diversion is part of the implementation of the plan for 2009. The City of Kelowna is also transferring a portion of biosolids to the Glenmore landfill, until the expansion at the Ogogrow site can accommodate all of the city's volumes.

Recently, City staff has advised the RDCO that the City of Kelowna has only a temporary Operating Certificate amendment to allow for disposal of sewage sludge until the end of the year. The extension will not be recommended beyond the time at which the Ogogrow facility expansion is completed. RDCO staff has inquired whether the Ogogrow partnership will consider receiving Westside Treatment Plant biosolids as a tipping fee customer.

Staff recommends that the Regional District continue to investigate potential options and draft a Biosolids Management Plan recognized and approved by the MOE.

Discussion:

- How do we establish best options when we don't know the tipping fee? There will likely be a recalculation of the tipping fee due to capital costs.
- Vernon has not agreed to take on any more tipping fee partners. We need to know if they will accept RDCO as a tipping fee partner.
- May be other options currently not considered. Service partners have discussed the issue even though the impact for tipping fees is not known. A stand alone solution may be the option which will have to be considered.

#GS97/09

FIELDING/FINDLATER

THAT the Governance and Services Committee recommends to the Regional Board that funds up to \$50,000 to be allocated from the approved Ogogrow Partnership budget of \$500,000 to engage a consultant to research and report on options for biosolids produced at the WRWWTP including :

- Transferring biosolids to the Ogogrow facility if acceptable to facility partnership

- Investigating construction of an RDCO biosolids handling and processing facility
- Partnering with private sector on construction of a facility capable of treating biosolids
- Acceptance of transfer of biosolids to other existing facilities

AND THAT there be ongoing engagement of service partners throughout the process;

AND FURTHER THAT the Development and Environmental Services Department engage a consultant to draft a Biosolids Management Plan to be approved by the Ministry of Environment within the same project;

AND FURTHER THAT staff forward an application to the Ministry of Community and Rural Development, Infrastructure Planning Grant Program to be considered in the next round of applications.

CARRIED

6. Regional Air Quality Service

6.1 Okanagan Similkameen Airshed Coalition - Recommendation to sign the Memorandum of Understanding for a 3-year period

The Okanagan Similkameen Airshed Coalition (OSAC) at its last meeting discussed the desire to sign a Memorandum of Understanding for more than one year. For the last two years the MOU has been signed annually.

As noted in the MOU, there is no financial commitment for the Regional Districts to sign the MOU. Staff time in terms of administrative and clerical support for the Coalition is 'in kind'. An agreement from each Regional District is required for Provincial or Federal grant applications for funding the airshed research and emission reduction programs.

#GS98/09

EDGSON/SHEPHERD

THAT the Governance and Services Committee recommends the Regional Board support renewal of the Okanagan Similkameen Airshed Coalition (OSAC) Memorandum of Understanding for a period of up to three years;

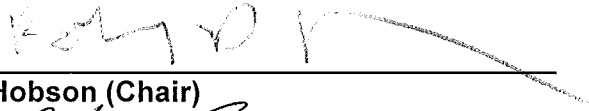
AND FURTHER THAT the Regional District send a letter to the Board of the Regional District of North Okanagan and Regional District of Okanagan Similkameen encouraging their regional districts to sign on for a three-year term.

CARRIED

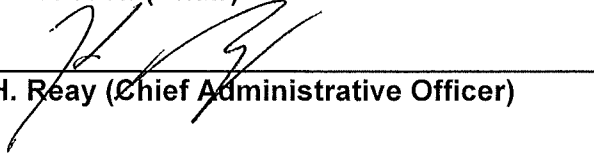
7. Adjourn to a Special Board Meeting and Rise and Report

There being no further business the meeting adjourned at 12:33 p.m. to rise and report to a Special Regional Board meeting.

CERTIFIED TO BE TRUE AND CORRECT



R. Hobson (Chair)



H. Reay (Chief Administrative Officer)

