



# Regional Board Report

**TO:** Regional Board

**FROM:** Mary Jane Drouin  
Manager-Corporate Services

**DATE:** January 6, 2021

**SUBJECT:** Alternative Approval Process for Proposed Parkland Exchange Bylaw No. 1473 – Scenic Canyon Regional Park

**Voting Entitlement:** *All Directors – Stakeholder Weighted Vote – Majority – LGA 209*

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**Purpose:** To direct staff to undertake an Alternative Approval Process for the proposed parkland exchange for Scenic Canyon Regional Park.

## **Executive Summary:**

Regional District of Central Okanagan Parkland Exchange Bylaw No. 1473, 2021 has been presented to the Board for three readings on January 14, 2021. As per section 280 of the *Local Government Act*, a regional district may by bylaw adopted with the approval of the electors, exchange regional park land for other land to be used for park purposes. Bylaw No. 1473 is before the Board seeking the approval of electors by way of an Alternative Approval Process prior to adoption of the bylaw.

## **RECOMMENDATION:**

**THAT** the Regional Board authorizes staff to undertake an Alternative Approval Process in the entire Central Okanagan service area to determine the opinion of the electors with regard to Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021;

**AND FURTHER THAT** the Regional Board approves the following with regard to Regional District of Central Okanagan Scenic Canyon Parkland Exchange Bylaw No. 1473, 2021:

1. That the deadline for receiving elector responses be 4:00 pm on March 1, 2021;
2. That the Elector Response Form be approved; and
3. That the estimated number of eligible voters to which the Alternative Approval Process applies be established at 205,983.

Respectfully Submitted:

Mary Jane Drouin  
Manager-Corporate Services

Approved for Board's Consideration

Brian Reardon, CAO

*Prepared by:* S. Horning, Supervisor-Corporate Services

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**Implications of Recommendation:**

Legal/Statutory Authority: *Local Government Act* – section 280 provides that a regional district may, by bylaw adopted with the approval of the electors  
(b) exchange a regional park for other land to be used for park purposes  
*Local Government Act* – section 269 – Process for obtaining approval of the electors  
*Community Charter* – section 86(3) – Alternative Approval Process

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**Background:**

In 2020, the Regional Board approved and authorized its signing officers to enter into a purchase and sale (exchange) agreement with Mr. David Geen, subject to the successful adoption of a Parkland Exchange Bylaw.

Negotiations have been completed which will see the Regional District acquire an estimated 10.0 hectares of new park land and receive an estimated 0.86 hectares of statutory right-of-way for Scenic Canyon Regional Park and receive an estimated \$480,000 in compensation for land valuation differential (less legal, surveying and LTO registration fees, net compensation of approximately \$454,000). These funds would be placed into capital reserves for future acquisitions. In exchange, the Regional District will transfer 8.67 hectares of parkland from Scenic Canyon Regional Park which will become the property of Mr. David Geen. The exchanged lands will provide for future trail and park connectivity between Scenic Canyon Regional Park, Mission Creek Greenway, and to City of Kelowna parks and trails as outlined in Bylaw No. 1473, 2021.

Section 86(3) of the *Community Charter* requires that for each alternative approval process, the Board of Directors must:

- Establish the deadline for receiving elector responses;
- Establish the elector response form;
- Make a fair determination of the total number of electors to which the approval process applies.

**Establish the deadline for receiving elector responses**

The time period for receiving elector response forms must be at least 30 days following the day on which the second required notice is published. Staff propose the deadline date to receive responses be established as 4:00 p.m. on March 1, 2021. The elector response forms will be accepted by mail, fax or in person to the Regional District of Central Okanagan Administration Office prior to the established deadline. Postmarks will not be accepted as the date of submission.

**Establish the Elector Response Form**

The elector response form that will be available to eligible electors within the entire service area of the Central Okanagan is attached for consideration by the Board. If 10% (20,598) of the estimated number of electors sign and submit an elector response form **opposing** adoption of Bylaw No. 1473 before the established deadline, the Board cannot adopt the Bylaw without receiving the assent of the electors by way of referendum.

## Population Analysis

The estimate total number of eligible electors is estimated to be 205,983 in accordance with the 2019 BC Stats as of January 6, 2021.

### Estimate of Eligible Electors for Alternative Approval Process

<b>Jurisdiction</b>	<b>Estimated Eligible Voters</b>	<b>10% of eligible voters Required to defeat Bylaw 1473 under the alternative approval process</b>
Central Okanagan West Electoral Area	2,393	239
Central Okanagan East Electoral Area	4,787	479
District of Lake Country	15,143	1,514
District of Peachland	5,696	570
City of West Kelowna	35,818	3,582
City of Kelowna	<u>142,146</u>	<u>14,214</u>
	<b><u>205,983</u></b>	<b><u>20,598</u></b>

Statutory advertising will be placed in local newspapers: Capital News and Vernon Morningstar. Elector response forms and the supporting report material will be available at the RDCO office or for download on the RDCO website.

## Conclusion

Alternative Approval Process requirements have been identified and appropriate Elector Response Forms have been prepared which will enable the Regional Board to authorize staff to proceed with obtaining the approval of the electors by Alternative Approval Process for the following bylaw:

“Regional District of Central Okanagan Scenic Canyon Parkland Exchange  
Bylaw No. 1473, 2021”

## Financial Considerations:

Minimal, cost of advertising

## Organizational Issues:

Staff time required to run an AAP

## Alternative Recommendation:

None recommended

Attachment(s): Fact Sheet, Notice to Electors, Elector Response Form, Non-Resident Property Elector Consent Form