



Agenda

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Penticton and Ellis Creek Restoration Select Committee Meeting

to be held
via Zoom

Friday, May 22, 2020
at 9:00 a.m.

1. **Call Regular Committee Meeting to Order**
2. **Application of rules of procedure**
Staff Recommendation:
THAT the Penticton and Ellis Creek Restoration Select Committee meeting temporarily suspend the voting at meeting procedures (Council Procedure Bylaw No. 2018-35 25.(1)(b)) and when ready to vote and the question is called those in favor will say "In favour" and those opposed will say "opposed" for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic.
3. **Adoption of Agenda**
4. **Adoption of Minutes** 2-7
 - 4.1 Minutes of the March 11, 2020 Penticton Creek and Ellis Creek Restoration Select Committee Meeting
Staff Recommendation:
THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the March 11, 2020 meeting as presented.
5. **Business Arising from Prior Meetings**
6. **New Business**
 - 6.1 2020 Ellis Creek Emergency Work Update Verbal
 - 6.2 Adoption of Ellis Creek Master Plan and Predesign for Reach Adjacent to Proposed Cantex Development Update Verbal
 - 6.3 Penticton Creek Reach 12 Permit Application Update Verbal
 - 6.4 Penticton Creek Reach 3A Upper/ 3B Detail Design Update Verbal
7. **Next Meeting**
8. **Adjournment**



Minutes

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Penticton and Ellis Creek Restoration Select Committee Meeting

held at City of Penticton Council Chamber
171 Main Street, Penticton, B.C.

Wednesday, March 11, 2020
at 8:00 a.m.

- Present:**
- Voting Members**
Paul Askey, Freshwater Fisheries Society of BC (*Chair*)
Camille Rivard-Sirois, Okanagan Nation Alliance (*Vice Chair*)
Bryn White, South Okanagan Conservative Program
Bill Wickett, Alternate, Penticton Fly Fisheries Association
Drew Nagy, Alternate, Penticton Industrial Development Association (*Left the meeting at 11:32 a.m.*)
Sandy Ross, Parks and Recreation Advisory Committee Member
Doug Maxwell, Member at Large
- Non-Voting Members**
Bruce McFarlane, Ministry of FLNRO, Regional Water Management
- Council:**
Frank Regehr, Councillor (*Liaison*)
John Vassilaki, Mayor (*Left the meeting at 9:45 a.m.*)
- Staff:**
Ian Chapman, City Engineer
Mitch Moroziuk, General Manager of Infrastructure
Paula McKinnon, Legislative Assistant
Blake Laven, Director of Development Services (*Left the meeting at 9:51 a.m.*)
- Regrets:**
Bruce Turnbull, Penticton Fly Fisheries Association
Jim Arner, Ministry of FLNRO, Fish & Wildlife Division
- Guest:**
Joe Kennedy, Stantec Consulting
Leif Burges, Stantec Consulting
James Bigelow, Stantec Consulting (*Electronic Participant*)
Shawn Kilpatrick, Stantec Consulting

1. Call to Order

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 8:03 a.m.

Roundtable introductions took place for attending guests.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the agenda for the meeting held on March 11, 2020 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the February 28, 2020 Penticton and Ellis Creek Restoration Select Committee Meeting

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the February 28, 2020 meeting as amended to include:

- Item 3.1 to include the following Clarification: Okanagan Nation Alliance is not considered to be consultation with the Penticton Indian Band; and
- Item 7.2 to include the following concern: No greenway mention in the presented final Master Plan document.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Item deferred from February 28, 2020
Re: Ellis Creek Master Plan Cantex Options

The Committee reviewed and discussed the provided options from the previous meeting as well as the revised options which incorporated received feedback from the Committee.

Members at large asked clarification questions of Stantec Consulting, Cantex Group of Companies and City Staff regarding next steps for all parties involved, consultation and information sharing with First Nations and the difference between a limited and full Predesign.

Councillor Regehr entered the meeting at 8:53 a.m.

Discussion ensued regarding the Committee's priority and efforts in sharing information with the Penticton Indian Band Chief and Council without changing the City's development application process. It was agreed, by consensus, that the Riparian Area Regulations Report and Environmental Assessment Report be shared with the Committee once completed and then shared with the Penticton Indian Band Chief and Council through the appointed applicable representatives at the table.

A member at large reminded the Committee about conflict of interest and a brief discussion ensued regarding members present at the table. The present Alternate Penticton and Industrial Development Association (PIDA) representative expressed that PIDA is in full support of the Cantex development and that he does not feel that he's in a conflict as he is present at the meeting representing the Penticton and Industrial Development Association and not Cantex Group of Companies who is his employer.

Continued...

- 4.1 Item deferred from February 28, 2020 – Continued
Re: Ellis Creek Master Plan Cantex Options

It was MOVED and SECONDED

THAT the Penticton Creek and Ellis Creek Committee recommends to Council that they respond to the issues raised with respect to the Cantex development by:

1. Requesting Cantex to complete, at their cost, a Riparian Area Regulations Report and Environmental Assessment Report to determine the Stream Side Protection Area and the Environmental protection area;
2. That the two above noted documents be submitted to the City and the Province of BC to determine if they are acceptable; and
3. That should Cantex decide to proceed with their subdivision development, after hearing from the Province of BC and the City that their Riparian Area Regulations Report and Environmental Assessment Report is acceptable that Stantec be sole sourced a \$165,000 contract to complete a full Predesign Report including discussions with the Penticton Indian Band for the areas of Ellis Creek through the Cantex property as outlined in their letter proposal of November 22, 2019.

CARRIED UNANIMOUSLY

- 4.2 Item deferred from February 28, 2020
Re: Ellis Creek Master Plan Recommendations to Council

The General Manager of Infrastructure reminded the Committee that the final Ellis Creek Master Plan document still needs to be addressed by the Committee now that a decision has been made by the Committee regarding the Cantex issue. The Committee was informed that the provided recommendation was drafted with the consideration to meet the needs of the City, Stantec Consulting and Cantex Group of Companies.

Brief discussion ensued. A member at large shared concerns regarding the lack of park land in the form of walk ways and natural areas included in the final plan.

Continued...

- 4.3 Item deferred from February 28, 2020 - Continued
Re: Ellis Creek Master Plan Recommendations to Council

It was MOVED and SECONDED

THAT the Penticton Creek and Ellis Creek Committee recommends to Council that Stantec be requested to amend the Ellis Creek Master Plan to include language that indicates that a Predesign should be completed for the area of Ellis Creek that runs through the Cantex property that would see the City and Cantex working with the regulators to develop an Ellis Creek and Subdivision concept that works to meet the needs of all three parties;

AND THAT the Master Plan continue to include language that would indicate that the installation of public walkways would be considered during the detail design process;

AND THAT Ellis Creek Master Plan as amended above then be approved by Council as a guiding document.

CARRIED
Drew Nagy, Alternate, Penticton Industrial Development Association,
Opposed

The meeting recessed at 9:45 a.m. and reconvened at 9:51 a.m. with the same members present.

5. **Correspondence**

- 5.1 Neal Davies, Vice President, Cantex Group of Companies
Re: Cantex Presentation to Penticton and Ellis Creel Restoration Committee dated March 6, 2020

No action was taken on this item.

6. **New Business**

- 6.1 Nanaimo Avenue Bridge Condition and Transportation Analysis Update

The City Engineer provided the Committee with an update on the Nanaimo Avenue Bridge Condition and transportation analysis. The Committee was informed that the bridge is structurally adequate continuing its current use and that the bridge does not perform a critical function and could be removed with no significant impact. The Committee was also updated on work that would be required on updating components of the bridge as well as eventual replacement and the associated approximate costs.

Brief discussions ensued regarding the various proposed options provided in moving forward and funding programs for structures with flood risk. Staff advised the Committee that a report will be prepared for a future meeting regarding the true costs of the provided options.

6.2 Draft Pre-Design (Version 2) Penticton Creek Reach 3A Upper and Reach 3B

Stantec Consulting provided the Committee with a presentation on the draft pre-design (version 2) Penticton Creek Reach 3A Upper and Reach 3B. The consultants asked the Committee to provide their comments and feedback on the draft pre-design and the target pool depth of one meter. The Committee provided feedback throughout the presentation.

The Committee was informed that Committee that spawning areas and the existing usable habitat have also been taken into consideration, however, the stability and exact quantity of gravel spawning habitat could not be fully determined at this stage in pre-design. Brief discussions ensued.

Members at large inquired about the monitoring of the water flows, the consideration of inclusion of public observation areas and public access opportunities in the designs, construction cost estimates and inclusion of debris catching elements.

Members at large expressed concerns regarding whether a predesign can be completed without the calibration data. The consultants advised that a predesign can be completed without the data as they can rely on the models and complete a sensitivity analysis if required. The Committee recognized that with this information not yet considered or provided for review as an identified risk.

By consensus, the Committee supported the Pre-design Penticton Creek Reach 3A Upper and Reach 3B report as presented while also acknowledging the noted potential concerns noted above.

Drew Nagy, Alternate, PIDA, left the meeting at 11:32 a.m.

7. **Council Outcome**

8. **Next Meeting**

The next Penticton and Ellis Creek Restoration Select Committee meeting date is to be determined.

9. **Public Question Period**

10. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Wednesday, March 11, 2020 at 11:38 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant