



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, May 9, 2019  
RDOS Boardroom – 101 Martin Street, Penticton

## SCHEDULE OF MEETINGS

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9:00 am	-	9:15 am	Public Hearing: Electoral Area “H” Official Community Plan Bylaw and Zoning Bylaw 5021 Highway 97C (Elkhart Lodge)
9:15 am	-	11:15 am	Protective Services Committee
11:15 am	-	1:45 pm	Corporate Services Committee (The Committee will break for lunch and reconvene)
1:45 pm	-	3:30 pm	RDOS Board

*"Karla Kozakevich"*

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Karla Kozakevich  
RDOS Board Chair

### Advance Notice of Meetings:

May 23, 2019	RDOS Board/OSRHD Board/Committee Meetings
June 6, 2019	RDOS Board/Committee Meetings
June 20, 2019	RDOS Board/OSRHD Board/Committee Meetings
July 4, 2019	RDOS Board/Committee Meetings
July 18, 2019	RDOS Board/OSRHD Board/Committee Meetings
August 1, 2019	RDOS Board/Committee Meetings
August 15, 2019	RDOS Board/OSRHD Board/Committee Meetings
September 5, 2019	RDOS Board/Committee Meetings



# NOTICE OF PUBLIC HEARING

Electoral Area "H" Official Community Plan Bylaw and Zoning Bylaw Amendments  
5021 Highway 97C (Elkhart Lodge)

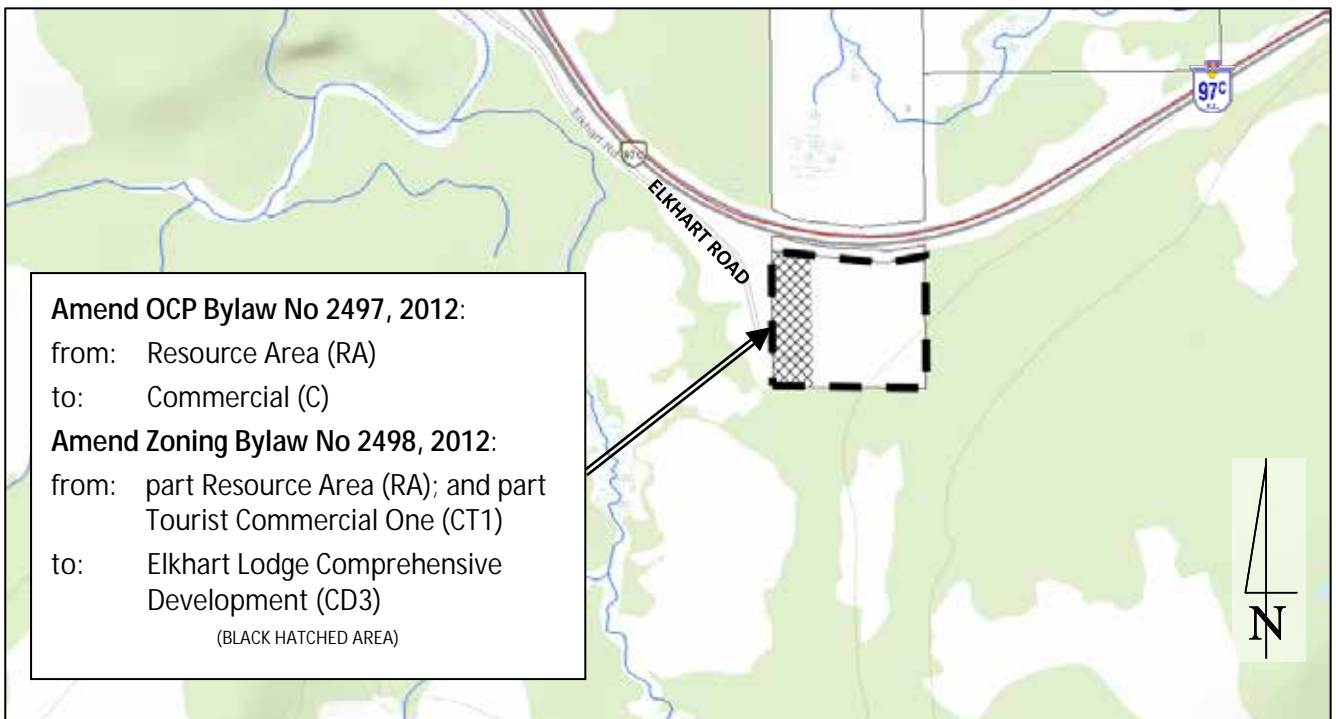
Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area "H" Official Community Plan Amendment Bylaw No. 2497.10, 2019, and Zoning Amendment Bylaw No. 2498.17, 2019**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

- Date:** Thursday, May 9, 2019
- Time:** 9:00 a.m.
- Location:** RDOS, Board Room, 101 Martin Street, Penticton

The purpose of the proposed amendments is to facilitate the development of a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard ("outdoor storage"). More specifically:

**Amendment Bylaw No. 2497.10, 2019**, proposes to amend Schedule 'B' (OCP Bylaw Map) of the Electoral Area "H" OCP Bylaw No. 2497, 2012, by changing the land use designation of an approximately 3.7 ha part of the property from Part Resource Area (RA) to Commercial (C).

**Amendment Bylaw No. 2498.17, 2019**, proposes amend Schedule '2' (Official Zoning Map) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, by changing the zoning of an approximately 3.7 ha part of the property from part Resource Area (RA) and part Tourist Commercial One (CT1) to Elkhart Lodge Comprehensive Development (CD3).



For further information about the content of the **Official Community Plan Amendment Bylaw No. 2497.10, 2019, and Zoning Amendment Bylaw No. 2498.17, 2019**, and the land affected by it, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Departments → Development Services → Planning → Current Applications & Decisions → Electoral Area "H" → H2018.193-ZONE).

Anyone who considers themselves affected by **Official Community Plan Amendment Bylaw No. 2497.10, 2019, and Zoning Amendment Bylaw No. 2498.17, 2019**, can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

**NOTE:** Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA.

**Postal:** 101 Martin St, Penticton, BC, V2A-5J9 | **Tel:** 250-490-4101 | **Fax:** 250-492-0063 | **Email:** [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, May 9, 2019

9:15 a.m.

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

THAT the Agenda for the Protective Services Committee Meeting of 9 May 2019 be adopted.

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**B. CLOSED SESSION**

**RECOMMENDATION 2**

THAT in accordance with Section 90(1)(c) of the *Community Charter*, the Committee close the meeting to the public on the basis of labour relations or other employee relations.

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**C. FIRE DEPARTMENT OPERATIONAL BYLAW – For Information Only**

1. Administrative Report
  2. Draft Bylaw
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**D. Delegation – Superintendent Ted De Jager**

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**E. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Protective Services Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Fire Department Regulatory System

**Recommendation:**

That the Board amend the proposed Fire Department Operational Bylaw to:

1. Add Bylaw 1209 to S. 57 – Repeal of Bylaws
2. Add Bylaw 1125 (West Bench) and 1197 (Rural Princeton) to Schedule “A”

**Reference:**

1. Fire Chiefs Operational Bylaw (proposed)

**Background:**

The Regional District of Okanagan Similkameen has established 9 Fire Prevention/Suppression Services that cover specific geographic areas. All but Rural Princeton has a dated Regulatory Bylaw. The Board is considering replacing the regulatory bylaws of 7 of the Services identified below with a consolidated Fire Department Operational Bylaw, except for Area F (West Bench). Area H has no regulatory bylaw at present.

Department	Establishment Bylaw	Regulatory Bylaw
Anarchist Mountain Fire Department	2334/05	2335
Area F (West Bench)	1125/1602	1209
Area H (Rural Princeton)	1197	
Kaleden Fire Protection Service	1238/91	1572
Keremeos Fire Protection Service	2178/02	2094
Naramata Fire Prevention and Suppression	1619/95	1652
Okanagan Falls Fire Protection Service	1310/92	1571
Tulameen Fire Protection Service	1574/95	1580
Willowbrook	2425/93	1579

The Service Establishment Bylaws set out the geographic area and requisition limit for each service and the Regulatory Bylaws, in addition to setting out how fire department officers and members are appointed, include a delegation of the Boards authority for such matters as authority to enter onto private property, control of fire scenes, etc.

The Regional District contracts for fire protection in Rural Princeton and West Bench. By ignoring those two services in the proposed regulatory bylaw, the Board puts the Regional District, the Town of Princeton and the City of Penticton at risk. They should be included.





**REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN**  
**BYLAW NO. \_\_\_\_\_, 2019**

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A bylaw to provide for the administration and operation of fire departments and for the prevention of fires, the prevention of the spread of fire, and for the preservation of life and property within the Regional District of Okanagan-Similkameen.

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WHEREAS the Local Government Act enables regional districts to establish and operate services for the benefit of service area residents; and

WHEREAS the Regional District of Okanagan-Similkameen has established various service areas or specified areas for the purpose of providing Fire Protection and other emergency response; and

WHEREAS the Board deems it expedient to regulate and to oversee the operation of the Fire Departments in connection with the provision of Fire Protection and emergency services within the Regional District of Okanagan-Similkameen.

NOW THEREFORE, the Board in open meeting assembled enacts as follows:

**Citation**

1. This bylaw may be cited as the "Fire Department Operational Bylaw No. \_\_\_\_\_, 2019".

**Definitions**

2. In this bylaw, including in the recitals hereto, unless the context otherwise requires, the following bolded terms have the following respective meanings:

(a) "**Auto Extrication Services**" means a rescue service using various methods and equipment to extricate a trapped victim from a vehicle following a motor vehicle or industrial incident;

(b) "**Board**" means the Board of Directors of the RDOS;

(c) "**CAO**" means the Chief Administrative Officer for the RDOS, or a designated representative;

(d) "**Consultation**" means to seek timely prior written submissions and for due consideration given thereto, all in accordance with RDOS policies and requirements;

(e) "**Dangerous Goods**" means hazardous materials, including any product, substance or organism which is of highly combustible and flammable, or explosive nature, all as set out in the Transport of Dangerous Goods Act, RSBC 1996, c. 458, or any other material which, because of its toxic or other inherent characteristics constitutes a fire hazard or a hazard to life, safety or health.

(f) "**Designated Officer(s)**" means an employee(s) or contractor(s) of the RDOS designated in writing by the CAO;

(g) "**Emergency Equipment**" means any vehicle, firefighting apparatus, tools or equipment acquired for use by a Fire Department;

- (h) **“Emergency Program Act”** means the Emergency Program Act, RSBC 1996, c. 111 or any successor legislation;
- (i) **“Fire Chief”** means the officer in charge of a Fire Department as appointed, after Consultation, by the CAO and in the absence of the Fire Chief, his designate ,
- (j) **“Fire Department”** means the established volunteer fire department for a given Fire Protection Service Area;
- (k) **“Fire Protection”** means all aspects of fire safety including, but not limited to: fire prevention, fire suppression, pre-fire or pre- emergency planning, fire investigation, public education and information, and fire administration;
- (l) **“Fire Protection Service Area”** means each service area as established by the relevant Service Establishment Bylaw of the RDOS, as amended from time to time;
- (m) **“Fire Service”** means, collectively, each Fire Department that has been, or which may be, established by the RDOS in each Fire Protection Service Area;
- (n) **“Fire Underwriters Survey”** (FUS) means the national organization administered by OPTA Information Intelligence, formerly CGI Insurance Business Services, formerly the Insurers’ Advisory Organization and Canadian Underwriters Association. FUS provides data on public fire protection for fire insurance statistical work and underwriting purposes of subscribing insurance companies.
- (o) **“Fire Services Act”** means the *Fire Services Act*, R.S.B.C. 1996, c. 144, or any successor legislation thereto;
- (p) **“Incident”** means a situation to which a Fire Department has responded or would ordinarily respond, including but not limited to:
- where a fire or explosion has occurred, or has the potential of being imminent;
  - a motor vehicle or other transportation incident;
  - where Dangerous Goods and/or Hazardous Materials may reasonably be expected to present a danger to persons, property or the environment; and,
  - other classes of emergencies as designated herein;
- (q) **“IC”** means the incident commander, being the Member on scene as authorized by the Fire Chief to be in charge of an Incident in accordance with ICS;
- (r) **“ICS”** means Incident Command System, being a standardized at-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries;
- (s) **“Local Government Act”** means the *Local Government Act*, R.S.B.C. 2015, c. 1 or any successor legislation thereto;
- (t) **“Medical First Responder”** means an Emergency Medical Assistant (“EMA”) first responder trained in pre-ambulatory care by a member trained and evaluated by a recognized accredited

agency and licensed by the B.C. Ministry of Health – Emergency Medical Assistant Licensing Branch;

(u) “**Member**” means, subject to applicable RDOS policy and guidelines, any person appointed by the Fire Chief as a member of a Fire Department and includes without limitations the Officers, every level of firefighters, and support and administrative staff of the Fire Department;

(v) “**Officer**” means, subject to applicable RDOS policy and guidelines, a Member appointed by the Fire Chief as an officer of the Fire Department, but nothing in this bylaw makes such persons officers for the purposes of s. 233 of the Local Government Act;

(w) “**Operational Guidelines**” means the operational guidelines developed in accordance with this bylaw, applicable to the operations and emergency responses of each Fire Department;

(x) “**PSC**” means a Protective Services Coordinator employed / retained by the RDOS as required, after Consultation ;

(y) “**Rescue**” means any situation where a person or persons are saved by quick and forceful action from immediate or threatened danger such as death or injury;

(z) “**RDOS**” means the Regional District of Okanagan-Similkameen;

(aa) “**Service Establishment Bylaw**” means, in respect of each Fire Protection Service Area and related Fire Department, the service establishment or specified area bylaw, or Supplementary Letters Patent, as the case may be, which creates the relevant service area and authorizes the provision of Fire Protection and emergency response services;

(bb) “**Service Level**” means, in relation to each Fire Department, the service contemplated by the *Fire Services Act* and the standards established by the office of the Fire Commissioner of British Columbia, which each Fire Department is authorized by the RDOS to provide;

(cc) “**Services**” means specific services delivered by individual Fire Departments referred to in Schedule “B”;

(dd) “**Workers Compensation Act**” means the Workers Compensation Act, R.S.B.C. 1996, c. 492 or any successor legislation thereto.

### Interpretation

#### 3. In this bylaw:

(a) wherever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the bylaw requires; and

(b) any reference in this bylaw to a statute, regulation, ministerial order or other bylaw, means such statute, regulation, ministerial order or other bylaw as updated, amended, revised or replaced, unless otherwise specifically noted.

#### 4. This bylaw does not contemplate or extend in its purpose, to any of the following:

(a) the protection of any person from economic loss;

- (b) a guarantee or warranty by the RDOS or any of its agents, as to the service level expectations of any Fire Department under this bylaw, or any other applicable codes, enactments, agreements or standards; or
  - (c) providing to any person a warranty with respect to the Services of any Fire Department or with respect to the certainty of timely responses. The list of Services does not, of itself, mean that each Fire Department provides such Services or will, in relation to any particular Incident, be able to deliver such Services.
5. In relation to the exercise of operational authorities or powers by the Fire Department at or in connection with an Incident, any reference in this bylaw to the Fire Chief or IC includes any Member designated by the Fire Chief or IC, as the case may be.
6. Notwithstanding anything herein to the contrary, the reference to this Bylaw to "Consultation" shall not diminish or restrict in any way the authority granted to the CAO pursuant to the *Local Government Act* or RDOS 2793. 2018 Chief Administrative Officer Delegation Bylaw.

### **Administration**

7. The operation of the Fire Service shall be administered and overseen by the CAO.

### **Fire Department Continuation**

8. This bylaw applies to the Fire Services listed in Schedule A (as same may be amended from time to time), each of which has been established by the RDOS under and in accordance with the Local Government Act. The Fire Departments identified in Schedule A that have been established to provide Fire Protection and other emergency response Services under the Service Establishment Bylaws are hereby continued, and shall be known by the names set forth in Schedule A and such additional Volunteer Fire Departments as may be established from time to time.

### **Limits of Jurisdiction**

9. The jurisdiction of each Fire Department, and powers granted to such Fire Department and its Fire Chief and Members under this bylaw, are restricted to the boundaries of the Fire Department's particular Fire Protection Service Area. A Fire Department shall not respond to any Incident response under this bylaw outside of the boundaries of its Fire Protection Service Area except as follows:
- (a) when, in the opinion of the IC, an Incident that occurred in the Fire Protection Service Area or started outside the Fire Protection Service Area and is considered to be a threat to persons or property within the Fire Protection Service Area or has spread outside the Fire Protection Service Area, is considered to be a threat to persons or property within the Fire Protection Service Area; or
  - (b) when a mutual or automatic aid agreement is in place permitting assistance to be provided, in which case, the response shall be restricted to the area covered by the mutual or automatic aid agreement; or

- (c) when a fee for service agreement (contract) is in place for the Specified Fire Protection Service Area; or
  - (d) when requested by a Provincial Ministry or an emergency operations centre where a response fee for Services may apply; or
  - (e) when authorized to leave the Fire Protection Service Area under a task number or authorization provided by Emergency Management British Columbia, or at the direction or request of the Wildfire Service in connection with a wildfire or interface fire;
10. A Fire Department providing mutual aid or automatic aid to another Fire Department has the operational powers and authorities provided in this bylaw. Where a fire department (an "External Department"), which is not governed or established under this bylaw, provides emergency response services within a Fire Protection Service Area under a mutual aid or automatic aid agreement with the RDOS, the External Department, in relation to any particular Incident:
- (a) shall be authorized to exercise the powers and authorities specified in the relevant mutual aid agreement or automatic aid agreement, as the case may be; or
  - (b) where the relevant mutual aid agreement or automatic aid agreement does not expressly address the issue of powers and authority, shall be entitled to exercise the same powers and authority as a Fire Department under this Bylaw.

#### **Administration and Operation of the Fire Service**

11. The Board shall designate, by policy, the Service Level for each Fire Department in accordance with the standards established by the office of the Fire Commissioner of British Columbia and consistent with the *Fire Services Act*. The Board may revise, amend or change the Service Level of any Fire Department by revision to the relevant policy, and may provide in such policy that the Service Level may be temporarily restricted or changed by the CAO where appropriate to do so.
12. Subject to any necessary budget approvals or directions of the Board, and reporting on same to the Board, the CAO may, after Consultation, establish, or restrict the authorized Services for any Fire Department, provided that each Fire Department shall always provide Fire Protection. The Services currently approved for each Fire Department are set out in Schedule B, but may be amended by the CAO in accordance with this section in Consultation with the Fire Chiefs.
13. The Fire Chief, in Consultation with the PSC is authorized to establish an appropriate training program for the Fire Service and ensure Members are qualified to safely perform the scope of work authorized by this bylaw and Services to be performed by each Fire Department. The training program shall comply with the standards established by the office of the Fire Commissioner of British Columbia, the *Fire Services Act* and the *Workers Compensation Act*, and shall be appropriate to the chosen Service Level and authorized Services of each Fire Department and in consideration of Fire Underwriters Survey requirements.



14. The PSC, in Consultation with the Fire Chiefs, is authorized to design and implement standards for the Fire Service with regard to Emergency Equipment, Fire Protection, Emergency Medical First Responder Programs and other authorized Services.
15. The PSC, in Consultation with the Fire Chiefs, shall develop a set of Operational Guidelines which cover the authorized Services of each Fire Department, including, but not limited to:
  - (a) minimum training and proficiency requirements for each position within the Fire Departments;
  - (b) an incident command system compliant with the current version of the British Columbia Emergency Management System;
  - (c) all necessary guidelines for principal or expected emergency response activities, including, where relevant, IC assessment and size up before entry is conducted in a burning building or structure;
  - (d) the management of mutual and automatic aid responses and other extra-jurisdictional responses;
  - (e) any matters required by the *Workers Compensation Act* or the *Fire Services Act* to be covered by such Operational Guidelines; and
  - (f) such other matters as the PSC and Fire Chiefs may consider appropriate or necessary for the proper operation of the Fire Departments.
16. The Designated Officer shall, after Consultation with the Fire Chiefs, develop and implement compliant occupational health and safety programs, including covering matters such as joint committees and worker representative systems, use of self-contained breathing apparatus and workplace hazardous materials information systems.
17. The Fire Chiefs shall report to the PSC on the state of operations of their respective Fire Departments annually or as considered necessary or appropriate by the CAO. The CAO shall be responsible for ensuring timely reporting regularly to the Board regarding the Fire Service, including on operational issues, administrative and financial matters, and the state of each Fire Department's statutory and regulatory compliance.
18. Notwithstanding the Service Level or authorized Services approved for any of the Fire Departments, in relation to any particular Incident response, each Fire Department shall undertake only those emergency response activities for which it's responding Members are properly trained and equipped. The IC may, in his or her sole discretion, restrict or terminate emergency response activities in any circumstances where the Incident is considered to exceed the training or capabilities of the responding Members, or Emergency Equipment available to them.
19. Subject to the provisions of this bylaw, any policies of the Board and the direction of the CAO, the Designated Officer(s) shall coordinate and assist in the administration of each Fire Department, including but not limited to human resources, information technology, finance, and legislative services.

20. Subject to the provisions of this bylaw, any policies of the Board and the direction of the CAO, the PSC shall assist and coordinate operational matters of the Fire Departments including, but not limited to fire liaison with the Designated Officer (s).

### **Authority of the Fire Chief and IC**

21. The Fire Chief shall be appointed by the CAO after Consultation. Consultation shall for the purposes of this paragraph include Members of the respective Fire Department. Once appointed the Fire Chief shall have operational responsibility and authority over the Fire Department, subject to the administrative direction of the CAO. For certainty, the individuals who are Fire Chiefs as at the date this bylaw comes into force, are confirmed and ratified in their respective positions.
22. Without limiting section 21 hereof, the Fire Chief of each Fire Department shall be responsible for:
- (a) implementing or managing all necessary training programs and occupational health and safety programs for the particular Fire Department which, in each case, meets all statutory and regulatory requirements, including those required by the *Fire Services Act* and the *Workers Compensation Act* and regulations made thereunder;
  - (b) ensuring that the particular Fire Department maintains all required records, including those relating to training and occupational health and safety matters;
  - (c) developing, in Consultation with the PSC, the annual budget and five-year financial plan for the particular Fire Department in accordance with, and subject to the guidelines established by, the CAO and subject to approval by Board; and
  - (d) care, custody and control of all assets, Emergency Equipment, buildings, and other equipment in the care and control of the particular Fire Department.
23. The Fire Chief, with the assistance of the Designated Officer, which assistance shall include advice of any new or amended policies of the RDOS, shall follow all applicable bylaws, policies, regulations and procedures of the RDOS.
24. The Fire Chief is authorized to recruit Members to the Fire Department and to appoint Officers in accordance with the Fire Department structure. Officers must be appointed through open competition and in accordance with the specifications in accordance with paragraph 15(a) hereof.
25. The CAO may request that a Fire Chief be designated by the Fire Commissioner as the local assistant to the Fire Commissioner ("L AFC") under the *Fire Services Act*. Upon such designation, the Fire Chief is responsible for carrying out the Services and fulfilling the responsibilities of an L AFC as provided in the *Fire Services Act*.
26. The IC shall have control, direction and management of all Emergency Equipment and Fire Departments assigned to an Incident.

27. An IC may direct one or more properly trained Members to undertake traffic control at or near an Incident for scene safety.
28. In connection with an Incident, the IC, or any Member under the direction of the IC, is authorized to take measures to prevent and suppress fires, or to mitigate the Incident. The IC is empowered to cause any building, structure or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of fire to other buildings, structures or things or otherwise necessary to mitigate an Incident.
29. The IC, together with Members and Emergency Equipment, may enter at any time, buildings, premises, structures or property in connection with an Incident.
30. A Fire Department may, at any time enter, remain on, or pass through or over buildings, premises, structures or property to gain access to or to protect any person or property in connection with an Incident.
31. Each Member shall be considered a "local public officer" of the RDOS within the meaning of that term in section 738 of the *Local Government Act*, as either a volunteer firefighter of the RDOS or an employee of the RDOS, as applicable in the circumstances.
32. Members and former Members of each Fire Department, in relation to the performance of their duties as contemplated by this bylaw, are deemed to be covered by the provisions of the current version of the *Regional District of Okanagan-Similkameen Public Officers Indemnification Authorization Bylaw*.

#### **Correction of Immediate Hazards**

33. Whenever the Fire Chief finds combustible or explosive material, flammable liquids or hazardous chemicals being used, stored or kept in such a manner as to constitute a threat to persons or property, the Fire Chief may, verbally or in writing, order the owner, tenant, occupant or agent responsible to remove the combustible or explosive material, flammable liquid, or hazardous chemical immediately from the building or premises.
34. Whenever the Fire Chief finds a building, structure or premise or part thereof which is unoccupied and which, in the opinion of the Fire Chief, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, the Fire Chief may order the owner, tenant, occupant or agent responsible to remedy the dangerous condition and to secure the building, structure or premise or part thereof in such a manner as to prevent any unauthorized use by any person while it is unoccupied.
35. In the event of an immediate hazard, if the owner, tenant, occupant or agent responsible refuses or neglects to comply with the order of the Fire Chief to remedy the hazardous condition, or if the owner, tenant, occupant or agent responsible for the building or area cannot be located, the Fire Chief may take such action as is appropriate, without notice and at the expense of the owner, and the RDOS shall recover the expense thereof with costs, in a like manner as property taxes.
36. Without limiting the generality of the foregoing, when immediate measures must be taken to avoid imminent danger of fire or risk of accident, the Fire Chief may cause the evacuation of

any building or area, he may order that the building or area remain evacuated until the hazard is removed, and the Fire Chief may direct the Royal Canadian Mounted Police and other municipal officials to assist in this regard.

### **Offences**

37. No person at an Incident shall obstruct, hinder or delay a Member or other person assisting or acting under the direction of the IC.
38. No person shall drive any vehicle over any Emergency Equipment, including fire hose, without the permission of the IC.
39. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, cistern, or any connections provided to a fire main, pipe, standpipe, sprinkler system or any body of water designated for firefighting purposes.
40. No person shall damage or destroy, or obstruct, impede or hinder the operation of any emergency equipment.
41. No person shall falsely represent himself as a Fire Department Officer or Member.
42. No person shall enter the boundaries or limits of an area prescribed as off limits to persons not authorized to enter by the Fire Chief or IC.

### **Bylaw Enforcement**

43. In relation to any particular Fire Protection Service Area, the Fire Chief or his or her designate in such area may enforce the provisions of this bylaw.
44. Any person authorized to enforce this bylaw in a particular Fire Protection Service Area, may inspect any building or premises in such area for compliance with the requirements of this bylaw. In relation to any entry onto property or into premises, other than in connection with an Incident, the entry shall be made subject to and in accordance with:
  - (a) the provisions of section 16 of the Community Charter SBC, 2003, c. 26; and/or
  - (b) the provisions of the Fire Services Act and the regulations made thereunder,
  - (c) as determined to be appropriate in circumstances by the Fire Chief or his designate.
45. The Fire Chief may order any person who contravenes this bylaw to take such measures as are specified in the order to forthwith remedy the non-compliance with this bylaw.
46. The Fire Department is not required to provide an authorized Service if, in the absolute discretion of the Fire Chief or IC, there is insufficient apparatus and/or trained Members to deliver such authorized Service safely in accordance with applicable standards, including those set out in the Fire Services Act and Workers Compensation Act.
47. A person who commits an offense may, in addition to any other penalty, be removed from the scene of an incident by a peace officer, Fire Chief or IC.

## **Information in an Order**

48. An order issued pursuant to this bylaw shall contain at least the following information:

- (a) The name and address of the person upon whom the order is served;
- (b) The day on which the offence is alleged to have been committed;
- (c) The address of the premises under consideration;
- (d) Reasonable particulars of this bylaw with respect to which the noncompliance is alleged;
- (e) A requirement that the person served shall remedy the non-compliance; and
- (f) A prescribed time frame during which the non-compliance must be remedied.

## **Right to Appeal**

49. All orders may be appealed to the CAO, provided that any such appeal must be made within 15 days of receipt of such order.

## **Penalties**

50. Every person commits an offence who:

- (a) Fails to comply with an order issued pursuant to this bylaw; or,
- (b) Fails to provide information or assistance as required by this bylaw; or,
- (c) Knowingly states anything false in information delivered or furnished to the Fire Chief or any Member of the Fire Department in relation to a matter governed or covered by this bylaw; or,
- (d) Obstructs or interferes with an inspection under this bylaw.

51. Nothing in this bylaw shall restrict the RDOS from utilizing any other remedy that would otherwise be available to the RDOS at law.

52. Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.

53. A person commits an offence who violates any provision of this bylaw and shall be liable, on conviction:

- (a) to a fine in the maximum amount of Ten Thousand Dollars (\$10,000.00) or to imprisonment; for no more than Six (6) months, or both; and
- (b) in case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the Offence Act, RSBC 1996, c. 338.

The penalties hereunder shall be in addition to and in substitution for any other penalty or remedy available under this bylaw, the Local Government Act, other Bylaw of the RDOS, the Fire Services Act, the Wildfire Act, SBC 2004, c. 31 or law.





REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. XXXX, 2019

Schedule "A"

**Fire Protection Services**

The following Fire Departments are authorized to provide all aspects of Fire Protection in accordance with this Bylaw:

Fire Services Establishment	Fire Department
Bylaw 2334	Anarchist Mountain Fire Department
Bylaw 1238	Kaleden Volunteer Fire Department
Bylaw 2178	Keremeos and District Volunteer Fire Department
Bylaw 1619	Naramata Fire Department
Bylaw 1310	Okanagan Falls Volunteer Fire Department
Bylaw 1574	Tulameen and District Fire Department
Bylaw 1388	Willowbrook Volunteer Fire Department

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. XXXX, 2019**

**Schedule "B"**

**Fire Department Services**

The following Fire Departments are authorized to provide all aspects these Services in accordance with this Bylaw:

**Fire Suppression**

- All Volunteer Fire Departments

**Auto Extrication**

- Anarchist Mountain Volunteer Fire Department
- Kaleden Volunteer Fire Department
- Keremeos and District Volunteer Fire Department
- Naramata Volunteer Fire Department
- Okanagan Falls Volunteer Fire Department

**Medical First Responder**

- Anarchist Mountain Volunteer Fire Department
- Kaleden Volunteer Fire Department
- Naramata Volunteer Fire Department
- Okanagan Falls Volunteer Fire Department
- Willowbrook Volunteer Fire Department

**Property Fire Inspections**

- Keremeos and District Volunteer Fire Department
- Okanagan Falls Volunteer Fire Department

**Still Water Rescue**

- Naramata Volunteer Fire Department
- Okanagan Falls Volunteer Fire Department

**Low Angle Rescue**

- Anarchist Mountain Volunteer Fire Department
- Kaleden Volunteer Fire Department
- Keremeos and District Volunteer Fire Department
- Naramata Volunteer Fire Department
- Okanagan Falls Volunteer Fire Department

### High Angle Rescue

- None

### Medium Angle Rescue

- Kaleden Volunteer Fire Department
- Keremeos and District Volunteer Fire Department

### Marine Rescue

- Okanagan Falls Volunteer Fire Department
- Naramata Volunteer Fire Department

### Confined Space Rescue

- Keremeos and District Volunteer Fire Department

The assistance to be provided by the Volunteer Fire Department is restricted to the level of Service for which each Fire Department and individual firefighter is qualified to provide.



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, May 9, 2019

11:15 am

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

THAT the Agenda for the Corporate Services Committee Meeting of 9 May 2019 be adopted.

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**B. ELECTED OFFICIAL COMPENSATION REVIEW**

1. Committee Report
2. Draft Terms of Reference

**RECOMMENDATION 2**

THAT the Board of Directors adopt the Terms of Reference for the RDOS Elected Officials Compensation Committee.

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**C. CHANGING THE CORPORATE CULTURE – For Information Only**

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**D. ELECTED OFFICIAL CODE OF CONDUCT**

1. UBCM Model Code of Conduct
2. UBCM Guide

**RECOMMENDATION 3**

THAT Committee consider whether to proceed with the development of a Code of Conduct for the Regional District of Okanagan Similkameen

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**E. 6-MONTH LEGISLATIVE WORKSHOP – For Discussion**

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**F. MANAGEMENT DISCUSSION AND ANALYSIS REPORT – For Information Only**

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**G. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Corporate Services Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** RDOS Elected Officials Compensation Committee – Terms of Reference

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### **Administrative Recommendation:**

**THAT the Board of Directors adopt the Terms of Reference for the RDOS Elected Officials Compensation Committee.**

### **Purpose:**

To form a citizen-led committee to make recommendations regarding compensation for municipal and electoral area directors of the Regional District.

### **Reference:**

February 21, 2019 Administrative Report to Corporate Services Committee

### **Business Plan Objective:**

Goal 1.1: To Be an Effective, Fiscally Responsible Organization

### **Background:**

Federal legislation effective January 1, 2019 eliminated the one-third tax exemption from provincial and local government elected officials, resulting in significant changes to remuneration for Regional District directors.

At the February 21, 2019, the Board of Directors resolved to create a committee comprised of citizens to consider equalization and remuneration for the Board of Directors.

### **Analysis:**

The formation of the committee will be a transparent and open mechanism to obtain the thoughts of Regional District residents regarding appropriate compensation for their elected officials. The committee will be comprised of individuals who will bring a variety of experiences and knowledge to the process. The committee will present their recommendations to the Corporate Services Committee by December 1, 2019.

Administration will advertise for potential committee members in newspapers throughout the Regional District, online community publications, the RDOS Facebook page and on the RDOS

website. Committee members will be chosen from among the applicants by the Chief Administrative Officer, the Manager of Legislative Services, and the Board Chair.

RDOS staff, through the Manager of Legislative Services, will provide administrative support to the committee, including comparison research of other local government jurisdictions, organizing meetings, and assisting with the final report.

**Alternatives:**

1. THAT the Board of Directors adopt the Terms of Reference for the Citizens Compensation Committee.
2. THAT the Board of Directors amend the Terms of Reference as follows:

**Respectfully submitted:**

*"Gillian Cramm"*

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G. Cramm, Administrative Assistant

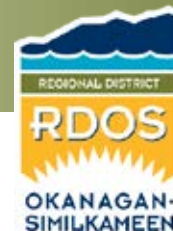
**Endorsed by:**

*"Christy Malden"*

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C Malden, Manager of Legislative Services





## Elected Officials Compensation Committee Term of Reference

### General

At the March 7, 2019 Board meeting, the Board of Directors resolved " *THAT a citizen committee be created to consider equalization and remuneration for the Board of Directors; and further, THAT the results be presented at a future committee meeting.*"

### Scope

The Elected Officials Compensation Committee is an advisory ad hoc committee of the Regional District of Okanagan-Similkameen (RDOS). It will make recommendations regarding compensation that municipal and electoral area directors of the RDOS receive.

### Membership

The committee shall be comprised of at least three and not more than five residents from within the RDOS (including member municipalities) who do not currently serve as a representative at any level of government or related organization. Members shall have varied skills and backgrounds such as previous local government experience, financial expertise, or pay compensation experience. Committee members shall be expected to adhere to the RDOS Code of Ethics policy.

### Term

The committee is expected to report its final recommendation to the Corporate Services Committee of the RDOS by December 1, 2019. The committee shall be considered dissolved after its final report to the Corporate Services Committee unless the Board of Directors resolves otherwise. The time commitment is expected to be approximately 8-10 hours per month.

### Compensation

Committee members shall not be remunerated for their duties; however, committee members may be reimbursed for mileage in accordance with the RDOS Remuneration bylaw.

### Resources

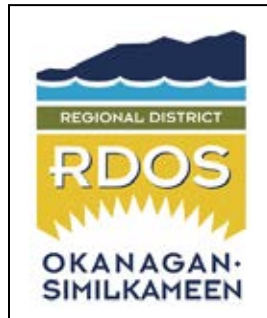
RDOS staff, through the Manager of Legislative Services, will provide support to the committee, including comparison research of other local government jurisdictions, organizing meetings, and assisting with the final report.

### Decision Making

Decisions of the committee shall be by consensus whenever possible, with minority positions being noted where requested by the participant.



**OFFICE OF THE CAO**



REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

**HIGH PERFORMANCE AND INNOVATION COMMITTEE**

**“CHANGING THE ORGANIZATION”**

**2018 Report to the Membership**

Bill Newell  
Chief Administrative Officer

Final Report and Survey Results  
January, 2019

## 1.0 INTRODUCTION

### **“What makes some public organizations better than others?”**

We’ve been asking this question in our organization for the past ten years now. In November 2008 we introduced a process based on a wide body of research as a way for us to improve the way we do business and to make us a good place to work. As I met with employees of the Regional District to assess the Organizational Review over the past month and talk about how we’re doing, I reflected on where this process came from, reaching back to 2008 which was a difficult year for the Regional District. The economic adjustment, the provincial review of regional district governance, interim CAO/CFO, and being an election year, among other turbulent issues. We were a fragile organization at the time, and I sense the same sort of unease now.

In 2008 the economy was retracting, we were asked to downsize and there was a lot of uncertainty as to where we were going as an organization. We survived, we developed a new strategic planning cycle and process, we entrenched our organizational development commitment (HPIC) and based on our survey results we had a long run as a high performing organization. Our challenge in 2018/2019 is different. From an environment focussed on restraint and retraction, by 2015 we found ourselves in a cycle of growth. Our organizational structure and our capacity level were not adequate to keep up, for many reasons, but certainly high management turnover, requirement for extended emergency response, increasing legislation and standards imposed by senior levels of government, significant increases in development, new water system acquisition, office space shortage and many other factors have left many employees overwhelmed.

### **“Change is the new norm”**

This turbulence and requirement isn’t going to stop. The process we’ve used over the last nine years has three basic objectives: to inform our Board and employees about the characteristics high-performing organizations consistently display, to measure our organization against these characteristics, and to develop an action plan to respond to suggestions from our employees on how to increase our climate strength, improve our business practices and provide a stable, consistent approach to human resource management.

We spend a lot of time in our organization on strategic planning, and we know we have to do that to focus our resources wisely, and that we need a strong, compelling sense of purpose. Well, I’ve been in this business for a long time and one thing I know is:

### **“Culture eats strategy for lunch”**

We see evidence from our literature reviews and from our own experience that the Linkage Model works. Improved customer perception of service is inextricably linked to a high

performing, engaged workforce. We know that our focus on a high performance organization doesn't guarantee success, and we know that our focus on the organizational culture doesn't guarantee high performance, but I think it's safe to say that it's almost impossible to achieve without it.

In summary, the eight characteristics we've adopted are:

1. **Action Orientation** – High performing local governments identify problems and deal with them quickly, fighting through structural, political, legal and environmental constraints that make action more difficult than in the private sector.
2. **Closeness To Citizens** - This means establishing and maintaining a variety of close links with citizens who are served by the Regional District, including those who are regulated against their will. Excellent local governments are sensitive and responsive to public input.
3. **Autonomy and Entrepreneurism** – High performing local governments develop climates conducive to conceiving ideas and doing new things to solve problems. They have track records for implementing creative solutions, even in the face of declining resources.
4. **Employee Orientation** - This Practice demands more than lip service to employees and their needs. Excellent local governments insist on a respectful workplace that recognizes good performance, has an effective professional development program and includes employees in the decision-making process.
5. **Values** - A defined set of values; communicated to all employees and demonstrated in day-to-day decisions.
6. **Mission, Goals, and Competence** – High performing organizations evaluate their purpose based on changing resource levels and citizen demands, and have used the mission for developing community and organizational goals. Within these goals, local governments offer consistent, uniform services to their citizens.
7. **Structure** - Flat, lean structures with fewer centralized support staffs. Excellent local governments provide firm central direction, while giving maximum autonomy to employees.
8. **Political Relationships** - Refers to how the elected officials and their staff work together. In excellent local governments managers and policy makers are tuned into the political environment, have established positive, open and respectful relationships with each other, and have established political stability.

There is a distinct relationship between the eight characteristics, each affecting the other.

## **2.0 OUR PROCESS**

In November 2008 our Board Members and employees were introduced to the concept and the characteristics of high-performing organizations. Once informed, we surveyed the organization, analysed the results and went back and asked our members why they ranked our organization the way they did against the eight characteristics.

In January 2009 a Committee was formed and they called themselves the “High Performance and Innovation Committee” (HPIC). Their purpose was to develop an action plan to address the issues raised by our members in the 2008 survey. The 2009 Committee, after looking at the statistical results and the comments from the organization developed a plan to make an intervention into the organization to address issues identified. To finish Year 1, the same survey was conducted in November 2009 and a comparative analysis between 2008 and 2009 was provided back to the members of the organization.

Then, we did it again; and we kept doing it for the next three years. Statistically, we made some headway. Between 2008 and 2012 our rating on Climate Strength increased by 10%.

**2012** – In 2012 we looked at our cultural change program and decided we needed to change methodologies. The organization was producing fewer suggestions for improvements and we just seemed to be getting jaded, so we decided to take a few years off. Not that we didn’t continue to work on improving the organization. We had “The Committee for Leadership and Innovation” that continued the discussion with employees.

**2016** - Then, at the end of 2015, we decided to re-introduce the original perception survey based on the 8 characteristics of High Performing Organizations.

### **2017 Statistical Analysis and Comparison**

When we looked at the statistical results from our 2017 perception survey, our climate strength trend line had flattened. While still healthy, we were somewhat troubled that the standard deviation between work units had increased. We always talk to employees about why they ranked us the way they did after the survey results are in, and what they told us that they were overwhelmed. Certainly the 5 month EOC activation had a big impact on resources, the turnover in management, the number of employees out on long-term disability and just the general flat-out growth in the region were having their way.

We know from our studies of successful organizations that “clarity of purpose” is critical. Somewhat surprisingly, this was our lowest score in 2017 and significantly below our organizational average. While the result may have been surprising, Q24 was the lowest score on every work group.

**Q24 – This organization is not over-extended in the programs it provides.**

**Response: Yes we are!**

The verdict was clear, now we just had to determine how best to address it.

### **Next Steps**

It was clear from our small group discussions that the overriding factor facing our organization was that we were not structured properly to promote good communication and we were under-resourced to offer our core programs at a high level. Consequently, our Organizational Development Program for 2018 was to initiate an organizational review to address those issues identified in our discussions.

### **2018 Workplan**

Our focus for 2018 was completely captured in the organizational review. Conducted internally, we reported out to the Board in August 2018 and, while some movement was able to be implemented within our budget, the majority of change was prepared for discussion at the 2019 Budget Committee. Nevertheless, once having presented to the Board, we took the Organizational Review findings out to staff and we conducted our 2018 staff perception survey, just as we had in previous years. Here's what we found out.

### **Measuring our Climate Strength - Statistical Results**

Our climate strength dropped in all of our eight characteristics, significantly. In fact we achieved the lowest results since starting the survey back in 2008. Overall, the 2018 results were down by 7% over 2017. Dropping the most was Characteristic #1 - Action Orientation. Our ability to conduct any sort of environmental scan, experiment with new ideas, move quickly to solve problems or communicate in the organization was compromised.

While significant in itself, we always try and understand why climate strength in the organization may change. 2018 had some unique characteristics:

- The Emergency Program Response continued unabated for 8 months in 2018, and we're still in recovery as we speak. This, on top of the 2017 impact had a significant impact on the organization.
- An Organizational Review, by itself, creates uncertainty in the organization. Uncertainty creates a threat that employees take personally and, the fact that the results of the Review were dependent on a new Board and would take place over the next year, if at all, did not relieve the pressure our employees are experiencing.
- 2018 was an election year. When leaders change in an organization, it again creates uncertainty.



- Management Turnover in the organization continues at a higher than normal rate for an organization like ours. When it happens in a sustained manner, employees are affected and it affects their enjoyment in their work. In fact for a portion of 2018, we had no Managers in our Public Works Dept. due to vacancies and Health Leave.
- The Growth Environment continued in 2018. Building on top of the issues identified above, this became more apparent in some groups over other. Certainly the Development Services Group experienced the impact the most and that is surely reflected in their statistical results.

There will be other reasons why the climate strength declined in the organization, but these identified above would certainly be the foundation.

### **Conclusion**

Organizational development is a dynamic process. Like any relationship it requires constant attention and we can never stop working on improving organizational performance. We need to continually assess how we're doing and develop new plans to respond to changing needs. We're going to do that through the continuation of the processes we've built; like Strategic Planning, Budget, Interdependency Workshops, Organizational Development, Communication and all of our other hard-working employee committees that make this a great place to work, but; we need to focus on the future by learning from the past.

Our employees take pride in their work, and they expect the leaders of the organization to ensure that it has the capacity to perform well. Our employees feel like they're falling behind, they feel they're letting their customers down and they have no time for workload maintenance, flexibility in what they're doing, cross-training, redundancy for leave/vacancies or time to look for efficiencies and how to do things better.

With the restructuring and the additional positions approved in the 2019 Budget, we hope to make inroads into those issues and get us back to previous levels of climate strength. We know it will take time, but the solution is better with you than without you.

Bill Newell  
CAO

MODEL CODE OF CONDUCT

# Getting Started on a Code of Conduct for Your Council / Board

*Produced by the Working Group on Responsible Conduct*

*August 2018*



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The *Working Group on Responsible Conduct* is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs & Housing. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

## INTRODUCTION & EXPLANATORY NOTES

### What is a Code of Conduct?

- A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a Code of Conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.
- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct is grounded in conducting oneself according to principles such as honesty and integrity, and in a way that furthers a local government's ability to provide good governance to their community (e.g. governing in a way that is transparent, ethical, accountable, respectful of the rule of law, collaborative, effective, and efficient).
- A Code of Conduct is one tool that can be used by a local government council or board to promote or further responsible conduct.

### What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model Code of Conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own Code of Conduct.
- This model Code of Conduct may also be useful for councils or boards who already have a Code of Conduct in place, but wish to review or refresh the document following the 2018 general local elections.
- The Working Group on Responsible Conduct has also developed a "Companion Guide" to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board's conversation in developing a Code of Conduct.
- The general standards of conduct set out in this model Code of Conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration.<sup>1</sup> Every Code of Conduct should be built on these key foundational principles.
- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model Code of Conduct by:
  - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
  - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided; and/or
  - Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

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<sup>1</sup> The Working Group on Responsible Conduct identified four foundational principles that can be used to guide the conduct of local elected officials in B.C. More information about these principles can be found [here](#).



## What are some considerations in developing and using a Code of Conduct?

- In developing a Code of Conduct, council or board members should consider not just the content of the Code of Conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no 'right' way to develop and use a Code of Conduct, councils or boards should consider the following to maximize the effectiveness of their Code of Conduct:
  - *Don't overlook the importance of the process when developing and adopting a Code of Conduct:* How a Code of Conduct is developed and adopted matters; providing opportunities for council or board members to discuss the language and content of the Code of Conduct and how it can best be customized to meet the needs of the council or board, and individual members, is important to ensure its effectiveness. Discussing shared expectations as a part of the orientation process for newly elected officials, or including the Code of Conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a Code of Conduct is adopted in a meaningful way.
  - *Make the Code of Conduct meaningful:* Finding ways to integrate the Code of Conduct into the council or board's ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the Code of Conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.
  - *Make sure the Code of Conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their Code of Conduct. Where existing laws or policies deal with topics they choose to include in their Code of Conduct (i.e. privacy legislation; Human Resources policies; etc.), they must ensure that their Code of Conduct is consistent with those laws and policies.
  - *Offer ongoing advice, education and support:* A council or board will also want to consider how members can best be supported in working with their Code of Conduct. This could include, for example, general education around the purpose of Codes of Conduct, opportunities for members to receive specific advice on how the Code of Conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the Code of Conduct guided the discussion.
  - *Revisit it regularly:* Council or board members should approach their Code of Conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and effective tool.

## MODEL CODE OF CONDUCT <sup>2</sup>

### A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the *[city / municipality / regional district / district]* of *[name of local government]*.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

### B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This Code of Conduct applies to the members of *[city / municipality / regional district / district]* of *[name of local government]*. It is each member’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

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<sup>2</sup> Some sections of this Code of Conduct include additional information in a shaded box. This information is for guidance and context only, and is not intended to be included in a local government’s Code of Conduct.



## **C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT**

### ***Information about the Foundational Principles:***

*The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every Code of Conduct.*

*A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model Code of Conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.*

*These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.*

1. ***Integrity*** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. ***Respect*** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.
3. ***Accountability*** – means an obligation and willingness to accept responsibility or to account for ones actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.
4. ***Leadership and Collaboration*** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

## **D. OPTIONAL: VALUE STATEMENTS**

### ***Information about including Value Statements:***

*A council or board may wish to customize their Code of Conduct to include 'value statements'. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their Code of Conduct.*

*A council or board may find the "Companion Guide" to this Code of Conduct useful as they consider how 'value statements' may be incorporated into their own Code of Conduct.*

## **E. STANDARDS OF CONDUCT**

### ***Information about the Standards of Conduct:***

*The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their Code of Conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.*

*A council or board may find the "Companion Guide" to this Code of Conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.*

***Integrity:*** Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council or board.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.



**Respect:** Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

**Accountability:** Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.

- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

## **F. OPTIONAL: ADDITIONAL POLICIES**

### ***Information about including Additional Policies:***

*A council or board may choose to include additional policies as part of their Code of Conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.*

*A council or board may want to consult the “Companion Guide” for tips and resources for including additional policies (e.g. examples of social media policies from particular local governments).*

### **Policies About Communications**

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

### **Policies About Personal Interaction**

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g. respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

### **Policies About How Information is Handled**

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

### **Policies About Other Matters**

- *Creation, use, and retention of the local government’s intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses or benefits to members in relation to their duties as members.*



# Getting Started on a Code of Conduct for Your Council / Board

August 2018

*Produced by the Working Group on Responsible Conduct*

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## What is Responsible Conduct?

Responsible conduct is grounded in conducting oneself according to principles such as honesty and integrity, and in a way that furthers a local government's ability to provide good governance to their community

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## Keep in mind...

before thinking about the content of your Code of Conduct, ensure that everyone is on the same page about what you want to achieve and how you want to get there. Agreeing on the objectives and the process upfront will help make the Code of Conduct more meaningful and successful

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## Introduction

The Working Group on Responsible Conduct has developed a model Code of Conduct that can be used as a starting point by local government councils/boards to develop their own customized Code of Conduct.

This companion guide provides discussion questions, things to keep in mind, and other helpful tips and resources to facilitate a council/board's conversation in developing their own Code of Conduct. This guide is also useful for councils/boards that already have a Code of Conduct in place, but may want to review or refresh it following the 2018 general local elections.

## What is a Code of Conduct?

A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A council/board can adopt a Code of Conduct to establish expectations for how members should conduct themselves while carrying out their responsibilities, and in their work as a collective decision-making body for their community.

Responsible conduct of elected officials is not optional; it is essential to good governance. A Code of Conduct is one tool that can be used by a local government council/board to promote or further responsible conduct.

## Before you get Started

Before you discuss the content of your Code of Conduct, it is important to ensure that all council/board members understand the purpose of embarking on the development of a Code of Conduct, have clear expectations about what the Code of Conduct will and will not do, and that there is consensus on the process for developing it.

Ensuring that everyone is on the same page before diving into the details of your Code of Conduct will help make the development process easier and the Code of Conduct more meaningful. Ask yourselves:

- Q Why is developing a Code of Conduct important to us?
- Q What are our key objectives in developing a Code of Conduct?
- Q Do we each understand the role of a Code of Conduct (i.e. that it is in addition to, not instead of, legal rules and local government policies)?
- Q What kind of process do we want to undertake to develop our Code of Conduct? Do we want to do this ourselves, with staff or get assistance from a facilitator or other consultant?
- Q Would we benefit from training or education about responsible conduct or Codes of Conduct generally before we get started on developing our own?

★ **TIP:** It may take multiple sessions and a variety of approaches to develop a Code of Conduct that works for you – don't feel you have to get it done in one sitting or using any one particular method.



**Keep in mind...**

that elected officials must always conduct themselves in accordance with the law – this includes rules set out in local government legislation and other legislation, such as human rights rules. Ensure that your Code of Conduct is consistent with existing laws and policies

**Keep in mind...**

that a Code of Conduct does not need to be complex or elaborate – it simply needs to spell out the standards your council/board feels are important to be commonly understood

## Setting the Scope

Developing a Code of Conduct requires consideration about its scope, including who it applies to and in what capacity. For example, the model Code of Conduct prepared by the Working Group on Responsible Conduct is intended to apply to local elected officials.

When thinking about the scope and application of your Code of Conduct, ask yourselves:

- Q Other than the elected members of your council/board, will the Code of Conduct apply to anyone else over which the local government has authority (e.g. senior staff)? If it includes staff, how will that work with existing policies and laws (e.g. employment contracts, collective agreements, workplace laws/policies)?
- Q Will the Code of Conduct apply to any or all of your local government committees and/or commissions? If so, are there specific considerations, limitations or criteria on how the Code of Conduct will apply to these bodies?
- Q Will the Code of Conduct apply to elected members in carrying out all of their roles and responsibilities in all circumstances (e.g. when an elected official sits on an advisory committee with members of the public and others not covered by a council/board's Code of Conduct)?

★ **TIP:** Make sure the scope of your Code of Conduct aligns with the objectives you initially identified for developing a Code of Conduct. The broader the scope of the Code of Conduct, the more difficult it may be to implement and put into practice.

## Thinking about Principles & Values

The model Code of Conduct developed by the Working Group on Responsible Conduct is built on four key foundational principles -- *integrity, respect, accountability, and leadership and collaboration*. At a minimum, every Code of Conduct should incorporate these four principles, but your council/board may want to build on these principles and provide more context regarding the values and objectives underlying the Code of Conduct. Ask yourselves:

- Q Are there additional principles that are fundamentally important to our council/board (e.g. openness; impartiality; transparency)? If so, what are they and how are they defined? Should they be included in our Code of Conduct?
- Q Are there particular values that are important to us that should be explicitly articulated as value statements in our Code of Conduct (e.g. "we practice high standards of ethical behaviour and conduct our decision-making in an open and transparent way to inspire trust"; "we strive for continuous improvement")?
- Q Are there principles in our Code of Conduct that we want to include in other policies or procedures to ensure our expectations for conduct are consistent (e.g. ensure any principles set out in the procedure bylaw are consistent with principles set out in the Code of Conduct)?

★ **TIP:** Use clear, concise language that can be easily understood by everyone at all levels of the organization, as well as the public.



## Setting Standards of Conduct

The model Code of Conduct developed by the Working Group on Responsible Conduct sets out a range of standards of conduct that reflect the four key foundational principles. Because these are broadly applicable, they are necessarily written as general statements.

Your council/board can customize by adding other standards, expanding on the ones provided or by providing specific statements or examples of expected behaviour. Ask yourselves:

Q Are there specific behaviours that should be identified and encouraged under our Code of Conduct? For example:

- members should listen courteously and attentively to all discussions at the council/board meeting, and focus on the business at hand
- members must make every effort to show up to all meetings on time and well prepared to take an active role in the business at hand
- members should always consider the impact that their choice of language may have on other individuals

Q Are there specific behaviors that should be identified and discouraged under our Code of Conduct? For instance:

- members must not interrupt each other during a meeting, including by talking over another person
- members must not engage in specific physical actions or language, such as shaking a fist, eye rolling, turning their back to people who are speaking, making faces, pointing aggressively, using curse words, or making comments about a person's appearance
- members must stop talking and pay attention when the chair is talking or seeking order

★ **TIP:** No Code of Conduct will capture every situation that may arise. Consider which standards of conduct matter the most to your council/board now and incorporate additional standards as needed.

★ **TIP:** Look at other published Codes of Conduct for ideas you feel may be appropriate for your council/board's Code of Conduct (see "List of Resources & Helpful Links" section of this guide).

★ **TIP:** Ensure that your standards of conduct are clear and easy to interpret (e.g. any member should be able to see whether they are or are not meeting the standard).

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### **Keep in mind...**

that it is important to balance rules about appropriate conduct (including language, communication and other physical actions) with the importance of open discourse that is necessary for governing bodies

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### **Keep in mind...**

that achieving consensus at the council/board table about the content of the Code of Conduct may be challenging, but having these difficult conversations is an important part of developing a meaningful Code of Conduct

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## Incorporating other Policies

Local governments are likely to have a range of existing policies on a number of topics, from communications to information management to human resources. A Code of Conduct may be a useful place to connect to some of these policies. Ask yourselves:

- Q What existing policies do we already have that could be referenced in our Code of Conduct (e.g. respectful workplace policy; use of social media; handling of information; gifts and personal benefits)?
- Q Are there any existing policies that need to be updated to reflect or reference the Code of Conduct?
- ★ **TIP:** You do not need to replicate all of your organization's existing policies in a Code of Conduct. Key policies can simply be referenced where appropriate, throughout your Code of Conduct.

## Adopting and Publishing your Code of Conduct

Once you have come to a consensus on the content of your Code of Conduct, ask yourselves:

- Q How will we try to ensure that all members are comfortable with a Code of Conduct that is adopted? What can we do if some members disagree with the Code of Conduct?
- Q Should each council/board member formally commit to the Code of Conduct in some way? What would this look like (e.g. each member signs the document)?
- Q How are we going to communicate or present the Code of Conduct to staff, the public and others? Should it be on our website? How else can we make it known?
- ★ **TIP:** Make sure your Code of Conduct is easily accessible by everyone in the organization, as well as the public.

## Putting the Code of Conduct into Action

Finding ways to integrate the Code of Conduct into your ongoing governance will help ensure that it remains a relevant and effective 'living' document. Consider how you will maintain, use and keep your Code by Conduct 'alive' and meaningful by asking yourselves:

- Q How will we use and refer to the Code of Conduct (e.g. by including it in every agenda package? Displaying it on the wall? Framing it on every member's desk?)?
- Q Should there be education or any other supports for our council/board members or employees about the Code of Conduct (e.g. at a set time such as the start of every term)? How will new members be oriented to it (e.g. after a by-election)?
- Q How do we know that that the Code of Conduct is working for us? How will we review and evaluate the Code of Conduct (e.g. when/how often should we review it? Should there be a set process for reviews? How will changes be incorporated?)?
- ★ **TIP:** It may be useful to establish a process for feedback on the Code of Conduct to ensure that when a review happens, all of the relevant feedback is readily available and can be considered.

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### **Keep in mind...**

that if it is challenging to achieve consensus at adoption or any other stage of the development process – don't be afraid to seek out a facilitator or another consultant

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### **Keep in mind...**

that making your Code of Conduct accessible, transparent and available to the public will help build public confidence and demonstrate a commitment to good governance

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### **Keep in mind...**

that your Code of Conduct is not 'set in stone'; it can be and should be revisited and reviewed regularly

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## List of Resources & Helpful Links

### WORKING GROUP ON RESPONSIBLE CONDUCT RESOURCES

#### *Model Code of Conduct*

[http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/MODEL\\_CODE\\_OF\\_CONDUCT\\_Aug2018\\_FINAL.pdf](http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/MODEL_CODE_OF_CONDUCT_Aug2018_FINAL.pdf)

#### *Responsible Conduct of Local Elected Officials Website (Policy Paper; Foundational Principles Brochure)*

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/conduct-of-locally-elected-officials/responsible-conduct>

#### *Responsible Conduct of Local Elected Officials – Consultation Paper (March 2017)*

[http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/ResponsibleConductLocalGovtElectedOfficials\\_Consultation\\_Paper\\_March302017.pdf](http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Governance/Working~Group~on~Responsible~Conduct/ResponsibleConductLocalGovtElectedOfficials_Consultation_Paper_March302017.pdf)

### EXAMPLES OF LOCAL GOVERNMENT CODES OF CONDUCT (BC)

#### *District of Sparwood*

<https://sparwood.civicweb.net/document/67075>

#### *District of Saanich*

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/code-of-conduct-nov-2016.pdf>

#### *City of Vancouver*

<http://vancouver.ca/files/cov/boards-committees-code-of-conduct.pdf>

#### *District of Sooke*

<https://sooke.civicweb.net/document/11215>

#### *City of Prince George*

[https://www.princegeorge.ca/City%20Hall/Documents/Mayor%20and%20Council/Council\\_Code\\_of\\_Conduct.pdf](https://www.princegeorge.ca/City%20Hall/Documents/Mayor%20and%20Council/Council_Code_of_Conduct.pdf)

#### *District of North Vancouver*

<http://app.dnv.org/OpenDocument/Default.aspx?docNum=2611131>

#### *Cariboo Regional District*

<http://bouchielakerec.ca/wp-content/uploads/2013/03/Code-of-Conduct-and-Ethics-FINAL-CRD-Board.pdf>

#### *Regional District of Central Okanagan*

[https://www.regionaldistrict.com/media/201242/Code\\_of\\_Conduct.pdf](https://www.regionaldistrict.com/media/201242/Code_of_Conduct.pdf)

### RESOURCES ABOUT ROLES AND RESPONSIBILITIES

#### *City of Port Moody (sample policy)*

<http://www.portmoody.ca/modules/showdocument.aspx?documentid=1513>

#### *City of Maple Ridge (orientation manual)*

<http://www.mapleridge.ca/DocumentCenter/View/4526/Council-Orientation-Manual-2014>

### RESOURCES ABOUT SOCIAL MEDIA POLICIES

#### *Social Media Resource Guide (Alberta Urban Municipalities Association)*

[https://www.auma.ca/sites/default/files/Advocacy/Programs\\_Initiatives/citizen\\_engagement/social\\_media\\_resource\\_guide.pdf](https://www.auma.ca/sites/default/files/Advocacy/Programs_Initiatives/citizen_engagement/social_media_resource_guide.pdf)

[Note: page 26 pertains to Elected Officials and Social Media Policy]

#### *City of Pitt Meadows (sample policy)*

<http://www.pittmeadows.bc.ca/assets/Policies/C074-Council%20Social%20Media-Reaffirmed.pdf>

#### *City of Maple Ridge (sample policy)*

[http://www.mapleridge.ca/DocumentCenter/View/1367/social\\_media\\_policy\\_3010?bidid](http://www.mapleridge.ca/DocumentCenter/View/1367/social_media_policy_3010?bidid)

#### *City of Leduc (sample policy)*

<https://www.leduc.ca/sites/default/files/2014-11-17%20Public%20CoW%20Agenda%20Item%2006b%20-%20Social%20Media%20Policy%20%28Distributed%20Under%20Separate%20Cover%29.pdf>

#### *City of Guelph (sample policy)*

<http://guelph.ca/news/social-media/social-media-principles-and-guidelines-for-elected-officials/>

### RESOURCES ABOUT HARASSMENT / HUMAN RIGHTS

#### *City of Vancouver: Human Rights & Harassment policy*

<https://policy.vancouver.ca/AE00205.pdf>

#### *City of Richmond: Respectful Workplace Policy*

[https://www.richmond.ca/\\_shared/assets/Respectful\\_Workplace\\_Policy22820.pdf](https://www.richmond.ca/_shared/assets/Respectful_Workplace_Policy22820.pdf)

#### *District of Sooke: Anti-bullying Policy*

<https://sooke.civicweb.net/document/11213>

### RESOURCES ABOUT PRIVACY & HOW INFORMATION IS HANDLED

#### *Privacy Management (Office of the Information & Privacy Commissioner)*

<https://www.oipc.bc.ca/guidance-documents/1545>

#### *District of Saanich (sample privacy management policy)*

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/privacy-management-may-2017.pdf>

Produced by the Working Group on Responsible Conduct





## 6-MONTH LEGISLATIVE WORKSHOP

May 24, 2019  
9:00 a.m. – 3:00 p.m.  
Board Room

### **PARTICIPANTS**

Board of Directors; Alternates; Senior Management Team

### **AGENDA**

- Welcome / Introductions
  - What we here for? Expectations and aims for the day.
  - What is the job anyway?
  - Governance is . . . ?
  - Regions – Different than Municipalities /
  - Duties and Obligations
  - The Three R's – Roles, Responsibilities, Relationships
  - Local Government 101. Two hundred year old systems and 21st century problems.
  - Exercise – the Good the Bad and the Ugly – Where does the Board stand on Best Practices? – Board Self-Evaluation/Performance Review
  - Discussion / Best Practices Boards
  - Next Steps / Moving forward / Continuous Improvement.
  - 3:00 PM Wrap-Up
- 
1. Board/ Staff Relations
    - a. Individual Member Communication with external parties
    - b. Board Member – Staff communication
    - c. Wandering
    - d. Point of Entry

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Q1 MD&A Operating Results – For Information Only

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### **Purpose:**

A key responsibility for the Board of Directors is to provide oversight on the financial position of the corporation. In addition to the development and approval of the annual business plan and budget, is a quarterly review of the variance between the Income Statement and the Budget. Administration provides this to the Board in a narrative format with forecasts for year-end.

The Q1 Report is an early indicator of how the organization is tracking but it needs to be interpreted with caution since seasonal increases in activity/expenditures are not yet reflected. foreseeable.

Where actuals are higher than budget, they should either be explainable or corrections will be made to bring them back within estimates. The caveat on this is Fire Departments, which report directly to the Board.

### **Business Plan Objective:**

*1.1.1 By providing the Board with accurate, current financial information*

### **Analysis:**

Managers have reviewed the actual revenues and expenditures as of March 31, 2019 and performed a forecast to year-end in order to identify significant variances to the annual budget.

To the end of April all services are operating at our below budgeted levels with the following exceptions:

Rural Projects (Area B) – this service has spent 64% of its budget due to costs for the 510 Beecroft River Road flood mitigation work coming in over the amount budgeted.

Sun Valley Water System – salaries are trending higher than expected and capital expenditures are in excess of budget. The implementation and troubleshooting of the new SCADA system is the root cause for this variance.

In the first four months of 2019 the Regional District has spent just over \$5 million (11%) of its \$44 million dollar operating budget.

Ranking expenditures by service, the top ten services were:

SERVICE	Current Year Actual	Current Year Budget	Average of Actual as % of Budget
0100 - GENERAL GOVERNMENT	757,196.50	2,492,189.00	30%
3500 - CAMPBELL MTN LANDFILL	727,159.31	6,511,052.00	11%
0300 - ELECTORAL AREA ADMINISTRATION	349,881.83	1,854,594.00	19%
2500 - BUILDING INSPECTION	230,641.16	1,286,917.00	18%
3800 - SEWAGE DISPOSAL OK FALLS	226,425.94	3,359,739.00	7%
9900 - OKANAGAN REGIONAL LIBRARY	219,464.45	889,697.00	25%
3940 - NARAMATA WATER	219,392.09	1,514,276.00	14%
0600 - INFORMATION SERVICES	208,434.60	720,348.00	29%
5000 - ELECTORAL AREA PLANNING	173,752.05	1,183,402.00	15%
3000 - REFUSE DISPOSAL OLIVER	132,809.09	1,103,184.00	12%

Of the 143 services budgeted in 2019, there are 51 that currently have no expenditures.

**Respectfully submitted:**

*"John Kurvink, Manager of Finance/CFO"*

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J. Kurvink, Finance Manager



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, May 9, 2019

1:45 p.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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

**THAT** the Agenda for the RDOS Board Meeting of May 9, 2019 be adopted.

#### 1. Consent Agenda – Corporate Issues

##### a. Community Services Committee – April 18, 2019

*THAT the Minutes of the April 18, 2019 Community Services Committee meeting be received.*

##### b. Corporate Services Committee – April 18, 2019

*THAT the Minutes of the April 18, 2019 Corporate Services Committee meeting be received.*

##### c. Environment and Infrastructure Committee – April 18, 2019

*THAT the Minutes of the April 18, 2019 Environment and Infrastructure Committee meeting be received.*

*THAT the Board of Directors receive the South Okanagan Conservation Fund Final Reports for 2018 projects, and approve release of holdbacks as contained in the April 18, 2019 report to the Environment and Infrastructure Committee from B. Newell.*

*THAT Bylaw No. 2824, 2019, being a bylaw to set the terms and conditions under which water may be supplied and used in the Regional District of Okanagan-Similkameen Water Service Areas, be forwarded to the Board on May 9, 2019 for consideration.*

##### d. Planning and Development Committee – April 18, 2019

*THAT the Minutes of the April 18, 2019 Planning and Development Committee meeting be received.*

##### e. Protective Services Committee – April 18, 2019

*THAT the Minutes of the April 18, 2019 Protective Services Committee meeting be received.*

- f. **RDOS Regular Board Meeting – April 18, 2019**  
*THAT the minutes of the April 18, 2019 RDOS Regular Board meeting be adopted.*
- g. **Okanagan Falls Parks and Recreation Commission - March 14, 2019**  
*THAT the Minutes of the March 14, 2019 Okanagan Falls Parks and Recreation Commission be received.*
- That a donation for a pickle ball court would be considered by the commission, pending a location selected through parks planning and no preferential use by the donor.*
- h. **Naramata Parks and Recreation Commission – March 25, 2019**  
*THAT the Minutes of the March 25, 2019 Naramata Parks and Recreation Commission be received.*
- i. **Electoral Area “E” Advisory Planning Commission – April 8, 2019**  
*THAT the Minutes of the April 8, 2019 Electoral Area “E” Advisory Planning Commission be received.*
- j. **Kaleden Recreation Commission – April 10, 2019**  
*THAT the Minutes of April 10, 2019 Kaleden Recreation Commission be received.*

**RECOMMENDATION 2** (Unweighted Corporate Vote – Simple Majority)  
**THAT the Consent Agenda – Corporate Issues be adopted.**

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2. **Consent Agenda – Development Services**
- a. **Development Variance Permit Application — 14213 81<sup>st</sup> Street, Electoral Area “A”**
- i. **Permit**  
To allow for the development of a new deck on a principal dwelling unit.  
*THAT the Board of Directors approve Development Variance Permit No. A2019.006-DVP*
- b. **Development Variance Permit Application — 19427 95<sup>th</sup> Street, Electoral Area “A”**
- i. **Permit**  
To allow for a second storey addition to an existing single detached dwelling.  
*THAT the Board of Directors approve Development Variance Permit No. A2019.009-DVP.*

**RECOMMENDATION 3** (Unweighted Rural Vote – Simple Majority)  
**THAT the Consent Agenda – Development Services be adopted.**

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**B. DEVELOPMENT SERVICES – Untidy/Unsightly Bylaw Enforcement****1. Untidy and Unsightly Property Contravention - 1879 Columbia Street, Coalmont, BC**

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

**THAT the RDOS direct the owner to bring Lot 2, District Lot 259s, SDYD, Plan KAP71905 (1677 White Lake Road) into compliance with the Regional District of Okanagan-Similkameen’s Untidy and Unsightly Premises Bylaw No. 2637, 2013 within 30 days;**

**AND THAT if the property owners fails to comply within 30 days, injunctive action be commenced.**

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**C. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Agricultural Land Commission Referral (“non-farm” use) – 7910 Highway 97, Electoral Area “C”**

To undertake an outdoor storage use within the Agricultural Land Reserve (ALR).

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

**THAT the Board of Directors “authorize” the application to undertake a “non-farm” use at 7910 Highway 97 (Lot 15, Plan KAP5631B, District Lot 2450S, SDYD, Portion Plan 1729, Except Plan 14334) in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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**2. Agricultural Land Commission Referral (“non-adhering residential use”) – 5526 Primrose Lane, Electoral Area “C”**

To allow for the development farm labour accommodation on a parcel in the Agricultural Land Reserve

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

**THAT the RDOS “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 5526 Primrose Lane (Lot 148, Plan KAP1728, District Lot 2450S, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission;**

**AND THAT the Agricultural Land Commission be advised that the Board of Directors supports the use of a statutory covenant registered under Section 219 of the Land Title Act in order to require that:**

- the use of the dwelling unit is restricted to farm labour only; and
  - the dwelling unit be decommissioned once an on-going need for farm labour no longer exists.
-

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3. **Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I” Cannabis Production Facilities, Home Occupations & Home Industries**
- a. Bylaw No.2849
  - b. Responses Received

The purpose of Amendment Bylaw 2849 is to update the regulations related to cannabis production facilities, home occupation uses and home industry uses in the Electoral Area Zoning Bylaws.

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

**THAT Bylaw No. 2849, 2019, Electoral Area Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of June 6, 2019;**

**AND THAT staff give notice of the public hearing in accordance with the requirements of the Local Government Act.**

- 
4. **Official Community Plan (OCP) & Zoning Bylaw Amendments – 5021 Highway 97C (Elkhart Lodge), Electoral Area “H”**
- a. Bylaw No.2497.10
  - b. Bylaw No. 2498.17
  - c. Draft Covenant
  - d. Responses Received

To allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

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

**THAT Bylaw No. 2497.10, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.17, 2018, Electoral Area “H” Zoning Amendment Bylaw be read a third time;**

**AND THAT, prior to adoption, a statutory covenant is registered on the title of the subject property (legally described as Lot 1, Plan KAP68315, DL 4531, KDYD), in order to require that a Storm Drainage System including a Contamination Prevention System be installed on-site.**

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**D. PUBLIC WORKS****1. Water Use Regulation Bylaw No. 2824, 2019****a. Bylaw No. 2824**

The Water Use Regulation Bylaw will unify water use practices and set out terms for service throughout all of the Regional District owned and operated water systems under one bylaw.

**RECOMMENDATION 9** (Unweighted Corporate Vote – 2/3 Majority)

**THAT Bylaw No. 2824, 2019, being a bylaw to set the terms and conditions under which water may be supplied and used in the Regional District of Okanagan-Similkameen Water Service Areas, be read a first, second and third time and be adopted.**

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**2. Apex Waste Transfer Station Tender Award****a. McElhanney Recommendation letter**

To approve the award of construction to a contractor to complete the construction of the Apex Waste Transfer Station.

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

**THAT the Board of Directors receive the April 25, 2019 Award Recommendation Report for the “Apex Waste Transfer Station” tender from McElhanney; and**

**THAT the Regional District award the “Apex Waste Transfer Station” project to Greyback Construction Ltd. in the amount of \$450,148.00 plus applicable taxes; and**

**THAT the Regional District approve a contingency for the construction in the amount of \$40,000.**

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**E. COMMUNITY SERVICES – Rural Projects****1. License of Occupation Application – Osprey Lake to Faulder KVR****a. Legal Description Schedule**

To acquire tenure over the KVR trail between Osprey Lake and Faulder for a two-year period for the purposes of maintaining the trail.

**RECOMMENDATION 11** (Unweighted Corporate Vote – Simple Majority)

**THAT the Board of Directors endorse an application to the Province of British Columbia for a License of Occupation for a term of 2 years of the former KVR between Osprey Lake and Faulder over the land described as District Lots 4128, 4130, 4115, 4127, 4126, 4125 and District Lot 4334 shown on Plan Crown Grant 107 District Lot 4336 shown on Crown Grant 1 and that part of DL 4335 shown on Plan**



CG 107, those parts of DL's 2068, 2069, 2070, 2091 and 2092 shown on Plan A105 all of KDYD together with District Lots 4406, 4405, 4404, 4403, 4402, those parts of DL's 2093 and 2094 shown on Plan A137; those parts of DL's 3400, 3760, 1072 Pcl D of DL 2893 1072 (ex EPP38279) shown on Plan A67 and that part of DL 4407 shown on CG Plan 96; Pcl A DL 3698 Plan A151; that part of DL 4411 shown on CG 100; those portions of DL 3699 shown on Plan A139 all of ODYD, containing 110.4 hectares, for the purposes of permitted trail maintenance activities.

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## F. FINANCE

1. **2019-2023 Five Year Financial Plan Amendment - Rural Projects, Electoral Areas G and B**
  - a. Bylaw No. 2855

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

THAT the Board of Directors approve a five-year Financial Plan Amendment to authorize an expenditure of \$90,000 for flood mitigation projects on the Similkameen River Flood Works between Keremeos and Cawston; and

THAT the project be funded jointly from the Electoral Area B and Electoral Area G Community Works Fund each contributing \$45,000 from their respective Community Works Program (Gas Tax) Reserves.

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

THAT Bylaw No. 2855, 2019 Electoral Area “G” and Area “B” Community Works Program (Gas Tax) Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.

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2. **2018 Audited Financial Statements**
  - a. 2018 Financial Statements

Jonathan McGraw, BDO Canada LLP, will address the Board to present the 2018 financial statement audit.

**RECOMMENDATION 14** (Weighted Corporate Vote –Majority)

THAT the 2018 Audited Financial Statements of the Regional District of Okanagan-Similkameen as of December 31, 2018 be received;

AND THAT the RDOS Board adopts all reported 2018 transactions as amendments to the 2018 Final Budget.

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**G. LEGISLATIVE SERVICES****1. UBCM Community Excellence Awards**

To share the RDOS's innovative initiatives by nominating the RDOS South Okanagan Conservation Fund Program and Naramata Traditional Place Name Sign Project for a UBCM Community Excellence Award in the Excellence in Sustainability Category.

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

**THAT the Board of Directors support a nomination to UBCM's Community Excellence Awards program for the South Okanagan Conservation Fund Program and Naramata Traditional Place Name Sign Project.**

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**2. Reducing Conflict between Native Mussel Protection and Invasive Milfoil Control in the Okanagan****a. OBWB letter**

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**3. Electoral Areas "D" and "I" Economic Development Community Services Office**

To obtain direction from the Board of Directors on next steps with respect to the Terms of Reference and contract for public engagement efforts in addressing a course of action for the above noted service.

**RECOMMENDATION 16** (Unweighted Corporate Vote – Simple Majority)

**THAT the Consultant be notified that the Area D/I Economic Development Service Review engagement process must be completed by July 15; and,**

**THAT a Final Report be presented to the Board of Directors at that time**

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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**

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**3. Board Members Verbal Update**

**J. CLOSED SESSION**

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

THAT in accordance with Section 90(1)(c) of the *Community Charter*, the Board close the meeting to the public on the basis of labour relations or other employee relations.

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**K. ITEMS COMING OUT OF CLOSED SESSION****1. Dam Ownership**

At the April 18, 2019 Environment and Infrastructure Committee meeting – Closed Session, the Committee resolved the following:

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

THAT the Regional District dispute the Province's assertion that the RDOS is an Owner of the Chain Lake Dam.

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**L. ADJOURNMENT**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, April 18, 2019

10:50 a.m.

## Minutes

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### MEMBERS PRESENT:

Chair M. Bauer, Village of Keremeos  
Vice Chair R. Gettens, Electoral Area "F"  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director D. Holmes, District of Summerland  
Director J. Sentes, Alt. City of Penticton  
Director R. Knodel, Electoral Area "C"

Director K. Kozakevich, Electoral Area "E"  
Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director M. Pendergraft, Electoral Area "A"  
Director R. Obirek, Electoral Area "D"  
Director F. Regehr, City of Penticton  
Director T. Roberts, Electoral Area "G"  
Director J. Vassilaki, City of Penticton  
Director P. Veintimilla, Town of Oliver

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services

M. Woods, Gen. Manager of Community Services

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Community Services Committee Meeting of April 18, 2019 be adopted. - CARRIED

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### B. Quarterly Activity Report

The Committee was advised of the activities of the first quarter of 2019 and the planned activities of the second quarter.

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**C. ADJOURNMENT**

By consensus, the Community Services Committee meeting adjourned at 10:51 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Bauer  
Community Services Committee Chair

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B. Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Corporate Services Committee

Thursday, April 18, 2019  
11:05 a.m.

## Minutes

### MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"  
Vice Chair M. Bauer, Village of Keremeos  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"  
Director D. Holmes, District of Summerland  
Director J. Sentes, Alt. City of Penticton

Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director R. Knodel, Electoral Area "C"  
Director M. Pendergraft, Electoral Area "A"  
Director R. Obirek, Electoral Area "D"  
Director F. Regehr, City of Penticton  
Director T. Roberts, Electoral Area "G"  
Director J. Vassilaki, City of Penticton  
Director P. Veintimilla, Town of Oliver

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services

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#### A. APPROVAL OF AGENDA

##### **RECOMMENDATION 1**

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

THAT the Agenda for the Corporate Services Committee Meeting of April 18, 2019 be adopted. - **CARRIED**

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#### B. 2019 Corporate Action Plan – For Information Only

The Committee reviewed the 2019 Corporate Action Plan.

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#### C. Quarterly Activity Report – for information only

The Committee was advised of the activities that occurred in the first quarter of 2019 and the planned activities for the second quarter.

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#### D. Communication and Engagement Plan 2019 – for information only

The Committee was advised of the Communication and Engagement activities that occurred in the first quarter of 2019 and those planned for the second quarter.

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**E. Update on Double Gas Tax Transfer – For Information Only**

a. Gas Tax Summary 2019

The Committee was provided an update on the one-time doubling of the Gas Tax transfer.

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**F. ADJOURNMENT**

By consensus, the Corporate Services Committee meeting adjourned at 1:02 p.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
Committee Chair

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B. Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, April 18, 2019

1:02 p.m.

## MINUTES

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### MEMBERS PRESENT:

Chair G. Bush, Electoral Area "B"  
Vice Chair R. Gettens, Electoral Area "F"  
Director M. Bauer, Village of Keremeos  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director D. Holmes, District of Summerland  
Director J. Sentes, Alt. City of Penticton  
Director R. Knodel, Electoral Area "C"

Director K. Kozakevich, Electoral Area "E"  
Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director R. Obirek, Electoral Area "D"  
Director M. Pendergraft, Electoral Area "A"  
Director F. Regehr, City of Penticton  
Director T. Roberts, Electoral Area "G"  
Director J. Vassilaki, City of Penticton  
Director P. Veintimilla, Town of Oliver

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services

A. Reeder, Manager of Operation

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### A. APPROVAL OF AGENDA

#### **RECOMMENDATION 1**

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

THAT the Agenda for the Environment and Infrastructure Committee Meeting of April 18, 2019 be adopted. - **CARRIED**

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### B. South Okanagan Conservation Fund Final Report for 2018 Projects

Bryn White, SOSCP Program Manager, addressed the Committee to present the final report for the 2018 projects.

#### **RECOMMENDATION 2**

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

THAT the Board of Directors receive the South Okanagan Conservation Fund Final Reports for 2018 projects, and approve release of holdbacks as contained in the April 18, 2019 report to the Environment and Infrastructure Committee from B. Newell.

**CARRIED**

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**C. Final Review of Water Use Regulation Bylaw No. 2824, 2019**

1. Draft Bylaw No. 2824

**RECOMMENDATION 3****It was MOVED and SECONDED**

THAT Bylaw No. 2824, 2019, being a bylaw to set the terms and conditions under which water may be supplied and used in the Regional District of Okanagan-Similkameen Water Service Areas, be forwarded to the Board on May 9, 2019 for consideration. - **CARRIED**

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**D. Quarterly Activity Report – for information only**

The Committee was advised of the activities that occurred in the first quarter of 2019 and the planned activities for the second quarter.

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**E. Dam Ownership****RECOMMENDATION 4****It was MOVED and SECONDED**

THAT in accordance with Section 90(1)(i) of the *Community Charter*, the Board close the meeting to the public on the basis of receipt of advice subject to lawyer-client privilege. **CARRIED**

The meeting was closed to the public at 2:05 p.m.

The meeting was opened to the public at 2:25 p.m.

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**F. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting adjourned at 2:26 p.m.

APPROVED:

CERTIFIED CORRECT:

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G. Bush  
Committee Chair

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B. Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Planning and Development Committee

Thursday, April 18, 2019

9:12 a.m.

## Minutes

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### MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"  
Vice Chair R. Knodel, Electoral Area "C"  
Director M. Bauer, Village of Keremeos  
Director K. Kozakevich, Electoral Area "E"  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"

Director D. Holmes, District of Summerland  
Director J. Sentes, Alt. City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director R. Obirek, Electoral Area "D"  
Director F. Regehr, City of Penticton  
Director T. Roberts, Electoral Area "G"  
Director J. Vassilaki, City of Penticton  
Director P. Veintimilla, Town of Oliver

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services

B. Dollevoet, General Manager of Development Services  
C. Garrish, Manager of Planning

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of April 18, 2019 be adopted. - **CARRIED**

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### B. Delegation – Agricultural Land Commission

Jennifer Dyson, Chair  
Gerry Zimmermann, Vice Chair  
Kim Grout, Chief Executive Officer  
[PowerPoint presentation](#)

Representatives from the ALC provided an overview of the organizational structure, an update on the Revitalization of the ALR Committee findings, and justification into the decisions to allow industrial cannabis production as a permitted farm use in the ALR.

1. Administrative Report – Recent Amendments

Director B. Coyne vacated the Boardroom at 9:45 a.m.

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**C. Bylaw Enforcement**

Administration presented legal updates on various enforcement matters.

**RECOMMENDATION 2****It was MOVED and SECONDED**

THAT in accordance with Section 90(1)(i) of the *Community Charter*, the Board close the meeting to the public on the basis of receipt of advice subject to lawyer-client privilege.

- **CARRIED**

The meeting was closed to the public at 10:28 a.m.

The meeting was opened to the public at 10:45 a.m.

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**D. Quarterly Activity Report**

The Committee was advised of the activities of the first quarter of 2019 and the planned activities for the second quarter of 2019.

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**E. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting adjourned at 10:50 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
Committee Chair

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B. Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Protective Services Committee

Thursday, April 18, 2019  
2:26 p.m.

## MINUTES

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### MEMBERS PRESENT:

Chair D. Holmes, District of Summerland  
Vice Chair T. Roberts, Electoral Area "G"  
Director M. Bauer, Village of Keremeos  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"  
Director J. Sentes, Alt. City of Penticton

Director R. Knodel, Electoral Area "C"  
Director K. Kozakevich, Electoral Area "E"  
Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director M. Pendergraft, Electoral Area "A"  
Director R. Obirek, Electoral Area "D"  
Director F. Regehr, City of Penticton  
Director J. Vassilaki, City of Penticton  
Director P. Veintimilla, Town of Oliver

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
M. Woods, Gen. Manager of Community Services

C. Malden, Manager of Legislative Services  
S. Vaisler, Manager of Emergency Services

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### A. APPROVAL OF AGENDA

#### **RECOMMENDATION 1**

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

THAT the Agenda for the Protective Services Meeting of April 18, 2018 be adopted. -  
**CARRIED**

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### B. Quarterly Activity Report – for information only

The Committee was advised of the activities that occurred in the first quarter of 2019 and the planned activities for the second quarter.

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**C. Closed Session****RECOMMENDATION 2****It was MOVED and SECONDED**

THAT in accordance with Section 90(1)(c) of the *Community Charter*, the Committee close the meeting to the public on the basis of labour relations or other employee relations.

**CARRIED**

The meeting was closed to the public at 2:27 p.m.

The meeting was opened to the public at 2:32 p.m.

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**D. ADJOURNMENT**

By consensus, the Protective Services Committee meeting adjourned at 2:32 p.m.

APPROVED:

CERTIFIED CORRECT:

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D. Holmes  
Protective Services Committee Chair

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B. Newell  
Chief Administrative Officer



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 2:46 p.m. Thursday, April 18, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer	B. Dollevoet, General Manager of Development Services
C. Malden, Manager of Legislative Services	J. Shuttleworth, Manager of Parks & Facilities
J. Kurvink, Manager of Finance	L. Miller, Manager of Building and Enforcement Services
C. Garrish, Manager of Planning	

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### 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 April 18, 2019 be adopted. - **CARRIED**

#### 1. Consent Agenda – Corporate Issues

##### a. Community Services Committee – April 4, 2019

*THAT the Minutes of the April 4, 2019 Community Services Committee meeting be received.*

##### b. Environment and Infrastructure Committee – April 4, 2019

*THAT the Minutes of the April 4, 2019 Environment and Infrastructure Committee meeting be received.*

*THAT the Board of Directors provide a letter of support for the Carmi Recreation Trails Group application to Ministry of Forest, Lands and Natural Resource Operations and Rural Development to convert the Upper Carmi Intensive Recreation area to a Community Forest.*

- c. Protective Services Committee – April 4, 2019  
*THAT the Minutes of the April 4, 2019 Protective Services Committee meeting be received.*
- d. RDOS Regular Board Meeting – April 4, 2019  
*THAT the minutes of the April 4, 2019 RDOS Regular Board meeting be adopted.*
- e. Kobau Park Annual General Meeting – March 5, 2019  
*THAT the minutes of the March 5, 2019 Annual General meeting be received.*
- f. Kobau Park Commission– March 5, 2019  
*THAT the minutes of the March 5, 2019 Kobau Park Commission meeting be received.*
- g. Similkameen Recreation Commission – March 5, 2019  
*THAT the minutes of the March 5, 2019 Similkameen Recreation Commission meeting be received.*
- h. Similkameen Recreation Commission – April 2, 2019  
*THAT the minutes of the April 2, 2019 Similkameen Recreation Commission meeting be received.*
- i. Area “F” Parks and Recreation Commission– March 13, 2019  
*THAT the minutes of the March 13, 2019 Area “F” Parks and Recreation Commission meeting be received.*
- j. Kaleden Recreation Commission - March 13, 2019  
*THAT the minute of the March 13, 2019 Kaleden Recreation Commission meeting be received.*
- k. Okanagan Falls Parks and Recreation Commission – March 14, 2019  
*THAT the minutes of the March 14, 2019 Okanagan Falls Parks and Recreation Commission meeting be received.*
- l. Electoral Area “F” Advisory Planning Commission (APC) Appointments  
*THAT the Board of Directors appoint the following as members of the Electoral Area “F” Advisory Planning Commission until October 31, 2022: Gerard (Gerry) Lalonde, & Don Barron*

**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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2. Consent Agenda – Development Services
  - a. Development Variance Permit Application — 1316 Smethurst Road, Electoral Area “E”
    - i. Permit
    - ii. Representations

*THAT the Board of Directors approve Development Variance Permit No. E2019.002-DVP.*
  - b. Development Variance Permit Application — 2930 Arawana Road, Electoral Area “E”
    - i. Permit
    - ii. Representations

*THAT the Board of Directors approve Development Variance Permit No. E2019.007-DVP.*
  - c. Temporary Use Permit Application — 2589 Naramata Road, Naramata, Electoral Area “E”
    - i. Permit
    - ii. Representations

*THAT the Board of Directors approve Temporary Use Permit No. E2019.003-TUP.*

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

**IT WAS MOVED AND SECONDED**

THAT the Consent Agenda – Development Services be adopted. - **CARRIED**

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**B. DEVELOPMENT SERVICES – Building Inspection**

1. Building Bylaw Infraction, 104 Lockie Road (expired building permit)

The Chair enquired whether the property owner was present to address the Board; however, they were not.

**RECOMMENDATION 4 (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 Lot 5, Plan KAP44042, District Lot 596, YDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333. - **CARRIED**

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**C. DEVELOPMENT SERVICES – Untidy/Unsightly Bylaw Enforcement****1. Untidy and Unsightly Property Contravention, 5208 9<sup>th</sup> Avenue, Okanagan Falls**

The Chair enquired whether the property owner was present to address the Board; however, they were not.

**RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the RDOS commence the formal process to bring Lot 1, District Lot 374, SDYD, Plan KAP43911 (5208 – 9<sup>th</sup> Avenue) into compliance with the Regional District of Okanagan-Similkameen’s Untidy and Unsightly Premises Bylaw No. 2326, 2004. - **CARRIED**

**D. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Enforcement of Non-conforming Use, 833 Fish Lake Road, Electoral Area “F”**

The Chair enquired whether the property owner was present to address the Board. The lawyer for the property owner addressed the Board.

**RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT Regional District Board commence injunctive action with respect to the use of the property at 833 Fish Lake Road (legally described as Lot 1, Plan KAP293, District Lot 154, ODYD, Portion shown on Plan B951, Except Plan 30904) for the purposes of a motocross track. - **CARRIED**

Opposed: Directors Regehr, S. Coyne, B. Coyne, Bloomfield, Bauer, Bush, Vassilaki, Sentes, Knodel

**2. Official Community Plan (OCP) & Zoning Bylaw Amendments – 5021 Highway 97C (Elkhart Lodge), Electoral Area “H”**

- a. Bylaw No. 2497.10
- b. Bylaw No. 2498.17
- c. Draft covenant

To allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”)

**RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2497.10, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.17, 2018, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated April 18, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2497.10, 2019, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 9, 2019;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*;

AND THAT, prior to adoption, a statutory covenant is registered on the title of the subject property (legally described as Lot 1, Plan KAP68315, DL 4531, KDYD), in order to require that a Storm Drainage System including a Contamination Prevention System be installed on-site.

**CARRIED**

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3. Agricultural Land Commission Referral (“non-farm” use) – 48 Savanna Road, Electoral Area “F”

To allow for farm labour accommodation in the Agricultural Land Reserve

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

**It was MOVED and SECONDED**

THAT the Board of Directors “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 48 Savanna Road (District Lot 3762, ODYD, Portion S ½) in Electoral Area “F” to proceed to the Agricultural Land Commission;

AND THAT the Agricultural Land Commission be advised that the Board of Directors supports the use of a statutory covenant registered under Section 219 of the *Land Title Act* in order to require that:

- the use of the sleeping units is restricted to farm labour only;
- the structure be removed from the property once an on-going need for farm labour no longer exists;
- the structure be constructed or manufactured in a manner that makes it easily moveable from one location to another; and
- the foundation be temporary in nature (i.e. not concrete).

**It was MOVED and SECONDED**

THAT the motion be amended to remove requirement for temporary foundation. -

**CARRIED**

**Question on the Main Motion**

THAT the Board of Directors “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 48 Savanna Road (District Lot 3762, ODYD, Portion S ½) in Electoral Area “F” to proceed to the Agricultural Land Commission;

AND THAT the Agricultural Land Commission be advised that the Board of Directors supports the use of a statutory covenant registered under Section 219 of the *Land Title Act* in order to require that:

- . the use of the sleeping units is restricted to farm labour only;
- . the structure be removed from the property once an on-going need for farm labour no longer exists;
- . the structure be constructed or manufactured in a manner that makes it easily moveable from one location to another.

**CARRIED**

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4. Official Community Plan (OCP) & Zoning Bylaw Amendments – 176 Chadwell Place, Electoral Area “D”
  - a. Bylaw No.2603.17
  - b. Bylaw No. 2455.40
  - c. Responses Received

The proposed amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw and Zoning Bylaw are related to the introduction of a Parks and Recreation (PR) Zone over the parcel at 176 Chadwell Place in the “Heritage Hills” community of Electoral Area “D”. The Regional District has recently acquired this parcel for parkland purposes.

**RECOMMENDATION 9 (Unweighted Rural Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2603.17, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.40, 2018, Electoral Area “D” Zoning Amendment Bylaw be read a third time and adopted.

**It was MOVED and SECONDED**

THAT the matter be postponed for six months – **CARRIED**

---

5. Early Termination of a Land Use Contract – 781 Highway 97, Okanagan Falls, Electoral Area “D”
  - a. Bylaw No.2603.18
  - b. Bylaw No. 2455.32

To replace Land Use Contract No. LU-12-D-76 with a Small Holdings Four (SH4) Zone.

**RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT Bylaw No. 2603.18, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.32, 2019, Electoral Area “D” Zoning Amendment Bylaw be adopted. - **CARRIED**

---

**E. COMMUNITY SERVICES – Rural Projects**

1. Provincial License of Occupation Application – Okanagan Falls Public Boat Launch

To acquire tenure over the Crown foreshore parcel that underlies the public boat launch in Okanagan Falls for a ten-year period

**RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors support an application to the Province of British Columbia for a License of Occupation (LOO) over a Crown foreshore parcel in Okanagan Falls for 10 years. - **CARRIED**

---

**F. FINANCE**

1. Oliver/Electoral Area C Parks & Recreation Society Services Capital Reserve Fund Expenditure
  - a. Bylaw No. 2853
  - b. Drawings

**RECOMMENDATION 12 (Weighted Corporate Vote – 2/3 Majority)**

**It was MOVED and SECONDED**

THAT Bylaw No.2853, 2019, Oliver/Electoral Area C Parks & Recreation Society Services Capital Reserve Fund Expenditure Bylaw for the expenditure of \$165,000 towards improvements of the community centre administration area be read a first, second and third time and be adopted. - **CARRIED**

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## G. LEGISLATIVE SERVICES

1. Sun Valley Water System Borrowing Bylaw
  - a. Bylaw No. 2837

To abandon a bylaw that no longer has a purpose.

**RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT first, second and third readings of Bylaw No. 2837, 2018 Sun Valley Water System Borrowing Bylaw be rescinded and the bylaw abandoned. - **CARRIED**

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2. Fireworks Regulation and Prohibition Bylaw
  - a. Bylaw No. 2854

To bring forward a bylaw prohibiting the sale or disposal of fireworks in Electoral Areas "D", "F" and "I" before the expected fire season begins.

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2854, 2019 Electoral Areas "D", "F" and "I" Fireworks Regulation and Prohibition Bylaw be read a first, second and third time and be adopted. - **CARRIED**

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## H. CAO REPORTS

- a. Verbal Update
- 

## I. OTHER BUSINESS

1. Chair's Report
- 

2. Board Representation

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
- b. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) – *Gettens, Obirek (Alternate)*
- c. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
- d. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
- e. Municipal Insurance Association – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
- f. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
- g. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
- h. Okanagan Nation Alliance Steering Committee – *Kozakevich, Monteith (Alternate)*
- i. Okanagan Regional Library – *Kozakevich, Roberts (Alternate)*
- j. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*

- k. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
  - l. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
  - m. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
  - n. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
  - o. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
- 

**3. Directors Motions**

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**4. Board Members Verbal Update**

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**J. ADJOURNMENT**

By consensus, the meeting adjourned at 4:35 p.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer



# Minutes Regular Meeting

## Okanagan Falls Parks and Recreation Commission

Thursday, March 14, 2019 at 6:45 pm

Okanagan Falls Community Centre

**Members:** Alf Hartviksen, Matt Taylor, Kelvin Hall, Barbara Shanks, Daniela Fehr, Carole Barker, Jim Lamond, David Del Rizzo, Parul Nayak  
**Regrets:** Doug Lychak,  
**Guests:**  
**Area Director:** Ron Obirek  
**Staff:** Justin Shuttleworth, Doug Reeve, Gillian Cramm

### CALL TO ORDER

The Meeting was called to order at 6:37 pm.

#### 1. ADOPTION OF AGENDA

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Agenda for March 14, 2019 be adopted. CARRIED**

#### 2. APPROVAL OF MINUTES FROM LAST MEETING

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Minutes for Okanagan Falls Parks and Recreation Commission of January 10, 2019 be approved. CARRIED**

#### 3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Master Plan for Parks – *Deferred to April meeting*

3.2 Lion's Park – Pond and fountain – *No update*

3.3 Pickleball Court Donation

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That a donation for a pickle ball court would be considered by the commission, pending a location selected through parks planning and no preferential use by the donor. CARRIED**

#### 4. CORRESPONDENCE/DELEGATIONS

4.1 Legislative Service Presentation – *G. Cramm*

4.2 Email Correspondence related to parkette on Heritage Blvd

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**To defer the Heritage Hills Parkett discussion for resolution to the April Parks and Recreation meeting. CARRIED**





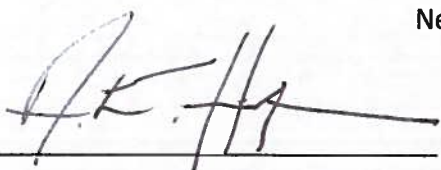
**Minutes**  
**Regular Meeting**  
**Okanagan Falls Parks and Recreation Commission**  
Thursday, March 14, 2019 at 6:45 pm  
Okanagan Falls Community Centre

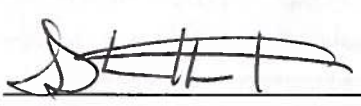
- 5.
  - 5.1. Chair Update – No Report
  - 5.2. Treasurer update – *J.Lamond provided a verbal report*
  - 5.3. Heritage Hills Park Committee – *Staff shared Memorandum of Agreement for Heritage Hills Park development for information*
- 6.
  - 6.1. Parks Updates – *J. Shuttleworth and D. Reeve*
    - Zoning change to Park for Heritage Hills and 605 Willow – *In progress*
    - Kenyon Park picnic Shelter – *Shelter has been removed for safety reasons and stored off site*
    - Pickleball court estimate – *Class estimate of \$76,400 provided for information*
    - Boat Launch Drawing Review – *Construction drawing and details provided for information*
    - Keogan Park Well – *Staff will explore use of existing well for irrigation*
    - Kenyon House – *Issues with heating identified, options to replace or repair to be explored*
  - 6.2. Recreation Report – None Provided
- 7. RDOS DIRECTOR REPORT – *R. Obirek provided a verbal report*
- 8. NEW BUSINESS ARISING FROM THIS MEETING
  - 8.1. Master Plan for Parks
  - 8.2. Heritage Hills Parkette
  - 8.3. MOA for Heritage Hills Park Development

9. ADJOURNMENT

**IT WAS MOVED**  
**That the meeting be adjourned at 9:48pm CARRIED**

Next Meeting: April 11, 2019

  
\_\_\_\_\_  
Chair, Parks and Recreation Commission

  
\_\_\_\_\_  
Recording Secretary





# MINUTES

## Naramata Parks & Recreation Commission

Monday, March 25, 2019, 6:30 p.m.  
Naramata Fire Hall

Members Present: Dennis Smith (Chair), Jeff Gagnon, Lyle Resh, Maureen Balcaen, Jacqueline Duncan, Nicole Verpaelst, Bob Coulter, Richard Roskell

Absent: Karla Kozakevich (RDOS Area 'E' Director), Doug Reeve (RDOS, Projects Coordinator II), Heather Lemieux (Recording Secretary) via transcription

Area 'E' Director Absent

Staff & Contractors: Adrienne Fedrigo (NPR Recreation Coordinator), Gillian Cramm (RDOS Administrative Assistant - Legislative Services) left meeting at 7:10 p.m., Justin Shuttleworth (RDOS, Parks & Facilities Coordinator), John Kurvink (RDOS Finance Manager) left meeting at 7:10 p.m.

Guests: None

Delegations: None

### 1. APPROVAL OF AGENDA

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

That the Agenda for the Naramata Parks & Recreation Meeting of March 25, 2019 be adopted as presented and all presentations and reports be received.

CARRIED (UNANIMOUSLY)

### 2. APPROVAL OF LAST MEETING MINUTES

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

That the minutes for the Naramata Parks & Recreation Meeting of February 25, 2019 be adopted as presented.

CARRIED (UNANIMOUSLY)



# MINUTES

## Naramata Parks & Recreation Commission

Monday, March 25, 2019, 6:30 p.m.  
Naramata Fire Hall

### 3. CORRESPONDENCE/DELEGATIONS

None

### 4. ORIENTATION

4.1. Gillian Cramm (RDOS Administrative Assistant - Legislative Services) presented:

4.1.1. Freedom of Information, Rules of Order and Records Management –  
Discussed provincial legislation, policies, procedures and record keeping.

4.2. John Kurvink (RDOS Finance Manager) – Discussed budget process, reserves and  
Federal funding. There is separate budgets for each service within all RDOS areas.

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### 5. RDOS DIRECTOR REPORT – Karla Kozakevich report submitted:

5.1. Wharf Park Planning – The Naramata Centennial Committee will be included in  
Wharf Park design planning.

### 6. RDOS STAFF REPORTS

6.1. Justin Shuttleworth (RDOS, Parks & Facilities Coordinator) reported:

6.1.1. Manitou Tree Removals – Discussed tree species and annual removal budget.  
15 invasive trees will be removed in Manitou Park.

6.2. Doug Reeve (Doug Reeve (RDOS, Projects Coordinator II) report submitted, presented  
by Justin Shuttleworth:

6.2.1. Wharf Park Expansion - Concept Plans – Concept plans are being compiled.  
Percolation test for septic will be completed soon.

6.2.2. Manitou Park – Washroom design is underway.

6.2.3. Spirit Park – Discussed turnaround options. Options and concepts will be  
distributed to NPR members.

### 7. RECREATION COORDINATOR REPORT – Adrienne Fedrigo (NPR Recreation Coordinator) report submitted.



# MINUTES

## Naramata Parks & Recreation Commission

Monday, March 25, 2019, 6:30 p.m.  
Naramata Fire Hall

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### 8. COMMISSION MEMBER REPORTS

- 8.1. Woodwackers Report — Lyle Resh presented a verbal report. Higher elevations of the KVR are still snowy and icy.

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### 9. BUSINESS ARISING

- 9.1. Farm Credit Canada Grant — A grant is available of up to \$25,000 for municipalities or charities.

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

It was Moved and Seconded that Heather Lemieux proceed with the Farm Credit Grant Application for solar lighting on the accessible pathway project at Manitou Park.

**CARRIED (UNANIMOUSLY)**

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### 10. ADJOURNMENT 7:47 p.m.

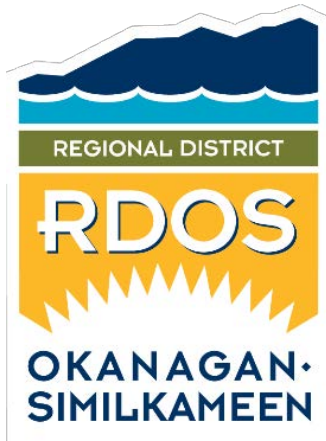
NEXT MEETING: April 29th, 2019 at 6:30 p.m. at the Naramata Fire Hall

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Recreation Commission Chair

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Recording Secretary, Heather Lemieux via transcription



# Minutes

## Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, April 8th, 2019 at 7:30 p.m.

OAP Hall, 330 - 3rd Street, Naramata, BC

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Present:

Members: Bruce Clough (Chair, Electoral Area 'E' APC), Richard Roskell, Heather Fleck

Absent: Phil Janzen, Don Mancell

Staff: Brad Dollevoet (RDOS General Manager, Development Services)

Guests: Brent Rowland (Alternate, RDOS Area 'E' Director), 1 member of the public left meeting at 8:37 p.m.

Recording Secretary: Heather Lemieux

Delegates: David Evans left meeting at 7:47 p.m., Ronal Braun left meeting at 7:55 p.m., April Knox, Martin Dicken, Victoria Rogers, C. Allen (Landform Architecture) left meeting at 8:36 p.m., Jeff Gagnon, Victoria Rogers left meeting at 8:36 p.m., Jo Ingraham left meeting at 8:36 p.m.

### 1. ADOPTION OF AGENDA

The meeting was called to order at 7:42 p.m. Quorum Present.

MOTION

It was Moved and Seconded THAT the Agenda be adopted as presented.

CARRIED

### 2. APPROVAL OF MINUTES

MOTION

It was Moved and Seconded by the APC THAT the Minutes of March 11th, 2019 be approved.

CARRIED

### 3. DELEGATIONS

- 3.1 Evans, David for Temporary Use Permit Application  
E02156.020(E2019.003-TUP)
- 3.2 Braun, Ronal for Development Variance Permit Application  
E02088.005 (E2019.007-DVP)
- 3.3 Knox, April & Dicken, Martin for Development Variance Permit Application  
E00619.000 (E2019.008-DVP)
- 3.4 Rogers, Victoria & Ingraham, Jo & Allen, C. for Development Variance  
Permit Application E06834.170 (E2019.005-DVP)

### 4. DEVELOPMENT APPLICATIONS

- 4.1 E02156.020 (E2019.003-TUP) - Temporary Use Permit Application  
Administrative Report submitted by Christopher Garrish, Planning Manager

#### MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board that the proposed temporary use be approved.

CARRIED

- 4.2 E02088.005 (E2019.007-DVP) - Development Variance Permit Application  
Administrative Report submitted by Christopher Garrish, Planning Manager

#### MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED

- 4.3 E00619.000 (E2019.008-DVP) - Development Variance Permit Application  
Administrative Report submitted by Christopher Garrish, Planning Manager

Richard Roskell recused himself, quorum not maintained, thus the Area 'E' APC decided not to comment on or discuss the application until it is resubmitted at a meeting where quorum is present. It was noted also that the application is not yet on the RDOS Board Agenda.

- 4.4 E06834.170 (E2019.005-DVP) - Development Variance Permit Application  
Administrative Report submitted by Christopher Garrish, Planning Manager

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

CARRIED

5. OTHER

- 5.3 Date of next meeting - Monday, May 13, 2019

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 8:39 p.m.

CARRIED

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Bruce Clough, Chair of the Area 'E' Advisory Planning Commission



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Advisory Planning Commission Recording Secretary / minute taker



# MINUTES



## Kaleden Recreation Commission

Wednesday, April 10, 2019

Kaleden Community Hall

**Members Present:** Doug King (Chair), Jaynie Malloy, Randy Cranston, Neal Dockendorf, Jen Charlish, Wendy Busch  
**Absent:** Gail Jeffery, Wayne Lee  
**Staff:** Justin Shuttleworth, Shona Schleppe  
**Recording:**

Call to Order: 6:51 pm

1. APPROVAL OF AGENDA

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Agenda for the Kaleden Parks & Recreation Meeting of April 10, 2019 be adopted. CARRIED**

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2. APPROVAL OF MEETING MINUTES

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the minutes for the Kaleden Parks & Recreation Meeting of March 13, 2019 be adopted. CARRIED**

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3. CORRESPONDENCE/DELEGATIONS

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4. RDOS STAFF REPORTS

4.1 Recreation Coordinator Report

Report provided – highlighted programs for After School and evening yoga, proposal for Ballroom Dancing. Special Event planned for Parks and Recreation Month on June 21 – need to coordinator with School. PLAY box will be put in Pioneer Park accessible for all to use. Compiling a recreation program charter that will summarize the program, participation, intended outcomes, expenses and revenue.

4.2 Park Coordinator Report – Justin Shuttleworth

Report provided – highlighting Pioneer Park development, installation of a oil/grit separator in the Parking Lot, Park Clean Up day rescheduled for May 4<sup>th</sup>.

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5. STRATEGIC PLANNING



# MINUTES

## Kaleden Recreation Commission

Wednesday, April 10, 2019  
Kaleden Community Hall



Commission members had brainstormed projects for Parks, Kaleden Hall, Hotel, Twin Lakes and Other for discussion and ranking (High Medium and Low). Costing will then be completed by RDOS Staff.

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6. RDOS DIRECTOR REPORT - Subrina gave her report and update on projects in the area.

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7. BUSINESS ARISING

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8. ADJOURNMENT

**RECOMMENDATION**

The meeting was declared adjourned at 9:09 pm.

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Recreation Commission Chair

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Recording Secretary

**NEXT MEETING:**

Wednesday, May 8, 2019  
Kaleden Community Hall





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Available Regional District records indicate that a Building Permits has not previously been issued for this property but that a Build Without Permit (BOWP) was issued on August 15, 2018, in relation to renovations and deck addition.

Under Electoral Area "A" Official Community Plan No. 2450, 2008, the subject property is designated as Low Density Residential (LR) and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the property is zoned as Residential Single Family One (RS1), which lists "single detached dwelling" as a principal permitted use. The bylaw also establishes setback requirements from parcel lines for structures of 7.5 metres from the rear and 1.5 metres from the interior side.

Under Section 529 (Non-conforming structures) of the *Local Government Act*, a building or structure that does not comply with the siting (i.e. setbacks) of a zoning bylaw may only be maintained, extended or altered only to the extent that no further contravention of the bylaw occurs. In this instance, the new deck is seen to represent an extension of a contravention to the siting requirements of the zoning bylaw.

The property is also situated within the floodplain associated with Osoyoos Lake, has been assessed as Residential (Class 01) by BC Assessment and is within the Agricultural Land Reserve (ALR).

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

**Analysis:**

In considering this proposal, Administration notes that the Zoning Bylaw's use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

In this instance, the use of the adjacent property to the north is for agricultural purposes and a reduced rear setback for a deck is unlikely to adversely affect this use.

Similarly, the interior side parcel line proposed for reduction is to Osoyoos Lake and varying this setback from 1.5 metres to 0.96 metres is unlikely to adversely impact the use of the lake.

Administration recognises that dwellings along this section of 81<sup>st</sup> Street have been orientated towards Osoyoos Lake and that there are limited options available to the property owner to place a deck between the dwelling and the lake without encountering the need for a variance.

Finally, Administration also recognises that the new deck is substantially the same as the deck that was replaced and represents only a minor intensification of the development footprint associated with the dwelling.

Conversely, the point at which a non-conforming structure requires structural alterations is seen to be the preferred point at which to seek compliance with the requirements of the zoning bylaw.

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There also appear to be no limiting features present on the site necessitating an encroachment into the setbacks, other than the applicant's desire to have a deck similar in size to the one that was demolished.

Finally, the Electoral Area "A" OCP Bylaw speaks to supporting variances that reduce the encroachment of a structure into a riparian area setback, and not to supporting variances that allow a structure to remain within a designated riparian area.

Nevertheless, and for these reasons mentioned above, Administration considers the requested variances to be minor in nature and as unlikely to adversely affect the use of adjoining lands.

**Alternatives:**

1. That the Board deny Development Variance Permit No. A2019.006-DVP.
2. That the application be referred to the Electoral Area "A" Advisory Planning Commission.

**Respectfully submitted**



C. Garrish, Planning Manager

**Endorsed by:**



B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Site Photo (2018)

No. 2 – Site Photo (circa 2013)

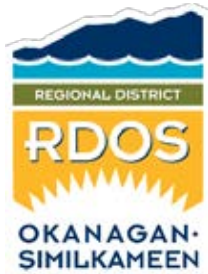
Attachment No. 1 – Site Photo (2018)





Attachment No. 2 – Site Photo (circa 2013)





# Development Variance Permit

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FILE NO.: A2019.006-DVP

Owner: Dan losch  
1459 Venables Street  
Vancouver, BC, V5L-2G1

## GENERAL CONDITIONS

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District of Okanagan-Similkameen applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit that shall form a part thereof.
3. Where there is a conflict between the text of the permit and permit drawings or figures, the drawings or figures shall govern the matter.
4. This Development Variance Permit is not a Building Permit.

## APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A' & 'B' and applies to and only to those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot A, Plan KAP60107, District Lot 2450S, SDYD

Civic Address: 14213 81 Street

Parcel Identifier (PID): 023-891-611 Folio: A-05980.005

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "A" Zoning Bylaw No. 2451, 2008, in the Regional District of Okanagan-Similkameen:
  - a) the minimum rear parcel line setback for a principal building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(a)(ii), is varied:
    - i) from: 7.5 metres

to: 4.13 metres, as measured to the outermost projection as shown on Schedule 'B'.

b) the minimum interior side parcel line setback for a principal building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(a)(iii), is varied:

i) from: 1.5 metres

to: 0.96 metres, as measured to the outermost projection as shown on Schedule 'B'.

**7. COVENANT REQUIREMENTS**

a) Not Applicable

**8. SECURITY REQUIREMENTS**

a) Not applicable

**9. EXPIRY OF PERMIT**

The development shall be carried out according to the following schedule:

a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.

b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2019.

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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

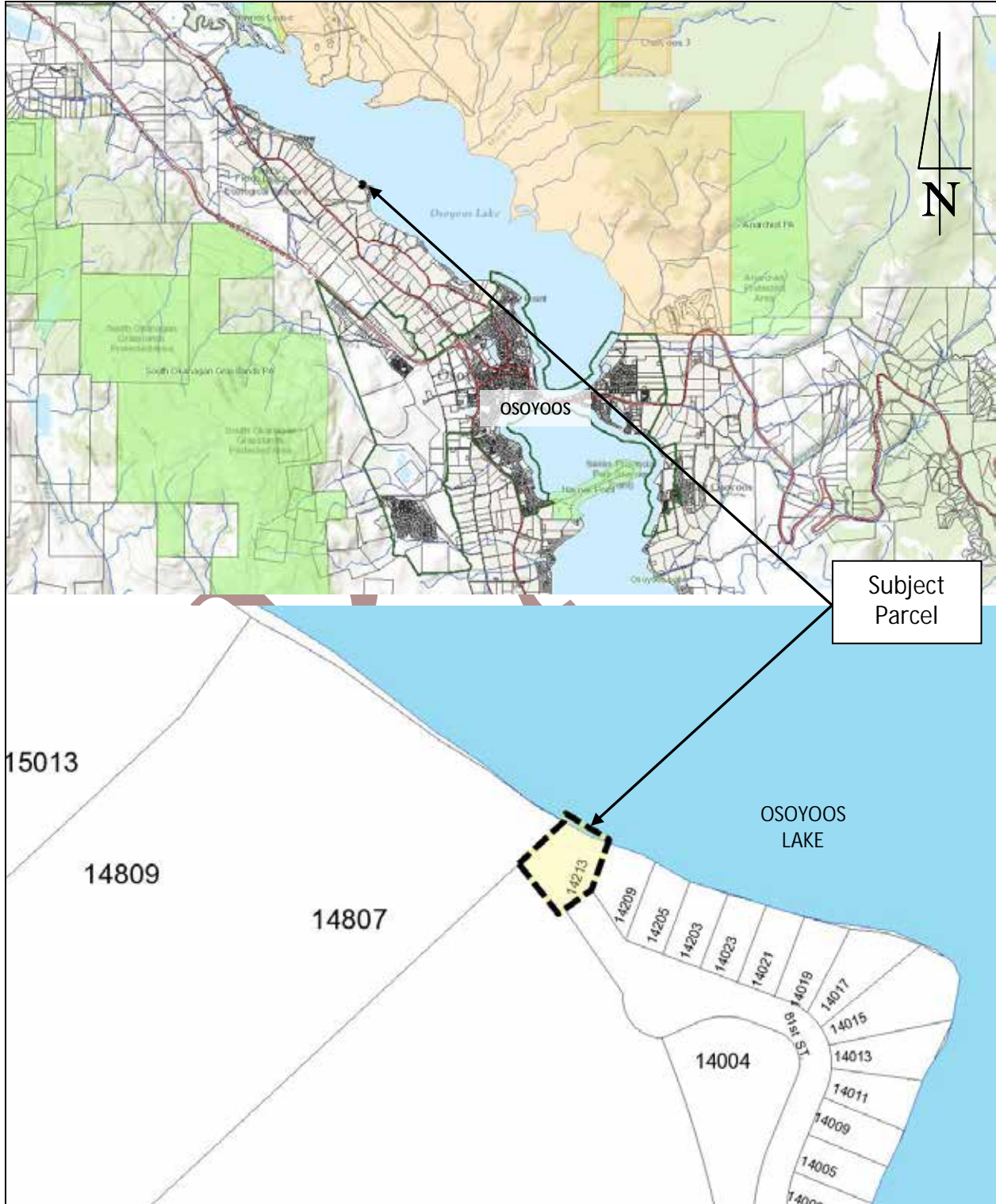
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. A2019.006-DVP

Schedule 'A'





# Regional District of Okanagan-Similkameen

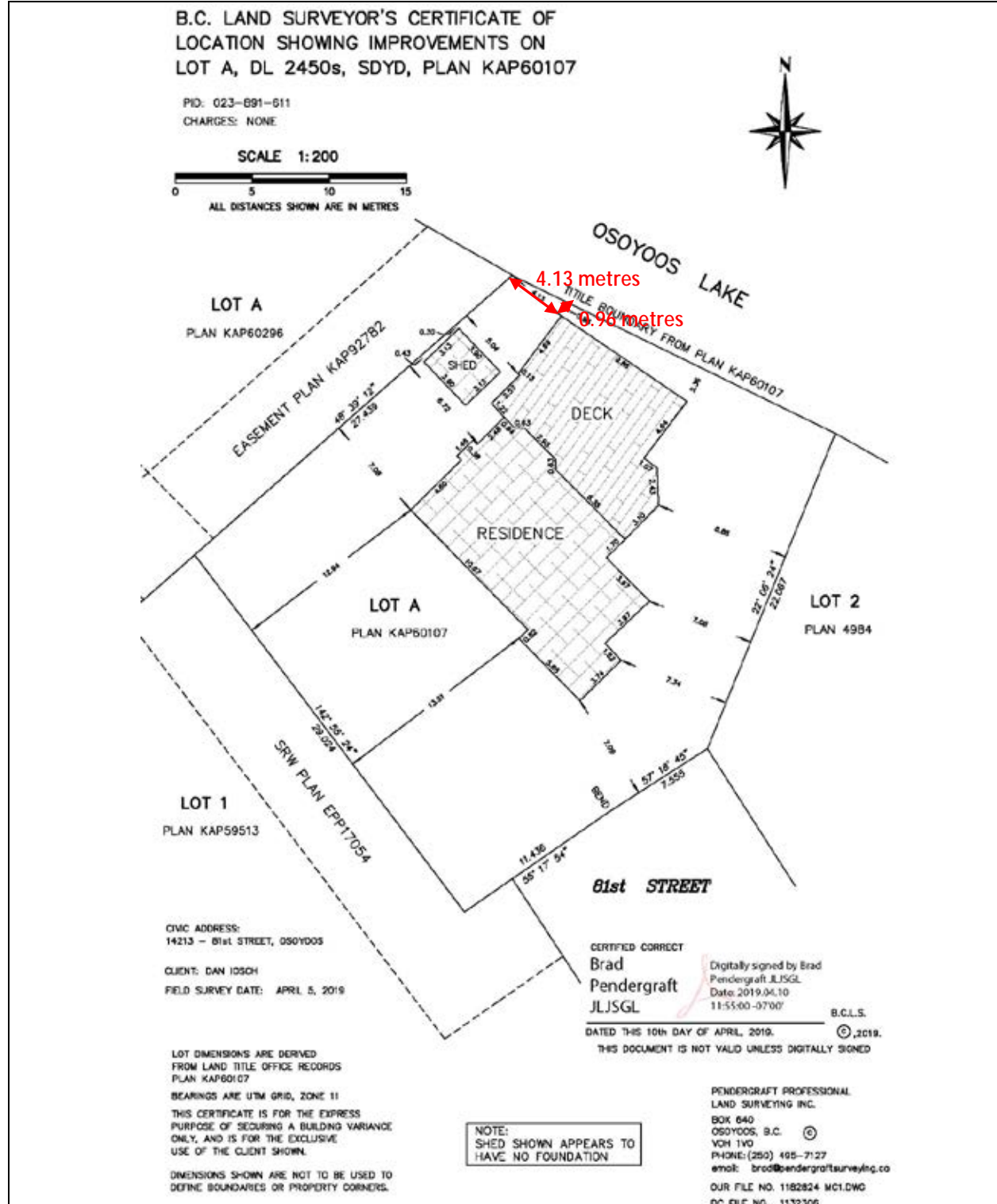
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. A2019.006-DVP

Schedule 'B'





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Under Electoral Area "A" Official Community Plan No. 2450, 2008, the subject property is designated as Low Density Residential (LR) and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the property is zoned as Residential Single Family One (RS1), which lists "single detached dwelling" as a principal permitted use. The property is also situated entirely within the floodplain associated with Osoyoos Lake.

At its meeting of May 10, 2007, the Regional District Board approved DVP No. A-06-05912.000 in order to facilitate a "a second storey extension and new roof". This DVP varied the following parcel line setbacks (as measured to the outermost projections):

- front parcel line from 7.5 metres to 1.8 metres;
- rear parcel line from 7.5 metres to 0.2 metres; and
- interior side parcel line from 1.5 metres to between 0.6 metres.

As part of this DVP process, the Board also approved a Floodplain Exemption in relation to the proposed development and required the registration of a covenant on title to save the Regional District "harmless" in the event of a flood event and to also to require that:

*No second storey addition shall be constructed, reconstructed, moved, extended or located within six point five (6.5) metres of the natural boundary of Osoyoos Lake.*

On February 4, 2019, a Watercourse Development Permit (WDP) application was submitted to the Regional District in order to address the encroachment of the proposed addition into the designated riparian areas associated with Osoyoos Lake.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

**Analysis:**

In considering this proposal, Administration notes that the Board previously approved a reduction of the same setbacks in 2006 in relation to this dwelling and, along with the Board of Variance has also approved a number of similar variances reducing the front and rear setbacks for similar residential developments along this section of 95<sup>th</sup> Street.

In 2013, the Regional District also adopted a new WDP Guideline that support the reduction of parcel line setbacks in the zoning bylaw on existing small lots "in order to reduce impacts and preserve the SPEA".

Administration further notes that the purpose of a building setback is generally to encourage adequate spacing between buildings and structures in order to reduce potential negative impacts on adjacent properties with respect to overshadowing, access to sunlight, loss of privacy and mitigation of noise.

In this instance, Administration recognises the challenges posed by the small size of the subject property and that the impact from loss of privacy or overshadowing on the adjacent parcel to the south should be minimal.

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For these reasons, Administration supports the request variances is recommending approval.

**Alternatives:**

1. That the Board deny Development Variance Permit No. A2019.009-DVP.
2. That the application be referred to the Electoral Area "A" Advisory Planning Commission.

**Respectfully submitted**

**Endorsed by:**



C. Garrish, Planning Manager



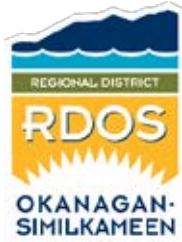
B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)







# Development Variance Permit

FILE NO.: A2019.009-DVP

Owner: Mark & Joan Hill

## GENERAL CONDITIONS

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District of Okanagan-Similkameen applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit that shall form a part thereof.
3. Where there is a conflict between the text of the permit and permit drawings or figures, the drawings or figures shall govern the matter.
4. This Development Variance Permit is not a Building Permit.

## APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A', 'B', 'C', 'D' and 'E', and applies to and only to those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 5, Plan KAP2310, District Lot 2450S, SDYD, Portion L 430, Except Plan A1014

Civic Address: 19427 95<sup>th</sup> Street

Parcel Identifier (PID): 011-045-663 Folio: A-05912.000

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "A" Zoning Bylaw No. 2451, 2008, in the Regional District of Okanagan-Similkameen:
  - a) the minimum front parcel line setback for a principal building in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(i), is varied:
    - i) from: 7.5 metres
    - to: 1.8 metres to the outermost projection as shown on Schedule 'B'.



- b) the minimum rear parcel line setback for a principal building in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(ii), is varied:
  - i) from: 7.5 metres
  - to: 0.2 metres to the outermost projection as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

The development shall be carried out according to the following schedule:

- a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.
- b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2019.

\_\_\_\_\_  
B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

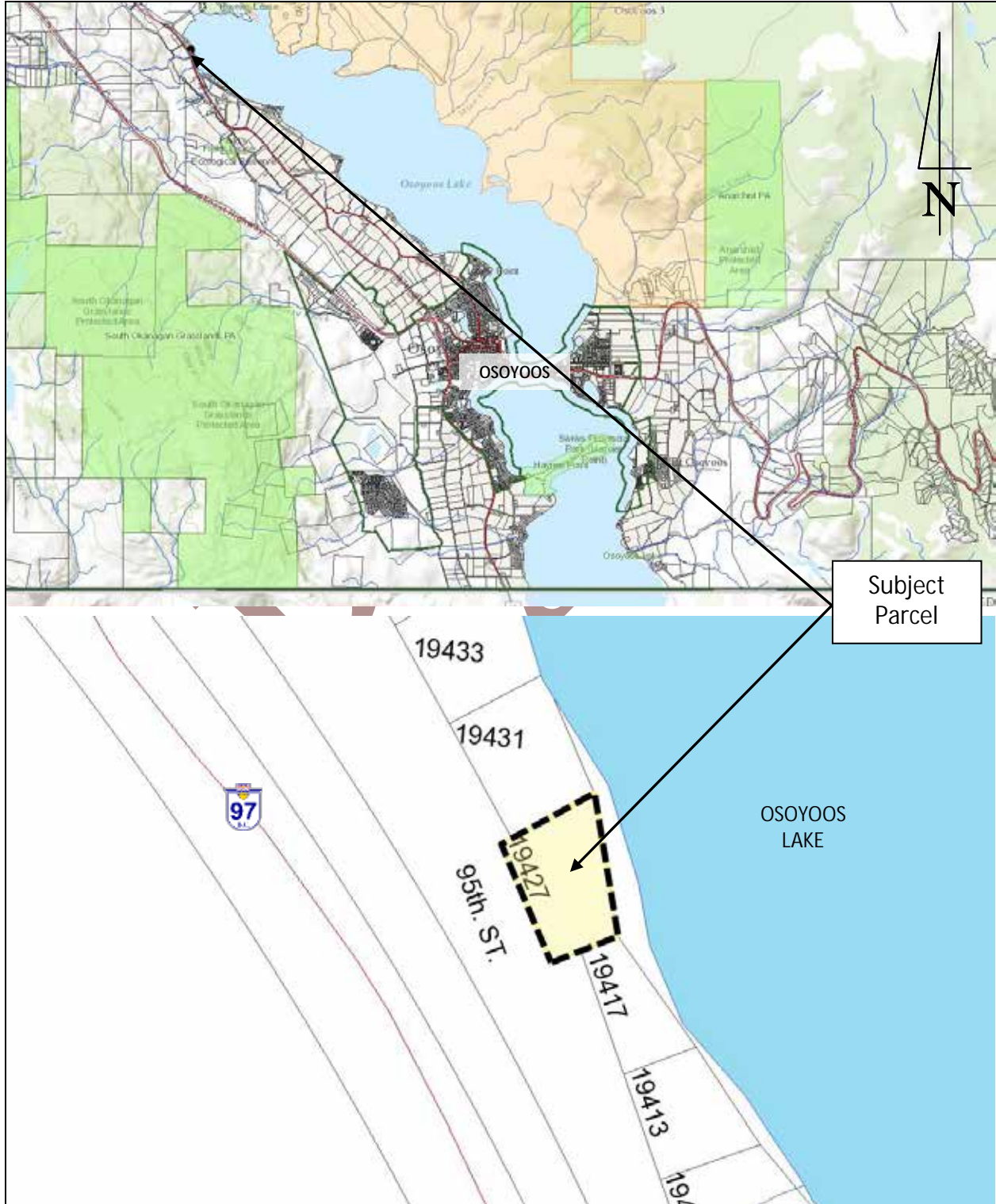
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. A2019.009-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

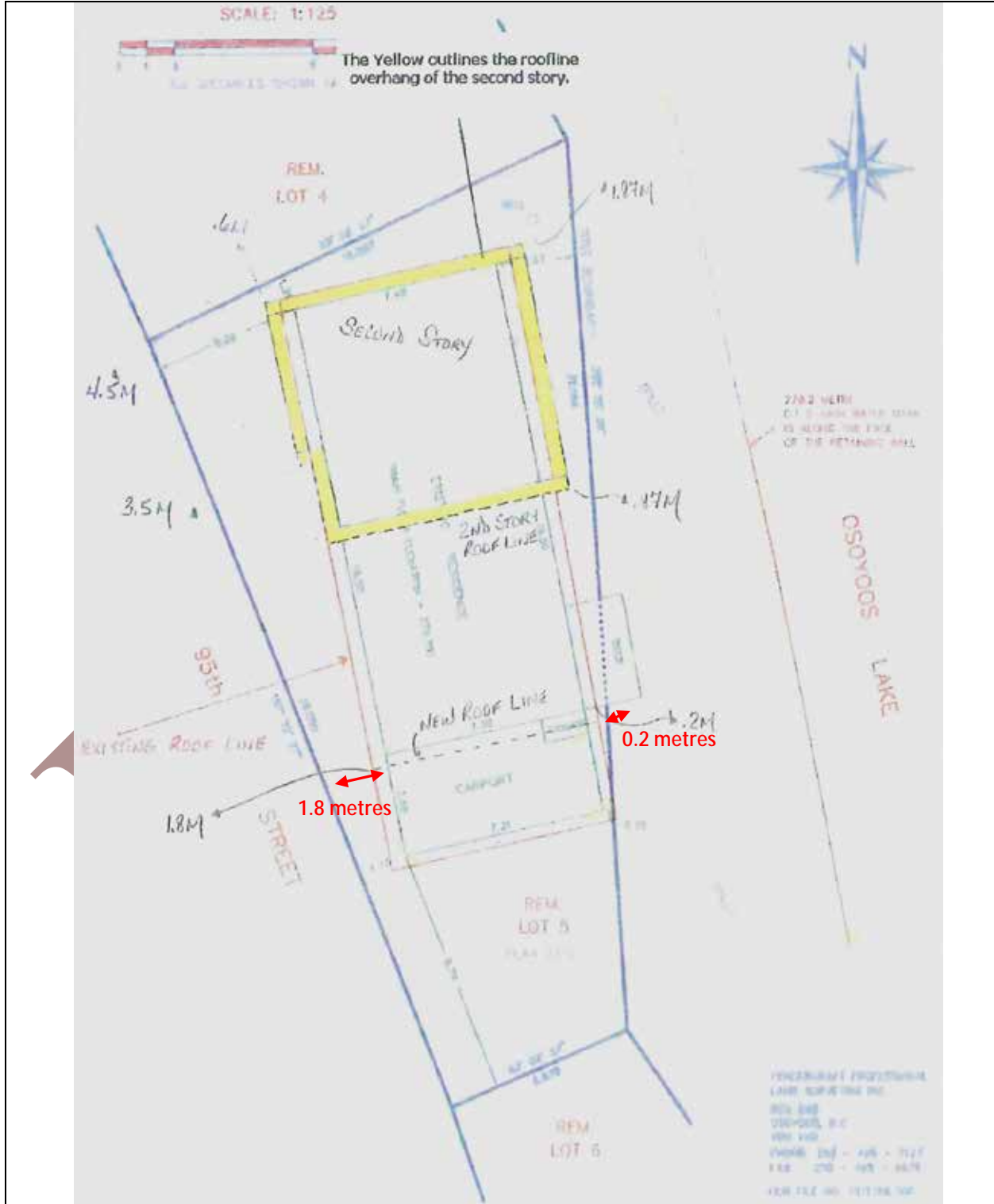
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. A2019.009-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

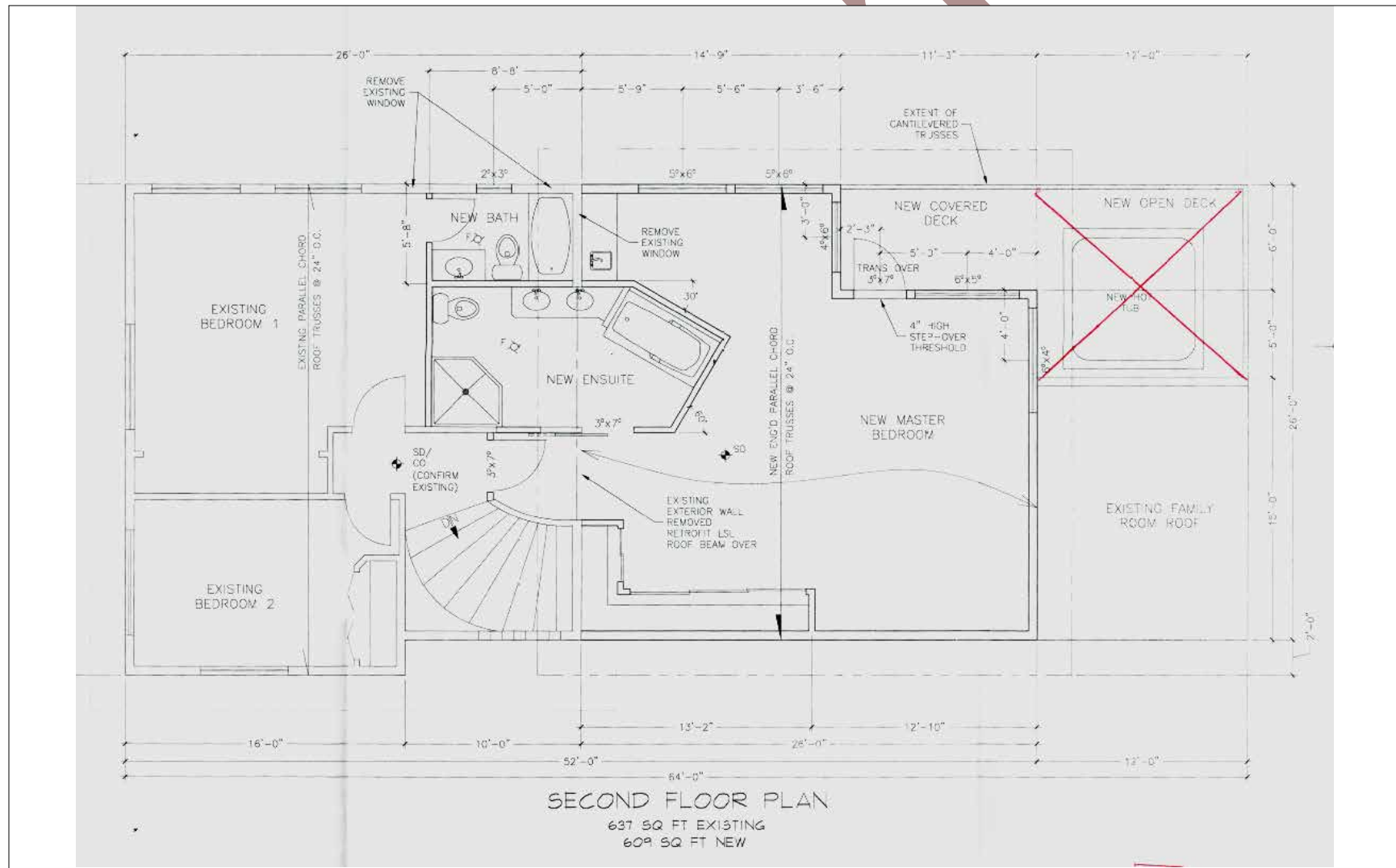
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. A2019.009-DVP

## Schedule 'C'



# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. A2019.009-DVP

Schedule 'D'





# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

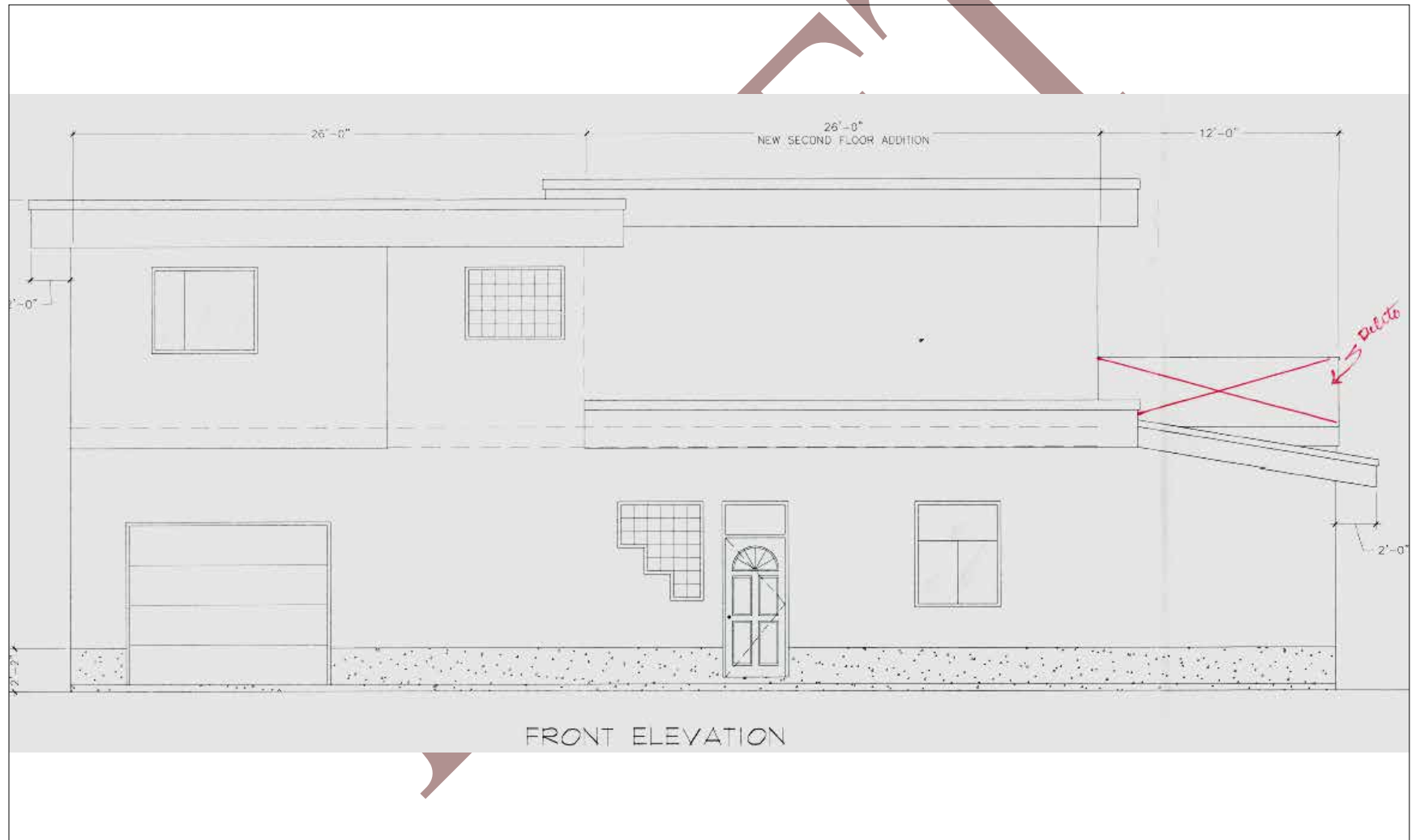
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. A2019.009-DVP

Schedule 'E'





## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Untidy and Unsightly Property Contravention  
Electoral area: H Folio: H00048.045  
PID: 018-994-032  
Civic Address: 1879 Columbia Street, Coalmont, BC

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### Administrative Recommendation:

**THAT the RDOS direct the owner to bring Lot 2, District Lot 259s, SDYD, Plan KAP71905 (1677 White Lake Road) into compliance with the Regional District of Okanagan-Similkameen's Untidy and Unsightly Premises Bylaw No. 2637, 2013 within 30 days;**

**AND THAT if the property owners fails to comply within 30 days, injunctive action be commenced;**

### Purpose:

To commence a process to clean up a property in contravention of the Untidy and Unsightly Premises Bylaw No. 2637, 2013.

### Reference:

RDOS Bylaw No. 2637, 2013 – Untidy and Unsightly Premises (“Untidy and Unsightly Bylaw”)

### Background:

The subject property located at 1879 Columbia Street, Coalmont, BC 1677 White Lake Road, Electoral Area 'H' (Schedule A) has a complaint dating back to March 19, 2014.

The property owner has received numerous letters and opportunities to rectify this matter through voluntary compliance.

The Bylaw Enforcement Officer attended at the site on March 24, 2014 after the initial complaint was made. It should be noted that access to the site is not possible and photos are taken from adjacent properties. The Bylaw Enforcement Officer attended for repeated follow-up site investigations from May, 2014 to October, 2018. At each inspection photos were taken documenting waste materials including waste lumber, old broken boats and a vast assortment of other apparently waste materials. Each investigation report indicates that the property remains in a very unsightly condition with associated fire risk and potential rodent issues with little to no effort

at site clean up. During one site investigation the property owner stated to the Bylaw Enforcement Officer that she will not clean up the property. It is the opinion of the Bylaw Enforcement Officer that a court order and RCMP involvement will be required to remediate the subject property.

Pursuant to the requirement of the Untidy and Unsightly Bylaw, the owner has been notified that a compliance process has been initiated. As required by the Bylaw, an additional 30 days was given for Notice of Hearing prior to attendance at the Board's meeting.

Attached as Schedule B are a selection of photographs of the site which have been taken during site investigations.

**Analysis:**

Schedule A of the Untidy & Unsightly Bylaw sets out the procedures for regulating and controlling untidy and unsightly premises. Schedule A, paragraph (f) sets out the option to provide a recommendation to the Regional Board to request that the owner or occupier undertake the work necessary to bring the property into compliance. Further, if compliance is not met within the time period requested, a recommendation may be forwarded to the Regional Board to undertake further action (i.e. court action) as deemed necessary. Administration is asking the Board to support both actions (30 days notice, and court action) in accordance with the Bylaw.

It is recommended to proceed under the authority of this provision rather than direct action given the property owner's unwillingness to cooperate and potential for an emergent situation to occur once the Regional District's Officer and/or contractor attend the site.

**Alternatives:**

1. To commence a process through direct action to clean up Lot 2, District Lot 259s, SDYD, Plan KAP71905 in contravention of the Untidy and Unsightly Premises Bylaw No. 2326, 2004..
2. That the RDOS abandon enforcement of the Untidy and Unsightly Premises Bylaw No. 2326, 2004 against Lot 2, District Lot 259s, SDYD, Plan KAP71905.

**Respectfully submitted:**



L. Miller, Building & Enforcement Services Manager

**Endorsed by:**



B. Dollevoet, Development Services General Manager

Schedule B – Site photographs

**SCHEDULE A**





SCHEDULE B







# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 9, 2019  
**RE:** Agricultural Land Commission Referral (“non-farm” use) – Electoral Area “C”

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## **Administrative Recommendation:**

**THAT the Board of Directors “authorize” the application to undertake a “non-farm” use at 7910 Highway 97 (Lot 15, Plan KAP5631B, District Lot 2450S, SDYD, Portion Plan 1729, Except Plan 14334) in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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Purpose: To undertake an outdoor storage use within the Agricultural Land Reserve (ALR).

Owner: Avro Oil Limited                      Agent: Terry Feeny                      Folio: C-05223.000  
Legal: Lot 15, Plan KAP5631B, District Lot 2450S, SDYD, Portion Plan 1729, Except Plan 14334  
Civic: 7910 Highway 97                      OCP: Commercial (C)                      Zone: General Commercial (C1)

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## **Proposed Development:**

An application to the Agricultural Land Commission (ALC) under Section 20(2) of the *Agricultural Land Commission Act* (the Act) has been lodged with the Regional District in order to permit a Non-Farm Use to occur within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking to use the property at 7910 Highway 97 for the purposes of an “outdoor storage” facility.

In support of this proposal, the applicant has stated that:

- *No agricultural activities have taken place on this property. The property housed a mechanical shop and single residence for years. Prior to that a convenience store;*
- *No agricultural improvements have been made. There isn't water to the property; and*
- *This is a very small piece of property located in primary residential area. There is a need for outdoor storage in our area.*

## **Statutory Requirements:**

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorize” an application.

In this instance, Section 25(3) is seen to apply as an amendment to the Electoral Area “C” Zoning Bylaw No. 2453, 2008, will be required in order for this development to proceed.

## **Site Context:**

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The subject property is approximately 1.0 ha in area and is located at the north-east corner of the intersection of Highway 97 and Secrest Hill Road.

The property previously comprised a single detached dwelling, an automotive repair use (i.e. "Curt's Automotive") while the remainder of the land was under agricultural production based on aerial photo analysis (NOTE: available provincial mapping (1980) indicates that the property comprises Class 2-3 agricultural soils).

The surrounding pattern of development is generally characterised by a mix of rural-residential and agricultural land uses.

## **Background:**

### Development History:

The current boundaries of the subject property date to a plan of subdivision that received by the Land Titles Office on September 17, 1947, while available Regional District records indicate that Building Permits have previously been issued for a demolition (1988), change of occupancy (1993), new roof (1993) and demolition of shop and house (2018).

It is understood that the construction of a previous dwelling and service station on the property pre-date the introduction of zoning and building inspection services to Electoral Area "C" in the early 1970s. Available records also indicate that the property has been classed as Residential (01) and "Business and Other" (06) by BC Assessment since 2006.

### Zoning History:

The first zoning applied to the subject property was the (then) Highway Commercial (C-2) Zone under the Electoral Area "C" Zoning Bylaw No. 117, 1973. This zoning permitted "service stations", "motels", "restaurants", "fruit stands" "accessory dwelling" and "agriculture" as principal and accessory uses.

It is Administration's understanding that zoning the whole of an agricultural property for commercial purposes, despite only small portions of such properties being used by a commercial business, was common in the early 1970s and can be seen in other communities within the Regional District, such as highway fronting properties in Kaleden and Osoyoos where fruit stands or gas stations existed.

Administration further notes that Zoning Bylaw 117, 1973, was adopted on September 20, 1973, which is *after* the introduction of the ALR on December 21, 1972.

The Highway Commercial zoning of the subject property was subsequently carried forward into the Electoral Area "C" Zoning Bylaw Nos. 1478 (1994), 1776 (1997) and 2123 (2002) and became General Commercial (C1) under Zoning Bylaw 2453 (2008).

Between May and June of 2018, and as part of consultations associated with the Okanagan Electoral Area Commercial Zone Update, Administration proposed amending the zoning on a majority of the subject property to Agriculture One (AG1) in order to formalize the existing dwelling unit and to reflect the apparent use of the land for agricultural purposes.

As part of these discussions, input from the ALC was sought regarding the relationship between zoning of the subject property and the *Agricultural Land Commission Act*. The Commission advised that, despite the C1 zoning, any new commercial use of the property would require ALC approval.

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The Commission further advised that it was not bound by the Regional District's zoning bylaw to approve a commercial use.

The (then) property owner was advised of these comments from the Commission but formally requested that the C1 Zone be retained on the property.

The property was subsequently sold on September 18, 2018, and the current property owner (i.e. applicant) was verbally advised by Regional District staff in late 2018 of the requirement for ALC approval prior to commencing any commercial use of the property.

Enforcement:

In December of 2018, the Regional District began to receive complaints regarding the removal of top soil from the subject property and the placement of gravel. It is understood that similar complaints were received by the ALC.

On February 15, 2019, the ALC delivered to the property owner a "Notice of Contravention" (unauthorized commercial activity in the ALR) and required the removal of all unauthorized fill from the site as well as the submission of a "non-farm use" application if they wished to use the property for a commercial purpose.

On April 16, 2019, the Regional District received notification from the ALC regarding the submission of the current "non-farm" use application.

On April 16, 2019, and due to the C1 zoning of the property, the Regional District concluded that "no violation exists, as there is no contravention of RDOS Bylaws" (at this time) and closed the enforcement file.

Current Land Use Bylaws:

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated as Commercial (C), an objective of which is to "maintain the current level of local commercial sites to serve the existing communities and tourists, and expand services as future growth may dictate."

The property has also been designated under a development permit area for the purposes of the Protection of Farming (which is triggered at subdivision) and is affected by a Watercourse Development Permit (WDP) Area designation along its southern property line that relates to a number of watercourses that converge in this area and which experienced significant water flows in 2018.

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is zoned General Commercial (C1), which, amongst other things, lists "self-storage, not to exceed 250 m<sup>2</sup> in gross floor area" as a principal permitted use. The bylaw defines this as meaning:

*the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures. Typical uses include but are not limited to vehicle or heavy equipment storage compounds; and the sale, rental and storage of metal shipping containers.*

**Analysis:**

In considering this proposal, Administration notes that the OCP specifically speaks to maintaining local commercial sites, to limiting commercial development along Highway 97 to parcels that are already

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designated for such uses and encouraging commercially designated lands be utilized “for smaller-scale, neighbourhood-serving commercial activities.”

Against these criteria, the applicant’s proposal to use the property for the purposes of outdoor storage is *generally* seen to be consistent with the OCP Bylaw as well as the C1 zoning. If approved by the ALC, however, the applicant will be required to obtain a zoning amendment to allow for an outdoor storage use greater than 250 m<sup>2</sup> in area.

For these reasons, Administration is recommending that this application be “authorised” to proceed to the ALC for their consideration.

That said, Administration does have reservations regarding this proposal, namely the alienation of viable agricultural land for a use that would be more appropriately located within an industrial area, such as the Osoyoos Indian Band’s “Senkulmen” business park (which is approximately 1km to the east).

Administration notes that a separate Broad Goal of the OCP is to “support and encourage agriculture in the community through preservation of the land base and restrictions on uses which are not compatible with current or future agricultural activities.”

It is for these reasons that Administration approached the former property owner in 2018 about amending the zoning on 85% of the property to AG1 in order to reflect its agricultural capabilities and apparent previous use. In addition, the current extent of the commercial zoning is seen to be an historic anomaly and one that does not accurately reflect the permitted use of the property under the *ALC Act*, and as evidenced by the current enforcement action initiated by the ALC.

**Alternatives:**

1. THAT the Board of Directors not “authorize” the application to undertake a “non-farm” use at 7910 Highway 97 (Lot 15, Plan KAP5631B, District Lot 2450S, SDYD, Portion Plan 1729, Except Plan 14334) in Electoral Area “C” to proceed to the Agricultural Land Commission.
2. 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).

**Respectfully submitted**



C. Garrish, Planning Manager

**Endorsed by:**



B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Context Maps

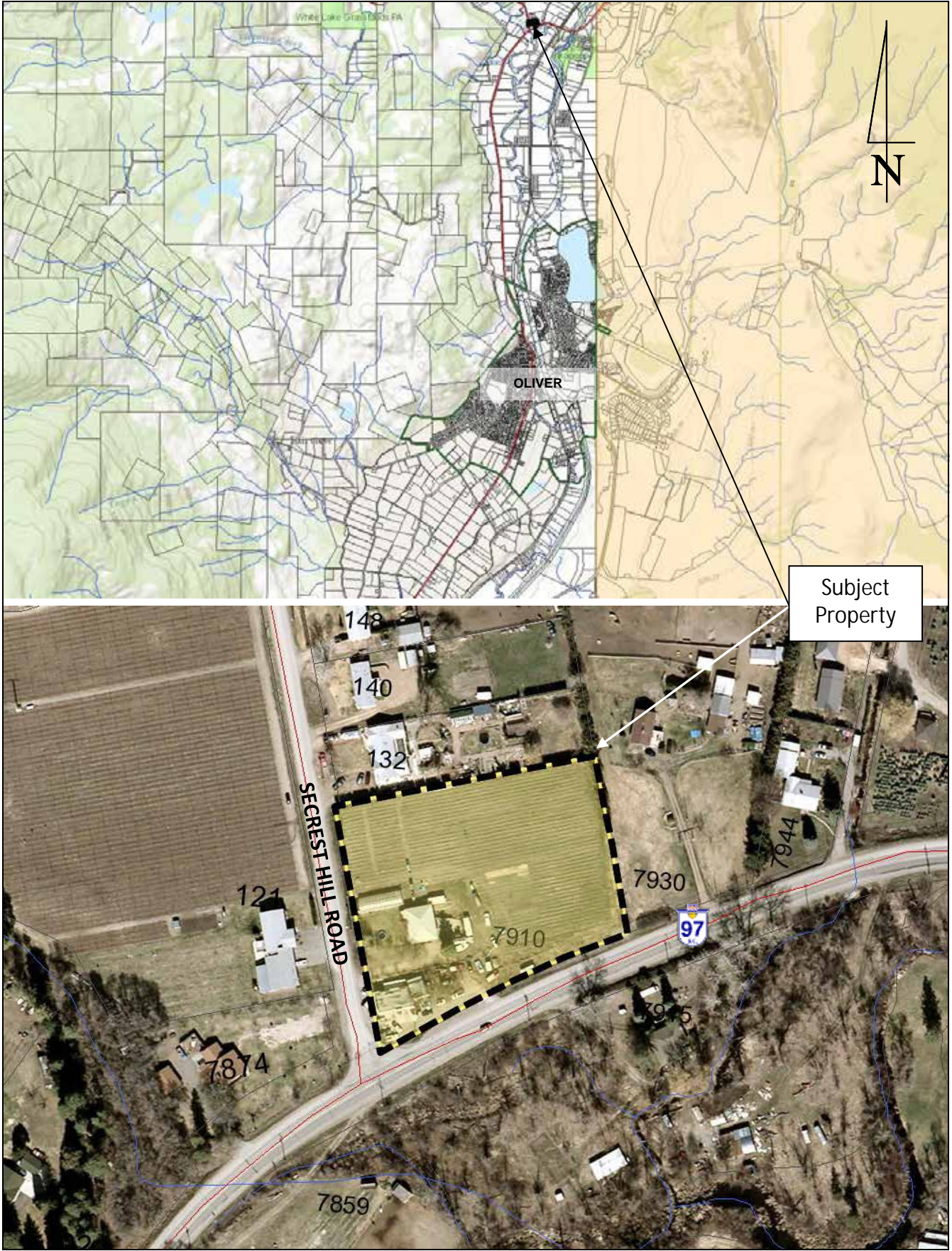
No. 2 – Applicant’s “Proposal Sketch”

No. 3 – Site Photos (Secrest Hill Road Frontage)

No. 4 – Site Photos (Intersection of Secrest Hill Road & Highway 97)

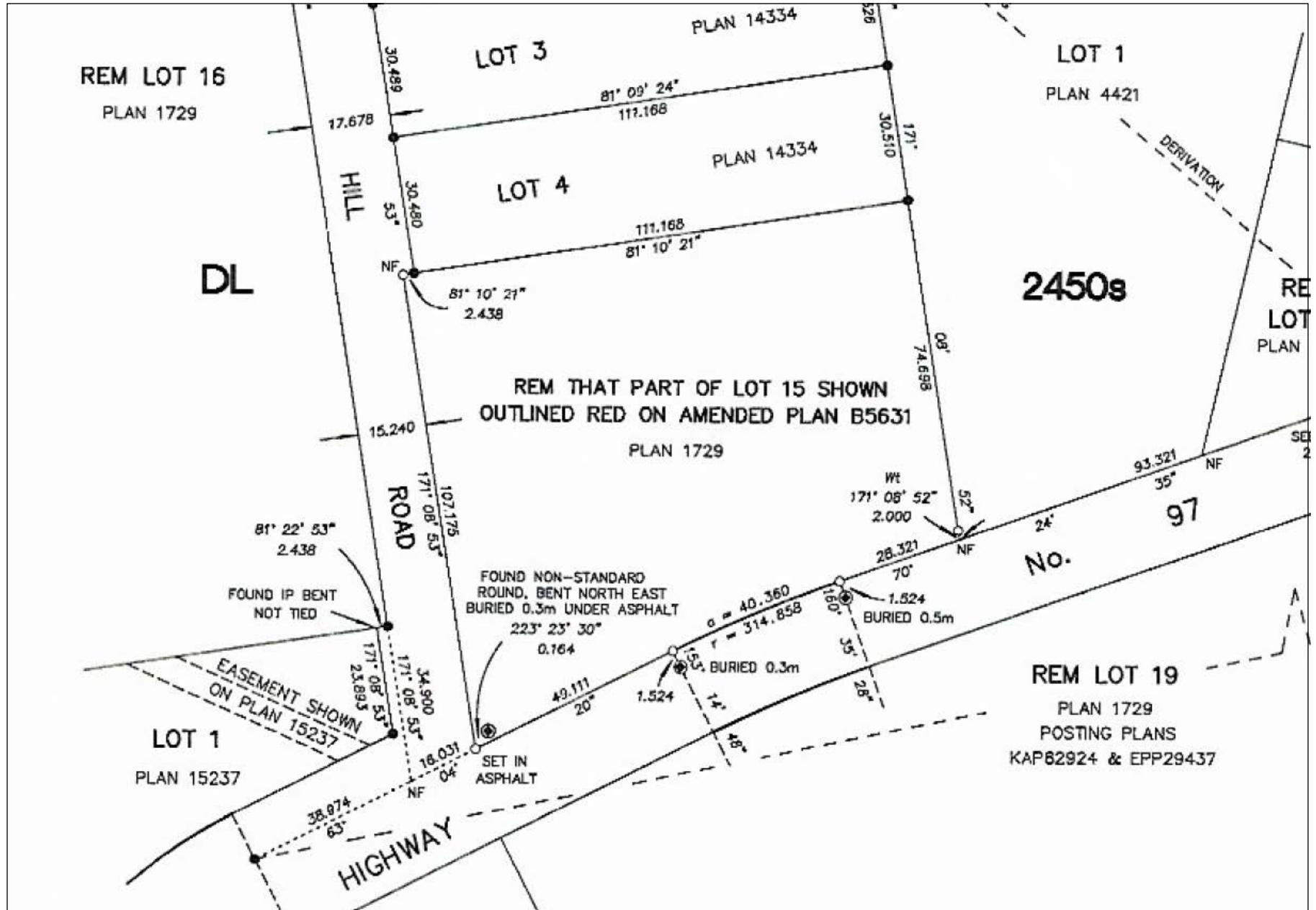


Attachment No. 1 – Context Maps





Attachment No. 2 – Applicant’s “Proposal Sketch”





Attachment No. 3 – Site Photos (Secret Hill Road Frontage)





Attachment No. 4 – Site Photos (Intersection of Secret Hill Road & Highway 97)

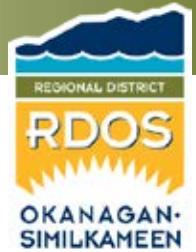


2012



2019

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 9, 2019  
**RE:** Agricultural Land Commission Referral ("non-adhering residential use") – Electoral Area "C"

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## Administrative Recommendation:

**THAT** the RDOS "authorize" the application for a "non-adhering residential use – additional residence for farm use" at 5526 Primrose Lane (Lot 148, Plan KAP1728, District Lot 2450S, SDYD) in Electoral Area "C" to proceed to the Agricultural Land Commission;

**AND THAT** the Agricultural Land Commission be advised that the Board of Directors supports the use of a statutory covenant registered under Section 219 of the *Land Title Act* in order to require that:

- the use of the dwelling unit is restricted to farm labour only; and
  - the dwelling unit be decommissioned once an on-going need for farm labour no longer exists.
- 

Purpose: To allow for an accessory dwelling on a parcel in the Agricultural Land Reserve

Owner: Gurdev & Nirmaljeet Bahniwal      Agent: Gurdev Bahniwal      Folio: C-05451.000

Legal: Lot 148, Plan KAP1728, District Lot 2450S, SDYD

Civic: 5526 Primrose Lane      OCP: Agriculture (AG)      Zone: Agriculture One (AG1)

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## Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 20.1(2) of the *Agricultural Land Commission Act* (the Act) has been referred to the Regional District in order to allow the development of farm labour accommodation on a parcel of land within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission's approval "to extend the former farm building and convert it into a house for farm workers to support the increase of workforce to maintain the agricultural orchards."

In support of this proposal, the applicant has stated, amongst other things, that:

- *this 10 acre parcel, consists of 9 acres of high density cherries and 1 acre of high density apples, the apple are in full production and 75% of the cherries are in full production. The remaining 25% of the cherry trees are new plantings and will start to come into production in the coming couple of years;*
  - *the purpose of this proposal is to extend the former farm building and convert it into a house for farm workers to support the increase of workforce to maintain the agricultural orchards;*
-

- 
- *we need additional residence on the farm due to the increase of work happening on this property and nearby properties; and*
  - *approximately 0.4 acre is dedicated for a house in which our farm workers stay and there is another building which we would like to convert into a house, also for the farm workers due to increased work on the property and nearby properties.*

### **Statutory Requirements:**

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use”.

### **Site Context:**

The subject property is approximately 4.3 ha in area and is located on the west side of Primrose Lane, approximately 200 metres north of its intersection with Road 3. The property is understood to comprise an existing principal dwelling and an accessory structure with the remainder of the property under agricultural production.

The surrounding pattern of development is characterised by similar agricultural operations as well as a nursery (greenhouse) operation to the east and the Okanagan Gleaners operation to the south.

### **Background:**

The subject property was created by a plan of subdivision prepared on December 19, 1920, while available Regional District records indicate that Farm Building Exemption was previously issued for a Chemical Storage Shed (2011).

On November 21, 2017, it came to the Regional District’s attention that the Chemical Storage Shed had been altered without a building permit having been issued for work that included an addition, enclosure of overhead doors and addition of a window. It is understood that this work was related to the conversion of the Chemical Storage Shed to a dwelling unit (see Attachment No. 4).

Due to the Chemical Storage Shed having been approved through the Farm Building Exemption process, no part of the building has been inspected and its conversion to a dwelling unit *may* require an engineer approve the structural aspects of the building.

In addition, if converted to a dwelling unit, the property owner will be required to register with BC Housing New Home Licensing and confirmation from a Registered Onsite Wastewater Practitioner (ROWP) that the septic system serving the structure is capable of accommodating the flows from the farm labour will be required.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated as Agriculture (AG) an objective of which is “to preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.”

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Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is zoned Agriculture One (AG1), which allows for a maximum of one (1) principle dwelling and, on parcels less than 8.0 ha in area to allow for either a secondary suite or accessory dwelling with a gross floor area not exceeding 90.0 m<sup>2</sup>.

On February 22, 2019, amendments to the *Agricultural Land Commission (ALC) Act* came into effect, and made important changes to the regulations governing the construction of dwelling units on lands in the Agricultural Land Reserve (ALR). The following is a summary of key changes provided by the ALC:

- generally land in the ALR may have no more than one (1) residence per parcel;
- the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise;
- the total floor area of a principal residence must be 500 m<sup>2</sup> or less in order to comply with the ALC Act;
- provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling have been deleted from the ALC Act.

The property has been assessed as Residential (Class 01) and Farm (Class 09) by BC Assessment.

### **Analysis:**

In considering this proposal, Administration notes that the Electoral Area "C" OCP Bylaw "supports establishing housing for year round farm help and seasonal farm workers."

It is also noted that the applicant is seeking to convert an existing structure to an accessory dwelling which is generally sited within the "home plate" associated with the existing dwelling unit which is consistent with the OCP policy of "maximizing productive farm activity and minimizes non-farm use on farmland by limiting the footprint of non-farm uses."

Of concern, however, is the suitability of an un-inspected structure previously used for the storage of potentially hazardous materials being converted to human habitation purposes. As outlined above (see Background), there may be significant challenges for the property owner in bringing this structure into compliance with the BC Building Code.

Administration is also concerned about the cumulative impact of dwelling development on farm land owned by the applicant. It is noted that, in their submission to the ALC, the applicant has indicated full ownership of eight (8) agricultural parcels in the surrounding area.

At present, these parcels represent a land area of approximately 32.7 ha (81 acres) and are seen to comprise 12 dwelling units (see Attachment No. 5) with an estimated floor area of 1,400 m<sup>2</sup>. The current application would increase this floor area to 1,570 m<sup>2</sup>.

By way of comparison, the Board recently "authorised" an application to proceed to the ALC in relation to an approximately 700 m<sup>2</sup> farm labour accommodation building for 64 persons on a property in Electoral Area "F" that has approximately 36.8 ha under cherry production.

In this regard, Administration considers that there *may* already be sufficient dwelling units on the applicant's various parcels to accommodate the labour requirements of their farm operation.



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Nevertheless, and in light of the direction provided for in the OCP Bylaw, Administration is recommending that the application be “authorised” to proceed to the ALC for their determination.

The Board is also asked to be aware that, should this proposal be authorised and subsequently approved by the ALC, the applicant will be required to seek an amendment to the Electoral Area “C” Zoning Bylaw in order to proceed due to the size of the proposed accessory dwelling being larger than that allowed under the current AG(1) zone (90m<sup>2</sup>).

**Alternative:**

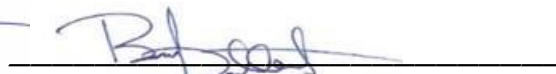
1. THAT the RDOS “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 5526 Primrose Lane (Lot 148, Plan KAP1728, District Lot 2450S, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission.
2. THAT the RDOS not “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 5526 Primrose Lane (Lot 148, Plan KAP1728, District Lot 2450S, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission.
3. 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).

**Respectfully submitted**

**Endorsed by:**



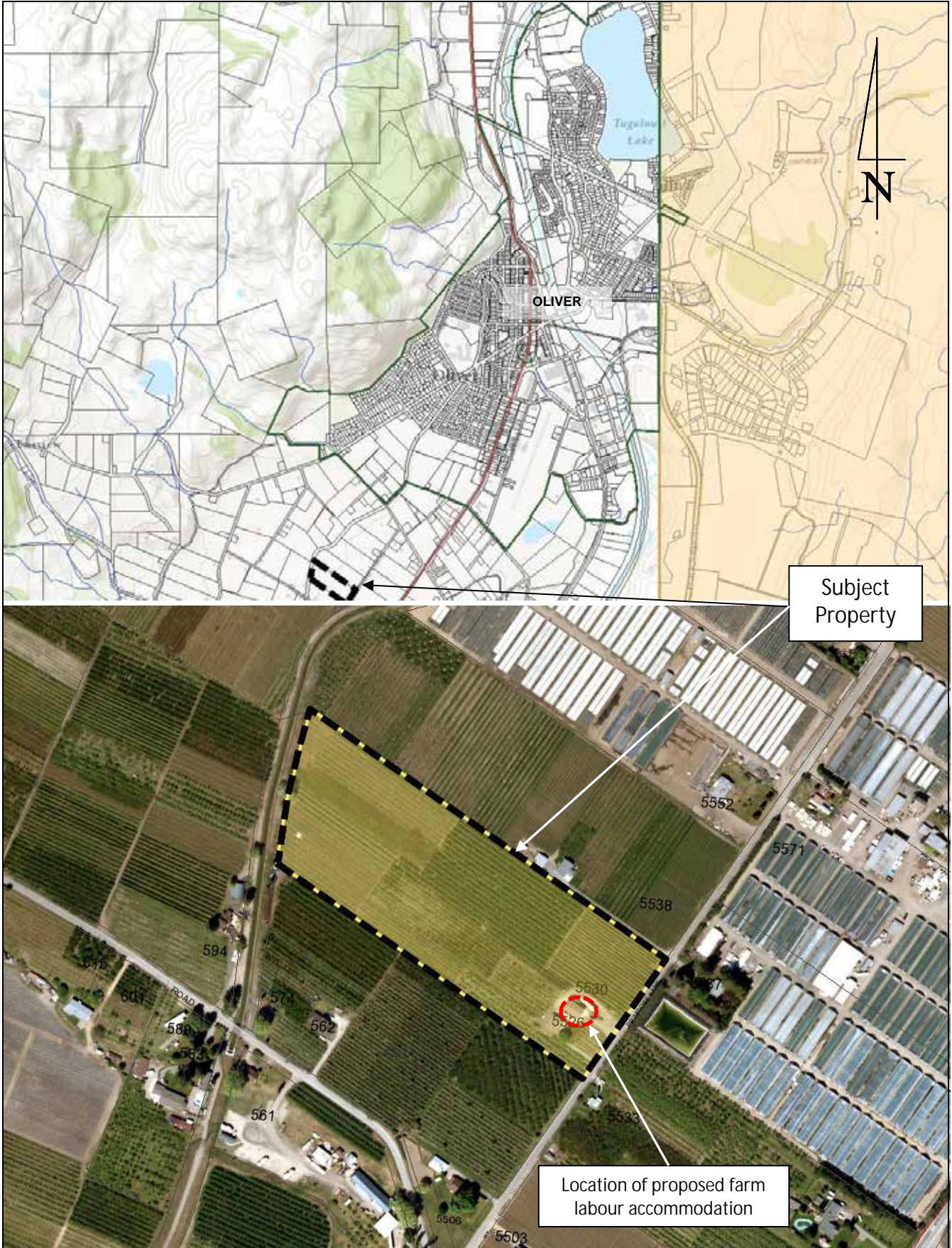
C. Garrish, Planning Manager



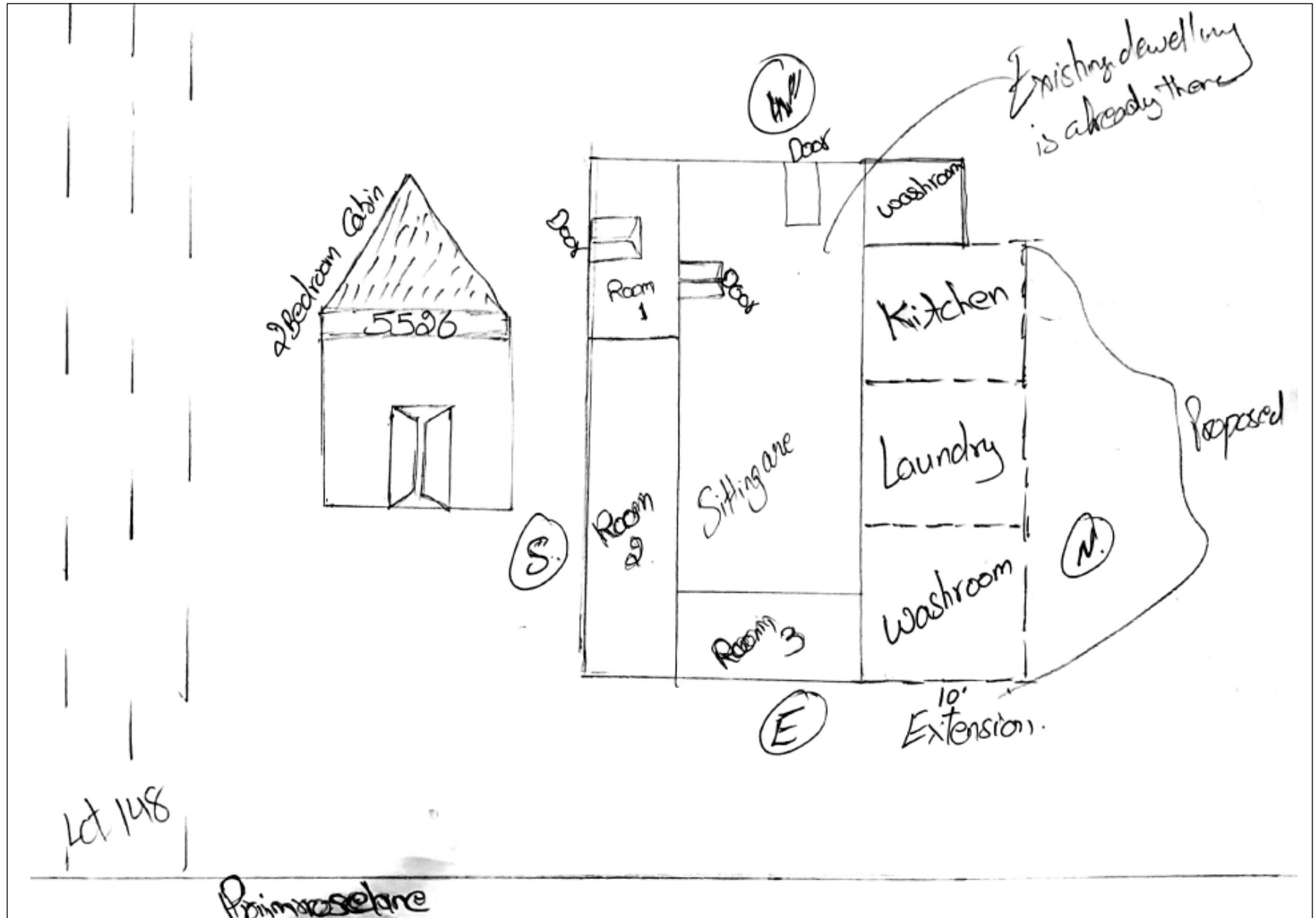
B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Context Maps  
No. 2 – Applicant’s Site Plan  
No. 3 – Site Photo  
No. 4 – Building Photos (Interior of Structure – Bylaw Enforcement)  
No. 5 – Location of Existing Dwellings Owned by Applicant

Attachment No. 1 – Context Maps

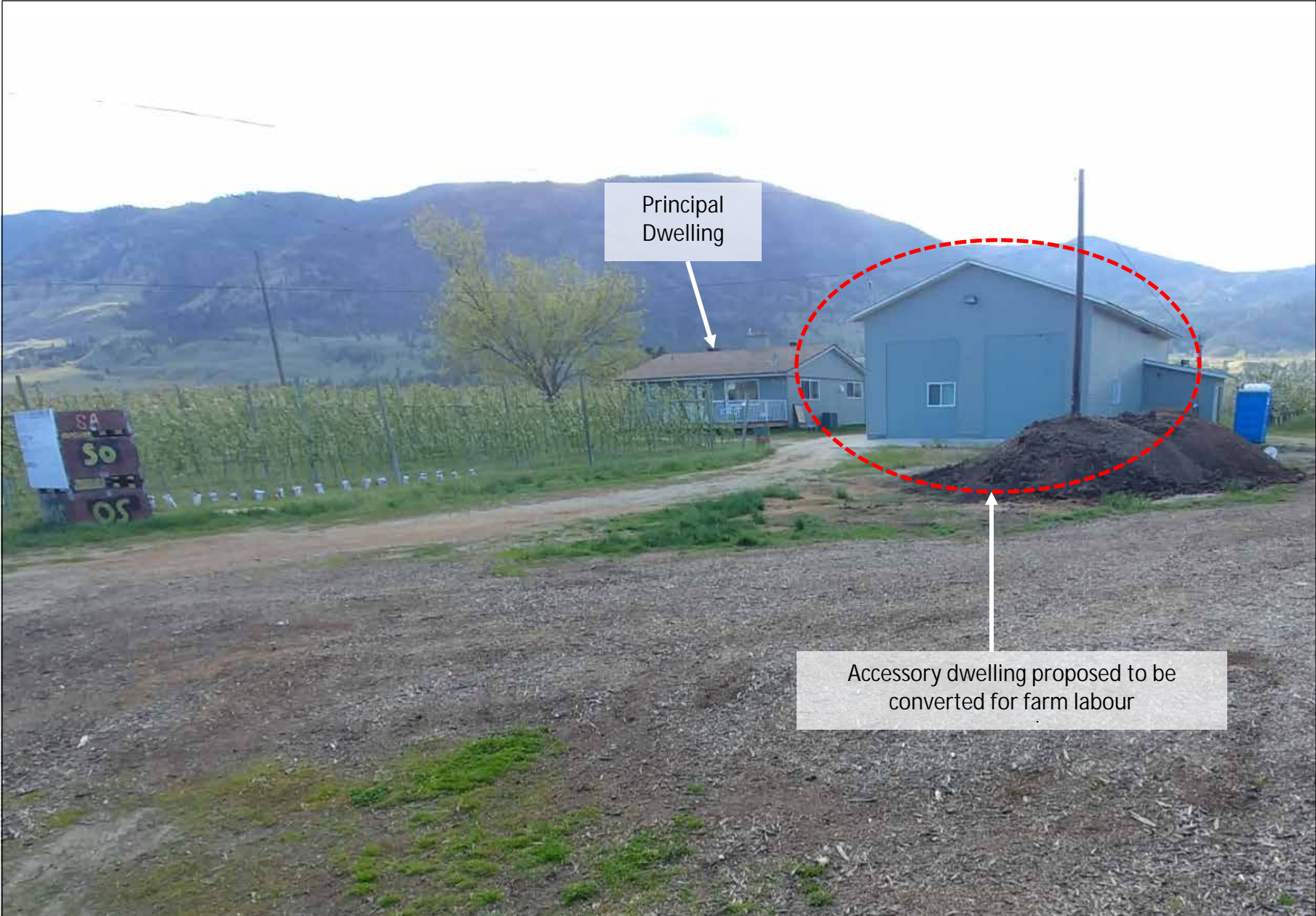


Attachment No. 2 – Applicant's Site Plan





Attachment No. 3 – Site Photo

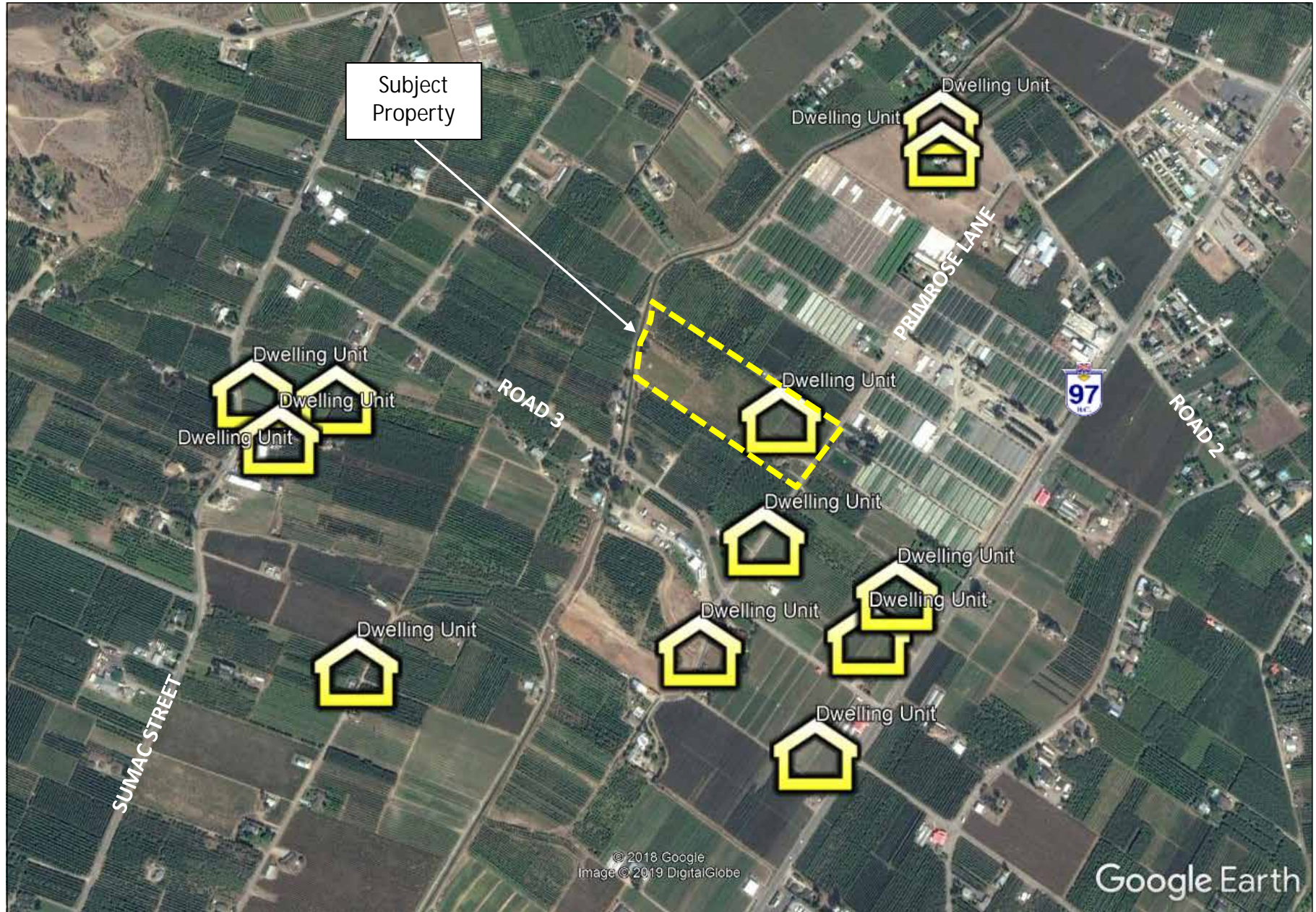


Attachment No. 4 – Building Photos (Interior of Structure – Bylaw Enforcement)





Attachment No. 5 – Location of Existing Dwellings Owned by Applicant



# ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I”  
Cannabis Production Facilities, Home Occupations & Home Industries

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## Administrative Recommendation:

**THAT** Bylaw No. 2849, 2019, Electoral Area Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

**AND THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of June 6, 2019;

**AND THAT** staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

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## Purpose:

The purpose of Amendment Bylaw 2849 is to update the regulations related to cannabis production facilities, home occupation uses and home industry uses in the Electoral Area Zoning Bylaws.

## Background:

At its meeting of September 6, 2018, the Board resolved to “direct staff to prepare a zoning bylaw amendment for all applicable Electoral Areas to prohibit the non-farm use of Cannabis production within all zones where ‘agriculture’ is listed.”

This resolution was in response to the passage of Order-in-Council No. 380 by the provincial government on July 13, 2018, which amended the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* to clarify that the lawful production of cannabis was considered a “farm use” only if produced outdoors in a field or inside a structure that has a base consisting entirely of soil [emphasis added].

Order-in-Council No. 380 reversed a 2014 announcement by the Agricultural Land Commission (ALC) that any facilities related to the production of cannabis was considered a “farm use” and, therefore, permitted within the ALR and not a use that could be prohibited by local governments through land use bylaws.

As a result of the amendments to the *ALR Use, Subdivision and Procedure Regulation*, cannabis production that is not produced “in a field or inside a structure that has a base consisting entirely of soil” is now considered to be a “non-farm use”.

Any “non-farm” use may be regulated by local government and also requires the approval of the Agricultural Land Commission (ALC) before being undertaken on a parcel.

In late 2018, Health Canada introduced a new type of production license for “micro cultivation” of cannabis, which is understood to be a way to allow “small business” to participate in the cannabis market.

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It is Administration's further understanding that the security and operational requirements for approved "micro cultivation" operations are less stringent than those imposed on larger production facilities, but that the total plant surface area is limited to a maximum of 200 m<sup>2</sup> (which includes multiple surfaces such as surfaces vertically arranged), with a similar limit on nursery seed production to a total surface area not exceeding 50 m<sup>2</sup> (for all the parts of budding or flowering plants).

At its meeting of February 21, 2019, the Planning and Development (P&D) Committee of the RDOS Board resolved to defer consideration of Amendment Bylaw No. 2849, to its March 21, 2019, meeting.

At its meeting of March 21, 2019, the P&D Committee of the RDOS Board resolved to "initiate Zoning Amendment Bylaw No. 2849."

### **Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as Amendment Bylaw No. 2849, 2019, involves land within 800 metres of a controlled access highway (i.e. Highways 3 & 97).

All agency comments received in relation to the proposed amendments are included as a separate attachment to this report.

### **Public Process:**

Administration is proposing to convene Public Information Meetings related to Amendment Bylaw No. 2849 in Naramata and Oliver prior to the holding of a public hearing on June 6, 2019. The dates of this meeting are yet to be determined, but the intent is to further inform the public of the implications of these proposed bylaw changes prior to the holding of the public hearing.

### **Analysis:**

The recent introduction of "micro cultivation" licenses by Health Canada has resulted in the Regional District receiving numerous queries from property owners seeking to undertake small-scale commercial cannabis production and seed nursery operations in accessory buildings (i.e. garages, workshops, etc.) in agricultural and rural-residential neighbourhoods.

While Administration maintains its concern regarding the size and scale of industrial buildings that are being constructed to support the production of cannabis within the ALR and the alienation of agricultural land that is occurring to accommodate these buildings, the previous direction from the Board that such structures be directed to industrially zoned areas did not contemplate the size of facilities being proposed through the "micro cultivation" license process.

While Administration does not support the establishment of cannabis production facilities in the RS zones due to the potential conflict these could create with surrounding residences, there is seen to be merit in allowing these to occur on larger parcel sizes that are more agricultural in nature.

Accordingly, Administration is proposing that the scope of Amendment Bylaw No. 2849 be expanded to clarify that cannabis production is not a permitted form of "home occupation", but that it is an acceptable form of "home industry" use.

Under the Electoral Area zoning bylaws, "home industry" is generally restricted to parcels with a minimum land area greater than 2.0 ha, with the use itself generally limited to a maximum floor area of 200 m<sup>2</sup> and a maximum of 2 to 5 non-resident employees.

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To facilitate this, the definitions and general regulations governing “home occupations” and “home industries” will be made consistent across Electoral Areas, which will further the on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas.

The Board is asked to be aware that this will result in the introduction of consistent regulations related to, amongst other things, parcel size (i.e. 2.0 ha minimum required to qualify for a “home industry”), floor area requirements (i.e. 200 m<sup>2</sup> for a “home industry”) and outdoor storage of equipment (i.e. not permitted as a “home occupation”).

In summary, Administration considers there to be merit in allowing the small-scale production of cannabis as a permitted form of home industry on larger, rural parcels (2.0 Ha and larger), and further supports the introduction of consistent regulations related to home occupation and industry uses across Electoral Areas.

**Alternatives:**

- .1 THAT first reading of Zoning Amendment Bylaw No. 2849, 2019, be deferred.
- .2 THAT first reading of Zoning Amendment Bylaw No. 2849, 2019, be denied.

**Respectfully submitted:**

**Endorsed by:**



C. Garrish, Planning Manager



B. Dollevoet, General Manager of Dev. Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2849, 2019**

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**A Bylaw to amend the Electoral Areas "A", "C", "D", "E", "F", "G", "H" and "I"  
Regional District of Okanagan-Similkameen Zoning Bylaws**

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The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Electoral Area Zoning Amendment Bylaw No. 2849, 2019."

**Electoral Area "A"**

2. The "Regional District of Okanagan-Similkameen, Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) replacing the definition of "agriculture" under Section 4.0 (Definitions) in its entirety with the following:

**"agriculture"** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;
  - ii) replacing the definition of "home industry" at Section 4.0 (Definition) in its entirety with the following:

**"home industry"** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;



- iii) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

“**home occupation**” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

- iv) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

- v) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

- vi) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises;  
and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.

- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation will not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

vii) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.

- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing; and
  - f) the production of animal feeds.

viii) adding a new sub-Section 15.1.1(a) under Section 15.1 (General Industrial (I1) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production;

### Electoral Area "C"

3. The "Regional District of Okanagan-Similkameen, Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:

- i) replacing the definition of "agriculture" under Section 4.0 (Definitions) in its entirety with the following:

**"agriculture"** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

- ii) replacing the definition of "home industry" under Section 4.0 (Definitions) in its entirety with the following

**"home industry"** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing,

fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

- iii) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

- iv) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

- v) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises;  
and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.

- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
  - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

vi) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.



- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing;
  - f) the production of animal feeds; and
  - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

vii) adding a new sub-Section 15.1.1(a) under Section 15.1 (General Industrial (I1) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production;

viii) adding a new sub-Section 15.2.1(a) under Section 15.2 (Heavy Industrial (I2) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production;

#### Electoral Area "D"

4. The "Regional District of Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2455, 2008" is amended by:

- i) replacing the definition of "agriculture" under Section 4.0 (Definitions) in its entirety with the following:

**"agriculture"** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail

sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

- ii) replacing the definition of “home industry” at Section 4.0 (Definition) in its entirety with the following:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

- iii) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

“**home occupation**” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

- iv) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

- v) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

- vi) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:

- a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

vii) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.

- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing; and
  - f) the production of animal feeds.

viii) adding a new sub-Section 15.1.1(a) under Section 15.1 (General Industrial (I1) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production;

ix) adding a new sub-Section 15.2.1(a) under Section 15.2 (Heavy Industrial (I2) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production;

## Electoral Area "E"

5. The “Regional District of Okanagan-Similkameen, Electoral Area “E” Zoning Bylaw No. 2459, 2008” is amended by:

i) replacing the definition of “agriculture” under Section 4.0 (Definitions) in its entirety with the following:

“**agriculture**” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

ii) replacing the definition of “home industry” at Section 4.0 (Definition) in its entirety with the following:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

iii) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

“**home occupation**” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

iv) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

v) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

vi) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:



- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

- vii) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing; and
  - f) the production of animal feeds.

Electoral Area "F"

6. The “Regional District of Okanagan-Similkameen, Electoral Area “F” Zoning Bylaw No. 2461, 2008” is amended by:

i) replacing the definition of “agriculture” under Section 4.0 (Definitions) in its entirety with the following:

“**agriculture**” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

ii) replacing the definition of “home industry” at Section 4.0 (Definition) in its entirety with the following:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

iii) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

“**home occupation**” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

iv) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

v) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

vi) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

vii) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

### **7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing; and
  - f) the production of animal feeds.



7. The “Regional District of Okanagan-Similkameen, Electoral Area “G” Zoning Bylaw No. 2781, 2017” is amended by:

i) replacing the definition of “agriculture” under Section 4.0 (Definitions) in its entirety with the following:

“**agriculture**” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

ii) adding a new definition of “cannabis” under Section 4.0 (Definitions) to read as follows:

“**cannabis**” means any plant of the genus *cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

iii) adding a new definition of “cannabis production” under Section 4.0 (Definitions) to read as follows:

“**cannabis production**” means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption;

iv) adding a new definition of “cannabis products” under Section 4.0 (Definitions) to read as follows:

“**cannabis products**” means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

v) adding a new definition of “home industry” under Section 4.0 (Definitions) to read as follows:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

vi) adding a new sub-section 3 under Section 6.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

- .3 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

vii) replacing Section 6.11 (Home Occupations) under Section 6.0 (General Regulations) in its entirety with the following:

### **6.11 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - f) goods produced or made on the premises;
  - g) telephone or internet sales or sales where the customer does not enter the premises;
  - h) mail order sales;
  - i) direct distributors where customers do not enter the premises;  
and
  - j) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:

- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
- b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
- c) the boarding, breeding and keeping of animals;
- d) cannabis production;
- e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
- f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

viii) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

### **7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.

- .9 A home industry shall not involve:
- a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing; and
  - f) the production of animal feeds.

### Electoral Area "H"

8. The "Regional District of Okanagan-Similkameen, Electoral Area "H" Zoning Bylaw No. 2498, 2012" is amended by:
- i) replacing the definition of "agriculture" under Section 4.0 (Definitions) in its entirety with the following:

**"agriculture"** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;
  - ii) adding a new definition of "cannabis" under Section 4.0 (Definitions) to read as follows:

**"cannabis"** means any plant of the genus *cannabis*; including:

    - a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
    - b) any substance or mixture of substances that contains or has on it any part of such a plant; and
    - c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
  - iii) adding a new definition of "cannabis production" under Section 4.0 (Definitions) to read as follows:

**"cannabis production"** means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption;

- iv) adding a new definition of “cannabis products” under Section 4.0 (Definitions) to read as follows:

“**cannabis products**” means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

- v) adding a new definition of “home industry” under Section 4.0 (Definitions) to read as follows:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

- vi) adding the definition of “manufacturing” under Section 4.0 (Definitions) to read as follows:

“**manufacturing**” means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes;

- vii) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

- viii) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;



- d) direct distributors where customers do not enter the premises;  
and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
  - .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
  - .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
  - .7 A home occupation shall not produce a public offence or nuisance of any kind;
  - .8 A home occupation shall not involve:
    - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
    - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
    - c) the boarding, breeding and keeping of animals;
    - d) cannabis production;
    - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
    - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.
- ix) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.

- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
  - .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
  - .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
  - .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
  - .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
  - .9 A home industry shall not involve:
    - a) wrecking, salvage or storage of derelict vehicles and equipment;
    - b) salvage or storage of used building or domestic products and similar discarded materials;
    - c) manufacture of concrete products;
    - d) bulk fuel or chemical storage or refining depots;
    - e) animal or agriculture products processing; and
    - f) the production of animal feeds.
- x) replacing a new sub-Section 14.1.1(a) under Section 14.1 (Industrial (Light) One (I1) Zone) in its entirety with the following:
    - a) manufacturing;
  - xi) adding a new sub-Section 14.1.1(b) under Section 14.1 (Industrial (Light) One (I1) Zone) to read as follows and re-numbering all subsequent sections:
    - b) cannabis production;
  - xii) replacing a new sub-Section 14.2.1(a) under Section 14.2 (Industrial (Heavy) Two (I2) Zone) in its entirety with the following:
    - a) manufacturing;
  - xiii) adding a new sub-Section 14.2.1(b) under Section 14.2 (Industrial (Heavy) Two (I2) Zone) to read as follows and re-numbering all subsequent sections:
    - b) cannabis production;

## Electoral Area "I"

9. The "Regional District of Okanagan-Similkameen, Electoral Area "I" Zoning Bylaw No. 2457, 2008" is amended by:

- i) replacing the definition of "agriculture" under Section 4.0 (Definitions) in its entirety with the following:

**"agriculture"** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and cannabis production. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

- ii) adding a new definition of "home industry" under Section 4.0 (Definitions) to read as follows:

**"home industry"** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, cannabis production and other similar uses;

- iii) replacing the definition of "manufacturing" under Section 4.0 (Definitions) in its entirety with the following:

**"manufacturing"** means fabricating, processing, assembling and finishing of goods or materials not involving the use, processing or production of hazardous wastes.

- iv) adding a new sub-section 4 under Section 7.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

.4 cannabis production, except as expressly permitted elsewhere in this Bylaw, or as a designated farm use under Section 8 of the *Agricultural Land Reserve Use Regulation*, on lands designated as Agricultural Land Reserve.

- v) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.

- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises;  
and
  - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .7 A home occupation shall not produce a public offence or nuisance of any kind;
- .8 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
  - c) the boarding, breeding and keeping of animals;
  - d) cannabis production;
  - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
  - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
  - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- vi) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

**7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>.
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .8 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .9 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing;
  - f) the production of animal feeds; and



- g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

I hereby certify the foregoing to be a true and correct copy of the " Regional District of Okanagan-Similkameen Amendment Bylaw No. 2849, 2019" as read a Third time by the Regional Board on this \_\_\_ day of \_\_\_, 2019.

Dated at Penticton, BC this \_\_ day of \_\_\_, 2019.

\_\_\_\_\_  
Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

ADOPTED this \_\_ day of \_\_\_, 2019.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer



Your File #: X2019.005-  
ZONE  
(Amendment  
Bylaw No. 2849)  
eDAS File #: 2019-01666  
Date: April 2, 2019

Regional District Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2849, 2019 for:  
Electoral Areas, A, C, D, E, F, G, H, and I**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231



**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** March 25, 2019 11:17 AM  
**To:** Planning <planning@rdos.bc.ca>  
**Subject:** FW: Bylaw Referral X2019.005-ZONE

Lauri

Thank you for the referral.

The ALC has no objection to the proposed bylaw as noted on the attached.

Regards

Martin Collins  
Director of Policy and Planning  
Agricultural Land Commission  
#201, 4940 Canada Way, Burnaby, BC V5G 4K6  
Phone: 604-660-2554  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)



**From:** [Libby and Bob Parsons](#)  
**To:** [Christopher Garrish](#)  
**Subject:** Re: Proposed By-law Amendments  
**Date:** April 25, 2019 10:18:41 AM

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Hello Mr. Garrish:

We understand from the RDOS website, that the deadline to make comment on the proposed by-law amendments regarding Home Industry and Cannabis Growth is April 26 (tomorrow).

We have read your proposals and these are our objections or changes we would like to see proposed:

1. We do not believe Cannabis Growth should occur in a residential neighbourhood and be categorized as a "home industry". It should occur in an Industrial area. (\*Please see the SLRD by-law amendments restricting Cannabis Growth to non-residential areas).
2. If Cannabis Growth should occur on Agricultural Land, there should be a restriction of land size to 10 hectares rather than 2 hectares.
3. On page 13 Section 7. of your Amendments, it states that *"No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area."* Added to this should be the glare of lights and the smell/odour produced by Cannabis Growth.
4. On page 13, Section 7. This section is really a contradiction of terms as a Cannabis Growth Operation in a mostly residential neighbourhood will obviously disturb *"the privacy and enjoyment of adjacent dwellings"* and will *"adversely affect the character of the area"*. Cannabis Growth should occur either on larger land parcels or in an industrial area. It should not occur close to residential properties.

These are the concerns we have listed in our previous email to you:

1. The smell from cannabis growth can be quite a nuisance to surrounding neighbours. As RDOS does not have by-laws in place governing this, neighbours will have little recourse, once this operation is in place, to have the odours monitored and controlled.
2. Security issues - this is a high value crop with all the associated security issues. This neighbourhood has families with children within metres of this property and this poses a security risk to these families and all residents.
3. As we are in an area of high fire risk, this operation poses an additional threat during fire season. If this operation processes and uses butane in the processing, it is highly explosive.
4. Cannabis growth generally uses round the clock lighting - this will be an additional nuisance to residents - the RDOS has no by-law in place to control this.
5. Cannabis growth uses more water and hydro than other agricultural crops - this is another burden on the community.
6. A Cannabis operation in a residential neighbourhood stigmatizes the properties and will negatively affect their values.

Sincerely  
Libby and Bob Parsons

**From:** [Deb Green](#)  
**To:** [cannabis@canada.ca](mailto:cannabis@canada.ca); [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca); [Riccardo.Peggi@gov.bc.ca](mailto:Riccardo.Peggi@gov.bc.ca); [Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca); [Christopher.Garrish](mailto:Christopher.Garrish); [Dan.Ashton.MLA@leg.bc.ca](mailto:Dan.Ashton.MLA@leg.bc.ca)  
**Subject:** Cannabis Building Proposal in Naramata  
**Date:** April 26, 2019 5:43:11 PM

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Hello —

Today is Friday April 26. We have just been sent the information below. Is this a joke? Today is the deadline to report concerns on a cannabis greenhouse proposal that could directly affect our right to peaceful comfort in our homes, yet we have not been informed or “consulted” in any way until now? Despite the proposed development being “in the ALR”, it is ONE STREET AWAY where we will be directly affected by light, noise and air quality. This is also an extremely high fire risk area — the use of metal fans, butanes, propanes and other potentially incendiary materials should have made this proposal an absolute non-starter to begin with. We are not opposed to cannabis production generally, but this is a heavily residential neighborhood and has been so for the past 30 years. IT IS NOT AN INDUSTRIAL LOCATION FOR A FACTORY. There has been ZERO consultation on this matter with the taxpayers who live in the area.

As a taxpayer, this is unacceptable and I expect to be consulted in a proper, designated forum before any further decisions are made.

*Deb Green, CSA, CDC*

*CEO, Earthwave Entertainment Inc.*

**From:** Libby and Bob Parsons  
**Subject:** **IMPORTANT: Please send your letters to RDOS and ALC**  
**Date:** April 25, 2019 at 9:15:53 AM PDT

Hello All:

Please read the attached articles. The RDOS by-law amendments have just come to light today and it is interesting that in spite of all our letters of concern, no one at RDOS brought this to our attention! Please send in your objections today to meet the deadline of April 26th. Ask that the minimum lot size be 5 hectares (SLRD, another municipality has been able to state that limit in their by-laws). These by-laws amendments look as though they were written specifically for the applicant in our neighbourhood to allow him to grow Cannabis as the outlined restrictions in the by-laws are exactly what he is proposing. The





Industrial, with exceptions being provided for parcels in the Agricultural Land Reserve (ALR) where cannabis production complies with the requirements of the *Agricultural Land Commission (ALC) Act & Regulations* and to allow cannabis production as a form of “home industry” use but clarifying that it is not a permitted form of “home occupation” use.

With regard to the update of “home industry” and “home occupation” regulations, it is being proposed to, amongst other things, introduce standardized wording related to:

- A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>
- A home occupation shall not involve the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
- No home industry shall be permitted on a parcel less than 2.0 hectares in size;
- The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m<sup>2</sup>; and
- Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.

#### **Contact Us!**

For additional information, or to submit comments, please contact:

Christopher Garrish  
Planning Manager  
[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)  
[250-490-4101](tel:250-490-4101)

2. Pot plant stink at airport  
<https://www.castanet.net/news/Canada/254597/Pot-plant-stink-at-airport>

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 9, 2019  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “H”

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## Administrative Recommendation:

**THAT** Bylaw No. 2497.10, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.17, 2018, Electoral Area “H” Zoning Amendment Bylaw be read a third time;  
**AND THAT**, prior to adoption, a statutory covenant is registered on the title of the subject property (legally described as Lot 1, Plan KAP68315, DL 4531, KDYD), in order to require that a Storm Drainage System including a Contamination Prevention System be installed on-site.

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Purpose: To allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

<u>Owners:</u> Jason & Sarah Smith	<u>Agent:</u> Dylan Anderson	<u>Folio:</u> H-01374.100
<u>Legal:</u> Lot 1, Plan KAP68315, DL 4531, KDYD	<u>Civic:</u> 5021 Highway 97C (Elkhart Lodge)	
<u>OCP:</u> part Resource Area (RA); and part Commercial (C)	<u>Proposed OCP:</u> part Commercial (C)	
<u>Zone:</u> part Resource Area (RA) part Tourist Commercial One (CT1)	<u>Proposed Zoning:</u> Elkhart Lodge Comprehensive Development (CD3)	

---

## Purpose:

This application is seeking to amend the zoning on an approximately 3.5 ha part of the property at 5021 Highway 97C (Elkhart Lodge) in order to allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

In order to facilitate this, it is being proposed to amend the land use designations and zonings as follows:

- from part Resource Area (RA) to Commercial (C) under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012; and
- from part Resource Area (RA) and part Tourist Commercial One (CT1) to a new Elkhart Lodge Comprehensive Development (CD3) Zone under the Electoral Area “H” Zoning Bylaw No. 2498, 2012.

In support of this proposal, the applicant has stated that:

*The uses proposed for the purposes of this development present a great opportunity for the RDOS to service an area that is currently lacking. Travelers (be it the general public or commercial truckers) going between Peachland and Merritt, or traversing the area more broadly, have little*

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*to no options for refueling, having a meal, resting facility or recreational facility. The proposal also helps to create continuous permanent jobs in this area, thereby helping the local economy. Once the facility is completely built and operating, the proposed commercial uses could create as many as 30 to 50 full time positions.*

*Additionally, the purposes of adding outdoor storage for highway maintenance materials (salt, sand, etc.) to the list of proposed uses for the site, derives from conversations with highway maintenance contractors expressing the desire to have materials at this location. This saves contractors from having to return to either Peachland or Merritt to collect sand or salt in the event of snowy roads. As the geographic location of the subject site is in the middle of the two notable towns, it helps the contractor to maintain both sides of the highway with ease.*

### **Site Context:**

The subject property is approximately 13.9 ha in area and is situated on the south side of Highway 97C (Coquihalla Connector) with access provided by Elkhart Road and is 64 km north-west of Peachland and 57 km south-east of Merritt. The property currently comprises two buildings that are used for a restaurant and motel as well as a separate storage shed. The remainder of the parcel is under-developed.

The surrounding pattern of development is generally characterised by un-developed private and Crown land parcels (surveyed and un-surveyed).

### **Background:**

A Public Information Meeting was held on February 19, 2019, at the Riverside Centre at 148 Old Hedley Road in Princeton and was attended by two (2) members of the public.

At its meeting of February 19, 2019, the Electoral Area "H" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed rezoning be approved with the following conditions:

- i) *That there be a land use regulation to restrict impact on adjacent properties from any process or materials used or stored on site.*

At its meeting of April 18, 2019, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of May 9, 2019.

All comments received through the public process are compiled and included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the subject property is situated within 800 metres of a controlled area (i.e. Highway 97C).

### **Analysis:**

In considering this proposal, Administration notes that a commercial zoning that allows for restaurants and tourist accommodation (i.e. hotel and motel) has existed on this property since 1990 and that the site has previously been developed to these uses as well as a service station.

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In this context, the applicant's request to expand the commercial zoning beyond the current 1.0 ha part of the property in order to shift the location of these uses closer to the highway is not entirely unreasonable.

For instance, it is noted that despite the OCP Bylaw speaking to encouraging "commercial development away from highways to protect the visual character of the rural area ..." the Plan also provides an exception to this by supporting new service station proposals where they will "serve both the local population and the travelling public."

While re-establishment of a service station at the site as well as the proposed commercial card-lock will be incongruous with the surrounding pattern of development, they are directly related to serving the needs of Highway 97C users, that may be of benefit to the residents of the RDOS and its member municipalities.

Similarly, the creation of the proposed works yard to be utilised by highway maintenance contractors will also be to the benefit of Highway 97C users.

Of concern, however, is the remote nature location of the subject property with the nearest communities being over 50 km away. As well, a lack of basic community infrastructure such as water, sewer, electricity and fire protection raises concern about the appropriateness of intensifying development at this location.

It is likely that the developer will require upgraded services in accordance with the Regional District's Subdivision Servicing Bylaw (i.e. provision of on-site communal septic and water system, provision of basic fire fighting equipment and possible electrical upgrades).

In response to the concerns raised at the Public Information Meeting as well as the APC meeting, the applicant has indicated their willingness to enter into a statutory covenant requiring that an on-site Storm Drainage System including a Contamination Prevention System be installed on the property in order to limit any potential hazardous materials leaving the site. For reference purposes, a copy of a draft covenant is included at Attachment No. 3.

**Alternatives:**

1. THAT third reading of the Electoral Area "H" Official Community Plan (OCP) Amendment Bylaw No. 2497.10, and the Electoral Area "H" Zoning Amendment Bylaw No. 2498.17, 2019, be deferred.
2. THAT first and second reading of the Electoral Area "H" Official Community Plan (OCP) Amendment Bylaw No. 2497.10, and the Electoral Area "H" Zoning Amendment Bylaw No. 2498.17, 2019, be rescinded and the bylaw abandoned.

**Respectfully submitted:**



C. Garrish, Planning Manager

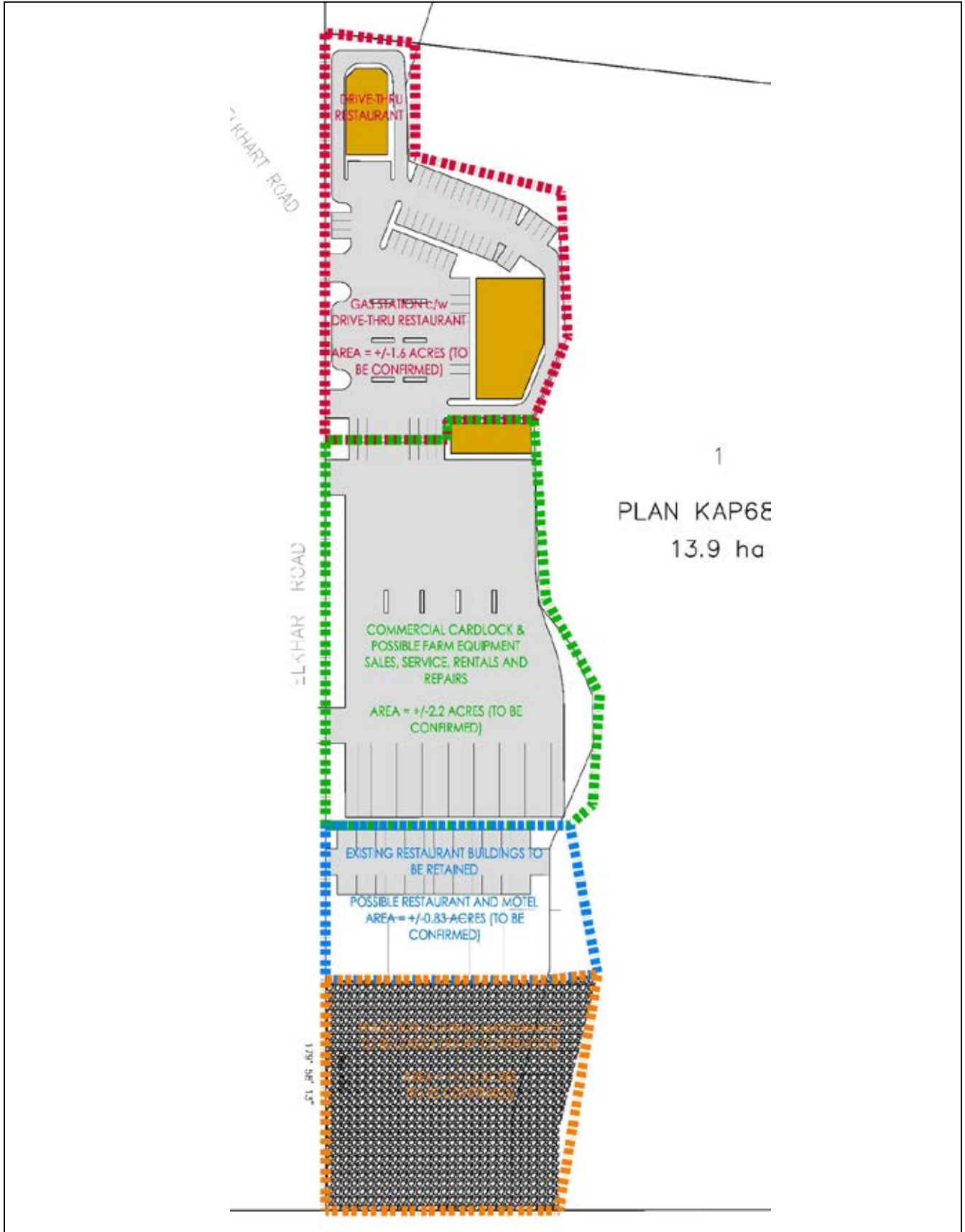
**Endorsed by**



B. Dollevoet, General Manager, Dev. Services

**Attachments:** No. 1 – Applicant's Site Plan  
No. 2 – Aerial Photo (Vantage West Realty)  
No. 3 – Draft Statutory Covenant

Attachment No. 1 – Applicant's Site Plan





Attachment No. 2 – Aerial Photo (Vantage West Realty)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2497.10, 2019**

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**A Bylaw to amend the Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012**

---

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "H" Official Community Plan Amendment Bylaw No. 2497.10, 2019."
2. The Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, is amended by:
  - i) by adding a new Section 13.3.10 under Section 13.0 (Commercial) to read as follows:
    - .10 Will consider amending the land use designation on the remainder of the property at 5021 Highway 97C (Elkhart Lodge) and legally described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, to Commercial subject to further site planning related to, amongst other things, the provision of on-site water and sewer systems, environmental assessments and emergency services access (i.e. fire protection).
3. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "H" Official Community Plan Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 2.5 ha part of the land described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, and shown shaded blue on Schedule 'A', which forms part of this Bylaw, from part Resource Area (RA) to Commercial (C).

READ A FIRST AND SECOND TIME this 18<sup>th</sup> day of April, 2019.

PUBLIC HEARING held on this 9<sup>th</sup> day of May, 2019.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_ day of \_\_\_\_, 2019.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

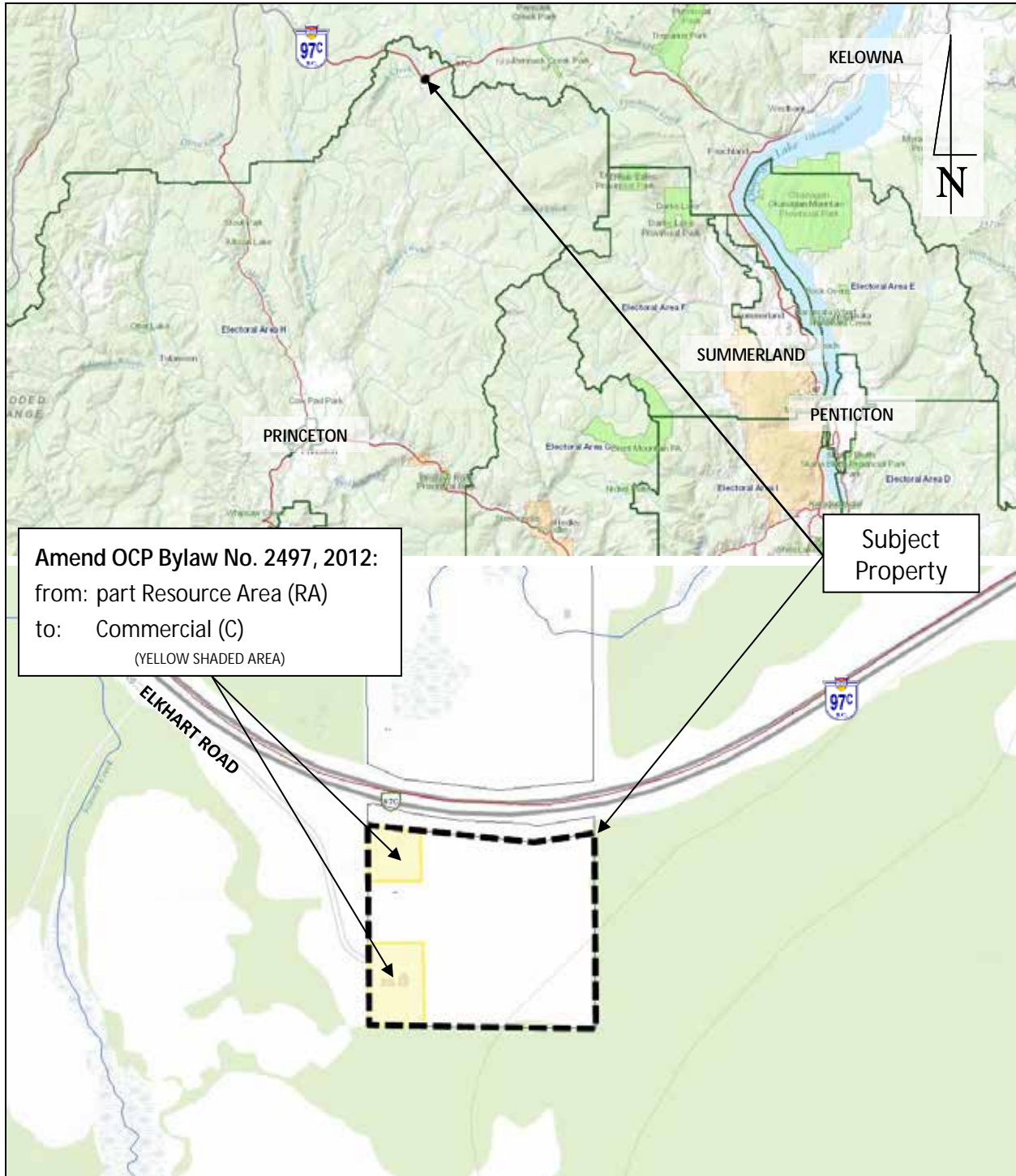
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2497.10, 2019

Project No: H2018.193-ZONE

## Schedule 'A'



Amendment Bylaw No. 2497.10, 2019

(H2018.193-ZONE)

Page 3 of 3

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.17, 2019

---

**A Bylaw to amend the Electoral Area "H" Zoning Bylaw No. 2498, 2012**

---

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "H" Zoning Amendment Bylaw No. 2498.17, 2019."

2. The Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by:

i) adding a definition of "commercial card-lock facility" under Section 4.0 (Definitions) to read as follows:

**"commercial card-lock facility"** means a premises used for the bulk storage and sale of petroleum products dispensed from pumps utilizing a card-lock or key-lock system, but excludes a service station;

ii) adding a definition of "outdoor storage" under Section 4.0 (Definitions) to read as follows:

**"outdoor storage"** means the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures. Typical uses include but are not limited to vehicle or heavy equipment storage compounds; and the sale, rental and storage of metal shipping containers;

iii) adding a new reference to "Elkhart Lodge Comprehensive Development Zone CD3" under Section 6.1 (Zoning Districts).

iv) adding a new Section 16.1 (Comprehensive Development) to read as follows and renumbering all subsequent sections:

**16.1 ELKHART LODGE COMPREHENSIVE DEVELOPMENT (CD3) ZONE**

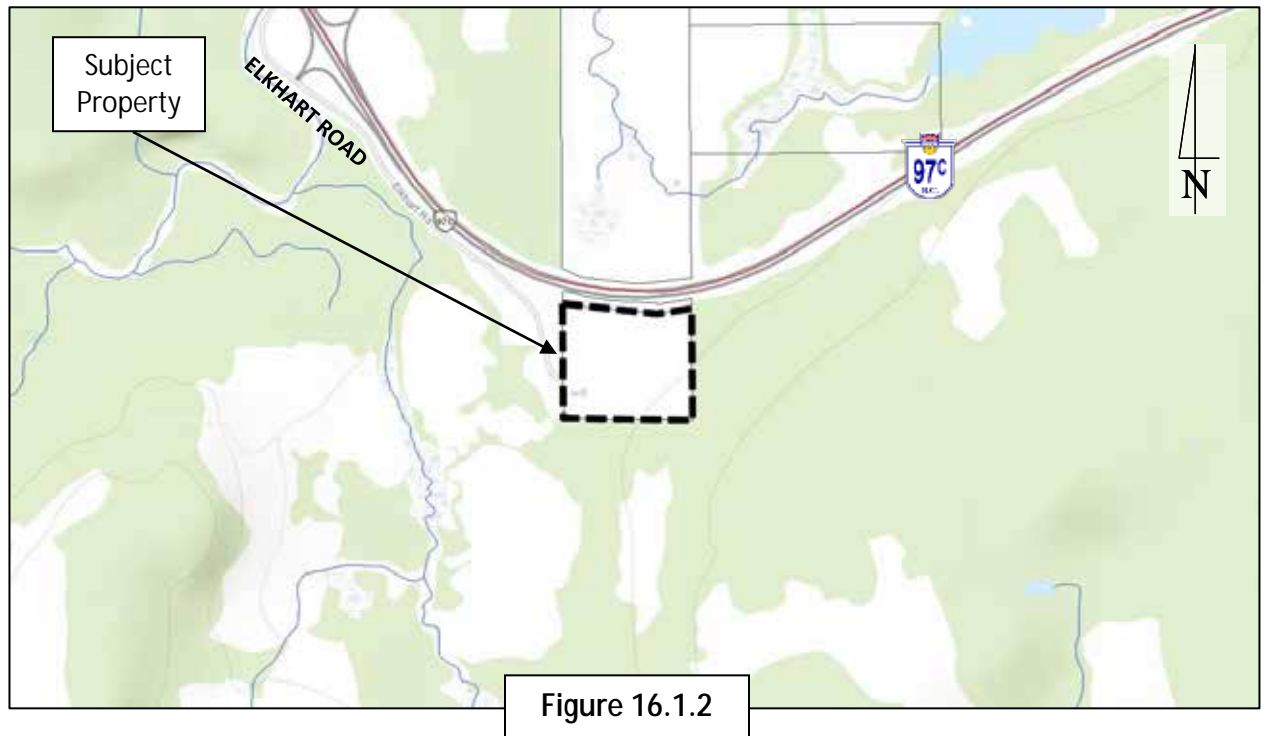
**16.1.1 Purpose**



The purpose of the Elkhart Lodge Comprehensive Development Zone is to create comprehensive, site-specific land use regulations for an approximately 4.0 ha part of the parcel located at 5021 Highway 97C (Coquihalla Connector), which is legally described as Lot 1, Plan KAP68315, District Lot 4531, KDYD (PID: 024-938-041), and hereinafter referred to as the "Elkhart Lodge", in order to facilitate a highway commercial development catering to the needs of the travelling public.

### 16.1.2 Location

The property is situated approximately 92 km north of the Town of Princeton and is accessible via Highway 97C (Coquihalla Connector).



### 16.1.3 Background:

The commercial use of the subject property dates to an amendment to the (then) Electoral Area "H" Zoning Bylaw that was adopted by the Regional District Board in 1990. This amendment introduced a "Highway Commercial" Zone on an approximately 1.0 ha part of the property in order to facilitate the development of a service station. This use was subsequently expanded to include tourist accommodation units and accessory restaurant.

### 16.1.6 Permitted Uses:

#### Principal Uses:

- a) commercial card-lock facility;

- b) eating and drinking establishment;
- c) hotel;
- d) motel;
- e) outdoor storage;
- f) retail sales, general;
- g) service station;

Accessory Uses:

- h) one (1) accessory dwelling, subject to Section 7.11;
- i) offices;
- j) accessory buildings or structures, subject to Section 7.13.

**16.1.7 Minimum Parcel Size for Subdivision:**

- a) 4.0 ha

**16.1.8 Minimum Parcel Width:**

- a) Not less than 25% of parcel depth

**16.1.9 Minimum Setbacks:**

- a) Buildings and Structures:
  - i) Front share lot line: 7.5 metre
  - ii) Rear share lot line: 7.5 metre
  - iii) Interior side share lot line: 3.0 metre
  - iv) Exterior side share lot line: 4.5 metres

**16.1.10 Maximum Height:**

- a) No building or structure shall exceed a height of 12.0 metres

**16.1.11 Maximum Parcel Coverage:**

- a) 35%

3. The Zoning Map, being Schedule '2' of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 3.5 ha part of the land described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, and shown shaded blue on Schedule 'A', which forms part of this Bylaw, from part Tourist Commercial One (CT1) and part Resource Area (RA) to Elkhart Lodge Comprehensive Development (CD3).

READ A FIRST AND SECOND TIME this 18<sup>th</sup> day of April, 2019.

PUBLIC HEARING held on this 9<sup>th</sup> day of May, 2019.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "H" Zoning Amendment Bylaw No. 2498.17, 2019" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_, 2019.

Dated at Penticton, BC this \_\_ day of \_\_\_\_, 2019.

\_\_\_\_\_  
Corporate Officer

Approved pursuant to Section 52(3) of the Transportation Act this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

ADOPTED this \_\_ day of \_\_\_\_, 2019.

\_\_\_\_\_  
Board Chair

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

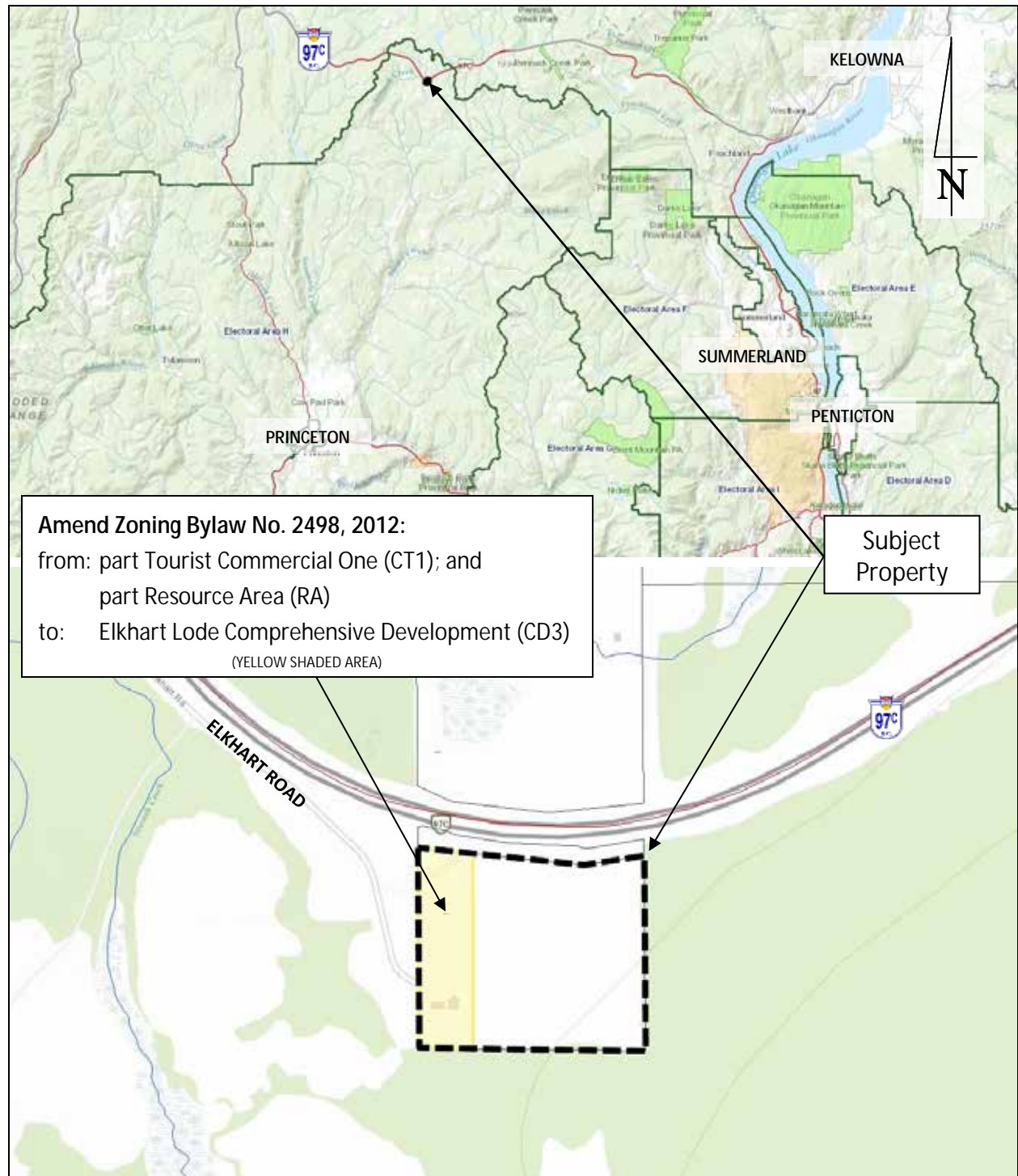
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2498.17, 2019

Project No: H2018.193-ZONE

## Schedule 'A'



TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT: LAND TITLE ACT S.219  
(Storm Drainage Detention)

BETWEEN: Name: (To be Determined)  
Address: 3760 Southwood Street, Burnaby  
Occupation or  
Incorporation Number: (To be Determined)  
(the "Grantor")  
OF THE FIRST PART;

AND: Regional District of Okanagan-Similkameen, having its Offices at  
101 – Martin Street, Penticton, BC, V2A-5J9.  
(the "Regional District of Okanagan-Similkameen")  
OF THE SECOND PART;

WHEREAS:

- A. The Grantor is the registered owner of those lands and premises in the Regional District of Okanagan-Similkameen, in the Province of British Columbia and more particularly known and described as:  
Parcel Identifier: 024-938-041  
Lot 1, District Lot 4531, Kamloops Division Yale District Plan KAP68315  
(the "Lands")
- B. By the provisions of Section 219 of the *Land Title Act*, R.S.B.C. 1996, C. 250, as amended (the "*Land Title Act*") a covenant, whether of a negative or positive nature in respect of the use of land, or, that land is or is not to be built on, in favour of the Regional District of Okanagan-Similkameen, may be registered as a charge against the title to that land and is enforceable against the Grantor and its successors in title, even if the covenant is not annexed to land owned by the Regional District of Okanagan-Similkameen.



- C. The Grantor has applied to the Regional District of Okanagan-Similkameen for an amendment to the Regional District of Okanagan-Similkameen's zoning regulations to permit the development on the Land of \_\_\_\_\_ (the "Proposed Development").
- D. To address the Regional District of Okanagan-Similkameen's concerns about the possible release of contaminants, including sediment, from the Lands to and through adjacent Lands, the Grantor has agreed not to use the Lands for the Proposed Development, or any part of the Proposed Development, until and unless the Grantor has first constructed and installed on the Lands a storm drainage system to limit the rate of drainage flow released from the Lands during a storm event to pre-development levels (the "Storm Drainage System").
- E. The Grantor has further agreed to maintain the Storm Drainage System in perpetuity.
- F. The Grantor has further agreed to construct and maintain a spill control system, temporary sediment control system and site contamination system as part of the Storm Drainage System.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the *Land Title Act*, and in consideration of ONE (\$1.00) DOLLAR now paid to the Grantor by the Regional District of Okanagan-Similkameen (the receipt of which is hereby acknowledged) the Grantor covenants and agrees with the Regional District of Okanagan-Similkameen as follows:

- 1. The Grantor covenants and agrees with the Regional District of Okanagan-Similkameen that:
  - (a) as of the date the Grantor executes this Agreement, the Grantor shall not develop or construct on the Lands anything in relation to the Proposed Development, until the Grantor has submitted to the Regional District of Okanagan-Similkameen and received the written approval of the Regional District of Okanagan-Similkameen's General Manager of Development Services for, detailed plans and specifications for the Storm Drainage System;
  - (b) the plans and specifications for the Storm Drainage System required under section 1(a) shall be certified by a suitably qualified professional;
  - (c) the Storm Drainage System shall be situated on the Lands, designed to control the flow of storm water from the site to match the predevelopment condition and mitigate the post development contamination run-off;
  - (d) the Storm Drainage System shall include a spill control system, temporary sediment control system and a site contamination system and these latter three systems (collectively, the "Contamination Prevention System") shall be designed to prevent

the spills, sediment transport or other contamination escaping from the Land during construction of the Proposed Development, and thereafter in perpetuity; and,

2. The Grantor further covenants and agrees with the Regional District of Okanagan-Similkameen that the Storm Drainage System including the Contamination Prevention System, or an equivalent system or systems to the satisfaction of the Regional District of Okanagan-Similkameen's General Manager of Development Services shall be installed and maintained during the course of construction of the Proposed Development and that despite any implied or express permission given to the Grantor by the Regional District of Okanagan-Similkameen in the form of building or occupancy permits or otherwise, the use of the Lands for the Proposed Development or any part thereof is prohibited unless the Storm Drainage System has been installed in accordance with the approved plans and specifications, and is maintained and repaired as may be required to ensure it is fully functional and operating in accordance with its intended purpose.
3. Without limiting the generality of section 2 of this Agreement, the Grantor covenants and agrees with the Regional District of Okanagan-Similkameen:
  - (a) That no building, structure, fence, foundation, pavement, excavation, pile of material or obstruction shall be made, placed, erected or maintained on any portion of the Storm Drainage System and that only lawn grass or plantings, shall be planted and allowed to grow upon the Storm Drainage System, except as provided by the Regional District of Okanagan-Similkameen.
  - (b) That the Grantor shall not do or knowingly permit to be done any act or thing which will interfere with or obstruct the Storm Drainage System.
  - (c) That the Grantor shall not disturb, reshape, modify or in any way alter any portion of the finished ground surface of the Storm Drainage System. If any changes are required, such changes shall first be reviewed and approved in writing by a suitably qualified professional.
  - (d) That the Grantor will, as far as reasonably necessary, carry out or cause to be carried out the maintenance, repair, cleaning, renewal replacement and/or otherwise servicing of the Storm Drainage System in a proper and workmanlike manner.
3. The Grantor hereby releases, indemnifies and saves harmless the Regional District of Okanagan-Similkameen, its elected and appointed officials, employees and agents from and against any and all liability, actions, causes of actions, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Regional District of Okanagan-Similkameen arising from the granting or existence of this Agreement, from the performance by the Grantor of this Agreement or any default of the Grantor under or in respect of this Agreement.

4. The Grantor hereby covenants and agrees with the Regional District of Okanagan-Similkameen that the Regional District of Okanagan-Similkameen is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.
5. The Grantor covenants and agrees to obtain from any prospective grantee, purchaser, leaseholder, tenant or other transferee of the Lands referred to herein, an agreement to be bound by the terms of this Agreement.
6. It is mutually understood and agreed by and between the parties hereto that this agreement and the covenants herein contained shall be construed as running with the Lands.
7. The Grantor for itself, its successors and assignees, hereby covenants, promises and agrees with the Regional District of Okanagan-Similkameen, pursuant to Section 219 of the *Land Title Act* (it being the intention of the parties hereto that the covenant herein contained shall be annexed to the Lands) that the Grantor shall not at any time hereinafter allow the Lands to be used for any purpose which would detract from or otherwise interfere with the function of the hereinbefore described Storm Drainage System.
8. This Agreement shall be binding upon and ensure to the benefit of the respective parties hereto, their heirs, executors, successors, administrators and assignees.
9. The parties hereto covenant and agree that they will do and execute such further acts and deeds and give such further assurances as may be reasonably necessary to implement the true meaning of this Agreement.
10. The parties agree that this Agreement may only be modified or discharged with the consent of Regional District of Okanagan-Similkameen pursuant to the provisions of Section 219(9) of the *Land Title Act*.

## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2497.10 & 2498.17

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide comments for this referral. It is my understanding that this application is to amend the land use designation of 2.5 hectares of this property from Resource Area to Commercial as well as to amend the zoning on 3.5 hectares of the property to a new CD3 zone. From a healthy built environment perspective, our office has no concerns regarding the proposed changes.

From a public health perspective, the following legislation will apply to this proposal:

1. *Drinking Water Protection Act and Regulation* – Prescribes the requirements for potable drinking water
2. *Sewerage System Regulation* - Prescribes any buildings in which domestic sewage is produced must be connected to the sanitary sewer system or a sewerage system. See IH Onsite Sewerage webpage for more information.
3. *Food Premises Regulation* - Prescribes requirements for food service.

Therefore, I suggest prior to approving this application that the applicant contact the local Environmental Health Officer, Bryn Lord, to discuss the above requirements and obtain approvals from Interior Health prior to proceeding with the changes to the property. Bryn can be reached at: 250-469-7070, ext: 12279 or at [bryn.lord@interiorhealth.ca](mailto:bryn.lord@interiorhealth.ca)

Mar 15/19 cc - Applicant/Agent



## Lauri Feindell

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**To:** Cameron Baughen  
**Subject:** RE: H2018.193-ZONE Bylaw Referral

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**From:** Cameron Baughen <cbaughen@rdos.bc.ca>  
**Sent:** February 8, 2019 12:01 PM  
**To:** Lauri Feindell <lfeindell@rdos.bc.ca>; John Kurvink <jkurvink@rdos.bc.ca>; Neil Webb <nwebb@rdos.bc.ca>  
**Subject:** RE: H2018.193-ZONE Bylaw Referral

There is no conflict with the Solid Waste Management Plan with this amendment.

**Cameron Baughen, RDOS Solid Waste Management Coordinator**

101 Martin Street, Penticton BC  
Ph 250-490-4203 TF 1-877-610-3737  
[cbaughen@rdos.bc.ca](mailto:cbaughen@rdos.bc.ca) [www.rdos.bc.ca](http://www.rdos.bc.ca)

*This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/ or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in*





Your File #: H2018.193-ZONE  
(2498.17)  
eDAS File #: 2019-00700  
Date: February 26, 2019

Regional District Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Bylaw 2498.17, 2019 for:  
Lot 1, District Lot 4531, KDYD, Plan KAP68315  
5021 Highway 97C – Elkhart Lodge**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

Any items regarding potential access construction to service the proposed new land uses, internal vehicle movements, storm drainage and specific parking requirements, will be reviewed when the landowner applies for a commercial access permit off Elkhart Road. The commercial access permit will be required at the time a Building Permit or Development Permit application is made to the Regional District Okanagan Similkameen.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Thompson Nicola District 127 - 447 Columbia Street Kamloops, BC V2C 2T3 Canada Phone: (250) 828-4002 Fax: (250) 371-3848

ccAgent - Feb 28/2019.

**From:** [Robin Irwin](#)  
**To:** [Christopher Garrish](#)  
**Subject:** Re: H2018.193-ZONE Bylaw Referral  
**Date:** February 12, 2019 8:47:47 AM

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My mistake Christopher, thank you for the correction. My understanding is that this is previously disturbed area, and due to its close proximity to our neighbours we will not be posing any issues with the change to the zoning.

Do you require an updated letter to reflect this?

Thanks,  
Robin Irwin  
Referrals Coordinator  
Natural Resources - Upper Similkameen Indian Band  
161 Snaza'ist Drive - PO Box 220 Hedley BC V0X 1K0  
[referrals@usib.ca](mailto:referrals@usib.ca)  
Phone 250-292-8733 fax 250-292-8753

On Feb 11, 2019, at 4:03 PM, Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)> wrote:

Hi Robin,

Thanks for the feedback on the USIB's Area of Interest, but in looking at the map that you provided, I believe that this site is situated within the Area (see mark-up on image below).

Sincerely,  
Chris.

<image001.png>

**From:** Robin Irwin <[referrals@usib.ca](mailto:referrals@usib.ca)>  
**Sent:** February 11, 2019 2:23 PM  
**To:** Lauri Feindell <[lfeindell@rdos.bc.ca](mailto:lfeindell@rdos.bc.ca)>; Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>  
**Subject:** Re: H2018.193-ZONE Bylaw Referral

Please find attached the USIB response letter to the above mentioned referral.







March 4, 2019

File: 2019015  
Your File: H2018.193-ZONE

Regional District of Okanagan Similkameen  
101 Martin St,  
Penticton BC V2A 5J9

Attention: Christopher Garrish

Re: OCP amendment from Resource Area to Commercial and zoning amendment from Resource Area and Tourist Commercial 1 to CD3 zone for Lot 1, Plan KAP68315, District Lot 4531, KDYD, located at 5021 Highway 97C in Elkhart, B.C.

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations & Rural Development has reviewed the above noted referral. We understand that the application is for rezoning to allow comprehensive development of a portion of the above-noted property (though the rationale speaks to re-zoning of the entire parcel, so this response addresses that as well).

According to our records, part of the proposed development area contains areas of very high conservation ranking and proximity to both a wetland complex and Old Growth Management Area.

If re-zoning is only proposed for the approximately 4 ha part as shown in yellow in Schedule A of Draft Bylaw No. 2498.17, 2019, then we recommend that the proponent retain a qualified professional (QP) to conduct an assessment of the still-vegetated portions within the area to be developed (i.e. treed area where drive-thru restaurant and gas station are proposed) prior to development. However, if re-zoning is proposed for the entire 13.9 ha parcel, we strongly recommend an environmental assessment for the whole parcel in order to evaluate the environmental values present, determine the potential for adverse effects to environmental values as a result of development, and develop value-specific mitigation measures to avoid or limit adverse effects. The results of either assessment should be submitted to the undersigned for review using the attached *Thompson Okanagan Region Qualified Professional Checklist for Environmental Values*. The submitted Checklist must be based on the final development proposal. QPs are encouraged to contact the undersigned directly for further information if necessary. We will notify the referring agency of any outstanding recommendations for consideration in the approving the application following review of the Checklist. In rare instances, a more

## Thompson Okanagan Region Qualified Professional Checklist for Environmental Values

### Foreword

The following Qualified Professional Checklist for Environmental Values (the Checklist) is to be submitted by a Qualified Professional (QP) when requested by the approving agency. The Checklist is required to provide additional information to Thompson Okanagan Region (TOR) Ecosystems biologists who have reviewed a proposal and determined that there are known or potential environmental values present that could be impacted by the proposed activities. The Checklist provides a clear summary of the environmental values present at the proposed project location and the potential for direct and/or indirect impacts to those values. TOR Ecosystems biologists require this information to provide inclusive recommendations for a proposed project.

The submitted checklist must be based on the final development proposal. Ecosystems biologists may have discussion with the QP in order to fully understand the values present and/or potential impacts. In rare instances a more detailed environmental impact assessment (EIA) may be required based on the Ecosystems biologists' review of the completed checklist.

### Environmental Values provided by TOR Ecosystems Biologists

Known (i.e., mapped) environmental values identified by Ecosystems biologists that should be considered in the completed checklist:	
<b>Note: The completed checklist should include <u>all environmental values</u> that could occur within the proposed project footprint (See Part B #2 below)</b>	

### Checklist

#### *Part A: General Project Information*

Approving Agency				
Approving Agency File #				
Project Name				
Proponent Name and Contact	Name: E-mail: Telephone:			
Location	Zone	NAD	Easting	Northing



6) Inventories were conducted following provincial standards (e.g., RISC) to confirm presence/absence of environmental values identified above in #3. List any deviations. Provide list of all values inventoried for.		
7) Have any of the following been identified within or adjacent to (within 200 m) the project footprint.	Federal or Provincial SEAR (list all identified)	
	Habitat Features: (e.g., burrow, den, nest, lek, mineral lick, wildlife tree)	
	Sensitive Ecosystems (SEI Inventory)	
	Rocky Outcrops or Talus Slopes	
	Cottonwood /Aspen Stands	
	Riparian communities (List all communities identified)	
	Streams, lakes, wetlands (including ephemeral wetlands)	
8) SEAR findings have been provided to the WSI and CDC in an appropriate data submission format.		
<b>Impact Assessment</b>		
9) A map is provided showing all environmental values identified in #6 and #7. The map depicts the location of all proposed activities relative to the values.		
10) Pictures are provided of all environmental values found in #6 and #7.		
11) Can direct and/or indirect impacts to environmental values be avoided? Provide brief explanation.		
12) Can direct or indirect impacts to environmental values be minimized, mitigated, or restored on-site? If yes, provide suggested mitigation below		



In the QP's professional opinion, is the mitigation not sufficient or likelihood of success unclear?		
--	--	--

- All information provided in this checklist is to the best of my professional knowledge true and complete.

Name of Qualified Professional: \_\_\_\_\_

Professional Association and Number: \_\_\_\_\_

Date: \_\_\_\_\_

	links above
Other Resources for All Values:	Ecological Reports Catalogue: Ecocat <a href="http://www.env.gov.bc.ca/ecocat/">http://www.env.gov.bc.ca/ecocat/</a> Biogeoclimatic Ecosystem Classification: <a href="https://www.for.gov.bc.ca/hre/becweb/">https://www.for.gov.bc.ca/hre/becweb/</a> E-fauna: <a href="http://ibis.geog.ubc.ca/biodiversity/efauna/">http://ibis.geog.ubc.ca/biodiversity/efauna/</a> E-flora: <a href="http://ibis.geog.ubc.ca/biodiversity/eflora/">http://ibis.geog.ubc.ca/biodiversity/eflora/</a>

Table 2. Sources of Provincial BMPs and Guidance Documents

Provincial BMPs & Guidance Documents	Source
Provincial guidelines and BMP documents.	<a href="http://www.env.gov.bc.ca/wld/BMP/bmpintro.html#first">http://www.env.gov.bc.ca/wld/BMP/bmpintro.html#first</a>
RISC Standards	<a href="https://www.for.gov.bc.ca/hts/risc/pubs/">https://www.for.gov.bc.ca/hts/risc/pubs/</a>
Develop with Care Environmental Guidelines	<a href="http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html">http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html</a>
Environmental Mitigation Policy for BC	<a href="http://www.env.gov.bc.ca/emop">http://www.env.gov.bc.ca/emop</a>
Riparian Area Regulation	<a href="http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation">http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation</a>
Working Around Water	<a href="http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water">http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water</a>
Standards & Best Practices for Instream Works	<a href="http://www.env.gov.bc.ca/wld/documents/bmp/iswstdsbpsmarch2004.pdf">http://www.env.gov.bc.ca/wld/documents/bmp/iswstdsbpsmarch2004.pdf</a>
Shoreline Management Guidelines for Shuswap Lake Area	<a href="http://www.fraserbasin.bc.ca/Library/TR_SLIPP/SLIPP_Shoreline_Mgmt_Guidelines_Shuswap_Mara_Lakes.pdf">http://www.fraserbasin.bc.ca/Library/TR_SLIPP/SLIPP_Shoreline Mgmt Guidelines Shuswap Mara Lakes.pdf</a>
Instream Works Timing Windows	<a href="http://www.env.gov.bc.ca/wld/instreamworks/regionaltimingwindows.htm">http://www.env.gov.bc.ca/wld/instreamworks/regionaltimingwindows.htm</a>

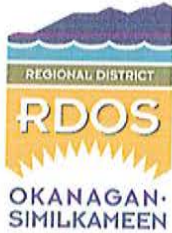
Table 3. Sources for Local Government Guidelines

Guidance Document	Source
TNRD Lakeshore Development Guidelines	<a href="https://tnrd.civicweb.net/document/17913/Lakeshore%20Development%20Guidelines.pdf">https://tnrd.civicweb.net/document/17913/Lakeshore%20Development%20Guidelines.pdf</a>
Shuswap Watershed Mapping	<a href="http://www.csr.bc.ca/services/development-planning/maps">http://www.csr.bc.ca/services/development-planning/maps</a>

Table 4. DFO and other Federal Resources

Guidance Description	Source
Fisheries & Oceans Canada - projects near water	<a href="http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html">http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html</a>
Environment and Climate Change Canada: Critical Habitat in BC	<a href="http://donnees.ec.gc.ca/data/species/developplans/critical-habitat-for-species-at-risk-british-columbia/?lang=en">http://donnees.ec.gc.ca/data/species/developplans/critical-habitat-for-species-at-risk-british-columbia/?lang=en</a>





# Bylaw Referral

**Regional District of Okanagan-Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9  
 Tel: 250-492-0237 / email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

OFFICE USE ONLY	
Date:	February 5, 2019
Bylaw:	2497.10 & 2498.17
File:	H2018.193-ZONE

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 30 DAYS**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **March 5, 2019**.

**PURPOSE OF THE BYLAWS:** The purpose of the proposed amendments is to allow for a service station, drive-thru restaurant, commercial cardlock facility and highway maintenance yard ("outdoor storage"). Specifically, it is being proposed to amend the land use designation of an approximately 2.5 ha part of the subject property under the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012, from Resource Area (RA) to Commercial (C).

It is further proposed to amend the zoning on an approximately 3.5 ha part of the subject property under the Electoral Area "H" Zoning Bylaw No. 2498, 2012, part Resource Area (RA) and part Tourist Commercial One (CT1) to a new Elkhart Lodge Comprehensive Development (CD3) Zone.

**LEGAL DESCRIPTION:** Lot 1, Plan KAP68315, District Lot 4531, KDYD (5021 Highway 97C)

**GENERAL LOCATION:** The property is situated on the south side of Highway 97C (Coquihalla Connector) approximately 64 km west of Peachland and comprises the Elkhart Lodge.

AREA OF PROPERTY AFFECTED:	ALR STATUS:	OCP DESIGNATION:	ZONING DISTRICT:
13.9 ha	No	part Resource Area (RA) part Commercial (C)	part Resource Area (RA) part Tourist Commercial One (CT1)

**OTHER INFORMATION:** It is understood that the property currently comprises "Elkhart Lodge, which consists of tourist accommodation units and a restaurant. A service station previously existed on the property (from 1990) but was decommissioned/demolished at some point in the past. Access to the site is understood to occur 1,500 metres to the north via a controlled access on Highway 97C.

The property is also the subject of a Watercourse Development Permit (WDP) Area designation under the OCP Bylaw, which is related to a pond found on the property.

Additional information can be found at the following location:

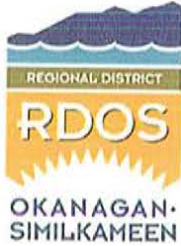
<http://www.rdos.bc.ca/departments/development-services/planning/current-applications-decisions/electoral-area-h/h2018193-zone/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

  
 Christopher Garrish, MCIP RPP

Agency Referral List		
<input checked="" type="checkbox"/> Interior Health Authority (IHA)	<input checked="" type="checkbox"/> Ministry of Environment	<input checked="" type="checkbox"/> Upper Similkameen Indian Band
<input checked="" type="checkbox"/> School District #58	<input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure	





# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** H2018.193-ZONE

**FROM:** Name: 0176992 B.C. Ltd. (J. Creighton)  
(please print)

Street Address: 555 Rose Valley Rd. W. Kelowna.

**RE:** Electoral Area "H" Official Community Plan Amendment Bylaw No. 2497.10  
Electoral Area "H" Zoning Amendment Bylaw No. 2498.17  
5021 Highway 97C (Elkhart Lodge) – Lot 1, Plan KAP68315, DL 4531, KDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcels.
- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2497.10 & 2498.17.

DO NOT want a salt shed AT ELKHART  
HAD A bad experience with the last contractor  
see photo  
There is a salt shed AT Aspen Grove and  
one at Loon Lake. Makes two between Elkhart and  
Merritt. Argo is the contractor for the highway from  
the Penask summit to Peach and they had a shed  
at Brinda Mine and a sand pile at Silver Creek.  
None of those sheds are next to a wet land area.  
The one at Elkhart would be.

Feedback Forms must be completed and returned to the Regional District  
no later than **February 26, 2019**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.















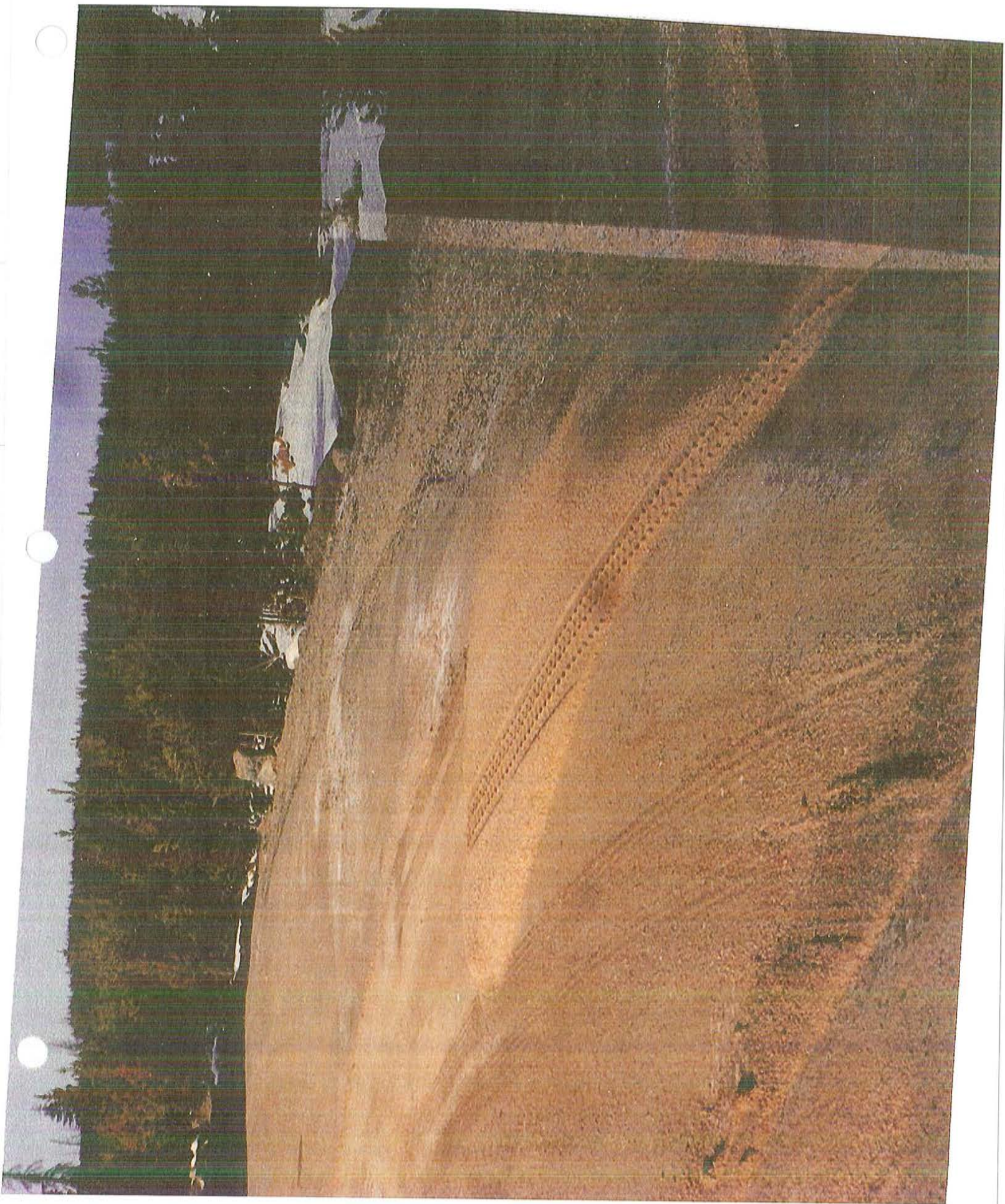




























AREA = +/- 1.3 ACRES TO BE CONSIDERED TO BE LEASED OUT BY HANSON CORP

AREA = +/- 0.83 ACRES TO BE CONSIDERED POSSIBLE RESTAURANT AND DRIVE-THRU

EXISTING RESTAURANT BUILDINGS TO BE DEMOLISHED

13.9 ha  
PLAN KAP68315

AREA = +/- 1.2 ACRES TO BE CONSIDERED RESTAURANT AND DRIVE-THRU

DRIVE-THRU RESTAURANT

ELKHART ROAD

REM DL 4531

HIGHWAY 97C









## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Water Use Regulation Bylaw No. 2824, 2019

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### Recommendation:

That Bylaw No. 2824, 2019, being a bylaw to set the terms and conditions under which water may be supplied and used in the Regional District of Okanagan-Similkameen Water Service Areas, be read a first, second and third time and be adopted.

### Purpose:

The Water Use Regulation Bylaw will unify water use practices and set out terms for service throughout all of the Regional District owned and operated water systems under one bylaw.

### Reference:

[Local Government's Role in Ensuring Clean Drinking Water](#) – Regional District of Okanagan-Similkameen – May 29th, 2017 (Water Audit)

Regional Water Conservation Strategy. Adopted December 2017 by the Regional District Board.

### Business Plan Objective: *(Tie to current RDOS Business Plan)*

Key Success Driver 3: Build a Sustainable Region

Goal 3.3 To Develop an environmentally sustainable region

Incorporated into the 2018 and 2019 Public Works Business Plan

### Background:

The Regional District currently owns and operates seven (7) water systems (Faulder, Naramata, Olalla, Gallagher Lake, Sun Valley, Willowbrook and West Bench). The existing water use regulation bylaws range in date from 1972 to 2013 and describe different levels of service. Most do not use current best practices in water management that allow the Regional District to encourage more efficient water use and plan for future sustainability.

The new regulatory bylaw was created alongside the conservation strategy to promote uniform standards and best practices throughout all the water systems. This new bylaw is intended to protect and enhance the quality of life for our residents through water conservation/efficiency and sustainable water management, integration of drought management recommendations and consistent interpretation of the regulations.

At the April 18, 2019 meeting of the Environment and Infrastructure Committee, staff presented the



bylaw for consideration and the background that led to the bylaw's development. A request was made to see how each of the existing bylaws differed from the new proposed bylaw. This information is presented below.

### **Analysis:**

The new draft bylaw standardizes the terms and conditions under which water may be supplied and used for all water systems operated by the Regional District. Under existing bylaws, these terms and conditions are highly variable and many important clauses that will enable the Regional District to more prudently manage water supplies and water services are omitted or unclear. Many of the old bylaws do not take best practices or current provincial regulations into account.

The tables below each present a specific aspect of the bylaws and summarize what each includes. Some of the bylaws clauses are in considerable detail, while others are very vague.

The specific provisions or terminology used for comparison are as follows:

- 1. How to apply for a new service and what documents are required?**
- 2. Right of access onto private property**
- 3. Watering Restriction details for Stage 1 in a residential setting**
- 4. Names used to call the RDOS infrastructure**
- 5. Names used to call the infrastructure on private properties**
- 6. Who is delegated the authority to make decisions and approve applications**
- 7. Names used for customers of the water system**
- 8. Failure to comply with bylaw leading to water shut off**
- 9. Installation of Water Meters**

These are only examples of the diverse language utilized in the different water system bylaws. The new regulatory bylaw will include all of the important aspects of operating a water system within the current regulatory setting and provide consistency.

In the case of Willowbrook water system, a regulatory bylaw was never adopted by the Board. A bylaw was prepared but with the development of this regional water regulatory bylaw, the specific one for Willowbrook was not completed and brought forward at the time of acquisition. It was not anticipated that this bylaw would take significantly more time to prepare than expected.

Prior to the RDOS acquiring the Willowbrook water system, a Water Tariff was in place that described the regulations for the system. When the RDOS took ownership, this tariff was no longer valid. Since acquisition, the RDOS has been using best practices to operate the system. For comparative purposes, the appropriate regulatory provision in the Water Tariff is provided.



System	1. How to apply for service and are plans required?
New Bylaw	<i>An application must be in the form required by the Manager Plans prepared by a Professional Engineer may be required</i>
Faulder	Application can be made by filling out the application form provided by the Public Works Department
Gallagher Lake, , West Bench, Naramata, Olalla and Sun Valley	Application shall be made in writing and written permission must be received before construction Plans and specifications <u>may</u> be required
Willowbrook	No bylaw currently in place  <u>Water Tariff:</u> Applications to be made in writing

System	2. Right of Access to works on Private Property
New Bylaw	<i>Authorized Personnel may, at all reasonable times and in a reasonable manner and after taking reasonable steps to give notice to a Customer, enter onto a parcel provided water service</i>
Faulder	Upon reasonable notice or request, the Public Works Manager or any person authorized by him shall have free access at proper hours of the day to any premises to which water is delivered;
Gallagher Lake and West Bench	The District shall have right of access to all parts of a person's property or premises at all reasonable hours
Naramata, Olalla, and Sun Valley	The Trustees shall have right of access to all parts of a person's property or premises at all reasonable hours
Willowbrook	No bylaw currently in place <u>Water Tariff:</u> The Utility shall have the right of access to the customer's premises at all reasonable times.

System	3. Watering Restriction Details for STAGE 1 for Residential
<p><b>NEW BYLAW</b></p> <p><b>STAGE 1</b></p>	<ul style="list-style-type: none"> <li>• <i>Manual sprinklers: 2 days/week (6-10am &amp; 6-10pm)</i></li> <li>• <i>Automatic sprinklers: 2 days/week (12:01-6am)</i></li> <li>• <i>Drip irrigation: 3 days/week (12:01-6am)</i></li> <li>• <i>Hand-held watering: 3 days/week (6-10am &amp; 6-10pm)</i></li> <li>• <i>Use of harvested rainwater and recycled water are exempted</i></li> </ul>
Faulder	<p>Clause identifies the Public Works Manager as being able to order restrictions on the use of water for garden irrigation or sprinkling.</p> <p>No specific stages are listed</p>
<p>Gallagher Lake and West Bench</p> <p>Stage 1</p>	<p>Odd and even days of the month method based on the numbered street address for allowed watering days.</p> <p>Automatic irrigation systems allowed to run between the hours of 10:00 pm to 4:00 am only on the designated day.</p> <p>Manual irrigation may occur between 7:00 pm to 10:00 pm and 6:00 am to 8:00 am hours only on the designated day.</p>
<p>Naramata, Olalla, and Sun Valley</p>	<p>Clauses discussing that the Trustees may introduce regulations restricting the use of water for sprinkling or other purposes. Any restriction notices would be published or mailed to customers.</p> <p>No specific stages are listed</p>
Willowbrook	<p>No bylaw currently in place Water Tariff does not list Stages</p>

System	4. RDOS infrastructure names:	5. Private Property infrastructure names:
<b>NEW BYLAW</b>	<i>Water Supply System</i>	<i>Private Waterworks</i>
Faulder	Service Pipe and Waterworks	Private Service Pipe
Gallagher Lake	Service Pipe and Waterworks	Private Service
Naramata	Works	Private Water System
Olalla	Works	No definition provided
Sun Valley	Works	No definition provided
West Bench	Service Pipe and Waterworks	Private Service
Willowbrook	No bylaw in place	No bylaw in place

System	6. Authority to make decisions and approve applications	7. Terms to describe the water system customers/users
<b>NEW BYLAW</b>	<i>Manager (Defined as the CAO or the authorized designate)</i>	<i>Customers</i>
Faulder	Public Works Manager	Person, customer, consumer, occupant or owner
Gallagher Lake	The District	Consumer or Owner
Naramata	Trustees or the District	Person, landowner, property owner, consumers, or occupant
Olalla	Trustees or the District	Person, landowner, property owner, consumers, users or occupant
Sun Valley	Trustees or the District	Person, owner, landowner, occupant, tenant, property owner or consumer
West Bench	The District	Person, owner, occupier, occupant, or consumer
Willowbrook	No bylaw in place <u>Water Tariff</u> : Utility	No bylaw in place Water Tariff: Person, customer

System	8. Failure to comply with Bylaw
<b>NEW BYLAW</b>	<i>The associated clauses allow for the discontinuation or shutting off of water under specific circumstances. They outline that the Regional District will deliver written notice to the parcel outlining the reasons and will provide an opportunity for persons affected to remedy the circumstances or make representations to the Regional District Board.</i>
Faulder	Clauses indicate that when a customer fails to comply with the provisions of this Bylaw, the Public Works Manager, can have the water service turned off after giving at least <b>forty-eight (48) hours</b> notice
Gallagher Lake and West Bench	Clauses indicate that when a customer fails to comply with the provisions of this Bylaw, the District can have the water service turned off after giving at least <b>twenty-four (24) hours</b> notice
Naramata	Clauses permit the Trustees to turn off the supply of water to any person in default of the requirements of this bylaw until they have fixed the problem
Olalla, and Sun Valley	Clauses indicate that when a customer fails to comply with the provisions of this Bylaw, the Trustees can have the water service turned off after giving at least <b>twenty-four (24) hours</b> notice
Willowbrook	No bylaw in place Water Tariff:

System	9. Installation of water meters
<b>NEW BYLAW</b>	<i>The associated clauses allow for the installation of water meters and meter pits at any new, or renewed water service connection</i>
Faulder	Bylaw discusses metered service throughout but doesn't specifically state meters are required.
Gallagher Lake and West Bench	Any new connection shall have a water meter installed according to the Regional District's specifications
Naramata, Olalla and Sun Valley	The bylaw provides for the installation of metered service at any time to any premises . (NID #434- Clause 26) (OID #26- Clause 21) (SVID #2- Clause 22)
Willowbrook	No bylaw in place Water Tariff: Permits meters to be installed if there is an undue amount of water used by a customer.

In terms of cost of service to the water systems, the use of a regional bylaw does not impact the rates for each of the systems. Each system will remain with its separate budget and users.

The one change that may occur for some customers is the names may be different on the actual billing notices to more accurately reflect the different connection types. This updating of names is



anticipated to begin during the 2020 budget and fees and charges cycle. Definitions for these have been included in Schedule E of the Bylaw.

In the future, as new systems are acquired by the Regional District, rather than develop and adopt a new standalone service bylaw or adopt those from the incoming system, the new bylaw will apply once the addition of the new service area is completed.

### Implementation and Next Steps

If the information presented today is sufficient to permit the new Bylaw to be given three readings and adoption, the educational campaign will immediately be initiated as we are moving into the warmer, drier months.

The next steps will also include the following:

- Updating of existing bylaws related to the new regulatory bylaw such as the Enforcement bylaws, Subdivision Servicing Requirements and the Fees and Charges Bylaws;
- Creation or updating of policies and procedures related to the new regulatory bylaw; and
- Complete updating of the current education program to inform the residents of the changes from existing and new requirements, specifically around the water conservation stages.

### **Alternatives:**

1. Refer Bylaw 2824 back to staff for further review and changes.
2. Complete first and second reading and refer Bylaw 2824 to the May 23<sup>rd</sup> Board Meeting for third reading and adoption if there are outstanding questions or concerns.

### **Communication Strategy:**

It is the intent of the Regional District to send information online or part of a newsletter to update residents of the water systems on what changes have been adopted and how it will affect their water use practices. A press release has also been released in anticipation of the new bylaw being adopted soon.

### **Respectfully submitted:**

*"Lisa Bloomfield"*

---

L. Bloomfield, Manager of Engineering

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**Bylaw No. 2824, 2019 – WATER USE REGULATION BYLAW**

A bylaw to set the terms and conditions under which water may be supplied and used in the  
Regional District of Okanagan-Similkameen *Water Supply Systems*.

---

**WHEREAS** pursuant to the *Local Government Act*, a Regional District may regulate in relation to a service;

**AND WHEREAS** the Regional District deems it desirable to establish the terms and conditions under which water may be supplied and used in those portions of the Regional District in established water service areas;

**NOW THEREFORE**, the Board of Directors of the Regional District of Okanagan-Similkameen enact as follows:

**1. CITATION**

- 1.1. This Bylaw may be cited as the “Regional District of Okanagan-Similkameen Water Use Regulation Bylaw No. 2824, 2019.”

**2. ADMINISTRATION**

- 2.1. This Bylaw comes into force on the date of its formal adoption.
- 2.2. This Bylaw applies to any Regional District owned *Water Supply System*, as defined in Part 4 of this Bylaw.
- 2.3. The *Manager* is authorized to administer and oversee the operation of the Regional District *Water Supply Systems* and administer and enforce this *Bylaw*.

**3. SCHEDULES**

- 3.1. The following Schedules are attached to and form part of this Bylaw:
- Schedule “A” – *Water Service Areas*
  - Schedule “B” – Special Details for Gallagher Lake Water System
  - Schedule “C” – Special Details for West Bench Water System
  - Schedule “D” – Water Supply Stages
  - Schedule “E” – Definitions for Water Service Fees and Charges

#### 4. INTERPRETATION

##### 4.1. In this Bylaw:

"*Agricultural Water Use*" means water used for a *Farm Use* on land designated as agricultural land under the *Agricultural Land Commission Act*;

"*Applicant*" means a person who has submitted an application to the Regional District for *Water Services* and has not yet received approval;

"*Authorized Personnel*" means a Regional District employee acting under the supervision of the *Manager*, or an authorized agent as designated by the *Manager*;

"*Backflow*" means the reversal of the flow of water or other liquids, gases or solids;

"*Backflow Preventer*" means a device or method to prevent *Backflow*;

"*Bylaw*" means the *Regional District of Okanagan-Similkameen Water Use Regulation Bylaw No. 2824, 2019* as amended from time to time;

"*Cross Connection Control Bylaw*" means the *Regional District of Okanagan-Similkameen Cross Connection Control Bylaw No. 2851, 2019* as amended from time to time;

"*Customer*" means a person who is being provided *Water Services* or who has filed an application for *Water Services* with the Regional District that has been approved by the Regional District;

"*Discontinue*" means to terminate the arrangement between the Regional District and the *Customer* for the *Water Services*;

"*Excess Water Use*" means applying or using more water than is required to provide a service, produce a product or complete a task, and includes: applying water to a hardscape, such as a sidewalk, driveway or parking lot; or to exterior windows or exterior building surfaces; or to landscapes to a degree that water drains, runs off or spreads to surrounding areas; or to turf and outdoor tracks for a purpose unrelated to health and safety;

"*Farm Land Water Use*" means water used for a *Farm Use* on land designated as a farm under the *Assessment Act*;

"*Farm Use*" means the use of land for farm operations, including farming of land, plants and animals and any other similar activities designated as farm uses by enactment, including the *Agricultural Land Commission Act*, and expressly includes operating plant nurseries, orchards, vineyards, turf farms, and tree farms;

"*Fees and Charges Bylaw*" means the *Regional District of Okanagan-Similkameen Fees and Charges Bylaw* as amended from time to time

"*Flow-Control Device*" means a fitting used to restrict the maximum rate that water can flow through a pipe, hose, or *Irrigation System*;

"*Irrigation Season Extension*" means an extension of the duration of the *Irrigation Services* as governed by Parts 6 and 12 of this Bylaw;

"*Irrigation Services*" means the provision of *Water Services* to an *Irrigation System* for a *Farm Use* pursuant to Part 12 of this Bylaw;

"*Irrigation System*" means the distribution of water to the surface or sub-surface of lawns, gardens, crops, orchards or other areas situated outside buildings by any method;

- "*Manager*" means the Chief Administrative Officer or their designate;
- "*Micro-Irrigation or Drip-Irrigation System*" means a low volume watering method that delivers water slowly and directly to plant roots and that consumes less than 90 litres per hour (20 imperial gallons per hour) and operates at less than 172 kilopascals (25 pounds per square inch);
- "*Parcel*" means any lot, block or other area in which land is held or into which it is subdivided;
- "*Private Waterworks*" means any pipe and fittings intended to receive water from a *Water Service Connection* and deliver or distribute the water to and within a *parcel*;
- "Regional District" means the Regional District of Okanagan-Similkameen;
- "*Service Agreement*" means an agreement between the Regional District and a *Customer* for the provision of *Water Services* pursuant to Section 6.7 of this Bylaw;
- "*Service Card*" means the documentation for recording the details, such as material and location, of the *Water Service Connection* in the format provided by the Regional District;
- "*Shut off*" means the temporary closing of the *Water Service Connection* by *Authorized Personnel*;
- "*Subdivision and Servicing Bylaw*" means the *Regional District of Okanagan-Similkameen Subdivision Servicing Bylaw No. 2000, 2002*, as updated from time to time;
- "*Temporary Water Use Permit*" means a permit issued by the Regional District pursuant to Part 13 of this Bylaw;
- "*Water Meter*" means a device supplied, owned and maintained by the Regional District which measures the quantity of water delivered to a *parcel*;
- "*Water Meter Pit*" means an underground enclosure and related equipment (including pipes, valves and couplers) to house a *Water Meter* or *Backflow Preventer* at or near a *Water Service Connection*;
- "*Water Service Area*" means the areas identified in Schedule "A";
- "*Water Service Connection*" means the point where a *Water Supply System* connects to any *parcel* and includes all pipes, taps, valves, connections and other things used to connect the *Private Waterworks* into the *Water Supply System*, and will typically be at the downstream side of a *Water Meter* near the boundary or property line of the *parcel*;
- "*Water Services*" means the supply of water from the Regional District to a *Customer* pursuant to this Bylaw;
- "*Water Supply Stage*" refers to any of the following stages: Normal; Stage 1; Stage 2; Stage 3; and Stage 4, of the water supply management measures as set out in Part 15 and Schedule "D" of this Bylaw;
- "*Water Supply System*" means the Regional District-owned works used to provide water to and within the *Water Service Areas*.

- 4.2. Words or phrases defined in the British Columbia *Interpretation Act*, the *Community Charter*, and the *Local Government Act*, shall have the same meaning when used in this Bylaw, unless otherwise defined in this Bylaw.



- 4.3. The headings used in this Bylaw are for convenience only and shall not affect the construction or interpretation of this Bylaw.
- 4.4. Any enactment referred to in this Bylaw is a reference to that enactment and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to a bylaw of the Regional District, as amended, revised, consolidated or replaced from time to time.
- 4.5. Words importing the singular number include the plural and vice versa, and words importing gender include the masculine, feminine and neutral genders and vice versa.
- 4.6. The word "person" includes an individual, partnership, firm, body corporate, government or department thereof.
- 4.7. The words "include" and "including", when following any general statement, term or matter, shall not be construed to limit that general statement, term or matter to the specific items or matters set forth immediately following those words or to similar items or matters following those words or to similar items or matters.
- 4.8. Definitions of words and phrases used in this Bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this Bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

## 5. **SERVICES MANDATORY**

- 5.1. Subject to the Regional District's authority under Section 10.1, the owner or occupier (or an agent authorized to act on their behalf) of a *parcel* used for residential, commercial, industrial, or agricultural purposes within a *Water Service Area* must apply for *Water Services* and be connected to the *Water Supply System*.

## 6. **APPLICATION FOR WATER SERVICES**

- 6.1. A person requesting *Water Services*, including

- (a) *Irrigation Services*;
- (b) *Irrigation Season Extension*;
- (c) re-activating existing *Water Service Connections*;
- (d) transferring an existing *Water Services* account;
- (e) changing the type of *Water Services* provided; or,
- (f) making alterations to existing *Water Service Connections* or *Water Meters*;

must apply to the Regional District prior to making any connection to the *Water Supply System*.

- 6.2. An application for *Water Services* referred to in Section 6.1 must be in the form required by the *Manager* and contain, for each proposed connection:
  - (a) a description of the purpose of the connection;

- (b) a description of the size of pipe intended to be used at the *Water Service Connection* and the approximate placement of the *Private Waterworks*;
  - (c) payment of all applicable fees in the *Fees and Charges Bylaw*.
- 6.3. Before considering an application for *Water Services*, the *Manager* may require an *Applicant* to provide:
  - (a) a design plan or drawing of each proposed connection, prepared by a professional engineer, that includes the location of:
    - i. existing services;
    - ii. the proposed services; and
    - iii. buildings, trees, driveways, and sidewalks, and
  - (b) any additional information the *Manager* may request.
- 6.4. If an *Applicant* is requesting *Water Services* for more than one *parcel*, or for more than one building or structure on a *parcel*, the *Applicant* may be considered a separate *Customer* for each of the *parcels*, buildings or structures. For the purposes of this provision, the *Manager* will determine whether any *parcel* contains more than one building or structure.
- 6.5. The *Manager* may approve, refuse or impose conditions on an application for *Water Services* pursuant to this Bylaw.
- 6.6. The *Manager* may refuse to approve an application for *Water Service Connections* to a parcel or for any of the reasons listed in Section 10.1 of this Bylaw.
- 6.7. The *Manager* may require an *Applicant* or *Customer* to enter into a *Service Agreement* with the Regional District that modifies or supplements this Bylaw.

## **7. CONSTRUCTION AND TURN-ON OF WATER SERVICE CONNECTIONS**

- 7.1. Unless the *Manager* provides an exemption in writing, a *Customer* must ensure:
  - (a) the *Water Service Connection* is fitted with a *Water Meter Pit*;
  - (b) the *Water Meter* is installed in a *Water Meter Pit*; and
  - (c) if applicable, the *Water Service Connection* has a *Backflow Preventer*.
- 7.2. A *Customer* is responsible for all costs related to the purchase and installation of a *Water Service Connection*, including a *Water Meter Pit*, *Water Meter*, *Backflow Preventer* and any other equipment reasonably required to provide the *Water Services*.
- 7.3. Within one (1) year of the Regional District approving an application for *Water Services*, a *Customer* must:
  - (a) pay to the Regional District an installation fee equivalent to the estimated cost of installing a *Water Service Connection*, including a *Water Meter Pit*, *Water Meter*, *Backflow Preventer* and any other equipment reasonably required to provide the *Water Services*, in such form and amount as determined by the Regional District; or

- (b) under the direction of the *Manager*, install a *Water Service Connection*, including a *Water Meter Pit*, *Water Meter*, *Backflow Preventer*, if applicable, and any other equipment reasonably required to provide the *Water Services*, pursuant to design drawings accepted by the Regional District as well as all applicable bylaws and enactments and any instructions or directions the *Manager* may provide.

7.4. If a *Water Service Connection* is installed pursuant to Section 7.3(b), the Customer must promptly notify the *Manager* when the installation is complete. *Authorized Personnel* may inspect the installation or require the *Customer* to provide a certification from a professional engineer confirming the installation complies with the plans accepted by the *Manager* as well as all applicable bylaws and enactments and any instructions or directions provided. A *Customer* must provide the Public Works Department with a *Service Card* within seven (7) days after the *Water Service Connection* is installed or prior to the *Water Service Connection* being turned on.

7.5. A *Customer* must contact the Public Works Department to request that their *Water Services* be turned on and pay all applicable fees in the *Fees and Charges Bylaw*, before the Regional District will provide *Water Services* to a *Customer*.

7.6. For clarity, the Regional District will begin providing the *Water Services* only after an application for *Water Services* has been approved, all required fees have been paid, and the *Water Service Connection* (including a *Water Meter Pit*, *Water Meter*, and *Backflow Preventer* as required) have been installed in compliance with the Regional District's bylaws and to the satisfaction of the *Manager* or *Authorized Personnel*.

7.7. A *Customer* is responsible for all costs related to changes, extensions, connections to or replacement of a *Water Service Connection*, including a *Water Meter Pit*, *Water Meter*, *Backflow Preventer* and other equipment used to provide the *Water Services* to the *Private Waterworks*, if they are requested by the *Customer* or necessitated by the actions of the *Customer*.

7.8. No person shall:

- (a) make changes, extensions, connections to or replacements of a *Water Service Connection*, including a *Water Meter Pit*, *Water Meter*, *Backflow Preventer* or other equipment used to provide the *Water Services* from the *Water Supply System* to *Private Waterworks*, or
- (b) make changes, extensions, connections to, replacements of, or in any other way tamper with a *Water Supply System* (or portion of)

without the prior written approval from the *Manager*.

## 8. WATER METERS

8.1. A *Customer* must take reasonable care of any *Water Meter* in use for its *parcel*. A *Customer* is responsible for all expense, risk and liability with respect to all *Water Meters* and related equipment used for the *Customer's parcel* unless any loss or damage is

- (a) directly attributable to the negligence of the Regional District or its *Authorized Personnel*; or,
- (b) caused by or resulting from a defect in the *Water Meter*.

- 8.2. No person shall install, connect, move, tamper with or disconnect a *Water Meter* or related equipment without the prior written approval from the *Manager*.
- 8.3. If a *Customer* has reason to believe a *Water Meter* is not functioning properly, they may apply to the Public Works Department to test a *Water Meter*:
  - (a) If the *Water Meter* is found to be recording incorrectly, then the cost of removing, replacing and testing the meter will be borne by the Regional District; and,
  - (b) If the testing indicates that the *Water Meter* is recording correctly, then the *Customer* must pay the Regional District for the cost of testing the *Water Meter* as set out in the *Fees and Charges Bylaw*.

## **9. CUSTOMER RESPONSIBLE FOR PRIVATE WATERWORKS**

- 9.1. A *Customer* must, at their sole expense, ensure their *Private Waterworks* comply with the *Cross-Connection Control Bylaw*, and all other applicable bylaws and enactments.
- 9.2. A *Customer* must, at their sole expense, maintain, repair, and replace *Private Waterworks* and, portions thereof, as reasonably required. This includes promptly repairing frozen, leaking, or malfunctioning pipes or fixtures within the *Private Waterworks*.
- 9.3. A *Customer* is responsible for all costs associated with the repair, relocation, or removal of *Private Waterworks*.

## **10. DISCONTINUANCE OF WATER SERVICES**

- 10.1. The *Manager* may *discontinue* or *shut-off Water Services* to a *parcel* for any of the following reasons:
  - (a) the *Customer* or *Applicant* has not fully paid a bill for *Water Services* by the due date;
  - (b) the *Customer* or *Applicant* has outstanding charges owing to the Regional District for *Water Services*;
  - (c) the *Customer* or *Applicant* is in receivership or bankruptcy, or operating under the protection of any insolvency legislation;
  - (d) the *Customer* or the *parcel* is in contravention of any Provincial, Federal or Regional District enactment.
- 10.2. Before discontinuing or shutting-off *Water Services* under section 10.1, the Regional District will deliver written notice to the *parcel* outlining the reasons for the discontinuance or shut-off and providing an opportunity for persons affected to remedy the circumstances or make representations to the Regional District Board.
- 10.3. The *Manager* may agree to *discontinue*, *shut off*, or transfer the *Water Services* if:
  - (a) A *Customer* applies, in writing, to the Public Works Department requesting the discontinuance, *shut off* or transfer. Such an application must be submitted at least five (5) days in advance of the requested discontinuance, shut off or transfer; and



- (b) The discontinuance, shut off or transfer would not violate section 5.1 of this Bylaw, or any other enactment.

10.4. Unless otherwise stated in this Bylaw, a *Customer* is not released from any previously existing obligations to the Regional District under a *Service Agreement* or this *Bylaw* by the discontinuance, shut off or transfer of *Water Services*.

10.5. After *Water Services* are discontinued to a *parcel*, the Regional District may remove the *Water Service Connection* (and related equipment) to the *parcel*.

10.6. Nothing in this Part affects the Regional District's authority in Parts 11 and 15 of this *Bylaw*.

## 11. INTERRUPTION OF WATER SERVICES

11.1. The Regional District does not guarantee a specific water pressure, a continuous supply of water, or a direction of water flow to *Customers*.

11.2. The Regional District reserves the right, at any time, and without notice, to change the operating pressure, to discontinue the *Water Services*, or to change the direction of flow of water within a *Water Supply System* in the event of an emergency where the safety of life or property is at risk or to undertake maintenance or repairs of the *Water Supply System*.

11.3. The *Manager* may do the following, whether temporarily or permanently, to ensure reliable, efficient, and equitable use and availability of water:

- (a) prohibit or limit specific uses of water;
- (b) limit the amount of water supplied to a *Customer*;
- (c) regulate the time and rate at which water may be used;
- (d) declare a *Water Supply Stage* in effect, pursuant to Part 15 and Schedule "D" of this Bylaw.

11.4. The *Manager* may discontinue, interrupt or reduce the delivery of *Water Services* for any of the following purposes or reasons:

- (a) in the event of a temporary or permanent shortage of water, whether actual or perceived by the Regional District based on available information,
- (b) to comply with any legal requirements,
- (c) to make repairs or improvements to any part of a *Water Supply System*, or
- (d) to relocate or construct a *Water Service Connection*.

11.5. Notice of changes to the *Water Services* in this Part will be given, to the extent practicable, by

- (a) newspaper, radio or television announcement, or
- (b) notice in writing that is
  - (i) sent through the mail to the *Customer's* billing address,
  - (ii) left at the *parcel* where the *Water Services* are delivered,
  - (iii) served personally on a *Customer*, or

- (iv) sent by facsimile, email, text message, phone or other electronic means to the *Customer*, or
- (c) oral communication.

## **12. IRRIGATION SERVICES**

- 12.1. The *Manager* may, at its sole discretion, decide to provide *Irrigation Services* and if so, the duration of the *Irrigation Services* available for any calendar year.
- 12.2. The *Manager* may, at its sole discretion, discontinue providing *Irrigation Services* at any time.
- 12.3. No person, other than *Authorized Personnel*, shall turn on *Irrigation Services*.
- 12.4. If the Regional District provides *Irrigation Services*, a *Customer* may apply to extend the duration of their *Irrigation Services* in any year by submitting an *Irrigation Season Extension* application to the *Manager*.
- 12.5. An *Irrigation Season Extension* applies only to the year in which it is granted. A *Customer* must apply to the *Manager* at least two weeks in advance of the requested dates to receive an *Irrigation Season Extension* for that year.
- 12.6. In addition to the requirements for *Water Services* contained in this Bylaw, a *Water Service Connection* for *Irrigation Services* must have:
  - (a) a *Flow-Control Device* approved by the Canadian Standards Association which limits water flow to a maximum rate of 5 US gallons per minute per acre based on the size of *parcel* being serviced;
  - (b) a *Backflow Preventer* installed in accordance with the requirements of the *Cross-Connection Control Bylaw*; and
  - (c) if within a metered area, a *Water Meter* housed in a *Water Meter Pit*.
- 12.7. A *Customer* is responsible for all costs associated with acquiring, installing, maintaining, repairing, and replacing the devices listed in Section 12.6.

## **13. TEMPORARY WATER USE OF FIRE HYDRANTS, STANDPIPES OR ANY OTHER TEMPORARY SERVICE CONNECTIONS**

- 13.1. A person may only use a fire hydrant, standpipe, or temporary water connection pursuant to a *Temporary Water Use Permit*.
- 13.2. Notwithstanding 13.1, a *Temporary Water Use Permit* is not required to use a fire hydrant, standpipe, or temporary water connection for emergency fire protection.
- 13.3. An application for a *Temporary Water Use Permit* must be in the form required by the *Manager* and contain:
  - (a) a description of the purpose of the *Temporary Water Use Permit*;
  - (b) the time period in which the *Temporary Water Use Permit* is requested;

- (c) payment of all applicable fees in the *Fees and Charges Bylaw*; and
- (d) any additional information *Authorized Personnel* may request.

13.4. The *Manager* may issue a *Temporary Water Use Permit* subject to terms and conditions regarding the duration or quantity of use, or any other condition that is consistent with the purposes of this Bylaw.

13.5. If the *Manager* grants a *Temporary Water Use Permit* and requires a *Water Meter* to monitor use, *Authorized Personnel* will install a *Water Meter* to measure the volume of water used by the *Temporary Water Use Permit* holder.

13.6. All connections to *fire hydrants* shall:

- (a) be installed and removed by *Authorized Personnel*;
- (b) be fitted with a *Backflow Preventer*; and
- (c) meet all other conditions specified on the *Temporary Water Use Permit*.

## 14. BILLING

14.1. Every *Customer*, including a *Temporary Water Use Permit* holder, must pay for *Water Services* pursuant to this Bylaw and the *Fees and Charges Bylaw*.

14.2. Specifically, where *Water Meters* are in use for billing purposes:

- (a) the Regional District will measure the quantity of *Water Services* delivered to a *Customer* using a *Water Meter* and the starting point for measuring delivered quantities during each billing period will be the finishing point of the preceding billing period.
- (b) *Water Services* to each *Water Meter* will be billed separately for *Customers* who have more than one *Water Meter* on their *parcels*.
- (c) For billing purposes, the *Manager* may estimate a *Customer's Water Meter* readings if, for any reason, *Authorized Personnel* could not obtain a meter reading.

14.3. If *Water Services* are terminated, the *Manager* may estimate the final meter reading for the *Customer's* final bill based on averaging the *Customer's* previous six (6) bills. If fewer than six (6) bills are available, the *Manager* may estimate the final meter reading based on averaging the *Customer's* previous bills that are available.

14.4. In every case of over-billing, the Regional District will refund to the *Customer* all money incorrectly collected, without interest, for the duration of the error.

14.5. In every case of under-billing, the Regional District will back-bill the *Customer* for the duration of the error.

14.6. If there are reasonable grounds to believe that the *Customer* has tampered with or otherwise used the *Water Services* in an unauthorized way, or there is evidence of fraud, theft or other criminal acts, or if a reasonable *Customer* should have known of under-billing and failed to promptly bring it to the attention of the Regional District, the *Manager* may charge, demand,

collect or receive from its *Customer* greater compensation than that specified in the *Customer's Service Agreement*, this Bylaw and the *Fees and Charges Bylaw*.

- 14.7. The *Customer* is liable for the administrative costs incurred by the Regional District in the investigation of any incident of tampering, including the costs of repair, or replacement of equipment.
- 14.8. If the amount due for *Water Services* or related charges on any bill has not been received in full by the due date specified on the bill, the Regional District may include the outstanding balance in the next bill to the *Customer* and any late payment charge specified in the *Fees and Charges Bylaw*.
- 14.9. A charge imposed under this Bylaw which remains unpaid on the thirty-first day of December in the year discovered shall be determined to be taxes in arrears on the *parcel* on which the charge was imposed and may be recovered as provided in the *Local Government Act* in the following taxation year.

## **15. WATER-SUPPLY MANGEMENT**

- 15.1. The *Manager* may declare the *Water Services* to be subject to any of the *Water Supply Stages* set out in Schedule D after considering any of the following:
  - (a) weather conditions and forecasts;
  - (b) water consumption levels;
  - (c) reservoir or source water supply levels;
  - (d) potential water quality or water availability concerns;
  - (e) provincial drought stages in effect; or
  - (f) planned or unplanned maintenance, repair, or construction of a *Water Supply System*.
- 15.2. The *Manager* will, to the extent practicable, provide notice of the implementation of or a change in a *Water Supply Stage* pursuant to Section 11.5 of this Bylaw.
- 15.3. When a *Water Supply Stage* comes into force, any prior *Water Supply Stage* that was in force ceases to be in force.
- 15.4. If no other *Water Supply Stage* is declared to be in force, the Regional District will supply the *Water Services* under the Normal Stage water conservation measures.

## **16. PROHIBITIONS**

- 16.1. No person shall:
  - (a) attempt to turn-on or turn-off, operate, destroy, tamper, or alter any portion of the *Water Supply System*, including without limitation, *Water Meters*;
  - (b) waste, lend, sell, give or otherwise dispose of water supplied by the Regional District or permit the water to be taken or carried away for the use or benefit of others, without first obtaining written permission from the *Manager*, unless the water is being used for suppressing an active fire; or



- (c) obstruct or interfere with the *Manager* or any *Authorized Person* in the performance of his or her duties or the exercise of his or her powers under this bylaw.

## **17. ACCESS AND ENFORCEMENT**

**17.1.** *Authorized Personnel* may, at all reasonable times and in a reasonable manner and after taking reasonable steps to give notice to a *Customer*, enter onto a *parcel* provided water service for the purpose of:

- (a) inspecting a portion of a *Water Supply System* that is located on the *parcel*;
- (b) inspecting, investigating or repairing *Private Waterworks* if they are reasonably believed to be creating a disturbance with a *Water Supply System*;
- (c) preventing *Excess Water Use* if the *Customer* is not in attendance;
- (d) identifying or inspecting potential or existing *Backflow* into the *Water Supply System*;
- (e) installing, inspecting, repairing, or changing a *Water Meter*;
- (f) issuing notifications, warnings, or educational materials pursuant to the provisions of this Bylaw; and
- (g) verifying that a *Customer* is compliant with the provisions of this Bylaw.

**17.2.** Every person who:

- (a) violates any provision of this Bylaw;
  - (b) causes, suffers, or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw;
  - (c) neglects or refrains from doing anything required to be done by any provision of this Bylaw; or
  - (d) fails to comply with any order, direction, or notice given under this Bylaw
- is guilty of an offence.

**17.3.** Each day that an offence continues will be deemed a separate and distinct offence.

**17.4.** A person found guilty on summary conviction of an offence is liable to a fine not exceeding \$10,000.

**17.5.** Notwithstanding Section 17.4, where any *Customer* who fails to comply with a provision of this Bylaw, or any notice issued pursuant to this Bylaw, the Regional District, after giving at least 24 hours' notice, may have any physical works done considered necessary to remedy the Bylaw infraction, and recover associated costs from the *Customer*.

**17.6.** Any penalty imposed pursuant to this Bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.



## **SCHEDULE "A" – WATER SERVICE AREAS**

This Bylaw will apply to each *Water Service Area* as defined in the following bylaws, including any and all amendments thereto:

### **Faulder *Water Service Area*:**

Bylaw No. 1177, 1990 - Faulder Community Water System Local Service Establishment Bylaw

### **Gallagher Lake *Water Service Area*:**

Bylaw No. 2630, 2013 - Gallagher Lake Sewer and Water Service Establishment Bylaw

### **Naramata *Water Service Area*:**

Bylaw No. 1620, 1995 - Naramata Water System Local Service Establishment Bylaw

### **Olalla *Water Service Area*:**

Bylaw No. 1690, 1996 - Olalla Local Community Establishment Bylaw

### **Sun Valley *Water Service Area*:**

Bylaw No. 2764, 2017 - Sun Valley Water Service Conversion and Continuation Bylaw

### **West Bench *Water Service Area*:**

Bylaw No. 2555, 2011 - West Bench Water System Service Establishment Bylaw

### **Willowbrook *Water Service Area*:**

Bylaw No. 2709, 2015 - Willowbrook Water Service Establishment Bylaw

## **SCHEDULE "B" – SPECIAL DETAILS FOR GALLAGHER LAKE WATER SYSTEM**

In accordance with an agreement between the Senkulmen Utilities Ltd. and the Regional District, dated March 12, 2014, the following provisions apply to *Customers* located in the Gallagher Lake *Water Service Area*, as defined in *Gallagher Lake Sewer and Water Service Establishment Bylaw No. 2630, 2013*:

1. All *Customers* residing in the Gallagher Lake *Water Service Area* shall pay any applicable connection fee imposed under the *Fees and Charges Bylaw* directly to the Osoyoos Indian Band (OIB) offices.
2. The *Customer* must provide the Regional District with proof of payment to SUL/OIB prior to the commencement of the *Water Services*.
3. All other payments, including user fees and Regional District fees, for the *Water Service Connection* will be made to the Regional District.
4. If there is a conflict between any provision in this Schedule "B" and the Bylaw, Schedule "B" shall apply.
5. Except as specifically provided for under this Schedule "B", all Regional District bylaws apply to *Customers* within the Gallagher Lake Sewer and *Water Service Area*.



## **SCHEDULE "C" – SPECIAL DETAILS FOR WEST BENCH WATER SYSTEM**

In accordance with a bulk purchase agreement entered into between the City of Penticton and the Regional District on April 19, 2012, the following additional provisions apply to residents receiving Water Service within the *West Bench Water Service Area*, as defined in the *West Bench Water System Service Establishment Bylaw No. 2555, 2011*:

1. All *Customers* in the *West Bench Water Service Area* must pay, to the City of Penticton, a development cost charge of \$1,300.00 ("**Development Cost Charge**") prior to having *Water Services* turned on. For clarity, only new *Customers* who do not already receive *Water Services* or are seeking additional or new *Water Services* will be required to pay the Development Cost Charge.
2. The Development Cost Charge is a fee in addition to all the other applicable fees for *Water Services* that a *Customer* may be required to pay.
3. If there is a conflict between any provision in this Schedule "C" and the Bylaw, this Schedule "C" shall apply.
4. Except as specifically provided for under this Schedule "C", all Regional District bylaws apply to *Customers* within the *West Bench Water Service Area*.

**SCHEDULE "D" – WATER SUPPLY STAGES**

RATIONALE	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
<p><b>Description</b> <i>(to inform internal operations)</i></p>	<p>Represents normal (i.e. average) conditions for local area.  Water use restrictions focus on water use efficiencies and drought awareness.</p>	<p>Inform the public of the potential for more severe drought if early drought (drier than average) conditions for local area are occurring.  Will move into this stage earlier in a cycle so that the potential to move to more severe stages is reduced.  Water use restrictions focus on water use efficiencies.</p>	<p>Represents low water supply conditions for local area or in prolonged, moderate drought conditions.  Water use restrictions are necessary to sufficiently reduce water demand to allow for sustainable supply and to meet environmental requirements.</p>	<p>Represents very low water supply conditions.  Water use restrictions are necessary to maintain supplies during a period of critical water shortage.  If triggered by drought, represents severe drought conditions for local area and increased risk of wildfire.</p>	<p>Strict water use restrictions are necessary to maintain critical supply.  No spare water is available.  An emergency loss of supply during which water is spared for consumptive and sanitary purposes only.  Fire protection may be compromised.</p>
<p><b>Goal</b> <i>(to inform internal operations)</i></p>	<p>Efficient on-going water-use practices</p>	<p>Intended to roughly reduce total and peak use by 10%</p>	<p>Intended to roughly reduce total and peak use by 20%</p>	<p>Intended to roughly reduce total and peak use by 50%</p>	<p>Maintain Community Health  Intended to roughly reduce total and peak use by 90%</p>
<p><b>Activation</b></p>	<p>Year-round for all systems (unless a higher stage is in effect)</p>	<p><i>Authorized Personnel</i> will determine advancement through the <i>Water Supply Stages</i> based on the following:</p> <ul style="list-style-type: none"> <li>• Time of year and typical seasonal water demand trends</li> <li>• Precipitation and temperature conditions and forecasts</li> <li>• Water usage, recent trends and <i>Customer</i> compliance with restrictions on water use under this Bylaw</li> <li>• <i>Water Supply System</i> performance in water quality and quantity</li> <li>• Water availability concerns arising from natural or manmade causes</li> <li>• Climate Change</li> </ul> <p>An internal operational procedure will guide <i>Authorized Personnel</i> through this decision-making process with consideration of these items.</p>			

RESIDENTIAL	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
<b>RESIDENTIAL</b>  Established lawns, trees, shrubs, flowers, vegetables	<ul style="list-style-type: none"> <li>Manual sprinklers: 3 days/week (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: 3 days/week (12:01-6am)</li> <li>Drip irrigation &amp; hand-held watering: any day, any time</li> <li>Use of harvested rainwater and recycled water are exempted</li> </ul>	<ul style="list-style-type: none"> <li>Manual sprinklers: 2 days/week (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: 2 days/week (12:01-6am)</li> <li>Drip irrigation: 3 days/week (12:01-6am)</li> <li>Hand-held watering: 3 days/week (6-10am &amp; 6-10pm)</li> <li>Use of harvested rainwater and recycled water are exempted</li> </ul>	<ul style="list-style-type: none"> <li>Manual sprinklers: 1 days/week (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: 1 days/week (12:01-6am)</li> <li>Drip irrigation: 2 days/week (12:01-6am)</li> <li>Hand-held watering: 2 days/week (6-10am &amp; 6-10pm)</li> <li>Use of harvested rainwater and recycled water are exempted</li> </ul>	<ul style="list-style-type: none"> <li>Manual sprinklers: not permitted</li> <li>Automatic sprinklers: not permitted</li> <li>Drip irrigation: 1 days/week (12:01-6am)</li> <li>Hand-held watering: 1 days/week (6-10am &amp; 6-10pm)</li> <li>No lawn watering</li> <li>Use of harvested rainwater and recycled water are exempted</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>
<b>RESIDENTIAL</b>  Establishment Period for Newly planted sod, trees, shrubs, flowers, and vegetables	<ul style="list-style-type: none"> <li>Any day at any time using any method for the first 49 days for new seeded lawns</li> <li>Any day at any time for the first 21 days after newly planting for everything else (establishment period)</li> <li>Watering allowances as set out in the row above will apply after the establishment period</li> </ul>	<ul style="list-style-type: none"> <li>Any day at any time using any method for the first 49 days for new seeded lawns</li> <li>Any day at any time for the first 21 days after newly planting for everything else (establishment period)</li> <li>Watering allowances as set out in the row above will apply after the establishment period</li> </ul>	<ul style="list-style-type: none"> <li>4 days/week at any time using any method for the first 49 days for new seeded lawns</li> <li>4 days/week at any time for the first 21 days after newly planting for everything else (establishment period)</li> <li>Watering allowances as set out in the row above will apply after the establishment period</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>

RESIDENTIAL	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
<p>RESIDENTIAL</p> <p>Outdoor Cleaning (e.g. driveways, sidewalks, patios, decks, cars, boats, ATV, etc.)</p>	<ul style="list-style-type: none"> <li>Any day, using any means, provided it does not result in <i>Excess Water Use</i></li> <li>Use a broom or hose with a spring loaded turn off nozzle</li> </ul>	<ul style="list-style-type: none"> <li>2 days/week, using any means, with no <i>Excess Water Use</i> occurring</li> <li>Cleaning required to comply with health &amp; safety regulations and use of water to apply product (e.g. paint) are exempted</li> <li>Use a broom or hose with a spring loaded turn off nozzle</li> </ul>	<ul style="list-style-type: none"> <li>Washing or cleaning with a hose and spring-loaded nozzle as necessary for health &amp; safety reasons only</li> <li>No washing for aesthetic purposes</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> <li>Washing or cleaning with a hose and spring-loaded nozzle as necessary for health &amp; safety reasons only</li> <li>No washing for aesthetic purposes</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> <li>Cleaning required to comply with health &amp; safety regulations exempted</li> </ul>
<p>RESIDENTIAL</p> <p>Topping up, filling/refilling pools, hot tubs, garden ponds/ water features</p>	<ul style="list-style-type: none"> <li>Any day at any time for volumes less than 40,000 litres</li> <li>24 hr notice must be received at the Regional District for volumes greater than 40,000 litres</li> </ul>	<ul style="list-style-type: none"> <li>Any day at any time for volumes less than 40,000 litres</li> <li>Prior approval from <i>Authorized Personnel</i> required for volumes greater than 40,000 litres</li> </ul>	<ul style="list-style-type: none"> <li>Any day between 10AM – 3PM for volumes less than 40,000 litres</li> <li>Prior approval from <i>Authorized Personnel</i> required for volumes greater than 40,000 litres</li> </ul>	<ul style="list-style-type: none"> <li>Prior approval from <i>Authorized Personnel</i> required for all volumes</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>



COMMERCIAL	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
<p><b>COMMERCIAL</b></p> <p>Public, Commercial, or institutional playing fields, cemeteries, Parks, or Boulevards</p>	<ul style="list-style-type: none"> <li>3 days/week at any time using any method</li> </ul>	<ul style="list-style-type: none"> <li>2 days/week at any time using any method</li> </ul>	<ul style="list-style-type: none"> <li>2 days/week at any time for: hand-held containers, hoses with shut-off, or Micro-Irrigation or Drip-Irrigation Systems</li> <li>Manual Sprinklers: 1 day/week (6-10am and 6-10pm)</li> <li>Automatic Sprinklers: 1 day/week (12:01-6am)</li> </ul>	<ul style="list-style-type: none"> <li>1 day/week at any time for: hand-held containers, hoses with shut-off, Micro-Irrigation or Drip-Irrigation Systems</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>
<p><b>COMMERCIAL</b></p> <p>Golf course watering</p>	<p>Any day for fairways, tees and greens as follows:</p> <ul style="list-style-type: none"> <li>Manual sprinklers: (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: (12:01-6am)</li> <li>Micro-Irrigation or Drip irrigation: any day, any time</li> </ul>	<p>Tees &amp; greens 5 days/week and Fairways: 3 days/week using the following:</p> <ul style="list-style-type: none"> <li>Manual sprinklers: (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: (12:01-6am)</li> <li>Micro-Irrigation or Drip irrigation: any day, any time</li> </ul>	<p>Tees &amp; greens 3 days/week and Fairways: 1 day/week using the following:</p> <ul style="list-style-type: none"> <li>Manual sprinklers: (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: (12:01-6am)</li> <li>Micro-Irrigation or Drip irrigation: any day, any time</li> </ul>	<p>Tees &amp; greens 1 day/week using the following:</p> <ul style="list-style-type: none"> <li>Manual sprinklers: (6-10am &amp; 6-10pm)</li> <li>Automatic sprinklers: (12:01-6am)</li> <li>Micro-Irrigation or Drip irrigation: any day, any time</li> </ul> <p>Fairway watering not permitted</p>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>

UTILITY WORKS	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
UTILITY WORKS Maintenance & flushing of hydrants, repair & testing of water works	<ul style="list-style-type: none"> <li>Any day &amp; any time</li> </ul>	<ul style="list-style-type: none"> <li>Any day &amp; any time</li> </ul>	<ul style="list-style-type: none"> <li>Any day &amp; any time</li> </ul>	<ul style="list-style-type: none"> <li>Only for non-routine activities required for public health and safety purposes</li> </ul>	<ul style="list-style-type: none"> <li>Only for non-routine activities required for public health and safety purposes</li> </ul>

AGRICULTURE	NORMAL	STAGE 1	STAGE 2	STAGE 3	STAGE 4
<i>Agricultural Water Use</i> <i>Farm Use</i>	<ul style="list-style-type: none"> <li>No restrictions</li> </ul>	<ul style="list-style-type: none"> <li>No restrictions</li> </ul>	<ul style="list-style-type: none"> <li>No restrictions</li> <li>Voluntary reductions in water use encouraged</li> </ul>	<ul style="list-style-type: none"> <li>Manual sprinklers: 2 days/week (6-10am &amp; 6-10pm), or</li> <li>Automatic sprinklers: any day (12:01-6am)</li> <li>Micro-Irrigation or Drip-Irrigation System at any time</li> </ul>	<ul style="list-style-type: none"> <li>Outdoor water use prohibited except to sustain livestock and for the minimal maintenance needs of perennial fruit trees used for Commercial production.</li> </ul>

Note: Water use ordered by the Regional District or Fire Marshall to reduce fire risk is exempted from restrictions at all stages.

## **SCHEDULE "E" – DEFINITIONS FOR FEES AND CHARGES**

The intent of this schedule is to define all terms used in billing of the *Water Services* and to provide consistency in all *Water Service Areas*.

### **GENERAL DEFINITIONS**

"*Basic User Fee*" means the annual flat rate charged to each residence occupied for *domestic* use connected to the *Water Supply System*;

"*Commercial*" means any occupation, employment or enterprise that is carried on for profit;

"*Domestic*" means for use within the home or dwelling place and does not include any *Commercial*, *Industrial* or *Agricultural* use;

"*Industrial*" means an occupation, employment or enterprise that is carried on for profit to: process raw materials; manufacture or assemble semi-finished or finished goods, products or equipment; cleaning servicing, repairing or testing of materials, goods and equipment associated with Industrial use; storage or shipping terminals; and distribution and sale of materials, bulk goods and equipment.

"*Institutional*" means a facility which relates to human development such as education, recreation, religion or politics or which relates to public service such as health or protective services;

"*Irrigation Acreage*" means all irrigable land area serviced only from an Irrigation Water Service Connection, not a residential water service connection;

"*Public Utilities*" means broadcast transmission, water, sewer, gas, electrical, telephone, transportation or other services established by a person servicing the immediate neighbourhood having no exterior storage of any kind and no garage for the repair and maintenance of equipment and does not include oil or gas storage tanks or a public storage and works yard;

"*Residential*" means the occupancy or use of a *Dwelling Unit* for the permanent domicile of a person or persons; or the occasional or seasonal occupancy of a *Dwelling Unit* as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner. This use does not include vacation rental;

"*Residential Acreage*" means all irrigable land area serviced from a residential connection which is or has been irrigated from the Regional District's works;

"*Vacant Lot*" means all lands within service area or in close proximity to water main but not connected; may be undeveloped land or deemed non-irrigable, by an agrologist's report;

### **RESIDENTIAL USE**

"*Apartment*" or "*Condominium*" means a *Multiple Dwelling* building comprising three or more *Dwelling Units* with shared entrances and other essential facilities and services and with shared exit facilities provided for *Dwelling Units* located above the first storey;

"*Duplex Dwelling*" means two *Dwelling Units* located in one principal building on a parcel. A duplex dwelling does not include a *Secondary Suite*;

"*Dwelling Unit*" means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking

facilities (unless a secondary suite is permitted in the applicable zone), and which is designed to be used for living and sleeping purposes;

"*Manufactured Home*" means a "*Mobile Home*" or "*Modular Home*" normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include *Travel Trailers*, *Recreational Vehicles*, park model recreational vehicles or campers;

"*Mobile Home*" means a *Manufactured Home* which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

"*Modular Home*" means a *Manufactured Home* which is certified as being constructed to the Canadian Standards Association A277 Standard;

"*Mobile Home Park*" or "*Manufactured Home Park*" means any parcel of land, upon which three (3) or more *Manufactured Homes* or *Single Family Dwellings* are located on individual manufactured home sites that are occupied exclusively for *Residential* purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

"*Mobile Home Space*" or "*Manufactured Home Space*" means an area of land for the installation of one *Manufactured Home* with permissible additions and situated within a *Manufactured Home Park*;

"*Multi-Dwelling Unit*" means a building containing three or more *Dwelling Units*. These can include 3-plex, 4-plex, *townhouse* and a *Mobile Home* in a *Mobile Home Park*;

"*Secondary Suite*" means a self-contained second *Dwelling Unit* located within a principal *Single Family Dwelling* accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal *Dwelling Unit*. A *Secondary Suite* does not include *Duplex* housing, semi-detached housing, *Multiple-Dwelling* housing or boarding and rooming housing;

"*Single Family Dwelling*" or "*Single Detached Dwelling*" means a detached building used for *residential* use of one family and consisting of one *Dwelling Unit*. May include a "*Modular Home*" but does not include a "*Mobile Home*";

"*Townhouse*" means a block of at least three (3) side-by-side *Dwelling Units*, accessible from ground level, with each *Dwelling Unit* having a separate yard space, and each unit separated from each other on at least one side by a common party wall;

## **COMMERCIAL USE**

### **ACCOMODATION TYPE USE:**

"*Bed and Breakfast*" means an occupation conducted within a principal *Dwelling Unit*, by the residents of the *Dwelling Unit*, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations;

"*Bunkhouse*" means a dwelling under 800 square feet in area for the accommodation of transient labour with more than one sleeping unit and which is served by water for only a portion of the year. Any dwelling over 800 square feet will be considered two bunkhouses, over 1600 square feet would be three, etc.;



"*Cabin*" means a detached building containing a maximum of one sleeping unit used year-round exclusively for the temporary accommodation of the traveling public or seasonal workers, and may include washroom facilities. The dwelling is under 800 square feet. Note that this differs from the *Summer Cabin* as a *Cabin* has a year-round water supply;

"*Campground*" means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist *Cabins* or *Recreation Vehicles* which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include *Hotels*, *Manufactured Homes*, *Manufactured Home Parks*, *Motels* or *Recreational Vehicle Parks*;

"*Campsite*" means an area in a *Campground* used or intended to be used, leased or rented for seasonal occupancy of tents, *Recreational Vehicles* or *Tourist Cabins*;

"*Hotel*" means a building containing *Commercial* guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

"*Motel*" means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

"*Recreational Vehicle*" means a vehicle designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, camper trailers, pick-up coaches, motorized campers, motorized homes, park model trailers and other similar vehicles, which provide temporary recreational accommodation for the traveling public;

"*Recreational Vehicle Park*" means any lot or parcel operated and maintained for the sole purpose of providing two (2) or more recreational vehicle and park model sites or lots, connected to services, for the exclusive use and occupancy, for a maximum of six (6) months of the year only, of persons who are the owners or lessees of the sites or lots; may include bare land strata lots under the relevant Provincial regulations, but does not include a *Mobile Home Park*, *Motel*, or *Campground*;

"*Summer Cabin*" or "*Guesthouse*" or "*Pickers Cabin*" means a detached building containing a maximum of one sleeping unit used exclusively for temporary summer accommodation, and may include washroom facilities. The *Dwelling* is under 800 square feet and only serviced with water for a portion of the year;

"*Vacation Rental*" means the use of a *Residential Dwelling Unit* for the temporary *Commercial* accommodation of paying guests for a period of less than one month. This use does not include *Bed and Breakfast*;

## **FOOD & BEVERAGE BUSINESS USE**

"*Agriculture*" means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

*"Brewery, Cidery, Distillery or Meadery"* means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume that is licensed under the Liquor Control and Licensing Act to produce beer, cider, spirits or mead;

*"Eating And Drinking Establishment"* means a development where prepared foods and beverages are offered for sale to the public for consumption within the premises or off the site and includes neighbourhood pubs, licensed restaurants, lounges, cafes, delis, tea rooms, lunch rooms, drive-in food services, refreshment stands and take-out restaurants but excludes mobile catering food services; includes eating establishments at Wineries, breweries, distilleries;

*"Food and Beverage Processing"* means a business premises or building, where produce, meat or beverages are processed, produced, canned, frozen, packed or stored indoors, and includes a *Brewery, Cidery, Distillery or Meadery* and *Winery*;

*"Processed Farm Products"* means farm products that have been transformed by biological or other means such as fermentation, cooking, butchering, canning, smoking or drying to increase their market value and convenience to the consumer, but does not include hot and cold food items sold for on-site consumption

*"Service Industry Establishment"* means a business premises or building, where non-personal goods and services are provided, including: the repair or assembly of electronic devices, vehicles, trucks, boats or other machinery (including painting); tire sales and repair; household cleaning and repair; metal and woodworking; and plumbing and heating sales; storage and repair;

*"Retail Sales of Farm and/or Off-Farm Products"* means retail activity which is an accessory use to a *Farm Use* and which may include the sale of goods produced on or off that farm as permitted in a given zone and which includes buildings and structures necessary for the sale and storage;

*"Winery"* means an establishment involved in the manufacture, packaging, storing and sales of grape and fruit-based wines, including a wine bar, food & beverage lounge and an *Eating and Drinking Establishment*;

## **RETAIL AND OFFICE TYPE USE**

*"Car Wash"* means a business used to clean the exterior of motor vehicles in wash bays or with wash wands. Fee is per wash bay or wash wand;

*"Home Industry"* means an occupation or a commercial use that is accessory to the principal *residential dwelling unit* on the parcel. It may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials;

*"Kennel"* means the care of five (5) or more dogs, cats or other domestic animals or pets whether such animals are kept commercially for board, propagation, training, sale or for personal and private enjoyment;

*"Laundromat"* means the business where clothes are washed and dried. Fee is per washing machine;

*"Office"* means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

*"Personal Service Establishment"* means a business which caters to a person's personal needs, and includes a tailor, seamstress, cobbler, photographer, barber, beautician, hairdresser, and dry-cleaning facilities. Does not include laundromats;

*"Retail Store, Convenience"* means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m<sup>2</sup>;

*"Retail Store, General"* means premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail stores, are offered for sale at retail to the general public. Typical uses include but are not limited to grocery, clothing, shoe, hardware, pharmaceutical, appliance, and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment or retail stores requiring outdoor storage;

*"Service Station"* means premises used principally for the retail sale of motor fuels, lubricating oils, propane and motor vehicle accessories, retail sales by way of vending machines and the servicing of motor vehicles, excluding other retail sales, wholesale sales, or motor vehicle structural body repairs and painting. Does not include car washing bays or washing wands;

## INSTITUTIONAL USE

*"Charitable Institution"* means a facility or premises used for temporary gatherings and temporary accommodation, which is owned by a public or private organization which is not organized for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any private group or individual and may include a religious or recreational retreat;

*"Church"* means an assembly building used for religious worship, which is maintained and controlled by a religious body organized to sustain public worship;

*"Community Care and/or Residential Care Facility"* means a facility licensed by the Provincial government as a community care facility or residential care facility or like establishments not licensed provincially;

*"Community Hall"* means a building or part of a building designed for, or intended to be used by the public for such purposes as civic meetings, educational meetings, political meetings, recreational activities or social activities and may include banquet facilities;

*"Educational Facility"* means the use of land, buildings or structures for education, instruction and training and may include administration offices and dormitories to house students. Typical examples include but are not limited to elementary, middle and secondary schools, storefront schools, community colleges, universities, technical and vocational schools;

*"Indoor Recreation"* means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

*"Park"* means any publicly-owned, held, or beneficially-owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band

shells, greenbelts, buffers, constructed landscaping, nature interpretation areas, or similar land uses;

*"Public Facilities"* means a fire hall, community hall, school, public park, recreation facility and other similar building, structure or space intended for public use;

*"Spray Park"* means a facility that is open to the public and that that is equipped with water sprays, water jets, sprinklers and similar devices that spray water for recreation and enjoyment of the users;

Where two or more types of uses are made of a single property or building, multiples or combinations of the user rate shall be determined by the RDOS, acting reasonably. In the case of a residence accompanying a commercial use, the applicable rate shall be the higher of the two rates but not both.

#### **OTHER DEFINITIONS**

*"Dole Valve"* means a flow control device used on a water service connection to restrict the amount of water supplied;

*"Hydrant Permit" to be renamed to "Temporary Water Use Permit"*



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Apex Waste Transfer Station Tender Award

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### Administrative Recommendation:

**THAT** the Board of Directors receive the April 25, 2019 Award Recommendation Report for the “Apex Waste Transfer Station” tender from McElhanney; and

**THAT** the Regional District award the “Apex Waste Transfer Station” project to Greyback Construction Ltd. in the amount of \$450,148.00 plus applicable taxes; and

**THAT** the Regional District approve a contingency for the construction in the amount of \$40,000.

### Purpose:

To approve the award of construction to a contractor to complete the construction of the Apex Waste Transfer Station.

### Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.

Recommendation letter dated April 25, 2019 from McElhanney.

### Business Plan Objective: *(Tie to current RDOS Business Plan)*

Continued objective from the 2019 Corporate Action Plan – Design and construct the Apex Transfer Station is a task under objective 3.3.1.8 to implement the 2016 phase of the Solid Waste Management Plan.

### Background:

The construction of a waste transfer station for Apex Mountain has been a top priority of the Solid Waste management plan since it was drafted in 2012. Originally the transfer station had a more simplistic design however consultation with residents revealed a desire for a more complex transfer station. This required an amendment to the solid waste management plan which was approved in 2018.

Once the Regional District received approval, the design for the station was finalized and a request for quotations was issued for the supply of the metal building which. This was awarded to 3-Bar construction Ltd. A tender was then issued to complete the civil and site work for the transfer station.

**Analysis:**

Only one tender was received by the Closing Time on April 15, 2019. The following table provides the contractor name and total tender price provided without GST.

**Tender Result Summary**

Tenderer	Bid Price Provided
Greyback Construction Ltd.	\$ 450,148.00

The bid price is consistent with the engineer’s estimate for these works.

McElhanney, the design consultant, completed a review of the submitted tender and provided a letter of recommendation for award. The recommended contractor for the construction of the Apex Waste Transfer Station is Greyback Construction Ltd.

**Funding:**

The project will be funded through borrowing authorized under Apex Waste Transfer Station Loan Authorization Bylaw no. 2843, 2019. The submitted bid price was within estimates and the project is expected to be completed within budget.

**Alternatives:**

The Board of Directors may choose to not award the the project to Greyback Construction Ltd.

**Communication Strategy:**

A Notice of Award letter will be prepared for the Contractor after the approval by the Board is received. Additionally, notification newsletters will be provided to the residents living in the area of the upcoming construction works and information on what the purpose of the work is.

**Respectfully submitted:**

*Liisa Bloomfield*

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L. Bloomfield, Engineer

April 25, 2019

Regional District of Okanagan-Similkameen (RDOS)  
101 Martin Street  
Penticton, BC  
V2A 5J9

Attention: Shane Fenske, ASCT  
Project Manager

Re: Apex Solid Waste Transfer Station Tender Award Recommendation

Dear Mr. Fenske,

McElhanney has reviewed the one (1) bid received by RDOS for the above-mentioned project and recommends RDOS proceed with award of this tender to **Greyback Construction Ltd.** This recommendation is based on Greyback's bid price of \$450,148.00 excl. taxes, provided schedule, qualifications and applicable required tender submission documents.

Greyback is a reputable contractor with extensive local experience applicable to the scope of this tender. In addition, the bid price is comparable to the project's estimated construction cost.

Should you have any questions please do not hesitate to contact me.

Sincerely,

**McElhanney Ltd.**



Jenny Lines, P.Eng  
Project Manager

cc:  
Lee Peltz

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** License of Occupation Application – Osprey Lake to Faulder KVR

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### Administrative Recommendation:

THAT the Board of Directors endorse an application to the Province of British Columbia for a License of Occupation for a term of 2 years of the former KVR between Osprey Lake and Faulder over the land described as District Lots 4128, 4130, 4115, 4127, 4126, 4125 and District Lot 4334 shown on Plan Crown Grant 107 District Lot 4336 shown on Crown Grant 1 and that part of DL 4335 shown on Plan CG 107, those parts of DL's 2068, 2069, 2070, 2091 and 2092 shown on Plan A105 all of KDYD together with District Lots 4406, 4405, 4404, 4403, 4402, those parts of DL's 2093 and 2094 shown on Plan A137; those parts of DL's 3400, 3760, 1072 Pcl D of DL 2893 1072 (ex EPP38279) shown on Plan A67 and that part of DL 4407 shown on CG Plan 96; Pcl A DL 3698 Plan A151; that part of DL 4411 shown on CG 100; those portions of DL 3699 shown on Plan A139 all of ODYD, containing 110.4 hectares, for the purposes of permitted trail maintenance activities.

### Purpose:

To acquire tenure over the KVR trail between Osprey Lake and Faulder for a two-year period for the purposes of maintaining the trail.

### Reference:

Parcel Map  
2011 Regional Trails Master Plan

### Business Plan Objective:

Key Success Driver 3  
3.1 To develop a socially sustainable region  
3.1.7 By providing public recreational opportunities

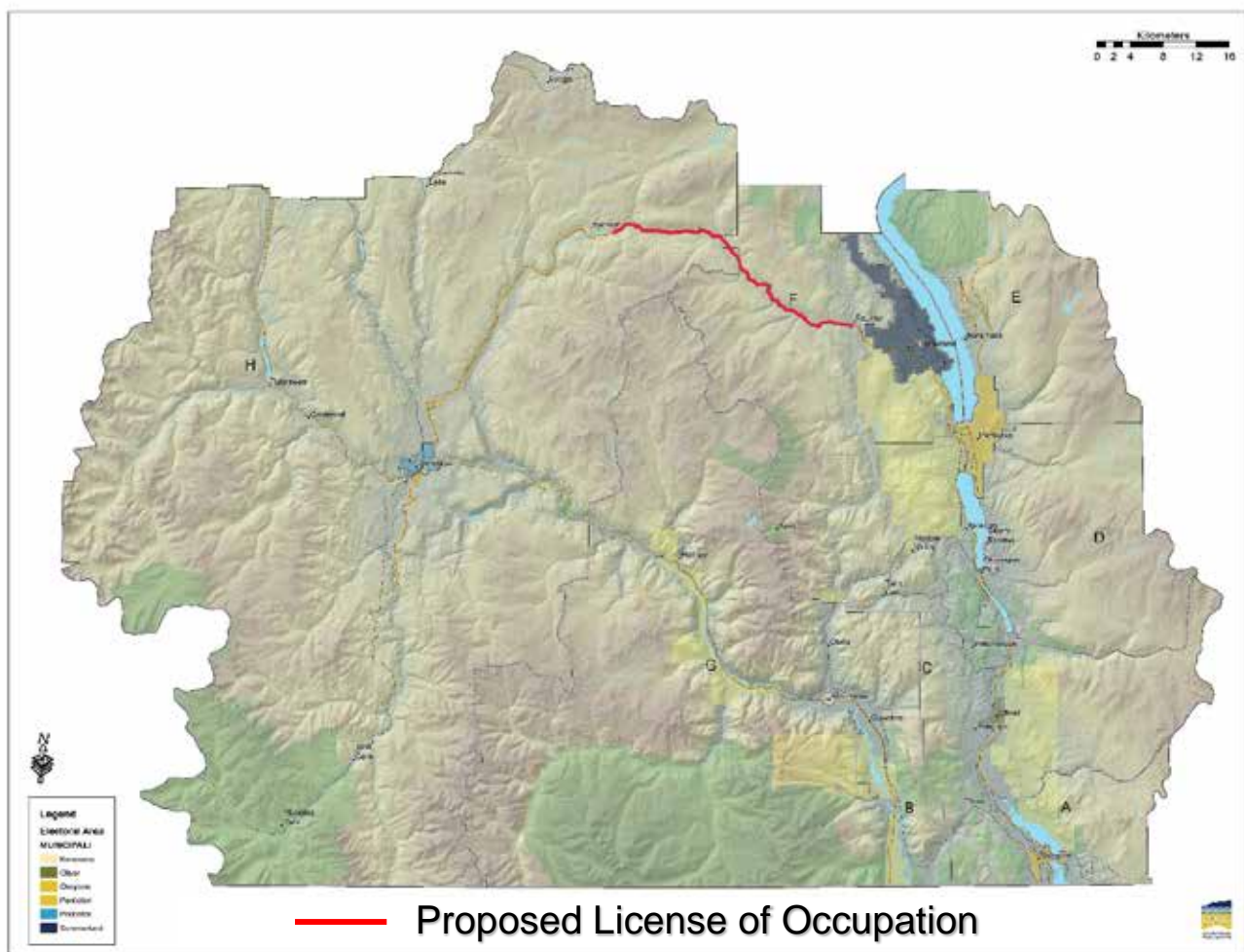
### Background:

In 2012, the RDOS completed the Regional Trails Master Plan which identified priorities for trail development throughout the region. The use of the former railway right of ways was identified as a priority, as they have the greatest potential to connect the communities of the region with safe, "off



highway” recreational corridors that allow for the most diverse uses. As a result, the RDOS began to acquire tenure to maintain and enhance the abandoned rail corridors throughout the region. Rail trails throughout the region are primarily owned by the Province. The preferred mechanism for tenure is typically a License of Occupation, which provides the RDOS with a legal covenant on the trail surface area and approved operations and maintenance program.

In 2011, the RDOS signed a fifteen year Partnership Agreement with the Recreations Sites and Trails B.C. for the operations and maintenance of the KVR Trail from the RDOS north west boundary (Electoral Area H) to our north east boundary (Electoral Area E), excluding municipal areas and the Penticton Indian Reserve. The partnership agreement defines roles and responsibilities of the two parties and provides a form of tenure for the RDOS to establish a Regional Trails Program.



**Analysis:**

The partnership agreement was an effective interim method of providing the RDOS with legal access to manage the KVR trail, however it is not legal tenure, for which the proposed License of Occupation will provide.

Current Provincial License of Occupation areas for the Regional Trails Program:

- 8.5km - Skaha Lake KVR (Kaleden to Okanagan Falls) – 2012, MOFLNRO
- 9.5km - VVE (Keremeos to Cawston) – 2011, MOTI
- 2.5km - McIntyre Bluff KVR – 2014, MOFLNRO
- 100km - Osprey Lake to Brookmere – 2016, MOFLNRO
- 3.5km - Osoyoos Lake North – 2015, MOTI & FLNRO

Outstanding non License of Occupation trails managed by the Regional Trails Program:

- 40km - KVR Penticton to Chute Lake – 2011, Partnership Agreement MOFLNRO
- 50km - KVR Faulder to Osprey Lake – 2011, Partnership Agreement MOFLNRO
- 5km – KVR Faulder to Summerland – 2011, Partnership Agreement MOFLNRO
- 16km – Okanagan River Channel Trail Oliver – 2015, Maintenance Contract MOFLNRO

This License of Occupation was previous held by the Summerland Trans Canada Trails Society which is no longer operating the trail. This two year term, is for the remainder of that existing License, which will be transferred to the RDOS. At the end of the proposed two year license the RDOS may reapply for a longer term.

**Alternatives:**

That the Board not support application to the Province for a License of Occupation at this time.

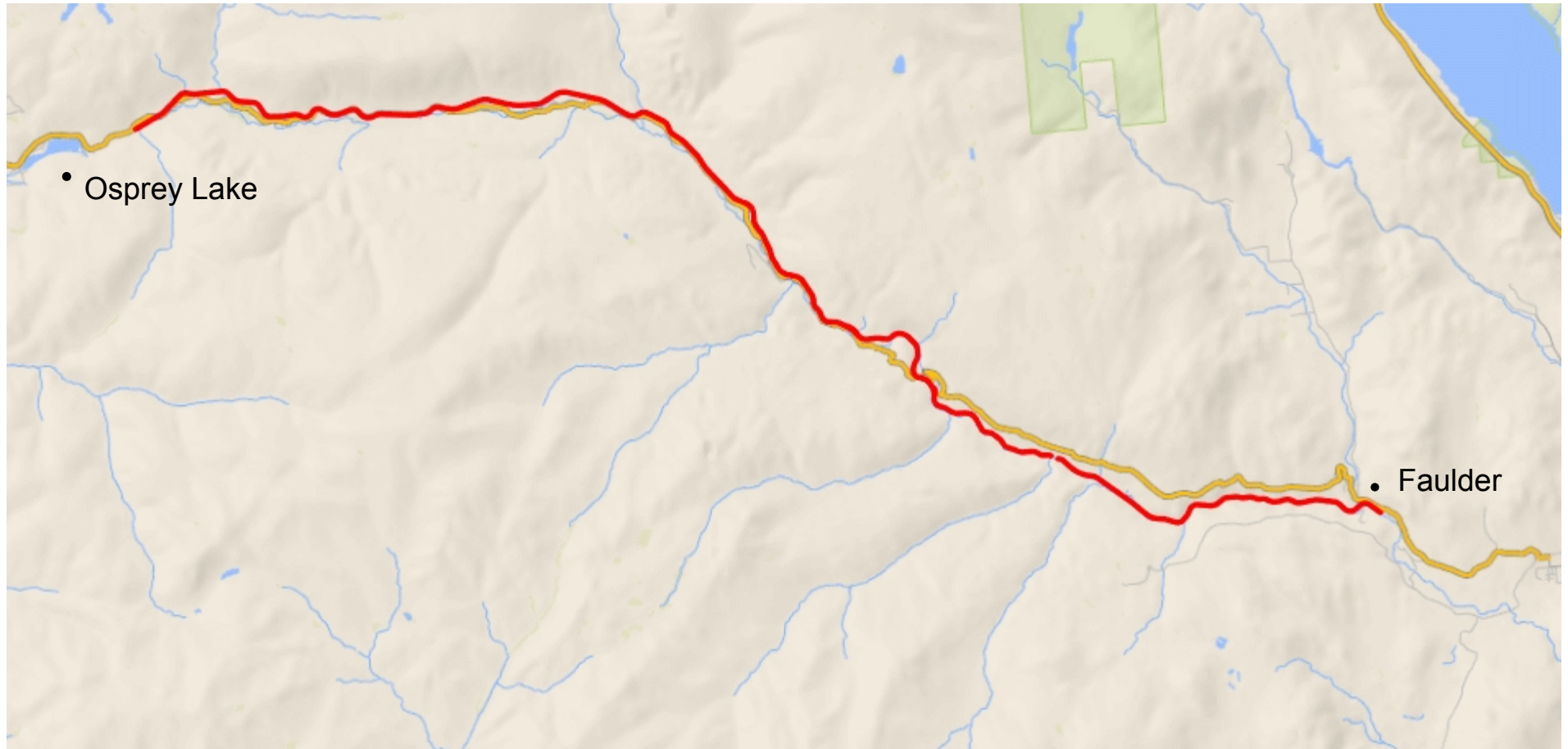
**Respectfully submitted:**

*Justin Shuttleworth*

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J. Shuttleworth, Parks & Facilities Manager

All that unalienated and unencumbered Crown land being part of the former Kettle Valley Railway between Osprey Lake and Faulder, KDYD and ODYD, containing 110.4 ha, more or less.



Scale: 1:150,000

BCGS Mapsheet(s): 92H080, 82E061, 82E062, 82E071



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** 9 May 2019  
**RE:** 2019-2023 Five Year Financial Plan Amendment - Rural Projects,  
Electoral Areas G and B

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**Recommendation:**

**THAT the Board of Directors approve a five-year Financial Plan Amendment to authorize an expenditure of \$90,000 for flood mitigation projects on the Similkameen River Flood Works between Keremeos and Cawston; and**

**THAT the project be funded jointly from the Electoral Area B and Electoral Area G Community Works Fund each contributing \$45,000 from their respective Community Works Program (Gas Tax) Reserves; and**

**THAT Bylaw No. 2855, 2019 Electoral Area "G" and Area "B" Community Works Program (Gas Tax) Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.**

**Reference:**

Bylaw 2839, 2019, being the 2019-2023 Five Year Financial Plan

Bylaw 2855, 2019, being the Areas "B" & "G" Community Works Program (Gas Tax) Reserve Expenditure Bylaw

Bylaw 2401, 2006, being the Area B Community Works Program (Gas Tax) Reserve Establishment Bylaw

Bylaw 2406, 2006 being the Area G Community Works Program (Gas Tax) Reserve Establishment Bylaw

**Background:**

Amendments to the approved Five-year Financial Plan are brought forward as supporting resolutions with bylaw amendments taking place in aggregation annually at the end of the calendar year.

With the recommendation of the Director for Electoral Area G, the Board authorized a number of projects from the Electoral Area G Community Works Fund in September 2018, one of which was the replacement of drainage culvert on the diking system between Keremeos and Cawston. Initially estimated at \$20,000 for a "Design/Build" project, Ecora Engineering was retained as Project Manager. Their responsibility included project design, obtaining both a Section 11 Approval and Dike Maintenance Act Permit, obtaining access to site, construction and construction inspection.

**Alternatives:**

1. Proceed with the amendment
2. Terminate the project

**Analysis:**

The Project Manager advises that construction costs increased to \$90,000 from the estimated \$20,000 due to conditions imposed by Environment on the size of the culvert, among other things. The contract for the work has been awarded and construction materials ordered.

Initially funded only by Area G, it is now proposed that the project cost be funded jointly by Area B and Area G.

There are sufficient funds in the Area B and Area G Community Works Program (Gas Tax) Reserves.



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2855, 2019**

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A bylaw to authorize the expenditure of monies from the Electoral Area 'G' and Area "B" Community Works Program (Gas Tax) Reserve Fund for completion of Similkameen River Flood Works between Keremeos and Cawston

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**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'G' and Area "B" Community Works Program (Gas Tax) Reserve Funds' have sufficient monies available for community capital projects;

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

**1 Citation**

1.1 This Bylaw shall be cited as the "Electoral Area 'G' and Area "B" Community Works Program (Gas Tax) Reserve Fund Expenditure Bylaw No. 2855, 2019"

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2. The expenditure of \$45,000.00 from the Electoral Area 'G' and \$45,000 from the Electoral Area "B" Community Works Program (Gas Tax) Reserve Funds are hereby authorized for the completion of Similkameen River Flood Works between Keremeos and Cawston.

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**READ A FIRST, SECOND, AND THIRD TIME** this \_\_\_ day of \_\_\_, 2019

**ADOPTED** this \_\_\_ day of \_\_\_, 2019

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RDOS Board Chair

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Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 9, 2019  
**RE:** 2018 Audited Financial Statements

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### Administrative Recommendation:

**THAT the 2018 Audited Financial Statements of the Regional District of Okanagan-Similkameen as of December 31, 2018 be received;**

**AND THAT the RDOS Board adopts all reported 2018 transactions as amendments to the 2018 Final Budget**

**Business Plan Objective:** *(Tie to current RDOS Business Plan)*

Objective 1.1.1: By providing the Board with accurate, current financial information.

### Analysis:

The 2018 Financial Statements for the RDOS are presented with an unqualified audit opinion. In the opinion of our auditors, our financial statements represent fairly, in all material respects, the financial position of the RDOS in accordance with GAAP (Generally Accepted Accounting Principles) and PSAS (Public Sector Accounting Standards).

Please note that the attached 2018 Financial Statements are not on letterhead or signed by the auditors or RDOS representatives. Canadian Audit Standards requires the auditors to keep the audit file open until the Board has received and taken ownership of the financial statements. Ownership transfers with the passing of the above noted resolution. The attached document is the proposed final 2018 Financial Statements and once accepted by the Board, the document will include the appropriate letterhead and signatures of the auditors and RDOS representatives

### Respectfully submitted:

*"John Kurvink, Manager of Finance/CFO"*

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J. Kurvink, Finance Manager

**Regional District of Okanagan-Similkameen**  
**Consolidated Financial Statements**  
For the year ended December 31, 2018

Draft for Board approval May 9, 2019

**Regional District of Okanagan-Similkameen**  
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**For the year ended December 31, 2018**

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Draft for Board approval May 9, 2019



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## Management's Responsibility for Financial Reporting

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The accompanying consolidated financial statements of Regional District of Okanagan-Similkameen are the responsibility of management and have been approved by the Chief Administrative Officer and the Board Chair on behalf of the Board of Directors.

These consolidated financial statements have been prepared by management in accordance with Canadian public sector accounting standards. Financial statements are not precise since they include certain amounts based on estimates and judgments. When alternative accounting methods exist, management has chosen those it deems most appropriate in the circumstances, in order to ensure that the consolidated financial statements are presented fairly, in all material respects.

Regional District of Okanagan-Similkameen maintains systems of internal accounting and administrative controls, consistent with reasonable costs. Such systems are designed to provide reasonable assurance that the financial information is relevant, reliable and accurate and the Regional District's assets are appropriately accounted for and adequately safeguarded.

Regional District of Okanagan-Similkameen is responsible for ensuring that management fulfills its responsibilities for financial reporting and is ultimately responsible for reviewing and approving the consolidated financial statements.

The Board of Directors reviews the Regional District's consolidated financial statements and recommends their approval to the Chief Administrative Officer and the Board Chair. The Board meets periodically with management, as well as the external auditors, to discuss internal controls over the financial reporting process, auditing matters and financial reporting issues, to satisfy themselves that each party is properly discharging their responsibilities, and to review the annual report, consolidated financial statements and external auditor's report.

The consolidated financial statements have been audited by BDO Canada LLP in accordance with Canadian generally accepted auditing standards. BDO Canada LLP has full and free access to the Board of Directors.

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Chief Administrative Officer

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Board Chair

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## Independent Auditor's Report

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To the Board of Directors  
Regional District of Okanagan-Similkameen

### Opinion

We have audited the consolidated financial statements of Regional District of Okanagan-Similkameen and its controlled entities (the "Consolidated Entity"), which comprise the consolidated statement of financial position as at December 31, 2018, and the consolidated statement of operations, the consolidated statement of change in net financial assets and the consolidated statement of cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the consolidated financial position of the Consolidated Entity as at December 31, 2018, and its consolidated results of operations, its consolidated change in net financial assets, and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Consolidated Financial Statements* section of our report. We are independent of the Consolidated Entity in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements of Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Consolidated Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Consolidated Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Consolidated Entity's financial reporting process.

## Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Consolidated Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Consolidated Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Consolidated Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Consolidated Entity to express an opinion on the consolidated financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants

Penticton, British Columbia  
May 9, 2019

Draft for Board approval May 9, 2019

**Regional District of Okanagan-Similkameen  
Consolidated Statement of Financial Position**

	2018	2017
<b>Financial assets</b>		
Cash and cash equivalents (Note 2)	\$ 2,835,237	\$ 303,660
Short-term investments (Note 2)	25,467,243	30,013,104
Accounts receivable (Note 4)	10,171,103	7,399,424
Debt reserve fund (Note 5)	5,916,449	6,669,912
Long-term investments (Note 6)	882,001	130,539
Debt recoverable member municipalities (Note 12)	60,620,468	67,627,698
Due from Town of Osoyoos	-	7,139
	<b>105,892,501</b>	<b>112,151,476</b>
<b>Liabilities</b>		
Accounts payable and accrued liabilities (Note 7)	3,439,929	5,605,637
Short-term debt (Note 8)	120,000	1,070,000
Deferred revenue (Note 9)	3,828,608	3,907,424
Landfill closure and post-closure liabilities (Note 10)	5,008,517	4,516,458
Development cost charges (Note 11)	762,967	723,628
MFA equipment financing	76,550	40,428
Debt reserve fund (Note 5)	5,916,449	6,669,912
Long-term debt (Note 12)	79,084,988	86,060,832
Due to Town of Osoyoos	111	-
	<b>98,238,119</b>	<b>108,594,319</b>
<b>Net financial assets</b>	<b>7,654,382</b>	<b>3,557,157</b>
<b>Non-financial assets</b>		
Prepaid expenses	21,260	33,672
Tangible capital assets (Note 13)	82,489,627	81,501,408
Deposit on land	-	60,283
	<b>82,510,887</b>	<b>81,595,363</b>
<b>Accumulated surplus</b> (Note 14)	<b>\$ 90,165,269</b>	<b>\$ 85,152,520</b>

**Contingencies** (Note 16)

Approved on behalf of Council

\_\_\_\_\_

Board Chair

\_\_\_\_\_

Chief Administrative Officer



**Regional District of Okanagan-Similkameen  
Consolidated Statement of Operations and Accumulated Surplus**

	(Note 21) Budget	2018	2017
<b>Revenues</b>			
Property taxes and grant in lieu (Note 19)	\$ 17,607,101	\$ 17,497,651	\$ 16,011,170
Sales of goods and services	10,780,879	11,708,105	11,252,534
Government transfers	4,310,046	2,908,953	6,048,499
Interest and investment income	60,000	713,500	778,422
Development cost charges	-		104,054
Donations	273,500	473,203	38,361
Rental	268,636	425,687	309,879
Other contracts and miscellaneous	510,061	1,583,197	1,020,974
<b>Total revenues for the year</b>	<b>33,810,223</b>	<b>35,310,296</b>	<b>35,563,893</b>
<b>Expenditures</b>			
General Government	5,310,481	5,005,853	4,394,817
Protective services	4,217,847	3,829,057	3,453,974
Transportation services	290,123	326,724	256,875
Development services	1,948,858	1,640,974	1,563,704
Parks, recreation and culture	6,961,373	6,380,139	5,900,530
Environmental services	10,861,334	8,243,528	8,009,073
Bylaw enforcement	132,987	248,627	231,068
Water services	3,173,802	3,356,590	3,166,104
Sewer services	912,176	1,853,811	1,408,120
Economic development	197,504	163,706	203,282
<b>Total expenditures for the year</b>	<b>34,006,485</b>	<b>31,049,009</b>	<b>28,587,547</b>
<b>Excess (deficiency) of revenue for the year</b>	<b>(196,262)</b>	<b>4,261,287</b>	<b>6,976,346</b>
<b>Net income (loss) from enterprises (Note 6)</b>	<b>-</b>	<b>751,462</b>	<b>(13,346)</b>
<b>Loss on disposal of long-term investments</b>		<b>-</b>	<b>(38,821)</b>
<b>Loss on disposal of assets</b>	<b>-</b>	<b>-</b>	<b>(73,206)</b>
<b>Annual surplus (deficiency)</b>	<b>(196,262)</b>	<b>5,012,749</b>	<b>6,850,973</b>
<b>Accumulated surplus, beginning of year</b>		<b>85,152,520</b>	<b>78,301,547</b>
<b>Accumulated surplus, end of year</b>		<b>\$ 90,165,269</b>	<b>\$ 85,152,520</b>

The accompanying summary of significant accounting policies and notes are an integral part of these consolidated financial statements.

**Regional District of Okanagan-Similkameen  
Consolidated Statement of Change in Net Financial Assets**

	(Note 21) Budget	2018	2017
<b>Annual surplus</b>	(196,262)	\$ 5,012,749	\$ 6,850,973
Acquisition of tangible capital assets	(1,646,261)	(3,132,381)	(8,807,427)
Amortization of tangible capital assets	-	2,545,162	2,532,492
Contributed tangible capital assets	-	(401,000)	-
Disposal of tangible capital assets	-	-	73,926
	<u>(1,646,261)</u>	<u>(988,219)</u>	<u>(6,201,009)</u>
Use (acquisition) of prepaid expenses	-	12,412	(31,672)
(Acquisition) transfer of land in trust	-	60,283	(60,283)
	<u>-</u>	<u>72,695</u>	<u>(91,955)</u>
<b>Increase in net financial assets</b>	<b>(1,842,523)</b>	<b>4,097,225</b>	<b>558,009</b>
<b>Net financial assets, beginning of year</b>		<b>\$ 3,557,157</b>	<b>\$ 2,999,148</b>
<b>Net financial assets, end of year</b>		<b>\$ 7,654,382</b>	<b>\$ 3,557,157</b>

The accompanying summary of significant accounting policies and notes are an integral part of these consolidated financial statements.

**Regional District of Okanagan-Similkameen  
Consolidated Statement of Cash Flows**

	2018	2017
<b>Cash flows from operating activities</b>		
Cash received during the year	\$ 31,384,641	\$ 33,337,105
Cash paid to suppliers and employees	(29,517,338)	(22,515,920)
Interest paid	(647,746)	(608,559)
Interest received	1,464,962	726,255
	2,684,519	10,938,881
<b>Cash flows from capital activities</b>		
Purchase of tangible capital assets	(3,132,381)	(8,807,427)
Disposal of tangible capital assets	-	73,926
	(3,132,381)	(8,733,501)
<b>Cash flows from financing activities</b>		
Decrease in long-term debt recoverable from municipalities	7,007,229	2,643,556
Proceeds from MFA leases	50,701	-
Repayment of long-term debt	(7,940,423)	(1,954,114)
Decrease in due from related parties	7,250	21,873
	(875,243)	711,315
<b>Cash flows from investing activities</b>		
Decrease (increase) in short-term investments	4,545,861	(3,551,615)
Decrease (increase) in long-term investments	(751,462)	265,670
Decrease (increase) in deposit on land	60,283	(60,283)
	3,854,682	(3,346,228)
<b>Increase (decrease) in cash for the year</b>	<b>2,531,577</b>	<b>(429,533)</b>
<b>Cash, beginning of year</b>	<b>303,660</b>	<b>733,193</b>
<b>Cash, end of year</b>	<b>\$ 2,835,237</b>	<b>\$ 303,660</b>

The accompanying summary of significant accounting policies and notes are an integral part of these consolidated financial statements.

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# Regional District of Okanagan-Similkameen

## Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies

#### Government Reporting Entity

The Regional District of Okanagan-Similkameen ("the Regional District") was incorporated as a regional district in 1966 under the Municipal Act (replaced by the Local Government Act) of British Columbia. The Regional District is composed of the member municipalities of the City of Penticton, the District of Summerland, the Town of Oliver, the Town of Osoyoos, the Village of Keremeos, and the Town of Princeton, and Electoral Areas A through I.

Regional districts provide a political framework and administrative framework for region-wide services and sub-regional services as well as act as the local government for electoral areas. The Board of Directors is composed of appointees from each member municipality and a director elected from each electoral area. Municipal directors serve until council decides to change the appointment. Directors from electoral areas serve for a four year term. The number of directors and the number of votes each may cast is based upon the population of the municipality or electoral area.

The Regional District of Okanagan-Similkameen reporting entity includes the local government and all related entities that are controlled by the Regional District.

#### Basis of Accounting

These consolidated financial statements have been prepared in accordance with Canadian public sector accounting standards prescribed for governments, as recommended by the Public Sector Accounting Board.

#### Principles of Consolidation

All governmental units are fully consolidated by the government reporting entity. Other business enterprises and partnerships which meet the definition of a government business enterprise or partnership are accounted for on the modified equity basis of accounting.

Entities that fall under the consolidated basis of accounting are fully consolidated on a line-by-line basis with inter-organizational balances and transactions eliminated. The following entities are accounted for on a consolidation basis:

*Sunbowl Arena*  
*Oliver Parks and Recreation Society*

Government business partnerships that are accounted for on the modified equity basis of accounting includes the cost of the Regional District of Okanagan-Similkameen's investment in the entities including the proportionate share of earnings. Under the modified equity basis of accounting inter-organizational balances are not eliminated. The following entities are accounted for on a modified equity basis:

*Vermilion Forks Community Forest Corporation*

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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies (continued)

<b>Asset Classification</b>	Assets are classified as either financial or non-financial. Financial assets are assets that could be used to discharge existing liabilities or finance future operations. Non-financial assets are acquired, constructed or developed assets that do not provide resources to discharge existing liabilities but are employed to deliver government services, may be consumed in normal operations and are not for resale. Non-financial assets include tangible capital assets, deposits on land, and prepaid expenses.
<b>Cash and Cash Equivalents</b>	Cash and cash equivalents consist of cash on hand, bank balances and investments in money market instruments with maturities of three months or less. Cash and cash equivalents on the Consolidated Statement of Cash Flows is represented by cash, short-term investments as disclosed on the Consolidated Statement of Financial Position.
<b>Short-Term Investments</b>	Short-term investments include guaranteed investment certificates, short-term bonds and mutual funds maturing at various times during the next fiscal year. These investments are recorded at cost.
<b>Measurement Uncertainty</b>	The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts in the financial statements and the disclosure of contingent liabilities. Significant estimates in these financial statements include the determination of the useful lives of tangible capital assets, valuation of the landfill closure and post-closure obligation, valuation of the contaminated sites obligation, and assessment of legal claims. For common financial statement items, such as accounts payable and allowances for doubtful accounts, measurement uncertainty is inherent but not assessable. These estimates and assumptions are based on management's judgment and the best information available at the time of preparation and may differ significantly from actual results. Estimates are reviewed annually to reflect new information as it becomes available.
<b>Retirement Benefits</b>	The Regional District's contributions due during the period to its multi-employer defined benefit plan are expensed as incurred. The costs of other retirement benefits are determined using the projected benefit method prorated on services based on management's best estimate of retirement ages, inflation rates, investment returns, wage and salary escalation, insurance and health care costs trends, employee turnover and discount rates. Actuarial gains and losses are amortized on a straight-line basis over the expected average remaining service life of the employee group.



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# Regional District of Okanagan-Similkameen

## Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies (continued)

#### Revenue Recognition

Revenue is recognized as it becomes receivable under the terms of applicable funding agreements. Revenue received under the funding arrangements which relates to a subsequent fiscal period is reflected as deferred revenue in the year of receipt and classified as such on the Summary Statement of Financial Position.

Taxes are recorded at estimated amounts when they meet the definition of an asset, have been authorized and the taxable event occurs. For property taxes, the taxable event is the period for which the tax is levied. As taxes recorded are initially based on management's best estimate of the taxes that will be received, it is possible that changes in future conditions, such as reassessments due to audits, appeals and court decisions, could result in a change in the amount of tax revenue recognized.

Rental revenue is recognized when the services are provided to tenants, and collection is reasonably assured. When rental payments are received in advance of contracted services, the Regional District records this as deferred revenue.

Government transfers are recognized as revenues when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Transfers are recognized as deferred revenue when the transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.

Charges for sewer and water usage are recorded as user fees and are recognized on an accrual basis. Connection fee revenues are recognized when the connection has been established.

All other revenue is recognized in the period in which the good or service is provided and collection is reasonably assured.

#### Contaminated Sites

Liabilities for remediation of contaminated sites are recognized when an environmental standard exists, contamination exceeds the standard, the Regional District has responsibility for remediation of the site, future economic benefits will be given up, and a reasonable estimate of the amount can be made.

#### Deferred Revenue

Funds received for specific purposes which are externally restricted by legislation, regulation or agreement and are not available for general government purposes are accounted for as deferred revenue on the Consolidated Statement of Financial Position. The revenue is recognized in the Consolidated Statement of Operations and Accumulated Surplus in the year in which it is used for the specified purpose.

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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies (continued)

#### Landfill closure and

#### post-closure

The estimated costs to close and maintain the closed solid waste landfill sites are based on estimated future expenses in current dollars, discounted, adjusted for estimated inflation, and are recognized and charged to expense as the landfill site's capacity is used.

#### Long-term debt

Long-term debt is recorded net of related sinking fund balances and actuarial earnings.

#### Tangible Capital Assets

#### and Amortization

Tangible capital assets are not available to discharge existing liabilities and are held for use in the provision of goods and services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

Tangible capital assets are valued at acquisition cost less accumulated amortization. Cost includes all costs directly attributable to acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs.

Amortization is charged against tangible capital assets based on the estimated useful life of the asset as follows:

- |                                      |                            |
|--------------------------------------|----------------------------|
| - Automotive equipment               | - 5-20 years straightline  |
| - Buildings and improvements         | - 10-75 years straightline |
| - IT infrastructure equipment        | - 3-10 years straightline  |
| - Land improvements                  | - 5-20 years straightline  |
| - Machinery and equipment            | - 5-20 years straightline  |
| - Utilities infrastructure equipment | - 10-75 years straightline |

Tangible capital assets under construction, development or that have been removed from service are not amortized until they are available to be put into service.

Tangible capital assets are written down when conditions indicate that they no longer contribute to the Regional District's ability to provide goods and services, or when the value of future economic benefits associated with the tangible capital assets are less than their net book value. The net write-downs are accounted for as expenses in the statement of operations.

Contributed tangible capital assets are recorded at their fair value on the date of contribution, except in unusual circumstances where fair value cannot be reasonably determined, in which case they are recognized at nominal value.

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# Regional District of Okanagan-Similkameen

## Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies (continued)

**Segmented Information** The Regional District of Okanagan-Similkameen provides a wide range of services including general government, protective services, transportation services, development services, parks, recreation and culture, environmental services, bylaw enforcement, water services, sewer services, and economic development. For management reporting purposes, the Regional District's operations and activities are organized and reported by segment.

**General Government Services** is comprised of a number of different services, including: Corporate Services; Administration; Finance; Human Resources; Information Systems; and Electoral Area Costs. Corporate Services involves staff and management working closely with the Regional District Board and community partners to coordinate the delivery of a wide range of functions and services. The Finance department is responsible for the requisition of tax revenues from the Province and from member municipalities and all treasury and accounting functions. Human Resources involves the administration of full-time and part-time employees, as well as the responsibility for labour relations, recruitment, training and career planning, employee health and safety and Workers Compensation regulations. Information Systems includes an all-encompassing computer database and mapping system for properties in the Regional District, which is used by Regional Services and Regional District departments and other government agencies, as well as members of the public and businesses.

**Protective Services** includes a number of different programs. These programs include Electoral Area Fire Protection; 911 Services; Crime Stoppers; Victims Services; and Crime Prevention. These services are designed to provide a safe environment to the community. The Regional District is responsible for ensuring these services are provided to various jurisdictions within the unincorporated electoral areas A through I.

**Transportation Services** includes Road/Street Light Improvements and Transit Services.

**Development Services** includes regional planning, sustainability, and zoning. The department is responsible for land use planning for all unincorporated electoral areas.

**Parks, Recreation and Culture** includes the Community Halls, Regional Parks, Community Parks, and Okanagan Regional Library. The Parks department is responsible for 9 Regional Parks and various community and neighbourhood parks. The department is also responsible for future recreational opportunities through parkland acquisition and development.

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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

December 31, 2018

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### 1. Summary of Significant Accounting Policies (continued)

**Segmented Information**

**Environmental Services** is responsible for refuse disposal and recycling services, including regional waste management and disposal, and various communication and educational programs.

**Bylaw Services** is responsible for building inspection, dog control, mosquito control, starling control, and prohibited animal control.

**Water Services** includes a total of six water systems that provides water services to local service areas within the electoral areas.

**Sewer Services** includes the OK Falls Sewer System and the Gallagher Lake Sewer System.

**Economic Development** is responsible for delivering Insect & Weed Control, Sterile Insect Release, Economic Development and Planning. Economic Development provides assistance to businesses and entrepreneurs in the Regional District and to those interested in relocating to the region. The Planning function is responsible for developing land use policies that provide guidance to elected officials, developers, the public and other decision makers. It puts land use plans and policies into action and ensures proper infrastructure and orderly development. The program also evaluates applications and provides recommendations to decision makers; assists the public with land use regulations, applications, and processes; and invites and responds to public comments.

Draft for Board Approval May 9, 2019

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**2. Cash and Short-term Investments**

	2018	2017
Consists of:		
Cash	\$ 2,835,237	\$ 303,660
Short-term Investments		
Term deposits	5,030,740	10,057,000
Mutual funds	3,721	8,439
MFA short-term bond fund	20,432,782	19,947,665
(Market value-\$19,798,227 (2017-\$19,451,030))		
	25,467,243	30,013,104
	\$ 28,302,480	\$ 30,316,764
Restricted Internally		
Capital reserves	\$ 19,634,822	\$ 19,173,243
Oliver Parks & Recreation reserves	765,129	747,140
Kaleden Rec reserves	32,831	32,060
	20,432,782	19,952,443
Unrestricted	7,869,698	10,364,321
	\$ 28,302,480	\$ 30,316,764

Term deposits consist of a one-year cashable GIC at 2.55% per annum, maturing October 2019 (1.80-1.85% at December 31, 2017).

**3. Funds held in trust**

In 2017, the Regional District held \$40,382 in trust for Oliver and District Community Economic Development Society. This society has dissolved and as such, the Regional District distributed the funds held in trust during 2018 to another society with a similar mandate, in accordance with the Societies Act.

The Regional District also holds \$184,780 (2017 - \$130,281) in trust for South Okanagan Similkameen Conservation Program.

The Regional District also holds \$4,266 (2017 - \$4,205) in trust for Allison Lake Rate Payers Association.



**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**4. Accounts Receivable**

	<b>2018</b>	<b>2017</b>
Trade accounts receivable	\$ 9,281,274	\$ 6,435,233
Allowance for doubtful accounts	(178,586)	(178,586)
GST receivable	483,255	370,894
Due from Municipalities	585,160	771,883
Net accounts receivable	\$ 10,171,103	\$ 7,399,424

**5. Debt Reserve Fund - Municipal Finance Authority**

The Regional District is required to issue its long-term debt through the Municipal Finance Authority ("MFA"). As a condition of borrowing, 1% of the gross debenture proceeds are withheld by the MFA as a debt reserve fund and 0.06% of the gross debenture proceeds are withheld as a debt issue expense. The debt reserve fund is invested by the MFA and interest earned and expenses incurred are reported annually to the Regional District. If at any time the MFA does not have sufficient funds to meet payments or sinking fund contributions due on its obligations, the payments will be made from the debt reserve fund. Details of cash deposits held in the debt reserve fund are as follows:

	<b>2018</b>	<b>2017</b>
Debt Reserve Fund - Cash Deposits		
Regional District	\$ 253,020	\$ 239,592
Member Municipalities	1,658,036	1,779,413
	\$ 1,911,056	\$ 2,019,005

The Regional District is also required to execute a demand note for each borrowing in the amount of one-half of the average annual principal and interest due, less the amount held back for the debt reserve fund. The demand notes payable to the MFA are only callable in the event that a local government defaults on its loan obligation. Details of demand notes are as follows:

	<b>2018</b>	<b>2017</b>
Demand Notes		
Regional District	\$ 556,711	\$ 533,571
Member Municipalities	3,448,682	4,117,336
	\$ 4,005,393	\$ 4,650,907

	<b>2018</b>	<b>2017</b>
Cash Deposits and Demand Notes		
Cash Deposits	\$ 1,911,056	\$ 2,019,005
Demand Notes	4,005,393	4,650,907
	\$ 5,916,449	\$ 6,669,912

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**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

December 31, 2018

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**6. Long-term investments**

**Vermillion Community Forest Corporation**

This is a Corporation that is established under the laws of British Columbia and is engaged in the business of silviculture, planting and harvesting of specified forests operated under license. The Regional District has a 33.33% interest in the Corporation.

	2018	2017
Assets		
Current	<b>\$ 2,906,025</b>	\$ 347,383
Liabilities		
Current	<b>\$ 337,316</b>	\$ 33,061
Equity	<b>2,568,709</b>	314,322
	<b>\$ 2,906,025</b>	<b>\$ 347,383</b>
Revenue	<b>\$ 5,483,514</b>	\$ 5,638
Expenditures	<b>3,229,127</b>	45,677
Total income	<b>\$ 2,254,387</b>	\$ (40,039)
Allocation	<b>\$ 751,462</b>	\$ (13,346)

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Draft for Board approval May 9, 2019

## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

December 31, 2018

### 7. Accounts Payable and Accrued Liabilities

	2018	2017
Trade payables	\$ 2,745,016	\$ 3,839,821
Government remittances payable	53,294	48,020
Holdbacks	208,819	1,383,556
Accrued salaries and employee benefits payable	432,800	334,240
	<b>\$ 3,439,929</b>	<b>\$ 5,605,637</b>

### 8. Short-term debt

The MFA provides short-term financing under various pieces of legislation to help local governments with their cash flow needs. There are no fees to set up a short-term loan. Interest is calculated daily, compounded monthly and automatically collected the 2nd business day of the following month. As at December 31, 2018 the Regional District had been advanced \$120,000 (2017 - \$1,070,000) in short-term financing at a variable interest rate of 2.65% (2017 - 1.94%).

### 9. Deferred Revenue

	2018	2017
Deferred government transfers and other revenue	\$ 3,471,994	\$ 3,560,520
Deposits	91,988	86,109
Parkland dedication	264,626	260,795
	<b>\$ 3,828,608</b>	<b>\$ 3,907,424</b>

### 10. Landfill Closure and Post-Closure Liabilities

The Regional District has three active landfills and one closed landfill that is being used as a transfer station within its boundaries and is responsible for the costs of their closure and post-closure activities. The costs related to these activities are provided for over the estimated remaining life of active landfill sites based on usage.

Closure activities include covering, grading and surface water management. Post-closure activities include leachate and environmental monitoring, maintenance and reporting. Post-closure activities are expected to occur for approximately 30 years for all landfills.

Key variables used in estimating the value of the closure and post-closure obligation include the cost of capital, inflation rate, timing of closure and post-closure activities, and total capacity. In management's opinion, the assumptions used represent the most likely scenario. As the projections are made over a long period of time, the amount of the obligation is very sensitive to changes in the variables.

The Regional District has estimated the costs associated with these activities based on engineering studies required by the Ministry of Environment. Changes in the liability are a result from settling of waste or changes in fill rates, changes in regulatory requirements, inflation rates and/or interest rates.

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**10. Landfill Closure and Post-Closure Liabilities (continued)**

In 2017, the Regional District obtained new engineering reports for the OK Falls and Oliver Landfills, these reports included updated useful lives for these landfills. Changes in the liability for cumulative capacity used to date, and updated expected useful life of the landfill are recognized prospectively.

In 2018, estimated expenses were calculated as the present value of future cash flows associated with closure and post-closure costs, discounted using the Regional District's weighted average cost of capital of 2.88% and inflated using an average inflation rate of 2.40% (annual BC CPI for 2018). The liability recognized is the difference between total estimated expenses for the entire closure and post-closure period less any amounts spent at the end of December of the reporting year.

	Total estimated capacity (cubic meters)	Cumulative capacity used (cubic meters)	Estimated remaining life (years)	Time for post-closure care (years)	Estimated total expenses	<b>2018 Remaining to recognize</b>
Campbell Mountain	3,214,155	1,063,678	86	30	\$ 10,867,847	\$ 8,008,515
Keremeos	25,000	25,000	0	30	840,810	-
OK Falls	100,000	51,544	12	30	994,550	481,919
Oliver	496,842	209,052	37	30	1,891,200	1,095,456
					<u>\$ 14,594,407</u>	<u>\$ 9,585,890</u>
						<b><u>\$ 5,008,517</u></b>

In 2017, the Regional District calculated the present value of future cash flows associated with closure and post-closure costs, discounted using the Regional District's weighted average cost of capital of 2.86% and inflated using the 2017 BC CPI rate of 2.10%.

	Total estimated capacity (cubic meters)	Cumulative capacity used (cubic meters)	Estimated remaining life (years)	Time for post-closure care (years)	(Restated) Estimated total expenses	(Restated) 2017 Remaining to recognize
Campbell Mountain	3,214,155	1,035,256	87	30	\$ 9,015,662	\$ 6,647,029
Keremeos	25,000	25,000	0	30	1,028,137	-
OK Falls	100,000	50,130	13	30	912,064	454,846
Oliver	496,842	203,043	38	30	1,620,812	958,342
					<u>\$ 12,576,675</u>	<u>\$ 8,060,217</u>
						<b><u>\$ 4,516,458</u></b>

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**11. Development Cost Charges**

The Regional District collects development cost charges ("DCCs") to pay for a proportionate share of infrastructure related to new growth. In accordance with the Local Government Act of BC, these funds must be deposited into a separate reserve fund. When the related costs are incurred, the DCCs are recongized as revenue.

	<u>2018</u>	<u>2017</u>
OK Falls Sewer DCC	291,140	286,926
Faulder Water DCC	7,434	7,326
Olalla Water DCC	5,434	5,355
Naramata Water DCC	25,475	25,106
Naramata Water - Lower Zone	130,799	100,612
Naramata Water - Upper Zone	302,685	298,303
	<u>762,967</u>	<u>723,628</u>

<b>DCC Activity</b>	<u>2018</u>	<u>2017</u>
Balance, beginning of the year	723,628	791,379
Return on investments	10,839	2,691
DCCs Levied in the year	28,500	33,612
Transfers to general operating	-	(104,054)
	<u>762,967</u>	<u>723,628</u>

Draft for Board approval Meeting, 2018



## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

**December 31, 2018**

### 12. Long-term Debt

The Regional District incurs long-term debt directly as well as on behalf of member municipalities. Loan agreements with the MFA provide that if at any time the payments from member municipalities are not sufficient to meet their obligations in respect of such borrowings, the resulting deficiency becomes a liability of the Regional District.

All long-term debt is reported net of sinking fund balances. Sinking fund instalments are invested by the MFA and earn income, which together with principal payments are expected to be sufficient to retire the debt issue at maturity. Where the MFA has determined that sufficient funds exist to retire a debt issue on its maturity date without further instalments, payments are suspended by the MFA and the Regional District's liability is reduced to nil. Should those funds prove to be insufficient at maturity, the resulting deficiency becomes a liability of the Regional District. The 2018 earnings in the sinking fund were calculated to be \$107,555 (2017 - \$80,958) and are included in interest and investment income on the Consolidated Statement of Operations.

Debentures issued mature at various dates ranging from November 2019 to April 2038 with interest rates ranging from 1.75% to 3.30%. The weighted average interest rate on long-term debt was 2.88% (2017 - 2.86%) and interest expense was \$4,765,720 (2017 - \$5,739,728).

	2018	2017
Municipal Finance Authority	79,084,988	86,060,832
Less: Regional District portion	18,464,520	18,433,134
Total Municipal Portion	60,620,468	67,627,698

Principal payments and sinking fund instalments due in the next five years and thereafter are as follows:

	Total Payment	Total Recoverable from member municipalities	Net Payment
2019	\$ 4,622,595	\$ 3,776,181	\$ 846,414
2020	4,538,474	3,692,060	846,414
2021	4,413,646	3,567,232	846,414
2022	4,374,760	3,540,631	834,129
2023	4,339,716	3,505,587	834,129
Thereafter	24,689,949	16,722,046	7,967,903
Total principal payments	46,979,140	34,803,737	12,175,403
Expected actuarial adjustment	32,105,848	25,816,731	6,289,117
Total	\$ 79,084,988	\$ 60,620,468	\$ 18,464,520

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**13. Tangible Capital Assets**

								<b>2018</b>
	Automotive Equipment	Buildings	Equipment	IT Infrastructure	Land and Land Improvements	Utilities Infrastructure	Work in Process	<b>Total</b>
Cost, beginning of year	\$ 6,256,729	\$ 8,311,894	\$ 7,185,276	\$ 994,353	\$ 29,723,831	\$ 51,332,651	\$ 1,503,893	<b>105,308,627</b>
Additions	77,796	42,600	574,133	118,164	170,029	-	2,149,659	<b>3,132,381</b>
Disposals	-	-	-	(41,468)	-	-	-	<b>(41,468)</b>
Transfers	-	-	-	-	304,652	-	(304,652)	<b>-</b>
Contributed assets	-	-	-	-	401,000	-	-	<b>401,000</b>
Cost, end of year	<b>6,334,525</b>	<b>8,354,494</b>	<b>7,759,409</b>	<b>1,071,049</b>	<b>30,198,512</b>	<b>51,332,651</b>	<b>3,348,900</b>	<b>108,800,540</b>
Accumulated amortization, beginning of year	4,303,076	2,934,266	4,096,111	793,939	1,510,247	10,169,580	-	<b>23,807,219</b>
Amortization	282,351	263,248	365,217	78,487	272,969	1,282,890	-	<b>2,545,162</b>
Disposals	-	-	-	(41,468)	-	-	-	<b>(41,468)</b>
Accumulated amortization, end of year	<b>4,585,427</b>	<b>3,197,514</b>	<b>4,461,328</b>	<b>830,958</b>	<b>1,783,216</b>	<b>11,452,470</b>	<b>-</b>	<b>26,310,913</b>
Net carrying amount, end of year	<b>1,749,098</b>	<b>5,156,980</b>	<b>3,298,081</b>	<b>240,091</b>	<b>28,415,296</b>	<b>39,880,181</b>	<b>3,348,900</b>	<b>82,489,627</b>

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**13. Tangible Capital Assets (continued)**

								2017
	Automotive Equipment	Buildings	Equipment	IT Infrastructure	Land and Land Improvements	Utilities Infrastructure	Work in Process	Total
Cost, beginning of year	\$ 5,803,053	\$ 8,311,894	\$ 6,997,000	\$ 981,593	\$ 29,364,730	\$ 43,407,750	\$ 1,959,348	96,825,368
Additions	391,718	-	188,276	96,655	350,613	6,402,294	1,377,871	8,807,427
Disposals	(58,794)	-	-	(83,895)	-	(181,479)	-	(324,168)
Transfers	120,752	-	-	-	8,488	1,704,086	(1,833,326)	-
Cost, end of year	6,256,729	8,311,894	7,185,276	994,353	29,723,831	51,332,651	1,503,893	105,308,627
Accumulated amortization, beginning of year	4,061,829	2,667,513	3,728,242	758,258	1,241,681	9,072,446	-	21,524,969
Amortization	300,041	266,753	367,869	124,576	268,566	1,204,687	-	2,532,492
Disposals	(58,794)	-	-	(83,895)	-	(107,553)	-	(250,242)
Accumulated amortization, end of year	4,303,076	2,934,266	4,096,111	793,939	1,510,247	10,169,580	-	23,807,219
Net carrying amount, end of year	\$ 1,953,653	\$ 5,377,628	\$ 3,089,165	\$ 200,414	\$ 28,213,584	\$ 41,163,071	\$ 1,503,893	81,501,408

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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

**December 31, 2018**

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### 14. Accumulated Surplus

Reserves are non-statutory reserves which represent an appropriation of surplus for specific purposes and are comprised of the following:

	Balance Dec. 31, 2017	Transfers to (from)	Surplus (Deficit)	Balance Dec. 31, 2018
Unrestricted Surplus	\$ 58,792,187	\$(2,460,331)	\$ 5,012,749	\$ 61,344,605
Operating	2,287,808	575,764	-	2,863,572
	61,079,995	(1,884,567)	5,012,749	64,208,177
Community Works Gas Tax	4,734,280	174,983	-	4,909,263
Capital	19,338,245	1,709,584	-	21,047,829
	24,072,525	1,884,567	-	25,957,092
	\$ 85,152,520	\$ -	\$ 5,012,749	\$ 90,165,269

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### 15. Municipal Insurance Association - Liability Insurance

Commencing December 31, 1987, the Regional District entered into a self-insurance program with British Columbia municipalities and regional districts. The Regional District is obliged under the program to pay a percentage of its fellow insureds' losses. The Regional District pays an annual premium, which is anticipated to be adequate to cover any losses incurred.

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### 16. Contingencies

A lawsuit has been filed against the Regional District for an incident which arose in the ordinary course of business. In the opinion of management and legal counsel, the outcome of the lawsuit, now pending, is not determinable. Should any loss result from the resolution of these claims, such loss will be charged to operations in the year of resolution.

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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

**December 31, 2018**

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### 17. Letters of Credit and Performance Bonds

In addition to the performance deposits reflected in the Consolidated Statement of Financial Position, the Regional District is holding irrevocable Letters of Credit and Performance Bonds in the amount of \$1,184,004 (2017 - \$818,041) which were received from depositors to ensure their performance of works to be undertaken within the Regional District. These amounts are not reflected in the Consolidated Financial Statements but are available to satisfy liabilities arising from non-performance by the depositors.

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### 18. Line of Credit

The Regional District has a revolving line of credit for up to \$2,000,000 with an interest rate of prime plus 0.00% per annum, that is due on demand and unsecured. At December 31, 2018 and December 31, 2017 the line of credit was unutilized.

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### 19. Tax Revenue

	<u>2018</u>	<u>2017</u>
Property taxation revenue	\$ 16,527,173	\$ 14,878,961
Parcel tax	862,690	1,022,664
Grant in lieu	107,788	109,545
Net property taxation revenue	<u>\$ 17,497,651</u>	<u>\$ 16,011,170</u>

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Draft for Board approval May 9, 2019



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## Regional District of Okanagan-Similkameen Notes to the Consolidated Financial Statements

December 31, 2018

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### 20. Municipal Pension Plan

The Regional District and its employees contribute to the Municipal Pension Plan ("the plan"), a jointly trustee pension plan. The board of trustees, representing plan members and employers, is responsible for overseeing the management of the plan, including investment of the assets and administration of benefits. The plan is a multi-employer contributory pension plan. Basic pension benefits provided are based on a formula. As at December 31, 2017, the plan has about 197,000 active members and approximately 95,000 retired members. Active members include approximately 39,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the plan. This rate may be adjusted for the amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

The most recent valuation for the Municipal Pension Plan as at December 31, 2015 indicated a \$2.2 billion funding surplus for basic pension benefits on a going concern basis.

The next valuation will be at December 31, 2018 with results available in 2019.

Employers participating in the plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the plan records accrued liabilities and accrued assets for the plan in aggregate with the result that there is no consistent and reliable basis for allocating the obligation, assets, and cost to the individual employers participating in the plan. The Regional District paid \$505,351 for employer contributions to the plan in fiscal 2018 (\$475,043 in 2017 ).

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**Regional District of Okanagan-Similkameen  
Notes to the Consolidated Financial Statements**

**December 31, 2018**

**21. Budget**

The Regional District of Okanagan-Similkameen Budget Bylaw adopted by the Board of Directors on February 15, 2018 was not prepared on a basis consistent with that used to report actual results (Public Sector Accounting Standards). The budget was prepared on a modified accrual basis while Public Sector Accounting Standards require a full accrual basis. The budget figures anticipated use of surpluses accumulated in previous years to reduce current year expenditures in excess of current year revenues to nil. In addition, the budget expensed all tangible capital expenditures rather than including amortization expense. As a result, the budget figures presented in the statements of operations and change in net financial assets represent the Budget adopted by the Board of Directors on February 15, 2018 with adjustments as follows:

	<b>2018</b>
Budget Bylaw surplus for the year	\$ -
Add:	
Capital expenditures	1,646,261
Debt Principal	5,495,560
Municipal Interest	4,379,611
Less:	
Budgeted transfers from accumulated surplus	(1,823,600)
Admin revenue	20,340
Bank loan proceeds	(9,914,434)
Budget surplus per statement of operations	<b>\$ (196,262)</b>

Draft for Board approval May 2019

**Regional District of Okanagan-Similkameen**  
**Notes to the Consolidated Financial Statements**

**December 31, 2018**

**22. Statement of Expenditures by Object**

	<u>2018</u>	<u>2017</u>
Administration	\$ 16,479	\$ 17,465
Advertising and promotion	131,872	95,232
Agreements	205,306	165,679
Amortization	2,545,162	2,532,492
Bank charges	42,115	37,876
Bylaw	3,815	1,976
Collections on behalf of other agencies	2,427,556	2,416,562
Contract services	6,501,566	5,707,318
Development charges	5,681	5,906
Donations	9,278	26,829
Education and training	246,314	192,895
Environmental	112,628	112,526
Gas tax expenses	219,260	77,089
Grants	1,349,018	892,245
Insurance	404,935	340,858
Interest on long-term debt	647,746	608,559
Loan and lease payments	64,115	54,946
Landfill closure	492,059	490,778
Materials, supplies and services	937,755	1,066,283
Office	262,419	319,075
Professional fees	133,347	83,302
Program	230,640	85,291
Rental of facilities and equipment	89,720	92,159
Repairs and maintenance	4,215,795	4,129,840
Salaries and benefits	8,667,762	8,010,375
Telephone	735,821	734,746
Travel and meetings	303,275	264,212
Vehicle	47,570	25,033
<b>Total expenditures for the year</b>	<b>\$ 31,049,009</b>	<b>\$ 28,587,547</b>

**Regional District of Okanagan-Similkameen  
Notes to the Consolidated Financial Statements  
Schedule of Segmented Operations**

**2018**

	General Government	Protective Services	Transportation Services	Development Services	Parks Recreation and Culture	Environmental Services	Bylaw Enforcement	Water Services	Sewer Services	Economic Development	Total
<b>Revenue</b>											
Government transfers	\$ 1,598,952	\$ 263,258	\$ 31,621	\$ -	\$ 81,583	\$ 12,500	\$ -	\$ 362,210	\$ 558,829	\$ -	\$ 2,908,953
Sales of services	15,455	8,375	53,677	764,607	623,327	6,998,555	83,559	2,039,082	1,121,468	-	11,708,105
Donations	-	438,123	-	-	35,080	-	-	-	-	-	473,203
Rental	-	-	-	-	425,687	-	-	-	-	-	425,687
Taxation	2,991,034	3,919,485	265,214	1,337,281	5,325,759	2,415,198	82,134	906,392	44,101	211,053	17,497,651
Investment	328,486	62,361	162	12,861	36,293	163,743	114	84,107	25,157	216	713,500
Miscellaneous	38,954	700,468	-	38,597	303,596	137,933	-	360,283	3,216	150	1,583,197
	<b>4,972,881</b>	<b>5,392,070</b>	<b>350,674</b>	<b>2,153,346</b>	<b>6,831,325</b>	<b>9,727,929</b>	<b>165,807</b>	<b>3,752,074</b>	<b>1,752,771</b>	<b>211,419</b>	<b>35,310,296</b>
<b>Expenditure</b>											
Administrative	-	-	-	-	12,426	4,053	-	-	-	-	16,479
Amortization	136,044	465,534	-	7,999	512,401	85,149	-	774,854	563,181	-	2,545,162
Grants	202,455	168,879	-	3,228	550,188	366,577	9,000	36,690	-	12,002	1,349,019
Lease payments	-	-	-	-	64,115	-	-	-	-	-	64,115
Materials, supplies, utilities	1,021,729	611,694	1,656	210,716	674,733	827,061	21,792	522,612	359,526	43,118	4,294,637
Operations and maintenance	887,889	1,517,916	324,133	76,806	2,672,999	4,522,746	58,730	508,881	608,861	13,259	11,192,220
Landfill closure	-	-	-	-	-	492,059	-	-	-	-	492,059
Transfers to other organizations	-	-	-	-	818,619	913,743	-	695,194	-	-	2,427,556
Salaries and benefits	2,757,736	1,065,034	935	1,342,225	1,074,658	1,032,140	159,105	818,359	322,243	95,327	8,667,762
	<b>5,005,853</b>	<b>3,829,057</b>	<b>326,724</b>	<b>1,640,974</b>	<b>6,380,139</b>	<b>8,243,528</b>	<b>248,627</b>	<b>3,356,590</b>	<b>1,853,811</b>	<b>163,706</b>	<b>31,049,009</b>
<b>Excess (deficiency) of revenue for the year</b>	<b>\$ (32,972)</b>	<b>\$ 1,563,013</b>	<b>\$ 23,950</b>	<b>\$ 512,372</b>	<b>\$ 451,186</b>	<b>\$ 1,484,401</b>	<b>\$ (82,820)</b>	<b>\$ 395,484</b>	<b>\$ (101,040)</b>	<b>\$ 47,713</b>	<b>\$ 4,261,287</b>

**Regional District of Okanagan-Similkameen  
Notes to the Consolidated Financial Statements  
Schedule of Segmented Operations**

2017

	General Government	Protective Services	Transportation Services	Development Services	Parks Recreation and Culture	Environmental Services	Bylaw Enforcement	Water Services	Sewer Services	Economic Development	Total
<b>Revenue</b>											
Government transfers	\$ 1,413,407	\$ 58,420	\$ 23,716	\$ -	\$ 193,049	\$ 13,145	\$ -	\$ 4,189,814	\$ 120,202	\$ 36,747	\$ 6,048,500
Sales of services	27,624	10,223	45,771	1,027,573	605,496	6,429,675	86,055	1,923,477	1,096,640	-	11,252,534
Donations	-	26,829	-	-	11,532	-	-	-	-	-	38,361
Rental	-	-	-	-	309,879	-	-	-	-	-	309,879
Taxation	2,661,035	3,128,332	210,326	1,382,705	4,894,682	2,284,223	87,587	1,109,004	44,167	209,108	16,011,169
Investment	371,166	75,420	53	7,011	65,002	102,204	24	115,707	41,694	140	778,421
Miscellaneous	88,000	349,905	-	39,960	165,045	134,982	75	242,786	-	222	1,020,975
DCC	-	-	-	-	-	-	-	-	104,054	-	104,054
	<u>4,561,232</u>	<u>3,649,129</u>	<u>279,866</u>	<u>2,457,249</u>	<u>6,244,685</u>	<u>8,964,229</u>	<u>173,741</u>	<u>7,580,788</u>	<u>1,406,757</u>	<u>246,217</u>	<u>35,563,893</u>
<b>Expenditure</b>											
Administrative	-	1,500	-	-	12,000	3,965	-	-	-	-	17,465
Amortization	188,387	472,755	-	7,999	526,951	93,352	-	686,821	556,227	-	2,532,492
Grants	274,523	169,934	-	1,417	274,626	145,612	9,000	5,133	-	12,000	892,245
Lease payments	-	-	-	-	54,946	-	-	-	-	-	54,946
Materials, supplies, utilities	836,759	561,330	-	162,330	676,256	815,355	14,741	460,215	450,238	45,588	4,022,812
Operations and maintenance	469,770	1,438,612	255,618	103,432	2,535,910	4,598,057	61,998	534,925	97,893	53,657	10,149,872
Landfill closure (recovery)	-	-	-	-	-	490,778	-	-	-	-	490,778
Transfer to organizations	-	-	-	-	808,070	901,673	-	706,819	-	-	2,416,562
Salaries and benefits	2,625,378	809,843	1,257	1,288,526	1,011,771	960,281	145,329	772,191	303,762	92,037	8,010,375
	<u>4,394,817</u>	<u>3,453,974</u>	<u>256,875</u>	<u>1,563,704</u>	<u>5,900,530</u>	<u>8,009,073</u>	<u>231,068</u>	<u>3,166,104</u>	<u>1,408,120</u>	<u>203,282</u>	<u>28,587,547</u>
Excess (deficiency) of revenue for the year	\$ 166,415	\$ 195,155	\$ 22,991	\$ 893,545	\$ 344,155	\$ 955,156	\$ (57,327)	\$ 4,414,684	\$ (1,363)	\$ 42,935	\$ 6,976,346



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** UBCM Community Excellence Awards

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### Administrative Recommendation:

**THAT the Board of Directors support a nomination to UBCM's Community Excellence Awards program for the South Okanagan Conservation Fund Program and Naramata Traditional Place Name Sign Project.**

### Purpose:

To share the RDOS's innovative initiatives by nominating the RDOS South Okanagan Conservation Fund Program and Naramata Traditional Place Name Sign Project for a UBCM Community Excellence Award.

### Reference:

[South Okanagan Conservation Fund](#)  
[Naramata Traditional Place Name Celebration](#)

### Business Plan Objective:

Key Success Driver 1.0: Be a High Performing Organization  
Key Success Driver 3.0: Build a Sustainable Community

### Background:

#### South Okanagan Conservation Fund

In 2016, the Regional District of Okanagan-Similkameen, with the assent of the public, adopted a bylaw to establish the South Okanagan Conservation Fund for the communities of Summerland, Penticton, Oliver, and Electoral Areas "A", "C", "D", "E" and "F". The funds are in support of conservation efforts to protect, enhance and restore natural areas, water, environment, wildlife, land and habitat.

Recently, the second tranche was awarded to multiple non-profit organizations to carry out environmental works within the service area and the Board can look forward to updates on those projects within the year.

Because this is only the third environmental conservation fund of its kind in BC, local governments around the province look to the RDOS as a leader in this area. The RDOS was honored to participate in the drafting of the 2<sup>nd</sup> edition of the *'Local Conservation Funds in British Columbia – A*

*Guide for Local Governments and Community Organizations'* publication, an essential "how-to" guide for local governments and community groups interested in establishing dedicated funds for local community sustainability.

### **Naramata Traditional Place Name Project**

In 2017, the idea for Okanagan Nation place name revitalization came about as part of a park renaming exercise. Through a collaborative project between Penticton Indian Band, the RDOS and the Naramata Truth and Reconciliation Commission group, on October 17, 2018, the RDOS partnered with the Penticton Indian Band to host a special ceremony in Naramata at Manitou Park to unveil the new sign celebrating the traditional place name of Naramata, *ciṭxʷs paqəlqyn*, which translates to *House of Bald Eagle*.

These positive, collaborative projects are important for community to community governance and relationships as well as preserving the traditional names and history of the regions within the RDOS so the history can be passed down to future generations.

### **Analysis:**

The Union of BC's Municipalities has created a community excellence awards program to acknowledge and celebrate UBCM members that have implemented projects or programs that demonstrate excellence in meeting the purposes of local government in BC through four categories: Excellence in Governance, Excellence in Service Delivery, Excellence in Asset Management and Excellence in Sustainability. The awards are designed to profile promising practices and to encourage local governments to learn from the success of other members in order to implement changes in their own communities.

Administration recommends that the RDOS celebrate this innovative initiative by nominating the

### **Alternatives:**

1. THAT the Board of Directors support a nomination to UBCM's Community Excellence Awards program for the South Okanagan Conservation Fund Program and Naramata Traditional Place Name Sign Project.
2. THAT the Board of Directors chose not to nominate either the South Okanagan Conservation Fund Program or the Naramata Traditional Place Name Sign Project to UBCM Community Excellence Awards program.

### **Respectfully submitted:**

*"Christy Malden"*

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C. Malden, Manager of Legislative Services

Okanagan Local Government Boards and Councils

April 25, 2019

**Re: Reducing conflict between native mussel protection and invasive milfoil control in the Okanagan**

Dear Mayors, Chairs, Councillors and Directors,

Since the 1970s, the Okanagan Basin Water Board has run a program to remove invasive Eurasian watermilfoil from the five large lakes in the Okanagan (Okanagan, Kalamalka Wood, Skaha and Osoyoos). Most public beaches throughout the valley are free of invasive weeds due to this program. However, recent changes in provincial and federal regulations are increasingly affecting our most effective treatment method, rototilling in the winter. Rototilling de-roots milfoil from the lake bottom, reducing stem densities by 80-97% in a single treatment. Rototilling is now prohibited in several areas under provincial regulations.

This recent rototilling prohibition is due to federal and provincial government staff efforts to protect a species of freshwater mussel known as the Rocky Mountain Ridged Mussel (RMRM). These mussels range from southern California, East to Nevada and throughout the Pacific Northwest, but in Canada they are limited to the Okanagan Basin, which represents only 5% of their total population range. Prior to 2003 there had been only 14 occurrences of the RMRM recorded in the Okanagan, and the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) recommended that they be listed as "Endangered" under the Species at Risk Act (SARA). However, more recent surveys have found healthy populations with successful reproduction rates in several areas throughout the valley. One study in 2015 counted more than 5,500 RMRM in just nine surveyed sites, and estimated the total population at those sites to be more than 13,000. COSEWIC has not re-assessed their recommendation since 2010, and has not accounted for this new information. Further, November 2011 was the last time that Canada's Department of Fisheries and Oceans conducted public consultations on the recommendation to list RMRM as endangered under SARA.

Milfoil rototilling is now prohibited in any areas where RMRM are found based on an assumption that this weed control method could cause harm to RMRM. However, there is evidence to suggest that allowing milfoil to grow will create conditions which are unsuitable for RMRM, while also creating poor water quality, poor habitat for other species, as well as social and economic harm.



The OBWB has sent a detailed letter (enclosed) to the Minister of Fisheries and Oceans Canada, and to the B.C. Minister of Forests, Lands, Natural Resource Operations and Rural Development asking them to grant an authorization under the federal Fisheries Act for the milfoil control program to continue. We strongly believe that a more evidence-based and balanced approach is needed before prohibiting milfoil de-rooting and allowing this invasive weed to thrive in our lakes. We have also provided a detailed response to the recommendation to list RMRM as endangered under SARA, asking for a new round of consultations, and for COSEWIC to re-assess their recommendation based on current information. That response is included in the letter at appendix C.

We request that your local government consider providing a letter of support for our request to the ministers, authorizing the OBWB milfoil de-rooting program to continue.

We have provided extensive information in the letter to the ministers including:

- Decision sought
- History
- Concerns
- Effects of invasive Eurasian watermilfoil (Appendix A): Environmental, Social and Economic
- Methods of Milfoil Control (Appendix B)
- Comments Regarding Canada Gazette, Part 1, Volume 153, Number 12: Order Amending Schedule 1 to the Species at Risk Act.

We hope this information will address any questions or concerns you have about this issue and allow you to support us as we continue to battle this harmful invasive species in our local waters.

Sincerely,



Anna Warwick Sears, Executive Director  
Okanagan Basin Water Board

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** May 9, 2019

**RE:** Electoral Area "D" and "I" Economic Development/Community Services

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### **Administrative Recommendation:**

THAT the Consultant be notified that the Area D/I Economic Development Service Review engagement process must be completed by July 15; and,

THAT a Final Report be presented to the Board of Directors at that time.

### **Purpose:**

To obtain direction from the Board of Directors on next steps with respect to the Terms of Reference and contract for public engagement efforts in addressing a course of action for the above noted service.

### **Reference:**

Electoral Area "D" Economic Development Service Establishment Bylaw No. 2447, 2009  
February 21, 2019 Administrative Report and Terms of Reference

### **Business Plan Objective:**

KSD 2 To foster dynamic, credible and effective community relationships and to meet public need through the provision and enhancement of key services.

KSD 3 To develop a socially and economically sustainable region.

### **Background:**

On election day October 20, 2018, Electoral Area "D" divided in accordance with order in council 216, and became two separate electoral areas.

Each of the service bylaws which reflect Area "D" must now be amended to reflect the correct service areas; however, most of them can be done with Director and Ministry approval.

The Economic Development Service Establishment was flagged as one which required a service review, as it may no longer be logical for both electoral areas to remain in a service which could offer little value to one of the electoral areas.



In order to determine what the citizens in the two electoral areas thought of the service and to gauge their interest in moving forward, administration presented a terms of reference to the Board which would enable the procurement of a public engagement contractor. The individual would engage and consult with the citizens in Electoral Areas "D" and "I" to conduct a needs assessment for community office services in one or both of those Electoral Areas and to make recommendation as to the type of services desired in that office.

The public engagement efforts would also fulfil the requirements of the Inspector of Municipalities to consult when changes are proposed to a bylaw which could contain significant impacts to the citizens.

At the February 21, 2019 meeting, the Board approved the terms of reference and resolved to enter into a contract with Gregory Rose to fulfil the terms of reference. Mr. Rose commenced duties on March 1, 2019.

Mr. Rose's initial approach included a comprehensive document review and understanding of the current state of the service after the 2018 Electoral Area "D" boundary change.

At that point, the strategy developed to include:

- Engaging with Area "D" and "I" Directors to determine their end goals regarding the evolution of the Economic Development Service/Community Services Office (CSO) and facilitating formulation of a direction for the engagement project.
- Conducting a review and compiling an inventory of services provided through the CSO 2012-2019.
- Compiling contact information of key stakeholders, community groups, organizations and committees in Areas "D" and "I" and initiating preliminary contact with stakeholders.
- Establishing approach, methodology, goals, engagement venues and timetable to guide the community engagement process in Areas "D" and "I".
- Developing plans, communiqués and information gathering methods, including the following:
  - Area "D" and "I" Communication Plans
  - Area "D" and "I" Calendar of Engagement of Events
  - Information Release
  - Areas "D" and "I" Communiqués
  - Area "D" and "I" online and printable survey for residents

### **Analysis:**

To date, Mr. Rose has attended various stakeholder meetings in Apex, Kaleden, Upper Carmi, Okanagan Falls (Lion's Club, Community Partners, Parks & Recreation, and South Skaha Housing). Several phone calls and walk ins to the office provided an opportunity to speak with residents; however, initial outreach was gatherer primarily from those community groups.

To ensure a fair, inclusive outreach effort, a mailout to all residents was included in the communication plan; however, the Directors requested that due to budgetary confinements, that be abandoned. To accommodate this, the strategy was amended and other methods engaged.

Some pinch points have developed through the process to date, including a misunderstanding of Mr. Rose's role. The Terms of Reference specified that Mr. Rose would work out of the Electoral Area "D" Office to conduct engagement and be available to citizens for feedback within the three to four days a week indicated in the contract, and when public engagement in the community was not occurring, and this is taking place. The scope of the Terms did not indicate that Mr. Rose would provide the reception-type duties which had been previously provided in the office and staffing of the office for the transition period of 2019 was not contemplated as part of the scope. The Directors expressed their frustration with this, and a challenging work environment resulted.

A lack of clear understanding by administration and the contractor as to the end goals desired by the Directors had presented some challenges and delays in getting clear, concise communications out to citizens; however, advertisements and surveys have recently been distributed and it is expected those will yield some productive comments back in the coming weeks.

At this point, the Directors have indicated that they would like to discontinue the public engagement process. In order to do so, the Board of Directors must resolve to conclude the contract with Mr. Rose earlier than the original year-end date, and enact a 30 day quit clause upon completion of his work.

It should be noted that the surveys distributed have a deadline of June 15, and after that time the results must be tabulated and formulated into a report by the contractor. To that end, it is recommended that the engagement process complete by July 15 and the report be presented to the Board of Directors at that time.

The public engagement conducted to that point will be sufficient to meet the Ministry of Municipal Affairs requirement should any changes to the existing bylaw be submitted to them for approval.

#### **Alternatives:**

#### **Respectfully submitted:**

*"Christy Malden"*

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C. Malden, Manager of Legislative Services