



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, May 23, 2019  
RDOS Boardroom – 101 Martin Street, Penticton

## SCHEDULE OF MEETINGS

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9:00 am	-	11:00 am	Environment and Infrastructure Committee
11:00 am	-	12:30 pm	Planning and Development Committee
12:30 pm	-	1:00 pm	Student Question Opportunity
1:00 pm	-	1:30 pm	Lunch
1:30 pm	-	1:40 pm	OSRHD Board
1:40 pm	-	2:45 pm	RDOS Board
3:00 pm	-	4:00 pm	Local Government Management Association (LGMA) 100 Year / Local Government Awareness Week Tree Planting ceremony – Gyro Park. RDOS/City of Penticton partnership

*"Karla Kozakevich"*

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Karla Kozakevich  
RDOS Board Chair

### Advance Notice of 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
September 19, 2019	RDOS Board/OSRHD Board/Committee Meetings



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, May 23, 2019  
9:00 a.m.

### REGULAR AGENDA

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A. **APPROVAL OF AGENDA**

**RECOMMENDATION 1**

THAT the Agenda for the Environment and Infrastructure Committee Meeting of May 23, 2019 be adopted.

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B. **Wood Stove Exchange Program**

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C. **Composting – Review and Options**

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D. **Delegation**

Nuisance Impact Assessment – Campbell Mountain Landfill  
Wilbert Yang, Engineer, Tetra Tech

Mr. Yang will address the Committee regarding the Nuisance Impact Assessment.

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E. **Draft City of Penticton Official Community Plan (OCP) Bylaw - Request for Referral  
Comments from the Regional District**

1. Draft response to City of Penticton
2. Nuisance Impact Assessment – Tetra Tech

**RECOMMENDATION 2**

THAT the Board of Directors resolves to sign and send the City of Penticton a formal response to the City of Penticton's draft 2019 OCP, as per the attached letter (Attachment No. 1) of the report dated May 23, 2019 from CAO Bill Newell.

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F. **ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** May 23, 2019

**RE:** Wood Stove Exchange Program – For Information Only

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**Purpose:**

To investigate the possible re-entry of the Regional District into the Provincial Wood Stove Exchange Program.

**Background:**

At the meeting of 21 February 2019, the following was passed as a Director's Motion.

**MOVED/SECONDED**

THAT administration be directed to investigate the cost and process of re-implementing the Woodstove Exchange program within the Regional District of Okanagan-Similkameen.

- CARRIED

**Analysis:**

While money is certainly a part of it, participation in the Wood Stove Exchange Program is more of a regulatory issue. From our past experience, we would need to establish a Service to which to charge the expenses associated with the program.

This is a labour-intensive program. A Coordinator would be needed to administer the program and other costs such as advertising, training and administration would come into play. The delivery mechanism could be either internal or contract.

The Wood Stove Exchange Program is really a rebate program. In a participating area, a resident would purchase a new wood stove and the retailer would offer the \$250.00 provincial rebate on the stove and the retailer is expected to contribute between \$150 to \$200. The exchange program is limited to March and April. Only non-EPA-certified appliances are eligible.

The Coordinator is required to fill in the forms required to participate by the Province, work with retailers, get the forms out and collected, answer customer questions, submit claims for recovery, offer workshops, advertise, etc.

While purchasing a wood stove and installation may run in the range of \$2,000, the maximum rebate would be \$400 or less. The initial estimate to get started would be in the \$40,000 range for a part-time employee or contracted cost.



Regional District of Okanagan-Similkameen

# 2019 Composting Review and Options

# Purpose

- Review benefits of organics diversion
- Review previous direction and results
- Provide current options to consider
- Recommendation and next potential steps

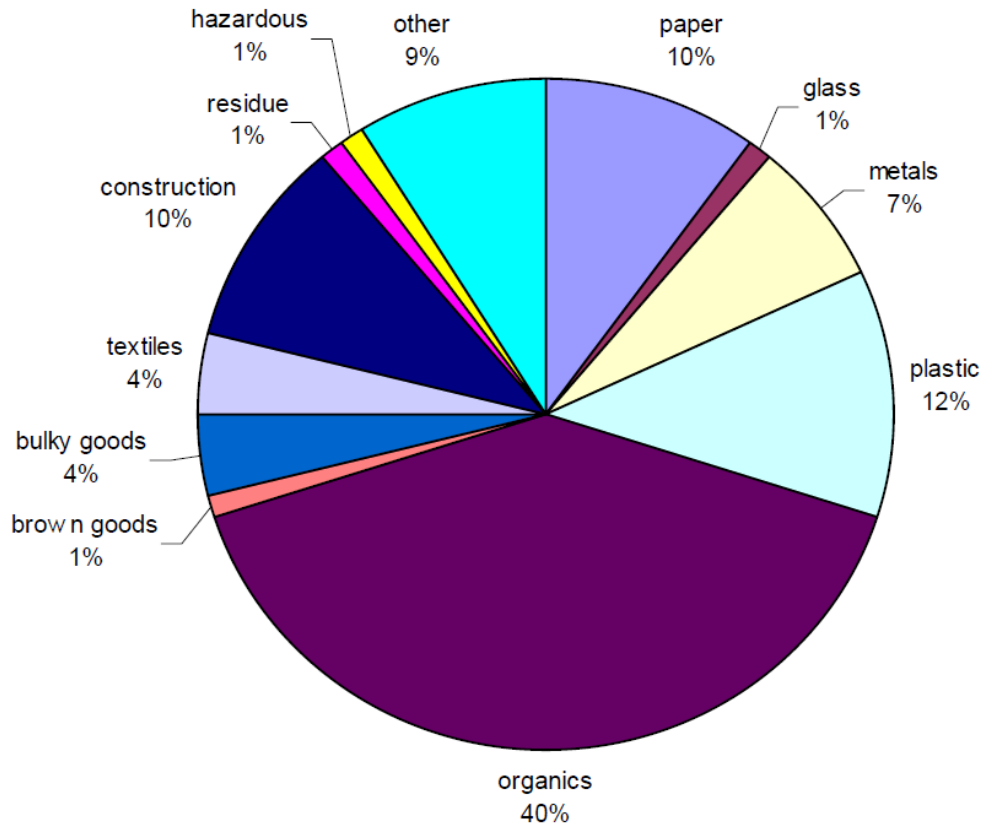
# Solid Waste Management Plan

In the RDOS amended 2012 Regional Solid Waste Management Plan

## Key objectives:

- Development of facilities to divert food waste from landfills
- Improved composting of yard waste, wood waste and waste water treatment sludge

# Current Waste



Organics largest source of waste remaining

# Benefits Organics Diversion

- Local compost – high value for agriculture
- Increases landfill airspace/landfill life
- Organics largest source of current waste (~40%)
- Reduces Green House Gases
- Make local governments carbon neutral
- Saves money compared landfilling





# Campbell Mountain Landfill

- Landfill Gas Management Regulation
- Landfill gas extraction - \$47 million lifecycle
- Passive biocover - \$22 million lifecycle
- Organics diversion in application for Campbell Mountain biocover – overall methane reduction



# Others are Composting



- Urban communities have been successful: Metro Vancouver, Victoria, Nanaimo,
- Rural communities also successful

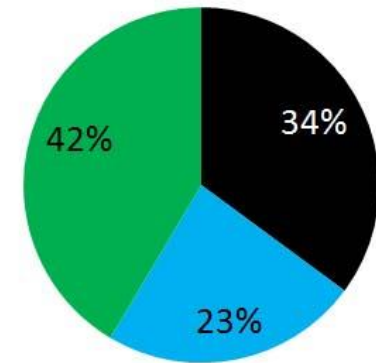
# Kootenay Boundary



## Grand Forks Curbside Waste Collection

(by weight - Oct-Dec 2012)

■ Garbage ■ Recycling ■ Green Bin



Residential organics Bridesville to Christina Lake  
By weight – more organics than garbage!  
Turned windrow at Grand Forks Landfill

# Problem Compost Sites

## Main problems

- ✓ Poorly sited
- ✓ Wrong technology
- ✓ Too much or wrong materials



# Successful Compost Sites

## Main considerations

- ✓ Well sited
- ✓ Right technology
- ✓ Can handle volume and materials
- ✓ Local government involvement



# Past Study Results

## **Most Cost Effective:**

### One Regional Composting Facility

- Located within ~30min of Penticton
- Included cost of high tech odour control
- Cost \$65 to \$80/tonne (\$110/t garbage now)
- Included all commercial food waste, domestic food waste, yard waste.
- Included a separate operation onsite for wastewater sludge with shared odour control

# Past Study Results

## **Least Cost Effective:**

### Each Community Separately

- Each service area handles their own materials – no working together
- Would all require odour control
- Unaffordable except for the CML area (50,000 people)
- Cost \$72 to \$75 tonne for CML service area
- Cost \$134 to \$246 tonne smaller sites

# Past Study Results

## Relatively Cost Effective:

### Hybrid – Sub- Regional and Community Sites

- Residential food waste would be composted locally at each small service area landfill
  - Oliver, Osoyoos, Summerland, Princeton
- Facility for CML Service area would include:
  - Residential food waste from service area
  - All commercial food waste in RDOS
- Lowest overall GHG emissions



# Past Study Results

## Relatively Cost Effective:

### Hybrid – Sub- Regional and Community Sites

- Wastewater sludge could be composted in separate operations
- Would all require odour control
- Overall cost would be higher for all
- Lowest overall GHG emissions with reduced trucking

# Previous Board Direction

- Determine a Regional Compost Site location
- Two proposed locations were brought forward to Public Consultation
- At the same time, successful consultation was done on composting of residential food waste using turned windrows at Oliver Landfill
- Project was put on hold

# Present Need and Status

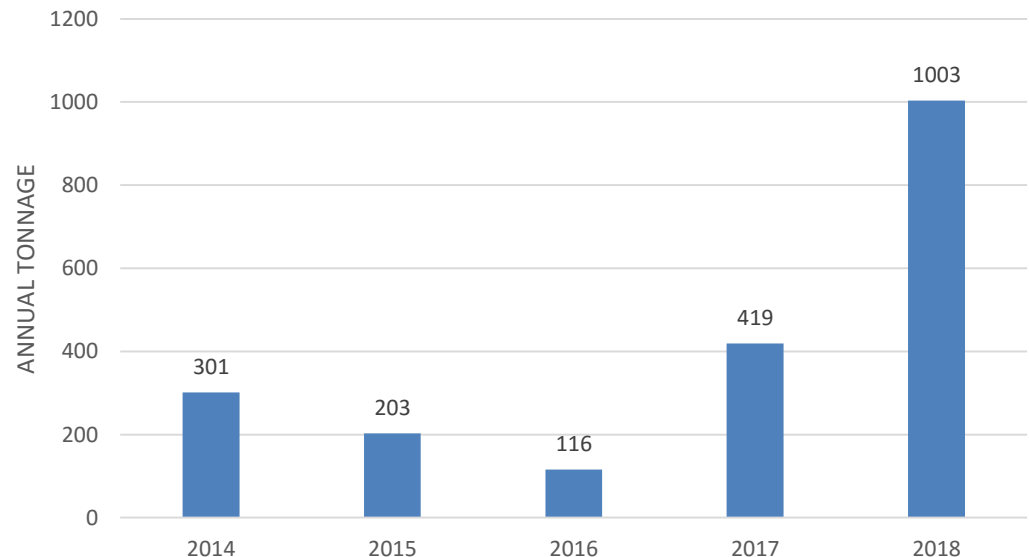
- Summerland pursuing their own solution for biosolids and food waste composting
- City of Penticton is near completion of a biosolids study and will need to upgrade
- Keremeos and Okanagan Falls need solutions for their waste water sludge
- Compost feasibility studies were completed for the Osoyoos and Princeton landfills

# Present Need and Status

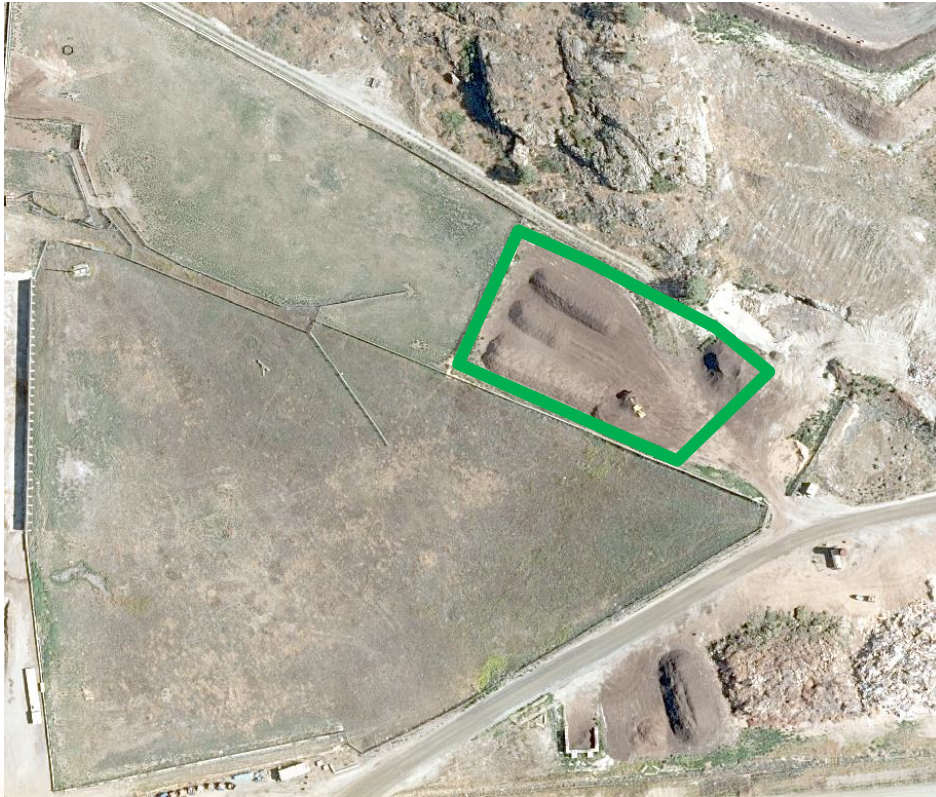
## Oliver Landfill

- Agricultural waste has increased due to closure of the adjacent feedlot
- Fewer options for chipped materials offsite
- Large stockpile of organics needing a solution

Fruit Waste - Oliver Landfill



# Oliver Landfill



2014 – Managed Compost Area  
OMRR compliant, water



2018 – Organics Stockpile Area  
No composting

# Present Need and Status

- Public support for composting programs found through the SWMP
- Desire to participate in a shared compost program is uncertain from Municipal Councils and Electoral Areas
- RDOS strives to meet our Mission Statement. This is a perfect opportunity.

# Options for the Board

1. Proceed with two Sub-Regional Compost sites  
(a) CML service area; and (b) Oliver/Area C
2. One combined Sub-Regional Site for the  
CML/Oliver/Area C service areas
3. Investigate new sites for one Regional Compost  
Site (may not include Summerland)
4. Abandon food waste composting and focus on  
yard waste and waste water sludge

# Option 1: Two Sub-Regional Sites

Sites: CML service area and Oliver/Area C service area

## Benefits:

- Composting residential food waste from significant portion of RDOS population
  - *Oliver and Area 'C' service area*
  - *CML service area (Penticton, Keremeos, Areas 'B', 'D', 'E', 'F', 'G' and 'I' and Penticton Indian Band)*
- Potential for composting waste water sludge from City of Penticton, RDOS OK Falls and Keremeos WWTP.
- Potential for regional commercial food waste composting



# Option 1: Two Sub-Regional Sites

Sites: CML service area and Oliver/Area C service area

## Benefits:

- Grant program available for Oliver/Area C facility now
- Grant application could be submitted in future for a food waste facility that could include waste water sludge for the CML service area site
- Reduces GHGs, increases landfill life
- Better able to accommodate variable yard/ag vol.

## Detriments:

- No current site for CML service area compost facility
- Overall higher operational costs with 2 facilities

# Option 2: One Sub-Regional Site

CML Service Area, Oliver/Area C, other service areas wishing to participate

## Benefits:

- Receive residential and commercial food waste
- Potential grant program for a sub-regional food waste facility that could include waste water sludge
- Reduces operational costs

## Detriments:

- No current site for a sub-regional compost facility
- No current funding

# Option 3: Regional Site

All service areas within RDOS

## Benefits:

- Lowest operational expenses
- Could include residential and commercial food waste and wastewater sludge composting

## Detriments:

- No current site for a regional compost facility
- Summerland likely not participating
- No current funding

# Option 4: Abandon

- Abandon work on organics diversion

## Benefits:

- No effort required

## Detriments:

- Reduces landfill life
- Increases GHG emissions
- Yard waste and agricultural waste composting in Oliver is still needed – very expensive without grant
- Wastewater sludge still needs to be dealt with

# Staff Recommendation

## Option 1 Two Sub-Regional Sites: [NEXT STEPS](#)

- 1) Oliver Landfill service apply for capital grant to construct residential food waste compost site
  - Grant is 2/3 funding, 1/3 from reserve
  - Application deadline was May 22
  - Resolution of support is at the Board today
  - Request letters of support for grant from Oliver, Osoyoos and Osoyoos Indian Band due June 22
  - Facility will include residential food waste for Oliver and Area C, *potential for Osoyoos, Area A and OIB*

# Staff Recommendation

## Option 1 Two Sub-Regional Sites: [NEXT STEPS](#)

- 2) Review the requirements for a small siting study to look at options at or near the CMLF and Okanagan Falls landfills. (ie. Ensure that odours are either reduced or stay the same)
  - Residential and commercial food waste and wastewater sludge composting
- 3) Return to the Board with recommended sub-regional site(s) for the CML service area prior to public consultation

# Questions

Find us on   

# ADMINISTRATIVE REPORT



**TO:** Environment & Infrastructure Committee

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

**DATE:** May 23, 2019

**RE:** Draft City of Penticton Official Community Plan (OCP) Bylaw  
Request for Referral Comments from the Regional District

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## Administrative Recommendation:

**That the Board of Directors resolves to sign and send the City of Penticton a formal response to the City of Penticton's draft 2019 OCP, as per the attached letter (Attachment No. 1) of this report.**

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## Purpose:

On May 1, 2019, the Regional District received a referral package from the City of Penticton related to the Draft OCP Bylaw and requesting the submission of any referral comments that the Regional District may wish to make be received by the City no later than May 24, 2019.

The purpose of this report is to seek direction from the Board regarding the Regional District's response to the City of Penticton's Draft OCP. The response letter outlines RDOS's concerns about future residential development that is proposed as a future growth area near the Campbell Mountain Landfill, and the potential negative future impacts of allowing residential development occur in close proximity to the existing landfill, and outlines recommendations to collaboratively solve this issue.

## References:

1. Nuisance Impact Assessment – Campbell Mountain Landfill, by Tetra Tech Canada Inc. (Attachment No. 2)
2. [Draft City of Penticton Official Community Plan \(April 16, 2019\)](#)

## Background:

### Campbell Mountain Landfill:

With a long history serving the region, the Campbell Mountain Landfill is a significant regional asset that provides critical waste management and composting services to the City of Penticton and the RDOS, and partner member municipalities. The Campbell Mountain Landfill (CMLF) is by far the most important and critical infrastructure investment in terms of waste management and diversion in the region. The Campbell Mountain Landfill has an expected lifespan of capacity of 85 years or more. That means that if properly managed, the landfill will be a viable asset that Penticton and the region can rely upon for its waste and recycling needs until at least the year 2104 (as determined by the *2016 CMLF Design, Operations and Closure Plan*.)

However, the CMLF's lifespan is not immune to changing circumstances and requires active planning and ongoing strategies for protection. A significant risk exists to its lifespan through the planning and developing of incompatible adjacent land uses, such as residential housing. In addition to nuisance

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complaints that can lead to an early closure, the RDOS could face future legal issues related to landfill pollution impacting nearby residents. In fact, exhibited from other examples, encroachment by development is considered one of the highest risks to a landfill's lifespan. Here in the Okanagan alone, the West Kelowna Landfill and the previous Okanagan Falls Waste Water Treatment Plant are unfortunate and costly examples of waste facilities that were closed or moved due to residential development encroachment. It is critical for the RDOS and City of Penticton to learn from these examples, so as to ensure the long-term viability of the CMLF and mitigate future negative impacts to area residents and ratepayers.

Faced with a very similar issue, the City of Kelowna has recently (May, 2018) shifted its approach to land use planning around and adjacent to the Glenmore Landfill, and are now utilizing a more precautionary and longer-term approach. Having undertaken a Nuisance Impact Assessment, Kelowna has realized that difficult decisions were required in order to protect the long-term viability of its critical asset – the Glenmore Landfill, and also to avoid placing future residents at risk. As a result, the City of Kelowna Council has recently decided to terminate the future “Diamond Mountain” residential development, which was to become a neighbourhood for approximately 1,000 homes near the Glenmore landfill. The decision was made in order to protect future residents and the Glenmore Landfill from prematurely shutting down prior to its 2090 closing date.

#### 2019 Nuisance Impact Assessment – Campbell Mountain Landfill:

RDOS Administration sees the benefit in taking a long-term and precautionary approach to land use planning around the Campbell Mountain Landfill, similar to Kelowna. As such, Tetra Tech Canada was recently retained by the Regional District of Okanagan-Similkameen (RDOS) to conduct a Nuisance Impact Assessment for the Campbell Mountain Landfill (CMLF). Representatives of Tetra Tech Canada are scheduled to appear as a delegation to the Board's Environment & Infrastructure Committee of May 23, 2019 to provide an overview of their assessment to the Board. Its purpose was to analyze probable nuisance impacts on the local population in relation to dust emissions, odour or noise generated by the landfill from its associated disposal, recycling and composting activities.

The Tetra Tech Nuisance Impact Assessment found that rezoning properties to increase residential populations around CMLF, or other uses that are not compatible with activities that occur at CMLF, increases potential conflicts between local government and private property owners. The conflicts could lead to costly changes, including premature closure and/or capital improvements that effect the viability of the landfill and put residents and their properties at risk. The full study is attached to this report for review (Attachment No. 2), with some key findings below:

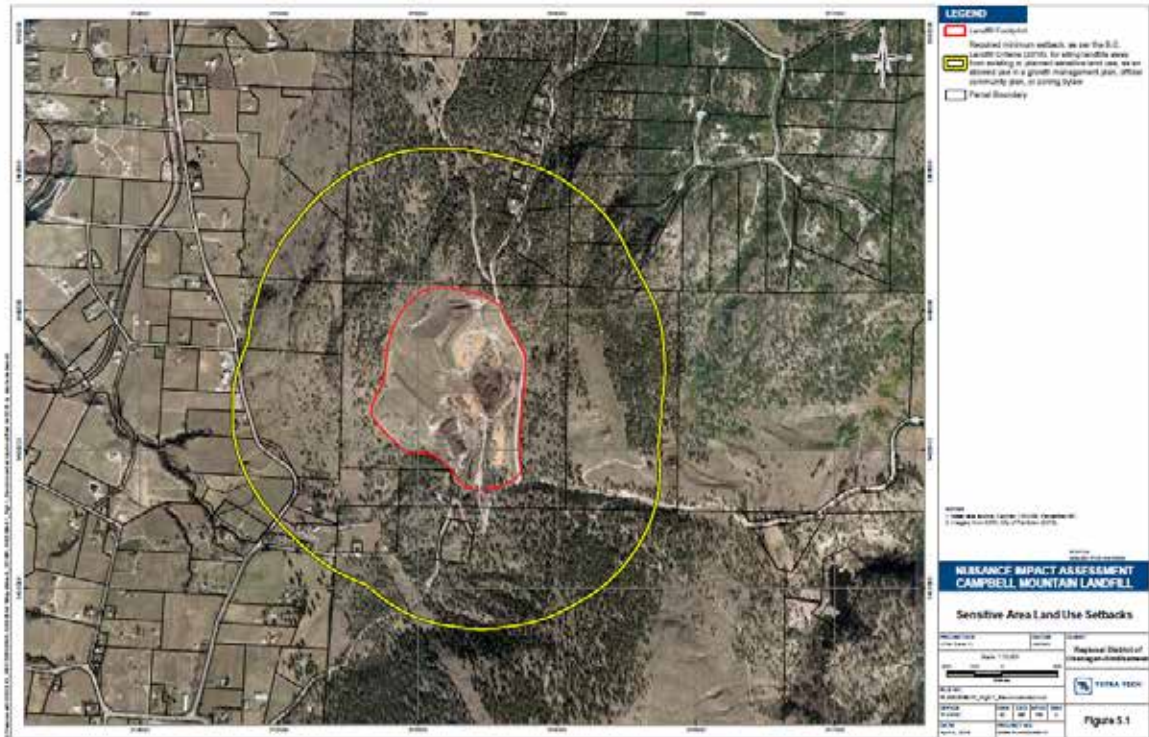
#### *8.0 CONCLUSION:*

*Rezoning properties that would increase residential populations around CMLF or that are not compatible with activities that occur at CMLF have the potential to increase conflicts between local government and private property owners. These conflicts have led to instances where public pressure has resulted in facilities being imposed to make changes or capital improvements that effect the viability of its operation. The CMLF services the City of Penticton and parts of the RDOS, and premature closure of the CMLF would have numerous implications for waste management in the area. These include:*

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- *Reserves for closure and capital costs for the landfill would not have been adequately incurred without allowing for accumulation of funds, leaving a shortfall of approximately \$2,843,600;*
    - *This does not take into consideration costs associated with redesign of the landfill closure, surface and groundwater management and other required closure plans;*
  - *RDOS would require additional resources to construct a transfer station to handle waste generated in the area and contracts to transport and dispose of waste to a private landfill in Roosevelt, Washington;*
    - *Capital costs for a transfer station would approximately be \$5,000,000 based on similar sized facilities;*
    - *Annualized capital costs and operating costs would be approximately \$2,800,000 or \$112 per tonne;*
  - *Total costs per tonne for premature closure includes landfill closure costs, transfer station costs, and ongoing recycling and HHW programs resulting in a disposal cost of \$143 per tonne, a 63% increase from current levels.*
  - *The biosolids composting facility would likely need to be upgraded to an in-vessel composting facility to minimize potential for odour;*
    - *The capital cost for an in-vessel composting facility would be approximately \$ 6.3 million; and*
    - *Annualized capital costs and operating costs are estimated at \$1,129,000 per year or \$150 per tonne.*

## 5.0 NUISANCE EVALUATION AND BUFFER RECOMMENDATIONS

*“... Adhering to the landfill siting criteria described in Section 3.0 and supported by modelling odour impacts, **it would be suggested that the 500 m buffer from the property line be maintained at a minimum (Figure 5.1).**”*



In addition to the 2019 Tetra Tech analysis, there are a number of plans, policies and criteria that are already in place that support utilizing land use setbacks to ensure that's CMLF's full 85 year potential lifespan can be realized, including the 2012 RDOS Solid Waste Management Plan, the 2017 RDOS Regional Growth Strategy, and the 2016 BC Ministry of Environment Landfill Criteria for Municipal Solid Waste, as well as certain sections of the Draft 2019 Penticton OCP. The relevant policies from each of those key documents are provided below:

#### 2012 RDOS Solid Waste Management Plan:

The 2012 RDOS Solid Waste Management Plan (SWMP) is a key document that plans and guides operations for waste management and diversion in the RDOS region. It was created using three committees: Public, Technical and Steering, including City of Penticton residents, staff, and Councillors. The final Plan was adopted by the BC Minister of Environment and the RDOS Board in 2012, and is slated for a 10 year review and update in 2020. Key policies from the SWMP that support extending the life of the Campbell Mountain Landfill include:

**Section 19.1** *The overall direction for managing residual waste and for recovery of energy is to:*

- *Utilize existing landfill capacity to the greatest extent possible;*
- *Continue to maintain and upgrade existing landfills in accordance with regulatory requirements;*

**Section 20:** *Land Use Planning Waste management facilities, including recycling, composting, product stewardship and disposal facilities are essential elements of a sustainable waste management system. The siting and operation of these facilities must be done in conjunction with long-range community planning at municipal and regional levels to protect the environment and minimize the potential for land use conflicts. The RDOS will work with regional district and municipal planning departments to develop land use planning policies that support / protect waste*

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*management infrastructure, including providing and protecting lands that act as a buffer surrounding waste management facilities (existing or planned).*

2017 Regional Growth Strategy:

The South Okanagan Regional Growth Strategy (RGS) is a key regional plan that manages growth in the South Okanagan in manner that is consistent with long-term and sustainable social, environmental and economic objectives.

The Regional Growth Strategy contains directives that support the extension of the CMLF's lifespan, including implementation of the RDOS Solid Waste Management Plan, pursuit of best practices for effective waste management, and enhanced regional-local government partnerships and dialogue in relation to development and delivery of services:

***Objective 3-B Reduce Solid and Liquid Waste***

*3B-1 Continue to implement and monitor RDOS Solid Waste Management Plan (2012).*

*3B-3 Continue to research and implement best practices for effective solid and liquid waste management.*

*3B-6 Minimize environmental impacts of solid and liquid waste management*

***Objective 6-A Enhance regional-local government partnerships.***

*6A-1 Foster dialogue between Electoral Areas, municipalities and other organizations for cost sharing, delivery of services, capacity building, and development.*

*6A-2 Continue to foster dialogue between communities around shared goals, while recognizing and supporting unique community goals.*

Provincial Landfill Criteria for Municipal Solid Waste:

The BC Ministry of Environment's 2016 Landfill Criteria for Municipal Solid Waste provides standards for siting, design, construction, operation and closure of Municipal Solid Waste landfills. The criteria provide guidance to landfill owners and operators, qualified professionals and Ministry staff on environmentally sound landfilling practices and procedures. The Landfill Criteria for Municipal Solid Waste (2016) Nuisance Control section states that:

*"The landfill footprint must not be located within **500 metres** of an existing or planned sensitive land use. A planned sensitive land use is one that has been identified as an allowed use in a regional growth management plan, official community plan or zoning by-law but has not yet been built/established".*

Draft 2019 Penticton OCP:

The Penticton 2019 OCP already has a number of policies in place to support extending the life span of the landfill, promoting residential development that is compact and adjacent to developed areas, avoiding hazards, and using collaborative partnerships to meet common goals:

***Regional Context Statement:*** *"Preserving Penticton's compact urban footprint is central to the OCP's growth strategy. Infill development and densification is prioritized over greenfield and*

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*hillside development and environmentally sensitive riparian and hazard areas are protected through Development Permit Areas (DPAs)."*

#### **4.1.1 Managing Residential Growth**

*Ensure that Penticton retains its compact 'footprint' to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.*

*4.1.1.1 Focus new residential development in or adjacent to existing developed areas*

*4.1.1.3 Evaluate the short-term and long-term financial, ecological and social costs and benefits of all proposed new greenfield (largely on hillsides) development proposals through analysis of full life cycle costs of infrastructure, including replacement, and services, and structured assessment of environmental and social impacts.*

#### **4.3.4 Collaboration to Meet Common Goals**

*Recognize the power of alignment and partnerships with local, regional, national and First Nations stakeholders and organizations.*

*4.3.4.1 Foster collaborative working relationships with the Penticton Indian Band and regional, provincial and federal agencies and organizations.*

#### **Section 4.4.6 - Waste Reduction and Organics Diversion**

*Divert recyclables and organics from the landfill, reduce waste and energy use, protect the environment, and extend the life of our landfill.*

*4.4.6.1 Work with the Regional District to create and implement a Solid Waste Management Plan (SWMP) to reduce the amount of solid waste requiring disposal.*

#### **Analysis:**

Administration has reviewed and analyzed the Penticton OCP from a regional perspective, and has found that Penticton's 2019 Official Community Plan will have widespread positive impacts on the community and region for decades to come. In particular, the draft OCP contains numerous goals and policies for sustainable long-term growth that are in alignment with the RDOS Regional Growth Strategy and reflect best planning practices.

However, there is one critical aspect of the Draft City of Penticton OCP that is highly problematic from Administration's perspective. Specifically, future residential development planned adjacent to the Campbell Mountain Landfill (CMLF) could shorten the lifespan of the Campbell Mountain Landfill and negatively affect the quality of life of nearby future residents.

The Tetra Tech Canada Nuisance Impact Assessment has found that rezoning properties to increase residential populations around CMLF, or other uses that are not compatible with activities that occur at CMLF, may increase potential conflicts between local government and private property owners due to the presence of significant nuisances emanating from the CMLF. These conflicts could lead to costly changes, including premature closure and/or capital improvements that effect the viability of the landfill and put residents and their properties at risk.

In response, the draft referral comment letter from the RDOS to the City of Penticton (see Attachment No. 1) requests amendments to the OCP, including a minimum 500 meter setback that

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excludes any further development of land uses that would be incompatible with the landfill, as recommended in the Tetra Tech Nuisance Impact Assessment. This would be supported by new policy(s) under OCP Section 4.1.1 “Managing Residential Growth” that protect both the lifespan of the landfill and the surrounding community through planning and zoning controls by preventing future residential development in the setback area, along with a policy commitment to review and update Schedules ‘J’ and ‘L’ (North East Sector Plan and Spiller Road / Reservoir neighbourhood Concept Plan).

The letter suggests that if the time required to undertake these amendments does not meet the requirements of the City of Penticton’s OCP timelines, that there may be a viable interim solution. This approach would include amending the OCP, prior to first reading, that designates all lands within 1 kilometer of the landfill as a special study area called a “Landfill Impact Assessment Area”, along with a new OCP policy that speaks to Council opposing any re-designation of land within the special study area until further collaborative analysis is undertaken with the RDOS, along with a policy commitment to review any related policies (including Schedules J and L) prior to any further re-designation of land within the special study area.

In addition, it’s worth noting that the RDOS Solid Waste Management Plan includes the provision of public assent for services or capital works included within the Plan (as per the Environmental Management Act Section 24 (7)). The Environmental Management Act also provides a mechanism when a Regional District perceives a conflict between a SWMP and any land use bylaws, permits, etc. issued by a municipality (as per Environmental Management Act Section 37). Under these provisions, the Regional District may request the Province to review whether an Official Community Plan or Zoning bylaw is in conflict with a SWMP.

In summary, the Campbell Mountain Landfill is a vital piece of shared infrastructure that requires regional collaboration, thoughtful long-term planning and strategic protection. As revealed in the 2019 Tetra Tech Nuisance Impact Assessment, there is a significant risk to the Landfill’s 85 year lifespan if incompatible nearby land uses are permitted, namely future residential development. Other examples within the Okanagan are unfortunate learning lessons about the significant costs associated with early landfill closures that resulted from unforeseen residential development encroachment. Therefore, Administration believes that the RDOS should send a response letter to the City of Penticton with a request to amend its Draft OCP before it is approved, so as to mutually protect both Penticton residents and the CMLF’s lifespan.

**Alternatives:**

1. THAT the Board of Directors resolves to sign and send the City of Penticton a formal response to the City of Penticton’s draft 2019 OCP, as per the attached letter (Attachment No. 1) of this report, with the following amendments:
  - i) TBD
2. THAT the Board of Directors resolves to not sign and send the City of Penticton a formal response to the City of Penticton’s draft 2019 OCP.

**Respectfully submitted:**

**Confirmed by:**

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**C. Labrecque**

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C. Labrecque, Planner II

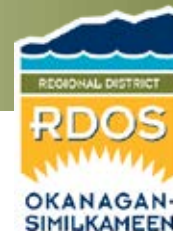


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B. Dollevoet, General Manager of Development Services

Attachments: No. 1 – Draft Letter of Response from the RDOS Board to the City of Penticton

No. 2 – Nuisance Impact Assessment – Campbell Mountain Landfill, by Tetra Tech  
Canada Inc.



May 23, 2019

Mayor & Council  
City of Penticton  
171 Main Street  
Penticton, BC, V2A-5A9

Dear Mayor and Council,

**Re: City of Penticton Draft Official Community Plan Bylaw (2019)  
Referral Comments from Regional District of Okanagan-Similkameen**

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The RDOS appreciates your referral of City of Penticton's Draft 2019 Official Community Plan (OCP) Bylaw and including RDOS in the stakeholder engagement process over the last two years.

To begin with, we want to take this opportunity to commend the City of Penticton on its thorough efforts in updating its 2019 Official Community Plan over the last two years. We believe this comprehensive plan will have widespread positive impacts on the community and region for decades to come. In particular, the draft OCP contains numerous goals and policies for sustainable long-term growth that are in alignment with the RDOS Regional Growth Strategy and reflect best planning practices.

However, there is still one critical aspect of the Draft City of Penticton OCP Bylaw that is problematic for the RDOS. Specifically, the future residential development planned adjacent to the Campbell Mountain Landfill (CMLF) site may not align with our shared goal of extending the life of the Campbell Mountain Landfill or protecting Penticton residents from hazards and nuisances. The RDOS believes that the OCP could be placing the Campbell Mountain Landfill, local residents, and area ratepayers at significant risk and cost due to future land use conflicts.

In light of new information recently received from an RDOS commissioned Nuisance Impact Assessment by Tetra Tech Canada (attached), which is further supported by existing policies and legislation (as discussed in our Administrative report to the Regional Board's Environment Committee of May, 23, 2019 - attached), RDOS is requesting that the City of Penticton enter into further collaborative discussion with the RDOS regarding land use policies surrounding Campbell Mountain Landfill, **prior to proceeding with the OCP approval process.**

Ideally, the RDOS is requesting that the City of Penticton consider amending its Draft OCP Future Land Use Map #1 to include a minimum 500 meter setback from the landfill as recommended in the Tetra Tech Nuisance Impact Assessment. This would be further supported by new policy(s) under OCP Section 4.1.1 "Managing Residential Growth" to protect both the lifespan of the landfill and the surrounding community through planning and zoning controls that prohibit future residential development in the setback area, in addition to an OCP policy commitment to review and update Schedules 'J' and 'L' (North East Sector Plan and Spiller Road / Reservoir neighbourhood Concept Plan).





If the time needed to undertake these amendments does not meet the requirements of the City of Penticton, we suggest a viable interim solution that includes amending the Draft OCP, prior to first reading, to designate all lands within 1 kilometer of the CMLF as a special study area called a "Landfill Impact Assessment Area". This approach would also include an OCP policy that speaks to Council opposing any re-designation of land within the special study area until further collaborative analysis is undertaken with RDOS, along with a policy commitment to review any related policies (including OCP Schedules J and L).

This interim solution would provide the opportunity for the City of Penticton to move forward with its Draft OCP with support from the RDOS, while providing more time to jointly pursue holistic and collaborative dialogue and analysis with RDOS in relation to the affected area.

We thank-you for your attention to this important matter, and look forward to your response.

Sincerely,

Karla Kozakevich  
Chair, Regional District of Okanagan-Similkameen

Enclosures:

1. Administrative Report to Regional Board's Environment Committee – May 23, 2019
2. Nuisance Impact Assessment (April 10, 2019) – Tetra Tech Canada



**To:** Andrew Reeder, Manager of Operations  
Regional District of Okanagan-Similkameen

**Date:** April 10, 2019

**c:**

**Memo No.:** 001

**From:** Wilbert Yang, Tetra Tech  
Travis Miguez, Tetra Tech  
Claudia Castro, Tetra Tech  
Jeremy Reid, Tetra Tech

**File:** 704-SWM.PLAN03089-01

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**Subject:** Nuisance Impact Assessment – Campbell Mountain Landfill

## 1.0 INTRODUCTION

Tetra Tech Canada Inc (Tetra Tech) was retained by the Regional District of Okanagan-Similkameen (RDOS) to conduct a Nuisance Impact Assessment for a proposed rezoning of properties that are located north of the Campbell Mountain Landfill (CMLF). The purpose of this assessment is to examine whether the proposed rezoning (which could increase the population density in the area) would be impacted by the CMLF operation.

### 1.1 Background

The City of Penticton (the City) and RDOS operate a waste management facility that composts biosolids from the City's wastewater treatment plant and landfills and processes Municipal Solid Waste (MSW) from the RDOS and City. The City is reviewing its Official Community Plan and is considering rezoning property(ies) that is immediately north of the landfill property which could increase the number of residents living in the area. City Council and the RDOS Board are required to make an informed decision about the potential rezoning application and to understand the potential nuisance and liability impacts that may come from the CMLF.

In 2015, Tetra Tech conducted an odour modeling exercise to assess potential impacts from a proposed organic waste processing facility at the CMLF. The study took into consideration meteorological conditions and odour emission from similarly sized facilities to assess odour impacts based on predicted odour strength and air flows in the area. These results helped assess potential nuisance impacts and estimated associated risks with siting a regional food waste composting facility at the CMLF.

## 2.0 NUISANCE STANDARDS

Nuisance can be an unreasonable interference with an environmental value caused by, but not limited to, emissions (including dust), odour or noise. Nuisance can be assessed as a combination of environmental conditions that exceeds certain criteria or thresholds (typically a regulatory or industry objective or standard) and/or occurs at a certain frequency. For example, if an ambient criterion (e.g. BC Ambient Air Quality Objective) is exceeded once a year, it could be considered less of a nuisance than instances where the level is slightly below the criterion with noticeable impacts but occurs more frequently such as weekly.

The following sub-sections discuss the standards for dust, odour and noise.

## 2.1 Dust

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Dust is considered an airborne particulate matter (PM). For the subject facility, dust can be generated from the movement of soil, and industrial activities such as dozing, loading and unloading, travel on unpaved roads or wind erosion of loose stockpile material. For air quality purposes, particulate matter is assessed against ambient objectives defined for different particle size fractions based on their potential impacts to human health.

Dustfall is a measure of the amount of airborne particulate matter which falls out of suspension and deposits onto the ground or surfaces. While dustfall is mainly considered as a nuisance metric for humans (e.g. dust on cars), it can impact vegetation by clogging stomatal openings and the metals loading (composition of the dust) can impact geochemistry of soils and streams. Dust can be measured using the following parameters:

- Total suspended particulates (TSP) includes all particulate matter, although it is typically measured below a cut off size of 30 or 50 microns, and generally provides the best assessment criterion for airborne “dust”;
- PM<sub>10</sub> is a segment of TSP and is an air quality metric which refers to the concentration of airborne particles smaller than 10 microns which can be inhaled into the lungs. Industrial sources of PM<sub>10</sub> include crushing or grinding operations and traveling on unpaved roads. PM<sub>10</sub> is also a component of fugitive TSP generated from earth moving activities; and
- PM<sub>2.5</sub> is a finer component of TSP and refers to the concentration of airborne particles that are smaller than 2.5 microns. PM<sub>2.5</sub> is the most critical particulate matter metric with respect to human health as particles of this size can pass through the lung and into the blood supply and cause health issues.

PM<sub>10</sub> and PM<sub>2.5</sub> are the most widely used assessment criterion for potential health impacts related to airborne “dust”.

## 2.2 Odour

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Odour is typically assessed as a metric called odour units (OU). A value of 1 OU generally refers to the concentration of an odorous constituent in air at which 50% of an odour panel (10 people) can detect a slight odour of some kind. The metric essentially refers to the ratio of “clean” air required to dilute a sample of “odorous” air to reach 1 OU.

Nuisance complaints generally occur when odour concentrations exceed the range of 5 OU to 10 OU, however this is also dependent on the nature of the odour and the olfactory sensitivity of the receptor. It is also dependent on the time of year and time of day as odours will typically not be noticed as much when residents are indoors, and windows are closed. Sensitivity to an odour, and thus odour complaints, is also increased with frequently recurring events rather than when odour is ubiquitously present.

## 2.3 Noise

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There are no specific noise level limits set out by the British Columbia Ministry of Environment (BCMOE). The typical daytime noise level guideline criteria used in many jurisdictions is 50 decibels (dB). The BC Oil and Gas Commission (BCOGC) defines a permissible sound level at the nearest dwelling in ‘*British Columbia Noise Control Best Practices Guideline*’ based on dwelling density, distance to frequently travelled roads, time of day, time of year and frequency/duration of the noise. BCOGC’s guidance document is intended to help define legal requirements for managing noise from oil and gas facility operations but provides a best-practice guidance for other industrial facilities.

As the vast majority of noise concerns for residents occur during the summer months, the permissible sound level of 50 dB LAeq (equivalent A-weighted continuous sound level) is based on summertime conditions and refers to the daytime period, defined as 07:00 to 22:00. The daytime criterion is applicable to noise levels from the Campbell Mountain Landfill as the operational hours are from 8:30 to 16:45. 50 dB is comparable to the noise level associated with a quiet suburb.

## 3.0 INDUSTRY STANDARDS

Industry standards that the British Columbia Ministry of Environment (BCMOE) have for nuisances from landfill and/or composting operations are more qualitative rather than quantitative. The BC Landfill Criteria indicates that *“A landfill shall be operated and maintained so as not to create a “nuisance” including but not limited to dust, noise, litter, odour, vectors and/or wildlife attraction.”* Similarly, the BC Organic Matter Recycling Regulation (which regulates composting facilities) states that composting facilities must have plans and specifications that are prepared by a qualified professional, and one of those plans must be *“an odour management plan which stipulates how air contaminants from the composting facility will be discharged in a manner that does not cause pollution.”* Quantitative limits are not established for these types of facilities. However, these standards do state that the facility shall be operated in a manner that does not cause pollution.

Because there is not a single approach to determine the level of disturbance that these nuisances can cause, it is common to see the use of different targets set by different jurisdictions or industries to assess the impacts of nuisances such as particulate matter, odour and noise.

### 3.1 Dust

In the case of air quality, some ambient objectives and guidelines for parameters such as PM<sub>2.5</sub> (which are commonly used as reference) have set 24 hour average objectives for and limits/thresholds can range from 25 µg/m<sup>3</sup> (99<sup>th</sup> percentile) which was established by the World Health Organization to 35 µg/m<sup>3</sup> (98<sup>th</sup> percentiles over three years), which was established by the United States Environmental Protection Agency<sup>1</sup>. For British Columbia, Metro Vancouver, City of Montreal and Newfoundland and Labrador the limits are 25 µg/m<sup>3</sup>, whereas for other parts of Canada (which includes Alberta, Manitoba, Quebec, Saskatchewan and New Brunswick<sup>2</sup>) the standard is 30 µg/m<sup>3</sup>. Therefore, PM<sub>2.5</sub> levels that are above 30 µg/m<sup>3</sup> are generally an indication of unacceptable levels. As illustrated in Figure 4.3, the PM<sub>2.5</sub> levels are not shown to exceed BC's limit of 25 µg/m<sup>3</sup>.

In British Columbia, air quality is assessed based on provincial Ambient Air Quality Objectives (AAQO). Table 2.1 lists the AAQO relevant to particulate matter.

<sup>1</sup> [https://open.alberta.ca/dataset/15c14e92-f2f3-4e93-8f6f-d6cefaca279d/resource/fc085813-29a7-45fa-a0b3-d77522d4c/download/pm2.5\\_final\\_aaqa\\_nov\\_2018.pdf](https://open.alberta.ca/dataset/15c14e92-f2f3-4e93-8f6f-d6cefaca279d/resource/fc085813-29a7-45fa-a0b3-d77522d4c/download/pm2.5_final_aaqa_nov_2018.pdf)

<sup>2</sup> <http://nrt-trn.ca/wp-content/uploads/2011/06/ambient-air.pdf>

**Table 2.1 – BC Ambient Air Quality Objectives for Particulate Matter**

Contaminant	Averaging Period	Objective (µg/m <sup>3</sup> )
TSP	24-Hour	120
	Annual	60
PM <sub>10</sub>	24-Hour	50
PM <sub>2.5</sub>	24-Hour	25 <sup>1</sup>
	Annual	8

<sup>1</sup> Based on annual 98<sup>th</sup> percentile of daily average, over one year

For dustfall, the BC Ministry of Environment no longer lists a guidance level in its AAQO. Pollution Control Objectives (PCO) were originally developed in the 1970s for various industry sectors as a soiling index to assess the “dustiness” of an area from an aesthetic or nuisance perspective. For reference, the former Pollution Control Objective for dustfall, which was rescinded in 2006 but continued to be referenced in the BCAAQO until 2017, was 1.7 mg/dm<sup>2</sup>/day in residential areas. Although measuring dustfall to assess facility compliance is now considered by the BC Ministry of Environment as an outdated methodology, if the concern is simply aesthetic or nuisance in nature, the use of the former objectives may be justified. As an additional criteria reference, Alberta Environment uses a dustfall guideline of 53 mg/dm<sup>2</sup> over a thirty-day period (1.76 mg/dm<sup>2</sup>/day) for residential and recreational areas.

### 3.2 Odour

The BC Ministry of Environment plans to release regulatory odour standards/guidelines, however there are currently no criteria. Other jurisdictions have typically implemented odour regulation based on “best management practices” or 'loss of enjoyment of property". In practical terms, it suggests that odour is regulated by nuisance complaints. Odour is not a health-based criteria as olfactory detection threshold are generally orders of magnitude below exposure guidelines related to human health.

The cities of Montreal and Boucherville in Quebec have adopted odour nuisance criteria as follows:

- Maximum of 10 OU; and
- Below 5 OU 98 percent of the time.

Metro Vancouver has a policy that its wastewater treatment plants should be operated in a manner that odour levels at the property line are less than 5 OU.

For odour, common methods for odour assessment are olfactometry (odour panels), chemical analysis for known odour compounds and dispersion modelling to identify where odourous compounds could travel and their calculated concentration. Odour panels rely on trained individuals and their olfactory senses to identify the presence of an odour. Ultimately, odour and its effect on people is subjective. The frequency of events and intensity can cause a heightened level of stress that can affect people’s health and quality of life. From a monetary perspective, odour can also affect property values.

Ultimately, the BCMOE defines pollution as “altering the usefulness of the environment”. There have been several cases where this position was used to determine that an operation was causing pollution.

### 3.3 Noise

In the case of noise levels, there are no defined standards for British Columbia, other than the guidance in BCOGC 2018, which is discussed in Section 2.3. Across Canada there are numerous standards that focus on different activities but in a different context in relation to noise ordinances<sup>3</sup>, several of them were established to regulate occupational health hazards due to noise exposure.

### 3.4 Summary

Regardless of the method used to assess an inherent nuisance, once a nuisance becomes an actual event, the waste management facility can be put into a situation where the operation would be committed to addressing any issues which could require additional resources and in an extreme course of action result in closure of the operation.

In addition, the Landfill Criteria for Municipal Solid Waste (2016)<sup>4</sup>, in its Nuisance Control section reads “*The landfill must be designed and operated to prevent impacts from nuisance factors and comply with any local government nuisance bylaws. If the landfill is likely to cause a nuisance or not comply with any local government nuisance bylaws (including due to dust, noise, litter, odour, vectors, wildlife, tracking of mud out of the site entrance, etc.), assessment, modeling and/or monitoring shall be conducted to determine predicted and/or actual nuisance levels, and controls shall be designed and implemented to prevent nuisance and comply with the bylaws*”. In short, the Landfill Criteria indicates what must be monitored, and not how to do it neither what is the nuisance threshold, which represents an augmented level of uncertainty for waste management facilities as well as uncertainty in determining the actual risks of having more residents move into the vicinity of an existing landfill such as CMLF.

The Landfill Criteria also states that, “*The landfill footprint must not be located within 500 metres of an existing or planned sensitive land use. A planned sensitive land use is one that has been identified as an allowed use in a regional growth management plan, official community plan or zoning by-law but has not yet been built/established*”. The proposed rezoning is placing a sensitive land use next to the CMLF which increases the level of risk for nuisance incidents to occur. Figure 5.1 illustrates the minimum recommended setback for existing or planned sensitive land use.

It should be noted that “sensitive land uses” include, but are not limited to: schools, residences, hotels, restaurants, cemeteries, food processing facilities, churches, and municipal parks. Land uses such as heavy industry, forestry operations, aggregate extraction/mining, railways/rail yards, etc. are not considered sensitive land uses.

## 4.0 NUISANCES ASSESSMENT

### 4.1 Dust and Odour Assessment

Dust and odour impacts beyond the CMLF property were assessed by calculating an emissions inventory, a quantitative activity-based measure of emissions occurring at the facility and modelling the downwind transport of the emissions using the air dispersion model, CALPUFF.

<sup>3</sup> <http://www.noise-ordinances.com/canadian-noise-regulations-and-bylaws/provincial-noise-regulations-in-canada/>

<sup>4</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/garbage/landfill\\_criteria.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/garbage/landfill_criteria.pdf)

## Emission Estimation

Site-specific activity metrics (e.g. annual received tonnage) and relevant facility information used to estimate emissions from the Campbell Mountain Landfill were taken from '2017 Operations and Monitoring Report Campbell Mountain Landfill (OC – 15274), Penticton BC', Western Water Associates Ltd. 2018, or were provided directly to Campbell Mountain (e.g. vehicle loads). Emission factor references were taken from several sources, including the United States Environmental Protection Agency (USEPA) 'AP-42 – Compilation of Air Emission Factors' and 'Organic Management Consultant Task 1 – Site Assessment', Tetra Tech 2014. References for specific emission factors are noted in the footnotes for Table 4.1 in this section.

The emission estimates were meant to capture the main fugitive sources at the CMLF and is not inclusive of all facility-related emissions released from the property (e.g. PM<sub>2.5</sub> from vehicle exhaust). Mitigation procedures or controls have been included in the estimations where protocols have been established (e.g. road watering). Consistent with the requirements of regulatory modelling, emission estimates represent typical operating conditions based on activity metrics and do not consider seasonal variability in received tonnage. Emission rate estimates (grams per second for particulate matter and odour units per second for odour) do consider the operational hours of the facility (08:30 – 16:45) and the number of normal operational days in the year (taken as 348) when calculated from annual values.

### 4.1.1 Dust

The main source of dust, or particulate matter, emissions at the CMLF is from truck travel on unpaved road segments, the longest of which runs from the scales to the tipping face. Frequently travelled unpaved road segments are also located at the southern end of the property in the recycling and composting areas. Additional sources of fugitive dust are compost handling (screening and pile turning), loading and unloading of compost, wood waste, soils and other materials, grinding of wood waste and intermittent crushing of concrete and asphalt. The main particulate matter emission sources and the estimated rates of TSP, PM<sub>10</sub> and PM<sub>2.5</sub> emissions are summarized in Table 4.1. Emission rates have been considered as continuous sources and calculated as averages over an entire operational day unless otherwise noted.

**Table 4.1: Particulate Matter Emission Rate Estimates for Main CMLF Operations**

Activity	Emission Rate (g/s)		
	TSP	PM10	PM2.5
Unfinished Compost Turning <sup>1,2</sup>	8.59E-02	7.16E-02	1.07E-02
Unfinished Compost Mixing <sup>1,3</sup>	8.59E-02	7.16E-02	1.07E-02
Windrow Turning <sup>1,2</sup>	4.30E-02	3.58E-02	5.37E-03
Composting Screening <sup>4</sup>	2.76E-03	1.69E-03	9.83E-05
Grinding White Wood <sup>5</sup>	9.18E-02	7.08E-02	6.22E-03
Primary Crushing Operations <sup>6</sup>	3.41E-04	1.53E-04	2.84E-05
Intermediate Cover Received - Unloading/Stockpile/Loading <sup>7</sup>	5.77E-04	2.73E-04	4.13E-05
Loading/Spreading intermediate Cover at Working Face <sup>7</sup>	5.77E-04	2.73E-04	4.13E-05
Stockpiling Crushed Concrete and Asphalt <sup>8</sup>	4.56E-03	2.16E-03	3.27E-04
Loading/Unloading Wood Waste <sup>9</sup>	8.57E-05	4.05E-05	6.14E-06
Loading/Unloading Gypsum Material <sup>10</sup>	1.66E-05	7.83E-06	1.19E-06

Activity	Emission Rate (g/s)		
	TSP	PM10	PM2.5
Unpaved Road Traffic - Tipping Face of Landfill Route <sup>11</sup>	3.51E-01	9.47E-02	9.47E-03
Unpaved Road Traffic - to Cover Storage Pile/Commercial Wood Waste <sup>11</sup>	9.61E-01	2.59E-01	2.59E-02
Unpaved Road Traffic – Commercial Composting Route <sup>11</sup>	1.84E-01	4.96E-02	4.96E-03
Unpaved Road Traffic - Public Drop-off Route <sup>11</sup>	7.76E-02	2.10E-02	2.10E-03

<sup>1</sup> PM<sub>10</sub> EF for ripping, subsoiling from Chapter 2, Agricultural Tilling - WRAP Fugitive Dust Handbook, 2006, adapted from Section 7.4 of California Air Resource Board (CARB)'s Emission Inventory Methodology. TSP assumed as 1.2PM<sub>10</sub>. PM<sub>2.5</sub> assumed as 0.15PM<sub>10</sub>.

<sup>2</sup> Activity assumed to occur over two hours per day

<sup>3</sup> Activity assumed to occur over one hour per day

<sup>4</sup> EF taken from AP-42 Table 11.19.2-1, Fines Screening (Controlled). PM<sub>2.5</sub> assumed from PM<sub>10</sub> EF and PM<sub>10</sub>:PM<sub>2.5</sub> ratio for Fines Crushing (controlled)

<sup>5</sup> Environment and Climate Change Canada's Wood Products Operation Emission Estimation Spreadsheet for Wood Chipping (kg/ODT). Assumed (oven dried tone) ODT equal to 80% mass of average air-dried wood received at CMLF

<sup>6</sup> EF taken from AP-42 Table 11.19.2-1, Tertiary Crushing (Controlled). Refer to footnote n. of Table 11.19.2-1

<sup>7</sup> EF taken from AP-42 Equation (1) for loading and drop operations. Assumed average soil moisture content for municipal solid waste landfills taken from AP-42 Table 13.2.4-1. Mean wind speed (3.1 m/s) taken from modelled meteorological data at facility

<sup>8</sup> EF taken from AP-42 Equation (1) for loading and drop operations. Assumed average moisture content for crushed stone taken from AP-42 Table 13.2.4-1. Mean wind speed (3.1 m/s) taken from modelled meteorological data at facility

<sup>9</sup> EF taken from USEPA Memorandum: Particulate Matter Potential to Emit Emission Factors for Activities at Sawmills Excluding Boilers, Located in Pacific Northwest Indian Country as average of wet and dry drop operations. Mean wind speed (3.1 m/s) taken from modelled meteorological data at facility

<sup>10</sup> EF taken from AP-42 Equation (1) for loading and drop operations. Assumed moisture content for municipal solid waste landfill miscellaneous materials from AP-42 Table 13.2.4-1. Mean wind speed (3.1 m/s) taken from modelled meteorological data at facility

<sup>11</sup> EF taken from Environment and Climate Change Canada's Road Dust Calculator which is based on AP-42 Chapter 13.2.2. Average silt content for municipal solid waste landfills as per document. Assumes twice daily watering of facility roads (control efficiency = 55%)

## Results

Figures 4.1 through 4.3 illustrate the maximum predicted daily (24-hour) concentration of TSP, PM<sub>10</sub> and PM<sub>2.5</sub> respectively. Maximum predicted daily dustfall is shown on Figure 4.4. TSP and PM<sub>10</sub> concentrations exceeding the BCAAQO are restricted to the immediate landfill site. This would be expected as the larger particle fractions of fugitive dust tend to settle out close to the source and do not typically impact areas far beyond the facility. Predicted PM<sub>2.5</sub> concentrations are also well below the BCAAQO; however, the modelling only considers fugitive dust emissions (from ground disturbance or earth movement) and not fine diesel particulate matter emitted in truck exhaust. The maximum predicted daily dust deposition rates shown on Figure 4.4 are below 1.7 mg/dm<sup>2</sup> to the north of the property but impinge on the former PCO guideline to approximately 150 metres north of the property.

The majority of dust emitting sources at the CMLF are related to ground and soil disturbance from drop off and compost operations at the southern portion of the property. As the CMLF property fills up over time following the design slope, dust transport to the north from composting activities would not be expected to worsen as it would impede against the terrain. Fugitive dust emissions from elevated site roads on landfill side of the property and from the active face of the landfill however would be expected to transport dust further north and northeast in future years.

### 4.1.2 Odour

The main source of odour at the CMLF is biosolids composting, most specifically, the receiving and mixing of received material. Odour emission rate estimates for mixing of biosolids, ASP and storage piles were based on measurements made at the Kelowna Regional Biosolids Composting Facility.



For the purpose of modelling, the working face of the CMLF landfill was assumed as a 25 m x 50 m (12,500 m<sup>2</sup>) area based on Google Earth imagery and referencing other landfill operations. The odour emission rate estimate for the landfill's active face was obtained from 'Estimation of Odor Emission Rate from Landfill Areas Using the Sniffing Team Method' published in Waste Management (2006), Vol. 26, Issue 11 (Nicolas 2006). The method described in the paper uses field detection of odour at various points downwind of landfill operations in order to delineate a region in which odour impact is experienced. The field data collection was followed by inverse-dispersion modelling using high temporal-resolution meteorological data to determine the initial emission rate. The study determined the odour flux from the working face of a landfill to be in the range of 8 to 30 OU/m<sup>2</sup>.s. For conservatism, the lower range odour emission flux rate was used in this assessment. The CMLF operations plan calls for soil to be placed over the working face weekly to minimize odour impacts. Since the assessment attempts to determine the potential worst-case odour impacts associate with active operations, the assumption of 8 OU/m<sup>2</sup>.s is appropriate.

Odour emissions for composting yard and wood waste and associated activities at CMLF were referenced from the feasibility assessment conducted for RDOS in 'Organic Management Consultant Task 1 – Site Assessment', Tetra Tech 2014. This report used measured odour emission fluxes from the 2013 report by Opus Dayton & Knight entitled 'Harvest Power Emissions Characterization Report' (ODK 2013). Odour emission estimates modelled for the CMLF are listed in Table 4.2. Odour emissions from compost turning and mixing were modelled over operational hours only.

**Table 4.2: Odour Emission Rate Estimates for Main Sources at CMLF**

Source	Emission Rate (OU/m <sup>2</sup> /s)
Receiving/Mixing of Biosolids <sup>1</sup>	200
Biosolids ASP <sup>1</sup>	30
Biosolids Storage <sup>1</sup>	25
Working Face of Landfill <sup>2</sup>	8
City Composting – Aerated Static Pile <sup>3</sup>	0.2
Wood Waste Composting <sup>3</sup>	0.011
Screening <sup>3</sup>	1.95
Pile/Windrow Turning <sup>3</sup>	1.95
In-Vessel Biosolids Composting <sup>3</sup>	38.9

<sup>1</sup> Source: Kelowna Regional Kelowna Regional Biosolids Composting Facility

<sup>2</sup> Source: 'Estimation of Odor Emission Rate from Landfill Areas Using the Sniffing Team Method' published in Waste Management (2006), Vol. 26, Issue 11 - J. Nicolas, F. Craffe, A.C. Romain - Research Group "Environmental Monitoring", Department "Environmental Sciences and Management", University of Liège, Belgium

<sup>3</sup> Source: 'Organic Management Consultant Task 1 – Site Assessment' for RDOS, Tetra Tech 2014

## Results

Two scenarios were assessed for modelling odour from the CMLF. The first case considers the current composting operations, including the treatment of biosolids. The second evaluates an in-vessel biosolids composting system. Odour emission from the in-vessel system would be expected to be lower than the current system.

The plot of maximum predicted ten-minute odour concentration is shown for the current operations scenario on Figure 4.5. A ten-minute average is the typical assessment interval for odour and is obtained from hourly model outputs by multiplying the values by 1.65 in accordance to a power law equation typically used in air quality to convert between averaging times. The method is detailed in 'Air Dispersion Modelling Guideline for Ontario'

(MOECC 2017). Figure 4.6 shows the number of exceedances of 5 OU in one year with current operations. Figure 4.7 shows the number of exceedances of 1 OU.

Likewise, the in-vessel biosolids scenario is shown on Figures 4.8 (Maximum Predicted Odour), 4.9 (Exceedances of 5 OU) and 4.10 (Exceedances of 1 OU).

Relevant to the proposed development north of the CMLF, under the current operational scenario, predicted odour exceeding 5 OU occurs north of the property line up to 25 times annually within 350 metres of the property line and five times annually within 700 metres. Odour concentrations exceeding 1 OU were predicted up to 2 kms north of the property. Exceedances of 1 OU within 500 m north of the property were predicted to occur over 200 times a year and over 50 times within 1 km of the property. The Spiller Road corridor immediately adjacent the CMLF passes through an area of predicted odour concentration frequently exceeding 10 OU. Residents traveling through this corridor can mistake odours from within this corridor with odours they might smell on their properties.

With the in-vessel biosolids scenario, odour exceeding 5 OU was predicted within approximately 400 m north and within 600 m northeast of the property line. Exceedances of 5 OU were predicted to occur a few times a year north and northeast of the property line, and frequently through the Spiller Road corridor. Odour concentrations exceeding 1 OU were predicted within 1500 m north and northeast of the property. Predicted exceedances of 1 OU occurred up to 20 times annually within 500 m of the property to the north.

## 4.2 Noise assessment

### Noise Sources

The noise assessment focused on emissions from the most significant noise sources operating with the highest frequency at the CMLF. Noise emission levels for CMLF equipment were referenced from ‘*Assessment of Potential Nuisance Levels of Odour, Dust, Light and Litter – Glenmore Landfill*’ (GHD 2017). Major noise source emissions at the CMLF are listed in Table 4.3.

**Table 4.3: Main Noise Emission Sources at CMLF**

Source	Noise Emission Rate (dB)
Refuse Compactor	114
Trucks (road to active face treated as series of point sources)	109.9
Crusher	112.4
Horizontal wood grinder/chipper	111
Trucks Braking at recycling/composting drop off area	108.5

### Results

Sound pressure level propagation from the CMLF was assessed using a simple distance-weighted attenuation formula for hemi-spherical propagation (ground-based source) of point source noise emissions:

$$L_p = L_N - 20 \log (r) + K'$$

where:

$L_p$  is the sound pressure level (dB) at distance

$L_N$  is the sound power level at the source (dB)

$r$  is the distance from the source (m)

$K$  is an attenuation constant, -8 for hemi-spherical propagation

Attenuation due to variance in environmental conditions or terrain were not considered.

Three noise scenarios were modelled in consideration of the increasing elevation of the active face over the operational life of the landfill. Figure 4.11 illustrates noise impacts from on site point sources at the elevation of current operations. Figures 4.12 and 4.13 show noise impacts with the elevation of the active face 10m and 20 m higher than current. For the purpose of the assessment, noise sources originating from the compost area (wood grinding, concrete crushing and truck braking noise) were unchanged from their current elevation. The shaded area in the figures represents terrain below height of land between the noise source and the receptor.

Figure 4.11 shows the distance to 50 dB from the property line reaching 550 m, impacting areas to the northeast and north of the CMLF (unshaded areas). As the elevation of the active face increases in future scenarios, the areas impacted increase as indicated by more unshaded areas within the 50 dB contour on Figures 4.12 and 4.13.

## 5.0 NUISANCE EVALUATION AND BUFFER RECOMMENDATIONS

The results of odour modelling support the required buffer distance from landfills as described in the Landfill Criteria in Section 3.4. The landfill criteria states that the landfill footprint must not be located within 500 m of an existing or planned sensitive land use including residences. Odour concentrations exceeding the 5 OU threshold were predicted by CALPUFF to occur within this footprint along with frequent occurrences (up to 200 times a year) of concentrations exceeding the odour detection threshold of 1 OU. While 5 OU represents a typical assessment threshold for odour related nuisance, frequent occurrences of odour concentrations between 5 OU and 1 OU would also be noticed by residents and should also be considered as nuisance odour impacts.

Additionally, the Spiller Road corridor passes through an area adjacent the landfill that is predicted to be highly impacted by odour. Currently, Spiller Road is the only access road for developments north of the CMLF. Adhering to the landfill siting criteria described in Section 3.0 and supported by modelling odour impacts, it would be suggested that the 500 m buffer from the property line be maintained at a minimum (Figure 5.1).

## 6.0 PREMATURE CLOSURE OF CAMPELL MOUNTAIN LANDFILL

CMLF and the City's biosolids composting facility are important utilities for the City and the people who live, work and visit the RDOS. Without these utilities, other arrangements would need to be made which takes considerably more planning and resources to implement. These other arrangements would likely include the following:

- Construction and operation of a transfer station to transport waste to another location likely to an out of region waste management facility;
- Contracts for transportation of waste to out of region facilities (such as Republic Services in Washington State) and for associated tipping fees; and
- Additional cost to pay for landfill closure costs because closure reserves were prematurely curtailed when the landfill activities ended.

## 6.1 Current Landfill Design, Operation, and Closure Plan

According to the 2016 Design, Operations, and Closure Plan (DOCP) completed by Sperling Hansen Associates, the CMLF is projected to have enough disposal capacity to continue accepting waste until early 2100 (i.e. 2104-2107). The CMLF receives approximately 25,500 tonnes per year (2017) of MSW and that quantity is projected to increase to 47,000 tonnes per year by 2104. The cost to operate the landfill is approximately \$88 per tonne. The current tipping fee is currently \$110 per tonne. The additional revenue (~20% of tipping fees) is used to pay for any existing debt that may be outstanding to pay for the existing operation and future closure and monitoring costs for the landfill.

The RDOS currently sets aside \$270,000 annually to the closure reserves. The anticipated closure reserve amount (including the current closure reserve of \$4.9 million) add up to approximately \$28 million. Landfill closure costs are estimated at \$16M. This would leave approximately \$12M for on-going monitoring and any capital works if that was required.

Premature closure of the landfill would mean lost revenue that would otherwise be put into the closure reserve and the RDOS and its member municipalities being in a position to compensate for that lost addition funds to ensure sufficient closure costs and possibly ongoing payments for ongoing monitoring of the closed landfill site.

## 6.2 Transfer Station and Waste Export

Waste would continue to be generated from the City and the RDOS if the CMLF was prematurely closed. To address that ongoing flow of waste, a transfer station would need to be constructed and operated to take waste to another location.

The capital and operational costs for constructing and operating a transfer station were developed using the following considerations and cost estimates.

- Capital costs to construct a transfer station on the landfill were based on a design and construction of a similar transfer station on Vancouver Island;
- Transportation and transfer station operation costs were based on landfilled waste;
- The population growth of the CMLF service area is estimated at approximately 0.7% per year, leading to commensurate growth in waste generation;
- Other landfills within the RDOS and adjacent regional districts are unlikely to accept large quantities of material, as they are seeking to extend the lifespan of their built infrastructure. The private sector, Republic Services Roosevelt Landfill (Roosevelt Landfill) in South-Eastern Washington State is probably the closest facility willing to accept material from the CMLF;
  - Driving time from Penticton to Roosevelt, Washington is approximately 7 hours, encompassing a full work day once loading and unloading time is included, and one day to drive back to RDOS;
- The transfer station is designed for a 20-year lifespan, at which point it would likely need retrofitting and expansion to manage increased waste quantities. Capital costs are annualized with 6% interest rate over a 20-year period;
- The RDOS would likely purchase tandem trucks and trailers and manage transfer operations to reduce costs over time compared to contracting transportation of waste. Two teams of vehicles would be required for transfer operation;

- Truck and Trailers are estimated to carry approximately 36 tonnes of MSW per load, and it is assumed that transfer operations would occur 350 days per year;
- Truck costs are approximately \$ 200,000 each, and trailers \$ 80,000 each. Equipment is expected to have 10-year lifespan. Capital costs are annualized with 6% interest rate over a 10-year period; and
- Costs are modelled after current market conditions, but it should be noted that significant variance in labour, and material costs could affect cost projections over time.

Table 6-1 highlights the project transportation and tipping costs of moving waste from the CMLF to the Roosevelt Landfill, over the prospective lifespan of the CMLF. Cost to transport waste out of the region for disposal is estimated to cost 27% more than current waste disposal operations. This equates to an additional \$600,000 per year.

**Table 6.1: Projected Transfer and Transportation Costs for CMLF from 2017-2104**

Annual Generation	2017	2019	2040	2060	2080	2104
Landfilled Waste (tonnes)	25,437	25,794	28,840	34,335	39,475	46,669
# Tandem Trucks per Year (36 tonnes per Truck)	707	717	830	954	1,097	1,296
Trucks per day	2	2.1	2.4	2.7	3.1	3.7
Transfer Station Cost		\$5,050,000	\$5,250,000	\$5,500,000	\$5,750,000	\$6,050,000
Truck Capital Costs	-	\$ 800,000	\$ 1,200,000	\$ 1,200,000	\$ 1,600,000	\$ 1,600,000
Trailer Capital Costs	-	\$ 320,000	\$ 480,000	\$ 480,000	\$ 640,000	\$ 640,000
<b>Annualized Capital Costs</b>	-	\$ 592,500	\$ 686,000	\$ 707,800	\$ 783,800	\$ 805,600
Tipping Fees (\$56/tonne)	-	\$ 1,444,500	\$ 1,672,400	\$ 1,922,700	\$ 2,210,600	\$ 2,613,500
Driver Labour (\$30/hr)	-	\$ 339,900	\$ 398,200	\$ 457,800	\$ 526,300	\$ 622,300
Vehicle Maintenance (10% of Capital Costs)	-	\$ 112,000	\$ 168,000	\$ 168,000	\$ 224,000	\$ 224,000
Fuel Costs (\$/L)	-	\$ 376,000	\$ 435,300	\$ 500,500	\$ 575,500	\$ 680,300
<b>Annual Costs</b>	-	<b>\$ 2,879,500</b>	<b>\$ 3,372,100</b>	<b>\$ 3,770,900</b>	<b>\$ 4,336,400</b>	<b>\$ 4,964,800</b>
<b>Cost Per Tonne</b>	<b>\$ 88</b>	<b>\$112</b>	<b>\$113</b>	<b>\$110</b>	<b>\$110</b>	<b>\$106</b>

### 6.3 Closure Reserves Impacts and Lifecycle Cost Comparison

This section outlines the impact on closure reserves and lifecycle cost considerations. The following information and assumptions were used to assess potential impacts.

Premature closure of the CMLF would likely occur over time, and thus still require the development of the outlined Phase 2 expansion. The closure costs associated with Phase 1 of the landfill amounts to **\$8,410,400**, which is higher than the 2017 combined capital and closure reserves totalling **\$6,769,130** leaving a deficit of approximately **\$1,641,000**. If the RDOS continues contributing to capital and reserve funds at rates outlined in the DOCP until the closure of Phase 2 in 2032, then approximately \$4,050,000 will have been set aside to address outstanding costs from Phase 1, as well as the **\$2,843,600** of Phase 2 closure costs.

If the **\$2,843,600** is annualized over 20 years at 6% and added to the ongoing transfer station capital and operating costs, this leads to an annualized cost of **\$3,127,400 or \$121 per tonne**. Furthermore, current tipping fees (\$110 per tonne) fund recycling and household hazardous waste (HHW) programs operating at the landfill, comprising approximately 20% of tipping fees or \$22 per tonne. This results in a total system cost of approximately **\$143 per tonne**, representing a **63% increase** in unit disposal cost (cost per tonne) from current disposal practices.

Premature closure of the CMLF would likely require raising tipping fees or generating other funds to offset the costs of closure, the construction of a transfer station on-site, procurement of transfer trucks, and a composting facility for biosolids outlined in Section 7.0. The deficit would be heightened in the event that premature closure occurs sometime before 2032, as Phase 2 capital expansion costs would have been incurred already but transfers to capital and closure reserves would be cut short.

It also should be noted that costs incurred from redesign of key closure documents, such as the landfill design, operations, and closure plans, surface and leachate management plans are not included in the direct cost estimate. Additionally, the RDOS would be required to consult with the BC MOE and other stakeholders in the revision of the design, operations, and closure plan in the midst of attempting to prematurely close the landfill.

## 7.0 BIOSOLIDS COMPOSTING

The City of Penticton operates a biosolids composting facility at the Campbell Mountain Landfill (CMLF). The facility processes biosolids using an outdoor aerated static pile technology. Wood waste and a small amount of food waste are added to the biosolids to create a mixture that is optimal for composting. Approximately 7,500 tonnes of biosolids are processed annually.

Aerated static pile composting has a low degree of odour management as odourous compounds in the pile can be directed out of the pile when the pile is being aerated. If more residential or business developments were established in close proximity to the CMLF site, it would be prudent to upgrade this composting facility to minimize odour generation into the surrounding area. In-vessel composting technologies typically provide a high degree of odour control, suitable for composting operations that are located close to potential odour receptors (e.g. residents, businesses).

Tetra Tech completed an Organics Management Feasibility Study for the RDOS in 2014 that outlined potential composting technology options for several areas. The technology costs and feedstocks were updated to reflect recent data available. This section discusses the following:

- Estimated capital costs to design and construct an in-vessel composting facility for biosolids; and
- Operating costs for the in-vessel composting facility.

### 7.1 In-Vessel Composting Technology

In-vessel composting involves processing organic materials inside a building or vessel to control temperature, moisture content, and oxygen levels for the purpose of optimizing the biological decomposition process. The composting material is generally aerated continuously, and exhaust gases are collected and treated before being discharged into the environment. Systems typically include automatic control systems for aeration and moisture adjustments. Composting is typically contained within a rigid structure. In-vessel systems are commonly proprietary with numerous variations. The benefits of in-vessel composting systems are discussed in Table 7-1.

Permanent facilities can be made of concrete, with gasketed and insulated stainless steel doors. These offer significant advantages for corrosion resistance and odour containment. The residence time for these types of systems is in the order of 28 days to stabilize and with 6 to 9 months for curing. The vessel is equipped with an aeration floor and condensate/leachate collection system. The control system monitors operating conditions to optimize aeration rates. Exhaust gases are treated with wet scrubbers and biofilters to control odours.



**Figure 7-1: In-Vessel Composting Bunker**

**Table 7-1: Enclosed In-Vessel (Tunnel) Composting Advantages and Disadvantages<sup>1</sup>**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>▪ High degree of odour control;</li> <li>▪ Controlled aeration and moisture;</li> <li>▪ Lower space requirements;</li> <li>▪ Shorter residence/processing time;</li> <li>▪ Enclosed facility is not impacted by weather;</li> <li>▪ Reduced structural corrosion, as composting is contained within concrete tunnel; and</li> <li>▪ Suitable for food waste and biosolids.</li> </ul>	<ul style="list-style-type: none"> <li>▪ High degree of operating and maintenance expertise required to manage aeration and control systems;</li> <li>▪ High capital and operating costs; and</li> <li>▪ Requires additional processing to cure compost (e.g. turned windrows, static pile).</li> </ul>

<sup>1</sup> Sourced from <http://aep.alberta.ca/waste/reports-data/documents/LeafYardWasteDiversionStrategy-Aug2010.pdf>

## 7.2 Capital and Operating Costs (In-Vessel Composting)

The assumptions underlying the capital and operating costs associated with designing and constructing an in-vessel biosolids composting facility are shown in Table 7-2 as follows:

- Design capacity for the processing facilities was based on the amount of biosolids from the Penticton WWTP and procurement of required bulking agents for the composting process. Feedstocks were modeled to grow correlated to population over a 20-year period;
- Capital costs are annualized at a borrowing interest rate of 6% over a 20-year period;
  - Capital costs include site preparation and pre-construction, construction of facility(ies), procurement of required equipment, and engineering design and contingency factors;
  - Capital costs also include a 10% cost factor for engineering design and 25% contingency factor on non-mobile equipment costs; and
- Operating costs for organics processing include utility costs (e.g. diesel, electricity, water), labour, equipment maintenance, procurement of bulking agents, and a contingency factor of 20%.

**Table 7.2: Capital and Operating Costs of In-Vessel Composting Facility**

In-Vessel Facility Line Items	Cost (\$CAD)
<b>Capital Cost</b>	<b>\$6,313,900</b>
<b>Annual Amortized Capital (20 years) Cost</b>	<b>\$550,500</b>
<b>Annual Operating Cost</b>	<b>\$578,500</b>
<b>Annual Total Cost (Annual Capital and Operating Cost)</b>	<b>\$1,129,000</b>
<b>Cost per Tonne</b>	<b>\$150</b>

## 8.0 CONCLUSION

Rezoning properties that would increase residential populations around CMLF or that are not compatible with activities that occur at CMLF have the potential to increase conflicts between local government and private property owners. These conflicts have led to instances where public pressure has resulted in facilities being imposed to make changes or capital improvements that effect the viability of its operation. The CMLF services the City of Penticton and parts of the RDOS, and premature closure of the CMLF would have numerous implications for waste management in the area. These include:

- Reserves for closure and capital costs for the landfill would not have been adequately incurred without allowing for accumulation of funds, leaving a shortfall of approximately \$2,843,600;
  - This does not take into consideration costs associated with redesign of the landfill closure, surface and groundwater management and other required closure plans;
- RDOS would require additional resources to construct a transfer station to handle waste generated in the area and contracts to transport and dispose of waste to a private landfill in Roosevelt, Washington;
  - Capital costs for a transfer station would approximately be \$5,000,000 based on similar sized facilities;
  - Annualized capital costs and operating costs would be approximately \$2,800,000 or \$112 per tonne;
- Total costs per tonne for premature closure includes landfill closure costs, transfer station costs, and ongoing recycling and HHW programs resulting in a disposal cost of \$143 per tonne, a 63% increase from current levels.
- The biosolids composting facility would likely need to be upgraded to an in-vessel composting facility to minimize potential for odour;
  - The capital cost for an in-vessel composting facility would be approximately \$ 6.3 million; and
  - Annualized capital costs and operating costs are estimated at \$1,129,000 per year or \$150 per tonne.

## 9.0 LIMITATIONS OF REPORT

This report and its contents are intended for the sole use of RDOS and their agents. Tetra Tech Canada Inc. does not accept any responsibility for the accuracy of any of the data, the analysis, or the recommendations contained or referenced in the report when the report is used or relied upon by any Party other than RDOS, or for any Project other than the proposed development at the subject site. Any such unauthorized use of this report is at the sole risk of the user. Use of this document is subject to the Limitations on the Use of this Document attached in the Appendix or Contractual Terms and Conditions executed by both parties.



## 10.0 CLOSURE

We trust this technical memo meets your present requirements. If you have any questions or comments, please contact the undersigned.

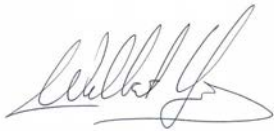
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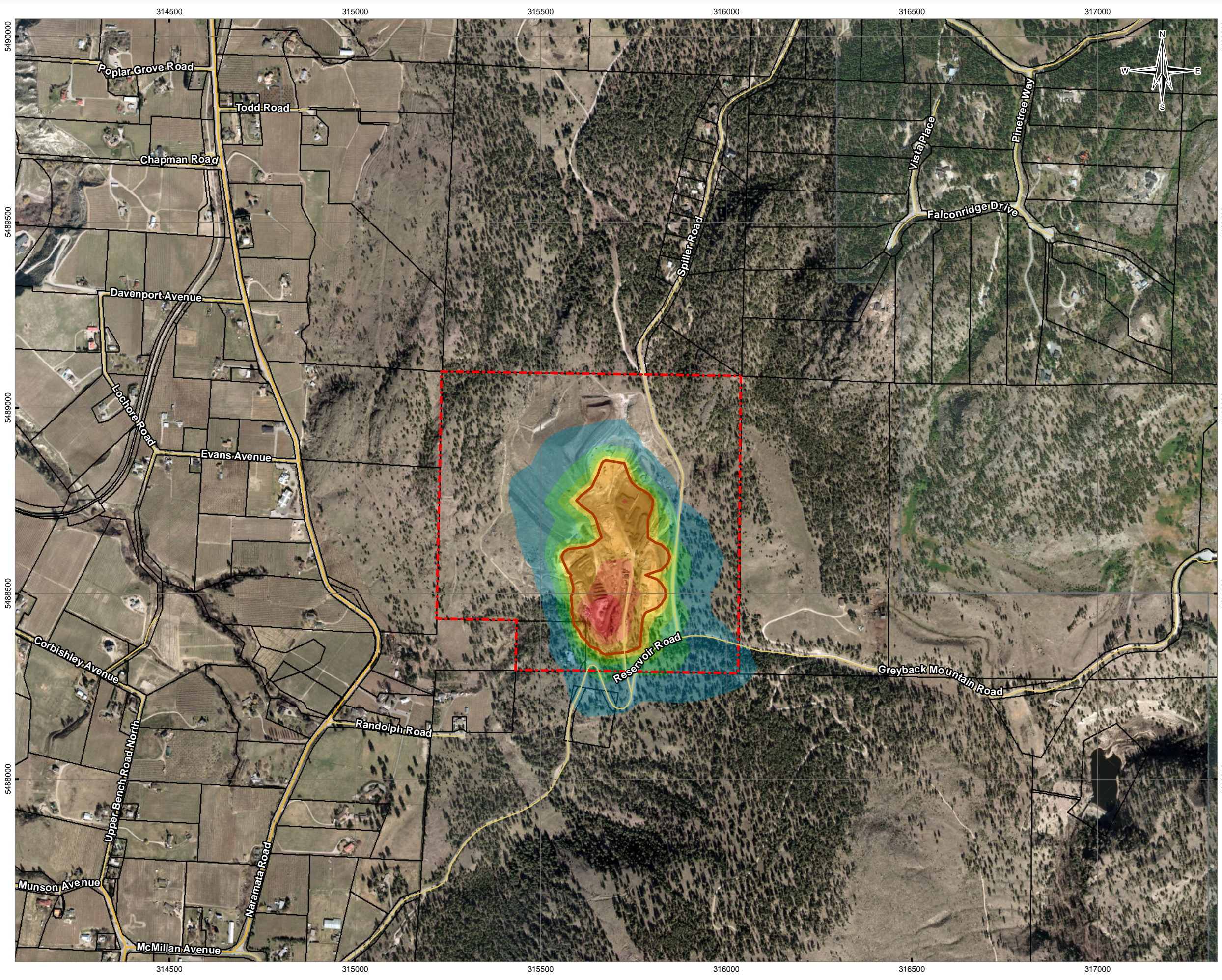
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## FIGURES

- Figure 4.1 Maximum 24-Hour TSP Concentration - Current Operations
- Figure 4.2 Maximum 24-Hour PM<sub>10</sub> Concentration - Current Operations
- Figure 4.3 Maximum 24-Hour PM<sub>2.5</sub> Concentration - Current Operations
- Figure 4.4 Maximum Daily Dustfall - Current Operations
- Figure 4.5 Maximum 10-Minute Odour Concentration - Current Operations
- Figure 4.6 Exceedances of 5 OU - Current Operations
- Figure 4.7 Exceedances of 1 OU - Current Operations
- Figure 4.8 Maximum 10-Minute Odour Concentration - In Vessel Biosolids Composting Biosolids
- Figure 4.9 Exceedances of 5 OU - In Vessel Biosolids Composting
- Figure 4.10 Exceedances of 1 OU - In Vessel Biosolids Composting
- Figure 4.11 Noise Impacts – Current Operations
- Figure 4.12 Noise Impacts from Major Sources – Future Scenario I (Open Face 10m Above Current)
- Figure 4.13 Noise Impacts from Major Sources – Future Scenario II (Open Face 20m Above Current)
- Figure 5.1 Sensitive Area Land use Setbacks

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road

**TSP Concentration ( $\mu\text{g}/\text{m}^3$ )**

- 25 - 50
- 50 - 75
- 75 - 100
- 100 - 120
- 120 - 200
- 200 - 300
- > 300

**BC Regulatory Objective**

- TSP  $120 \mu\text{g}/\text{m}^3$  Concentration Contour

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Pentiction (2013).
3. BCAAQO for 24-Hour TSP is  $120 \mu\text{g}/\text{m}^3$ .
4. Contour cutoff at  $25 \mu\text{g}/\text{m}^3$ .

STATUS  
ISSUED FOR USE

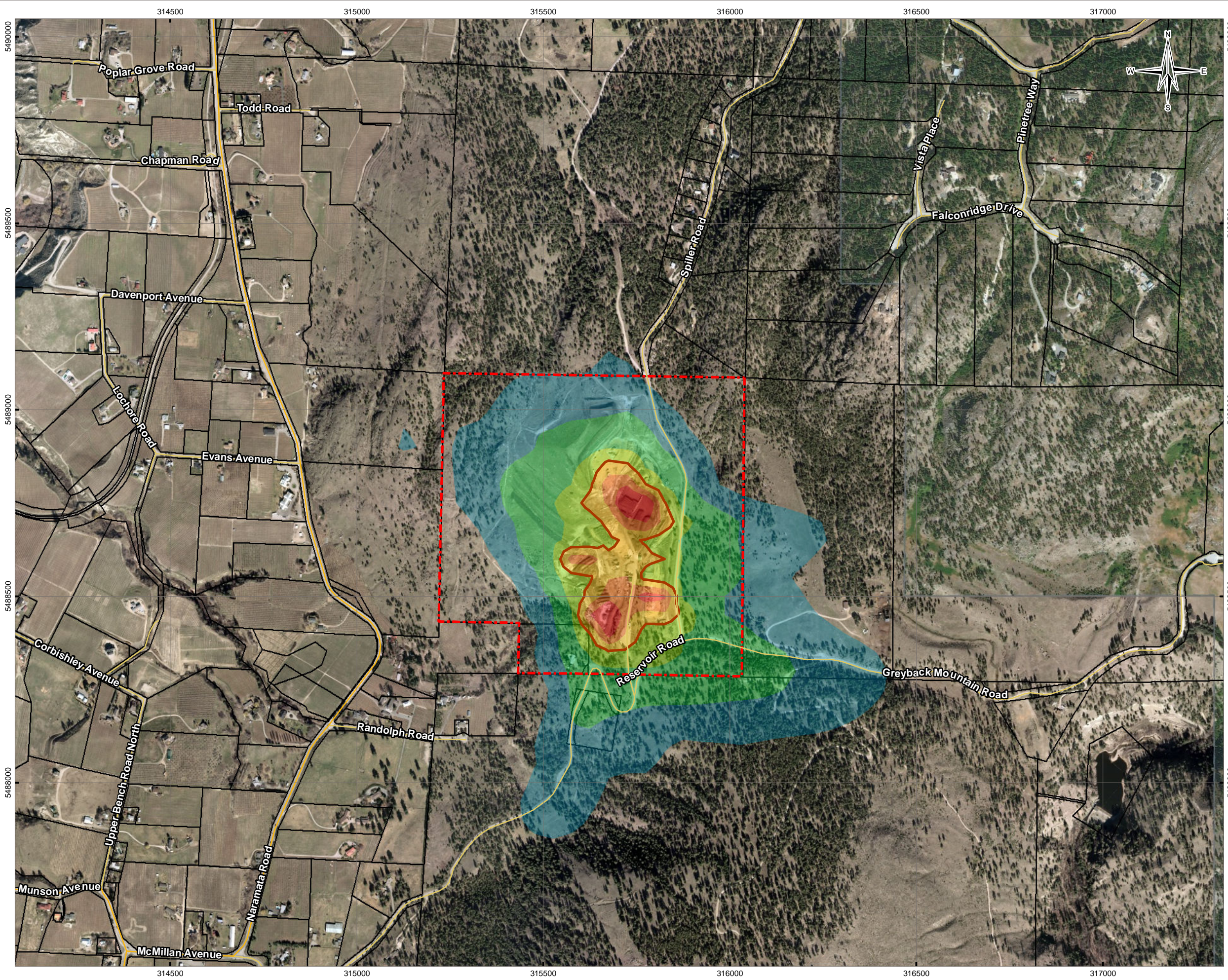
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum 24-Hour TSP Concentration  
Current Operations**

PROJECTION UTM Zone 11	DATUM NAD83	CLIENT Regional District of Okanagan-Similkameen
Scale: 1:10,000		
FILE NO. PLAN03089-01_Fig4-1_TSP_24hr.mxd		
OFFICE Tl-VANC	DWN SL	CKD BB
DATE April 9, 2019	APVD TM	REV 0
PROJECT NO. SWM.PLAN03089-01		

**Figure 4.1**

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road

**PM<sub>10</sub> Concentration (µg/m<sup>3</sup>)**

- 5 - 10
- 10 - 25
- 25 - 50
- 50 - 75
- 75 - 100
- > 100

**BC Regulatory Objective**

- PM<sub>10</sub> 50 µg/m<sup>3</sup> Concentration

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BCAAQO for 24-Hour PM<sub>10</sub> is 50 µg/m<sup>3</sup>.
4. Contour cutoff at 5 µg/m<sup>3</sup>.

STATUS  
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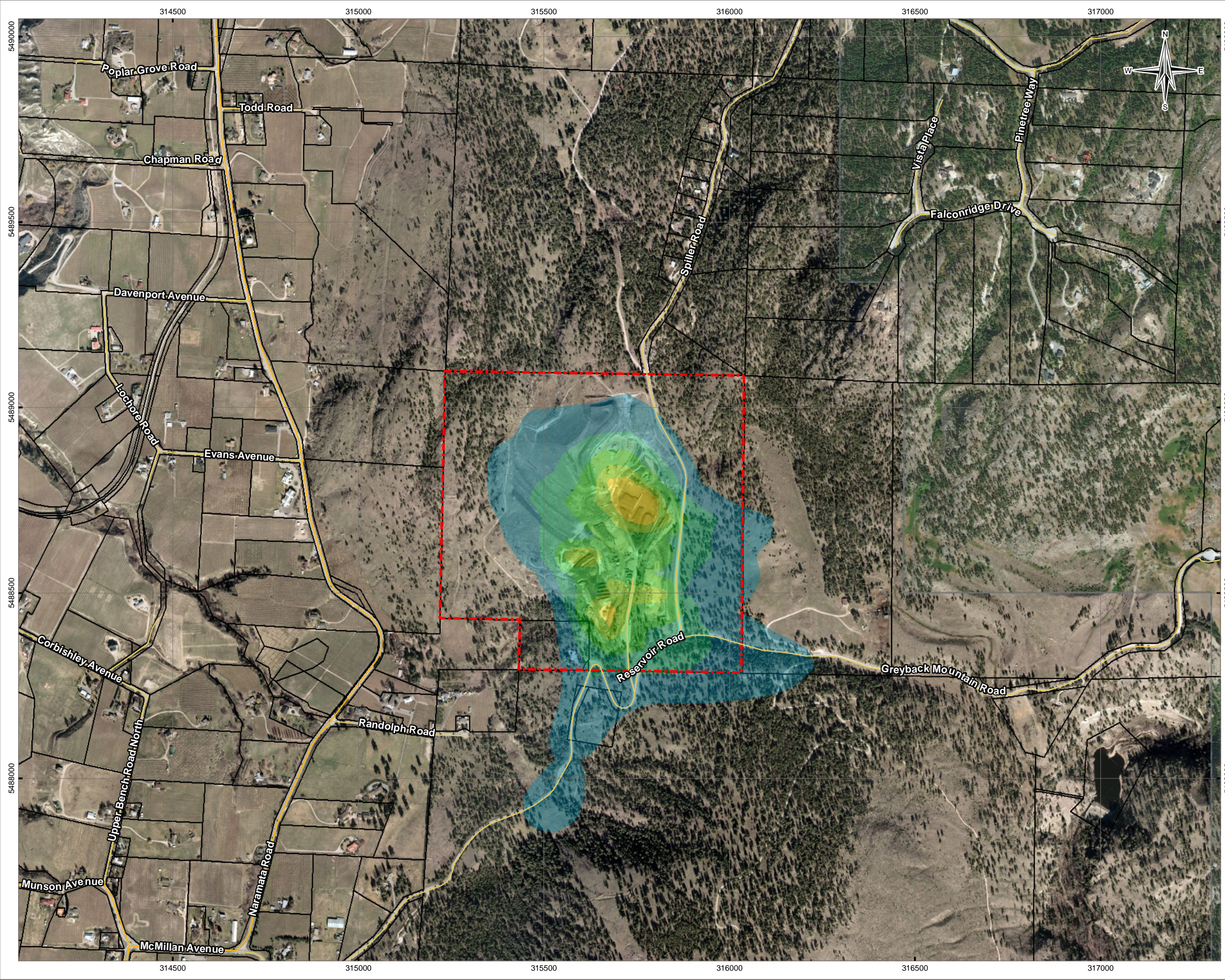
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum 24-Hour PM<sub>10</sub> Concentration  
Current Operations**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:10,000		
<b>FILE NO.</b> PLAN03089-01_Fig4-2_PM10_24hr.mxd		
<b>OFFICE</b> Tl-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.2</b>



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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road

**PM<sub>2.5</sub> Concentration (µg/m<sup>3</sup>)**

- 1 - 2
- 2 - 4
- 4 - 8
- 8 - 12
- 12 - 20

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BCAAQO for 24-Hour PM<sub>2.5</sub> is 25 µg/m<sup>3</sup>.
4. Contour cutoff at 1 µg/m<sup>3</sup>.

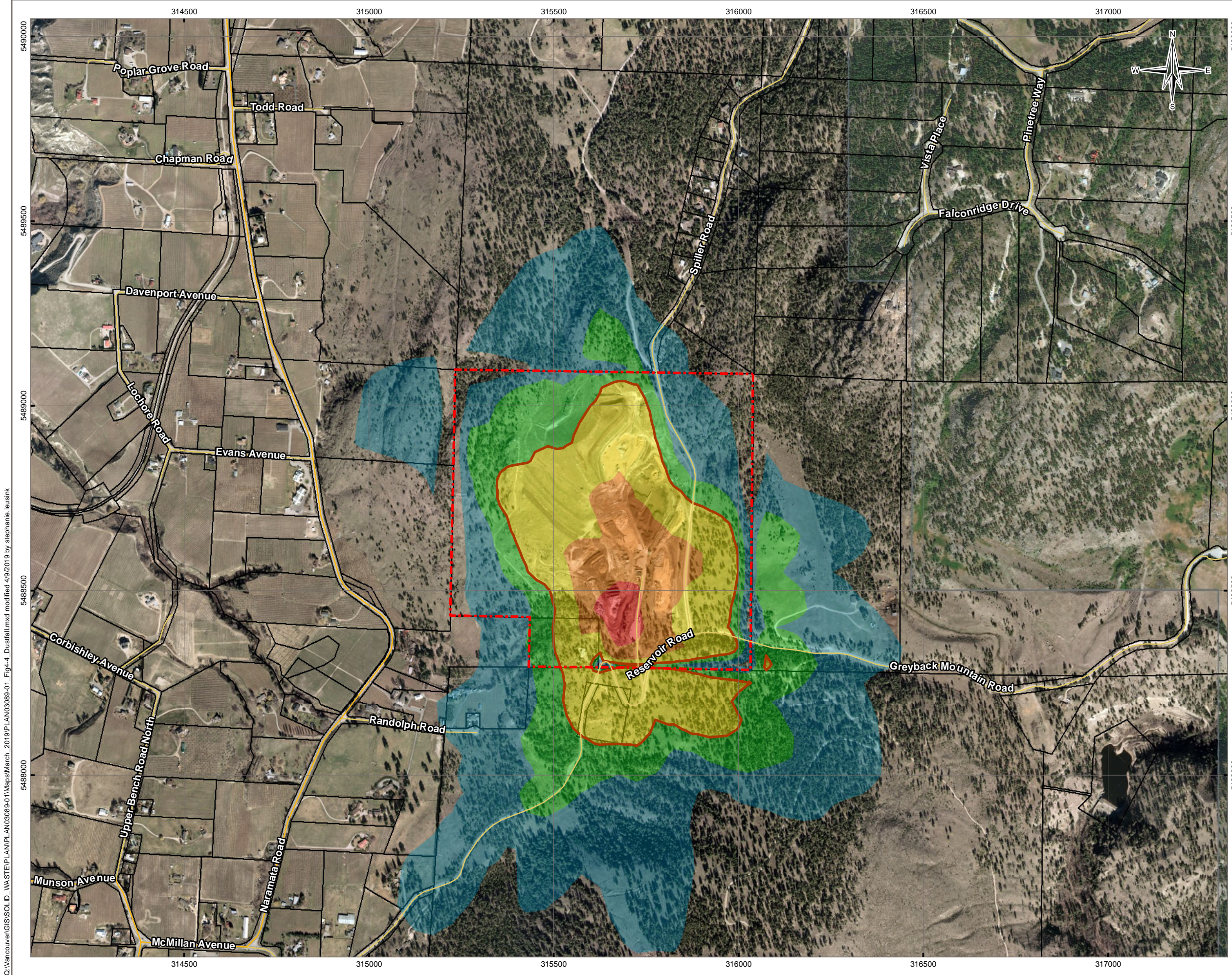
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ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum 24-Hour PM<sub>2.5</sub> Concentration  
Current Operations**

PROJECTION UTM Zone 11	DATUM NAD83	CLIENT Regional District of Okanagan-Similkameen
Scale: 1:10,000		
<div style="display: flex; justify-content: space-between; width: 100%;"> <span>200</span> <span>100</span> <span>0</span> <span>200</span> </div> <div style="text-align: center; border-top: 1px solid black; width: 100%; margin-top: 2px;">Metres</div>		
FILE NO. PLAN03089-01_Fig4-3_PM2-5_24hr.mxd		
OFFICE Tl-VANC	DWN SL	CKD BB
	APVD TM	REV 0
DATE April 9, 2019	PROJECT NO. SWM.PLAN03089-01	

Figure 4.3



**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road

**Maximum Daily Dustfall (mg/dm<sup>2</sup>/day)**

- 0.5 - 1.0
- 1.0 - 1.7
- 1.7 - 5.0
- 5.0 - 15.0
- > 15.0

**Former BC Standard for Dustfall - Reference**

- 1.7 mg/dm<sup>2</sup>/day Maximum Daily Dustfall Contour

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. Plot based on maximum hourly deposition rate.  
The former BC Standard for Dustfall is 1.7 mg/dm<sup>2</sup>/day.
4. Contour cutoff at 0.5 mg/dm<sup>2</sup>/day.

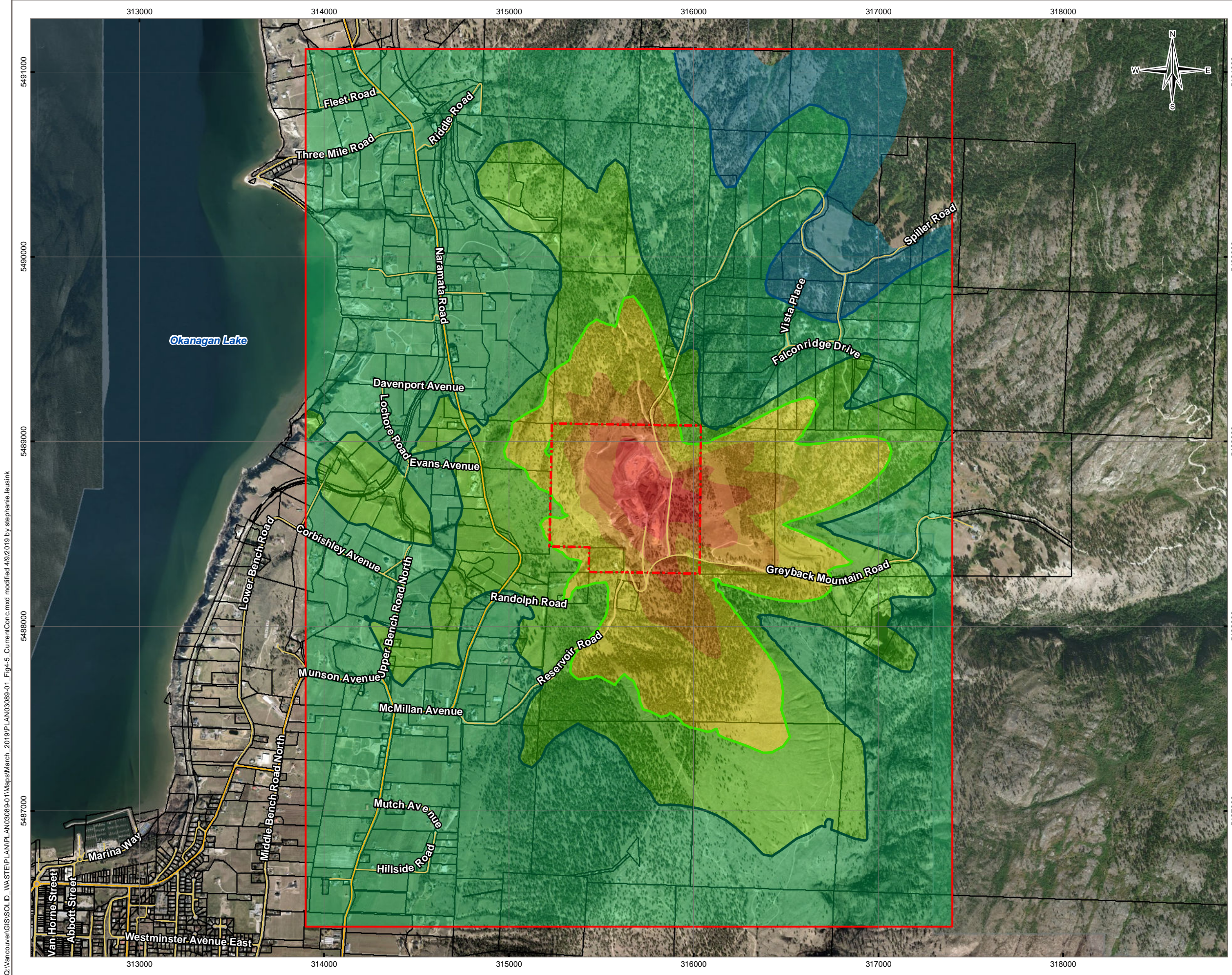
STATUS  
ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum Daily Dustfall  
Current Operations**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:10,000		
<b>FILE NO.</b> PLAN03089-01_Fig4-4_Dustfall.mxd		
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<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.4</b>

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Maximum 10-Minute Odour Concentration (OU)**

- 0.5 - 1.0
- 1.0 - 5.0
- 5.0 - 10.0
- 10.0 - 25.0
- 25.0 - 50.0
- 50.0 - 100.0
- > 100.0

**Quebec Odour Nuisance Evaluation Reference Levels**

- 1 OU Concentration Contour
- 5 OU Concentration Contour
- 10 OU Concentration Contour
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

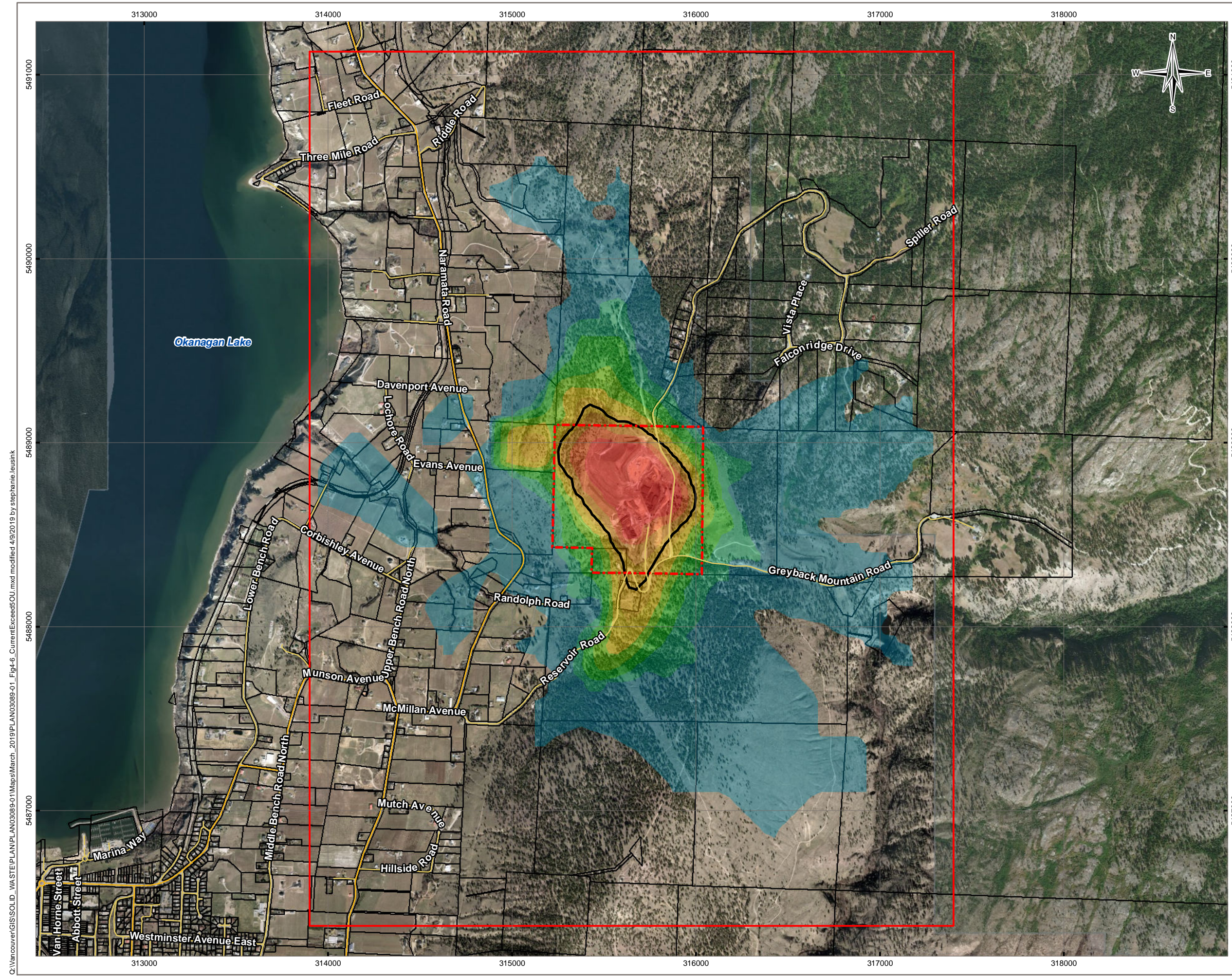
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ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum 10-Minute Odour Concentration  
Current Operations**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:20,000 		
<b>FILE NO.</b> PLAN03089-01_Fig4-5_CurrentConc.mxd		
<b>OFFICE</b> TL-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Tetra Tech Logo</b>
		<b>Figure 4.5</b>

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Exceedances of 5 OU (Count)**

- < 5
- 5 - 10
- 10 - 25
- 25 - 50
- 50 - 100
- 100 - 250
- 250 - 500
- 500 - 1,000
- > 1,000

**Quebec Odour Nuisance Criteria**

- 98<sup>th</sup> Percentile Frequency of Occurrence
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

STATUS  
ISSUED FOR USE

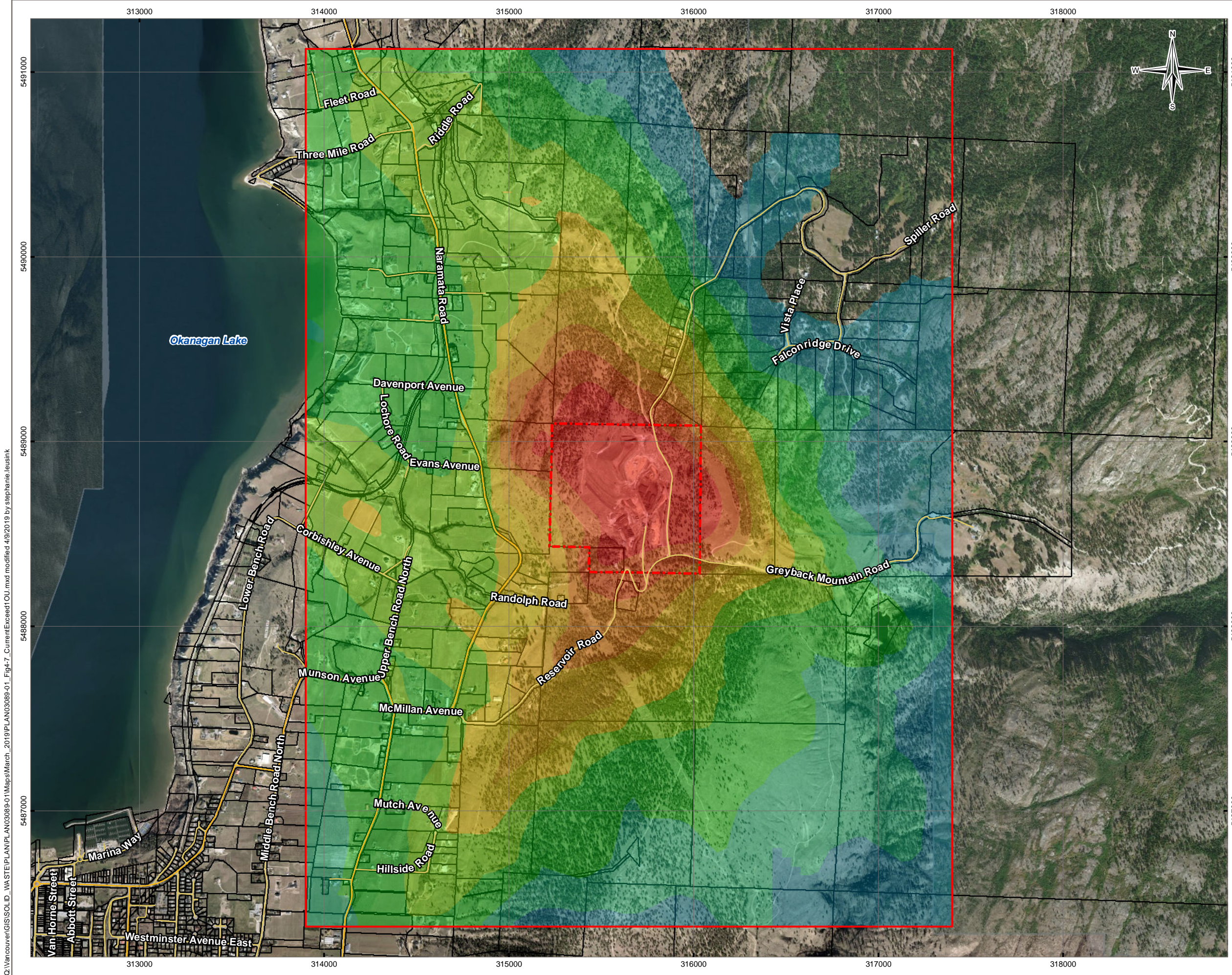
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Exceedances of 5 OU  
Current Operations**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:20,000 400 200 0 400 Metres		<b>TETRA TECH</b>
<b>FILE NO.</b> PLAN03089-01_Fig4-6_CurrentExceed5OU.mxd		
<b>OFFICE</b> TI-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.6</b>

Q:\vancouver\GIS\SOIL\_ID\_VA\STATE\PLAN\PLAN03089-01\Maps\March\_2019\PLAN03089-01\_Fig4-6\_CurrentExceed5OU.mxd modified 4/9/2019 by stephanie.leuisink





**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Exceedances of 1 OU (Count)**

- < 5
- 5 - 10
- 10 - 25
- 25 - 50
- 50 - 100
- 100 - 250
- 250 - 500
- 500 - 1,000
- > 1,000
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

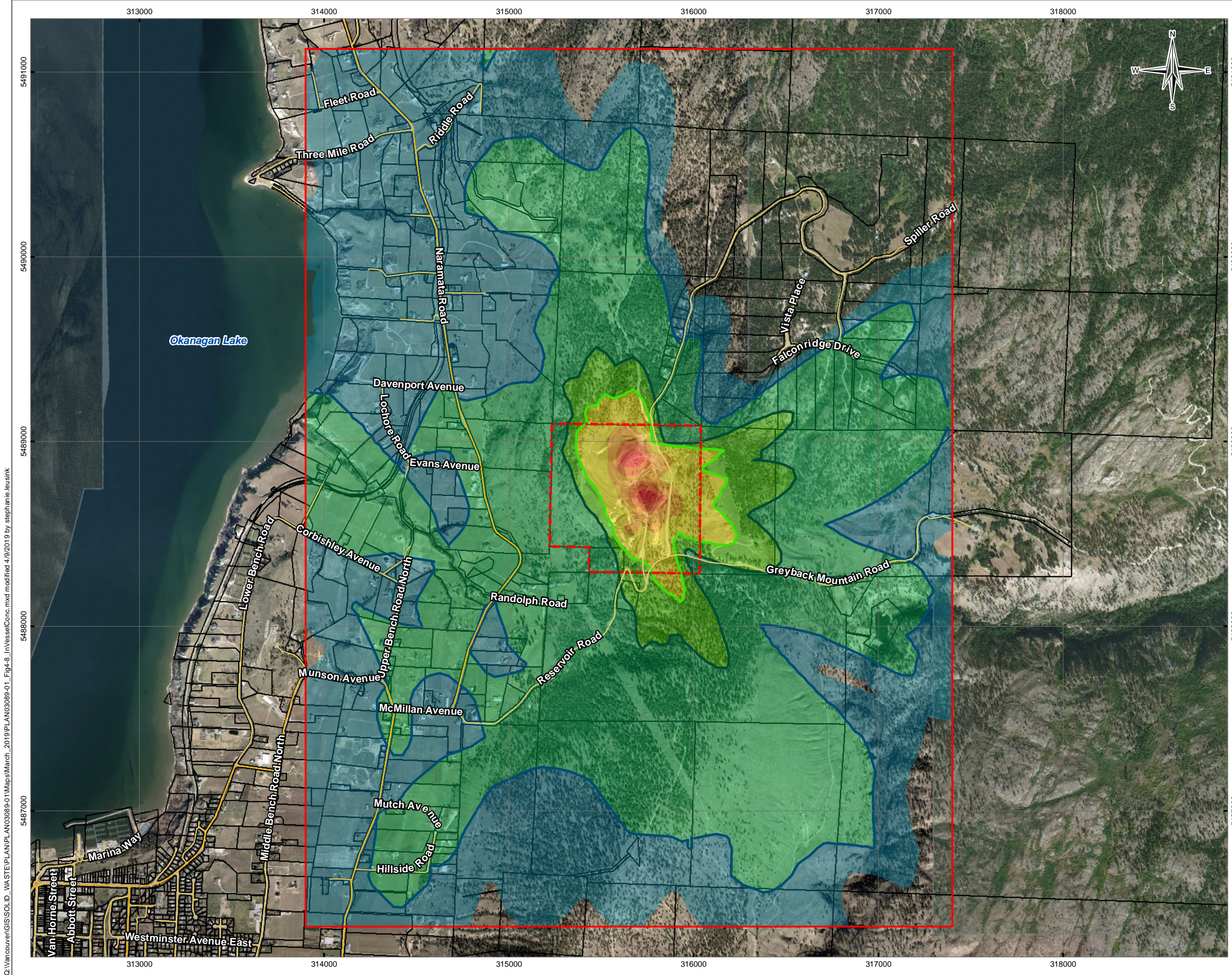
STATUS  
ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Exceedances of 1 OU  
Current Operations**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:20,000 400 200 0 400 Metres		<b>TETRA TECH</b>
<b>FILE NO.</b> PLAN03089-01_Fig4-7_CurrentExceed1OU.mxd	<b>Figure 4.7</b>	
<b>OFFICE</b> TI-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Maximum 10-Minute Odour Concentration (OU)**

- 0.5 - 1.0
- 1.0 - 5.0
- 5.0 - 10.0
- 10.0 - 25.0
- 25.0 - 50.0
- 50.0 - 100.0
- > 100.0

**Quebec Odour Nuisance Evaluation Reference Levels**

- 1 OU Concentration Contour
- 5 OU Concentration Contour
- 10 OU Concentration Contour
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

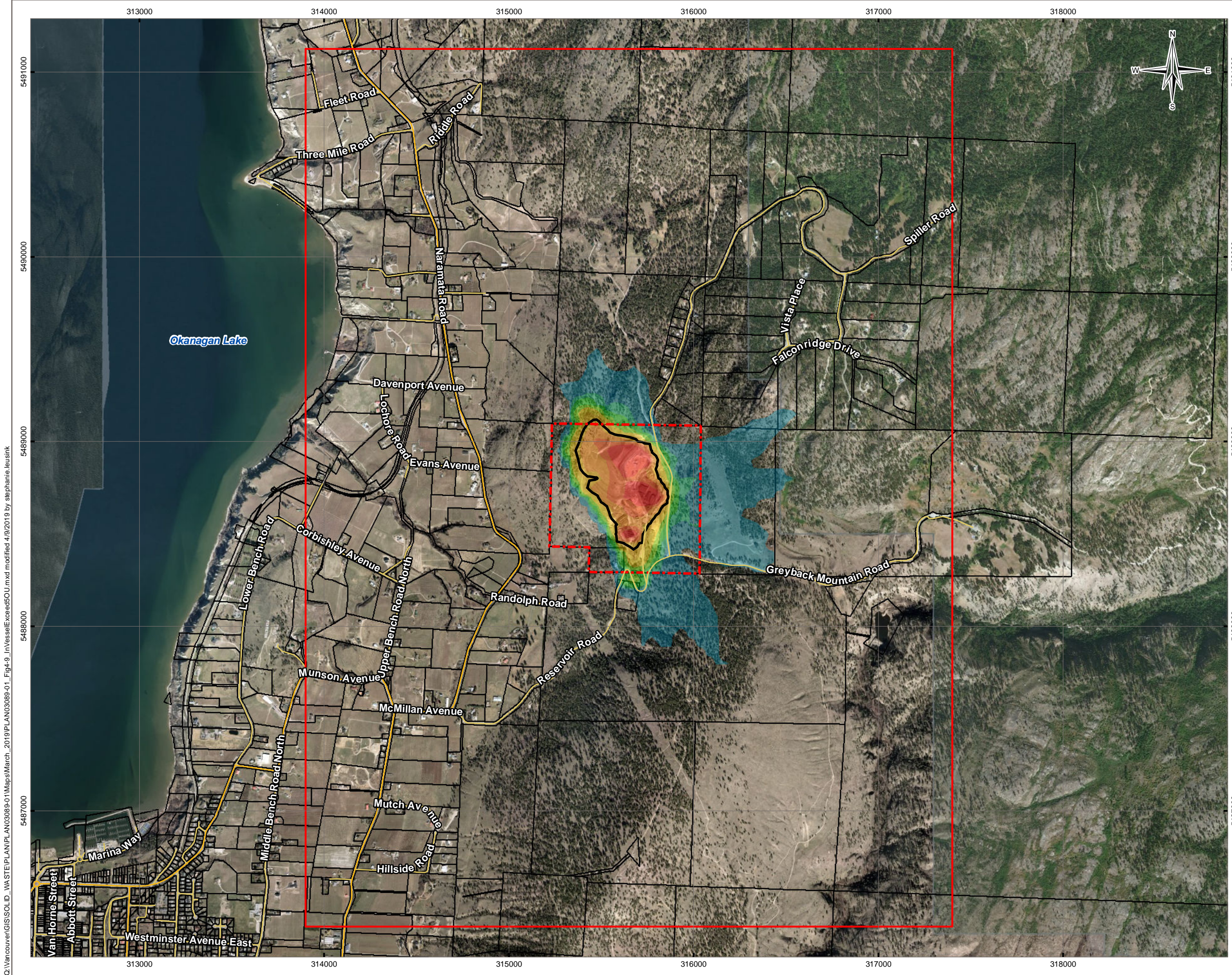
STATUS  
ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Maximum 10-Minute Odour Concentration  
In Vessel Biosolids Composting**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:20,000		
400 200 0 400 Metres		
<b>FILE NO.</b> PLAN03089-01_Fig4-8_InVesselConc.mxd		
<b>OFFICE</b> TL-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.8</b>

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Exceedances of 5 OU (Count)**

- < 5
- 5 - 10
- 10 - 25
- 25 - 50
- 50 - 100
- 100 - 250
- 250 - 500
- 500 - 1,000
- > 1,000

**Quebec Odour Nuisance Criteria**

- 98<sup>th</sup> Percentile Frequency of Occurrence
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

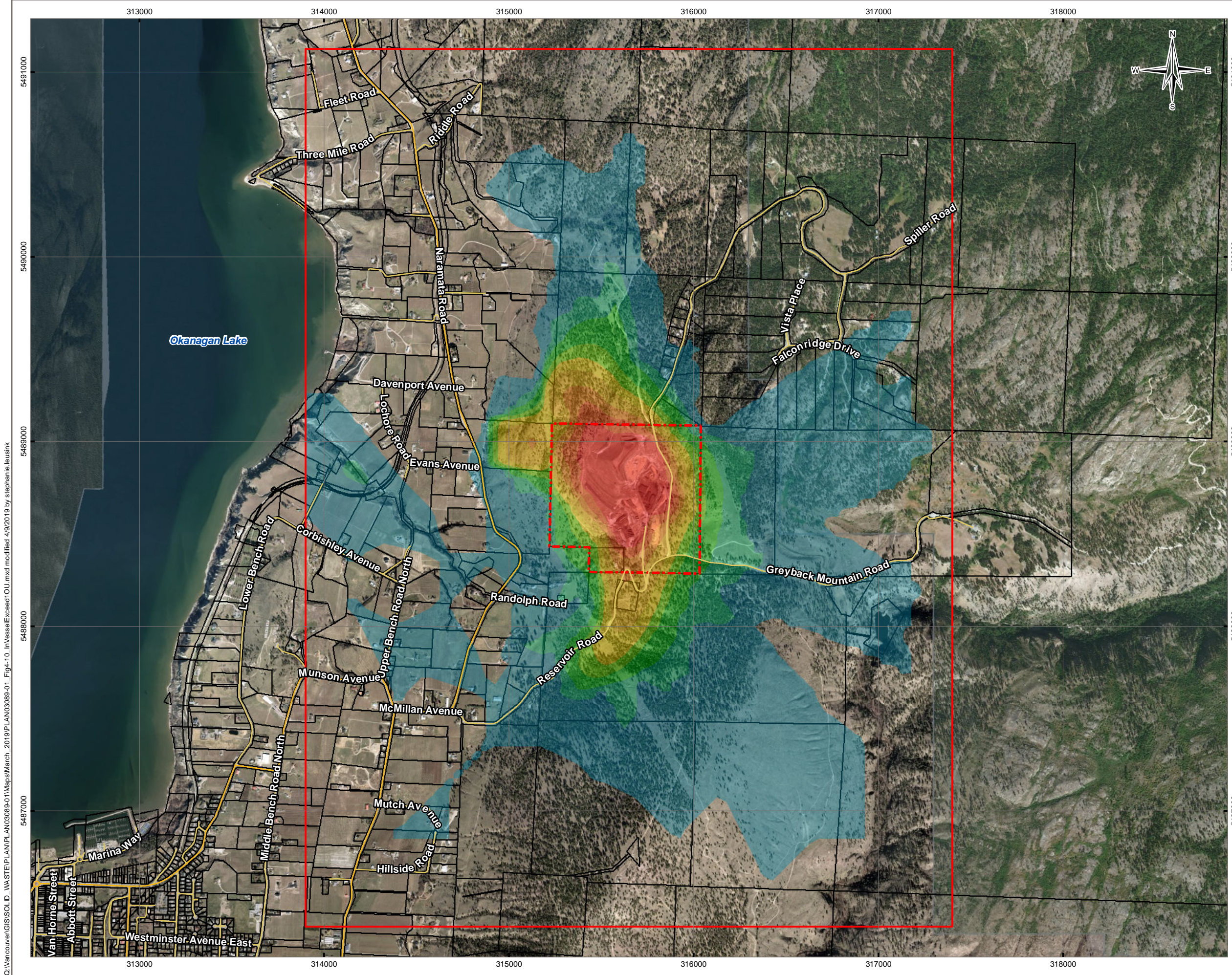
STATUS  
ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Exceedances of 5 OU  
In Vessel Biosolids Composting**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:20,000		
<div style="display: flex; justify-content: space-between; width: 100%;"> <span>400</span> <span>200</span> <span>0</span> <span>400</span> </div> <div style="text-align: center; margin-top: 5px;"> <p>Metres</p> </div>		
<b>FILE NO.</b> PLAN03089-01_Fig4-9_InVesselExceed5OU.mxd		
<b>OFFICE</b> TI-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.9</b>

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**LEGEND**

- Subject Property
- Parcel Boundary
- Main Road
- Local Road
- Resource/Recreational Road

**Exceedances of 1 OU (Count)**

- < 5
- 5 - 10
- 10 - 25
- 25 - 50
- 50 - 100
- 100 - 250
- 250 - 500
- 500 - 1,000
- > 1,000
- Model Boundary

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. Imagery from ESRI; City of Penticton (2013).
3. BC Odour Criteria currently under development.

STATUS  
ISSUED FOR USE

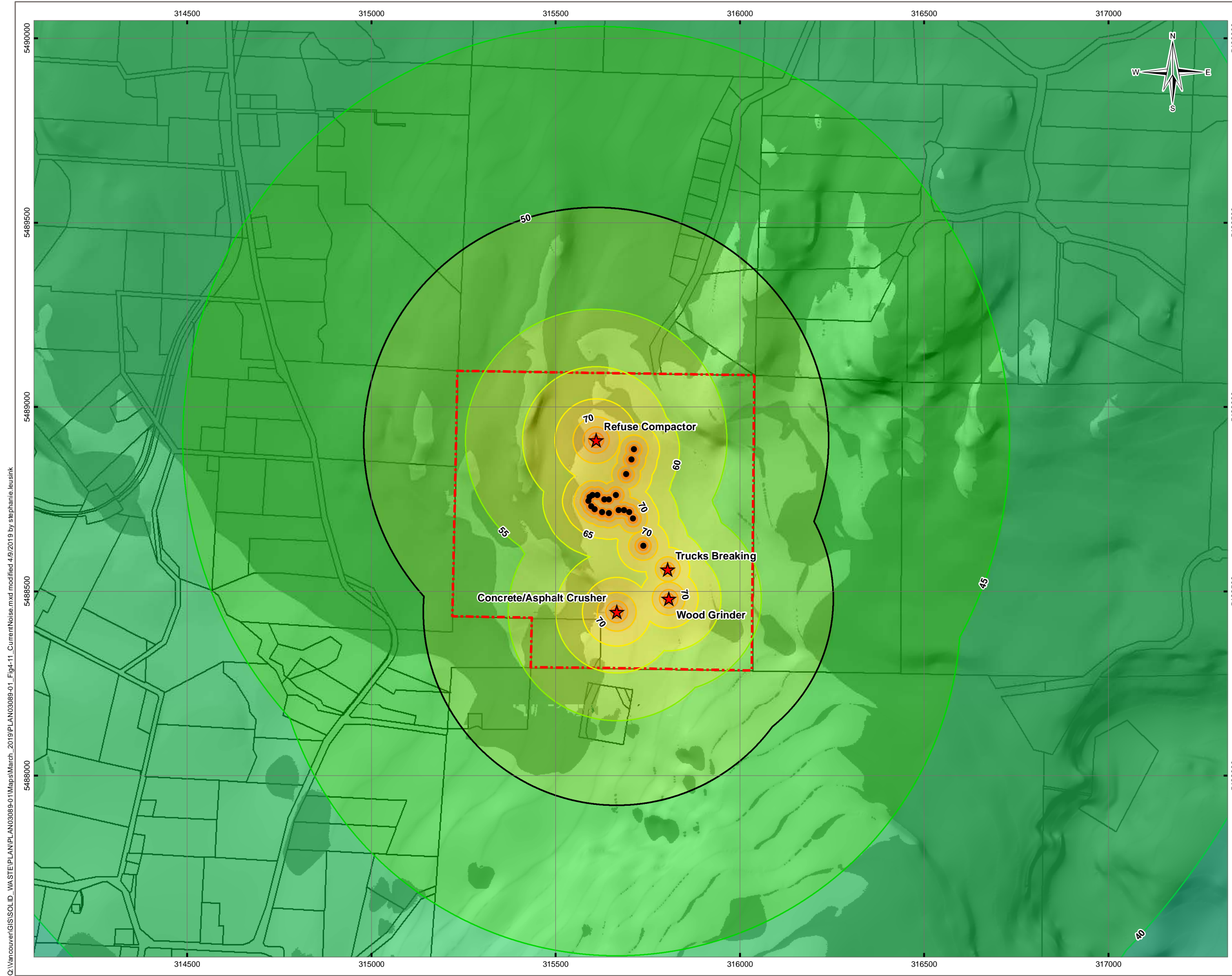
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Exceedances of 1 OU  
In Vessel Biosolids Composting**

PROJECTION UTM Zone 11	DATUM NAD83	CLIENT Regional District of Okanagan-Similkameen
Scale: 1:20,000		
<div style="display: flex; justify-content: space-between; width: 100%;"> <span>400</span> <span>200</span> <span>0</span> <span>400</span> </div> <div style="text-align: center; margin-top: 5px;"> <p>Metres</p> </div>		
FILE NO. PLAN03089-01_Fig4-10_InVesselExceed1OU.mxd		
OFFICE TI-VANC	DWN SL	CKD BB
DATE April 9, 2019	APVD TM	REV 0
PROJECT NO. SWM.PLAN03089-01		<b>Figure 4.10</b>

**TETRA TECH**

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**LEGEND**

- ★ Point Noise Source
- Road Noise Point Source
- ▭ Subject Property
- ▭ Parcel Boundary

**Visibility Analysis**

- ▭ Not Visible from Any Source
- ▭ Visible from at least One Source

**Noise Level (dB)**

- 100
- 95
- 90
- 85
- 80
- 75
- 70
- 65
- 60
- 55
- 50 (BCOGC) Daytime Noise is 50dB reference level
- 45
- 40
- 35

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. No current BC Noise Guidance Level.
3. BCOGC = British Columbia Oil and Gas Commission.

STATUS  
ISSUED FOR USE

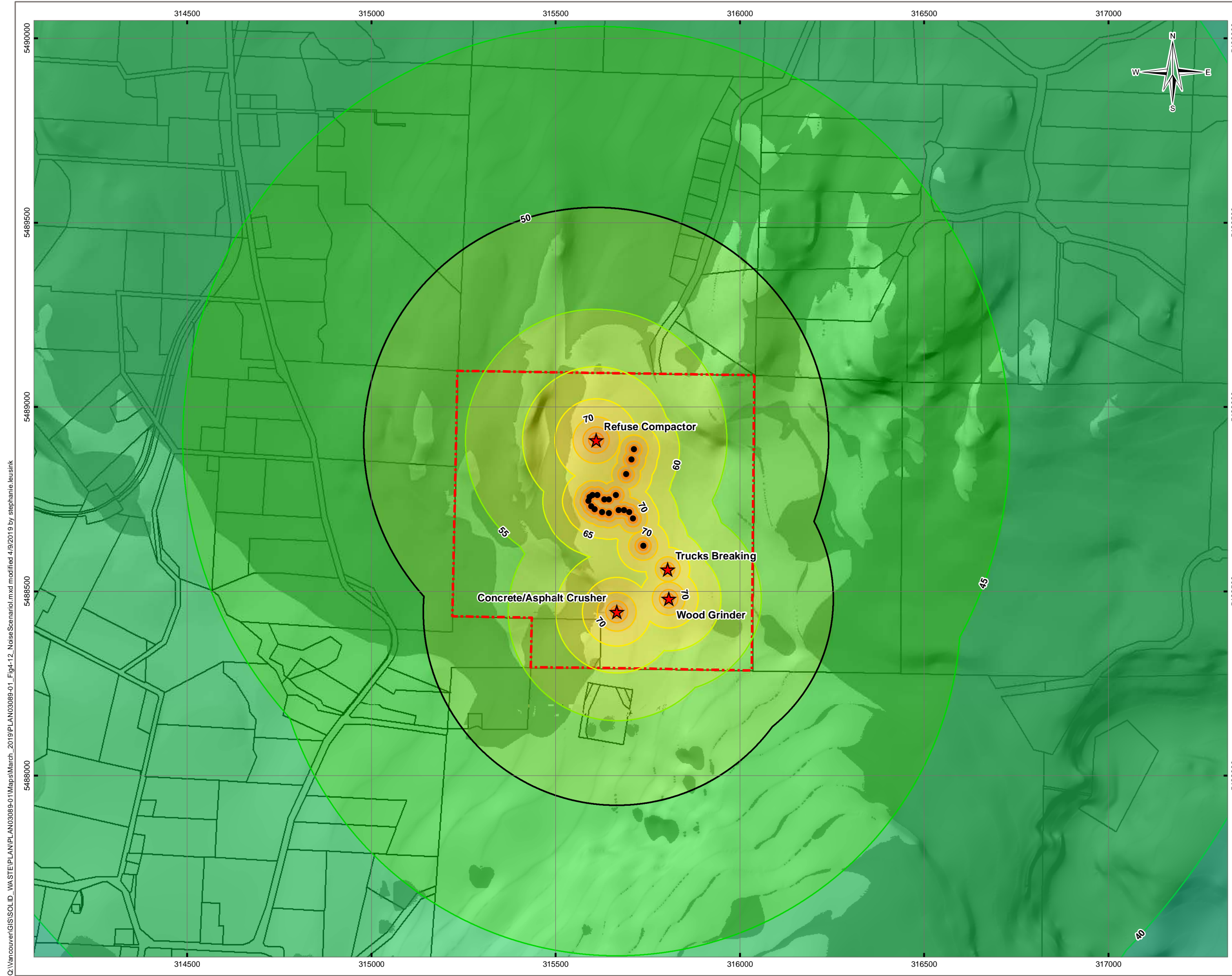
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Noise Impacts from Major Sources  
Current Operations**

PROJECTION UTM Zone 11	DATUM NAD83	CLIENT Regional District of Okanagan-Similkameen
Scale: 1:10,000		
FILE NO. PLAN03089-01_Fig4-11_CurrentNoise.mxd		
OFFICE Tl-VANC	DWN SL	CKD BB
	APVD TM	REV 0
DATE April 9, 2019	PROJECT NO. SWM.PLAN03089-01	



**Figure 4.11**



**LEGEND**

- ★ Point Noise Source
- Road Noise Point Source
- ▭ Subject Property
- ▭ Parcel Boundary

**Visibility Analysis**

- ▭ Not Visible from Any Source
- ▭ Visible from at least One Source

**Noise Level (dB)**

- 100
- 95
- 90
- 85
- 80
- 75
- 70
- 65
- 60
- 55
- 50 (BCOGC) Daytime Noise is 50dB reference level
- 45
- 40
- 35

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. No current BC Noise Guidance Level.
3. BCOGC = British Columbia Oil and Gas Commission.

STATUS  
ISSUED FOR USE

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

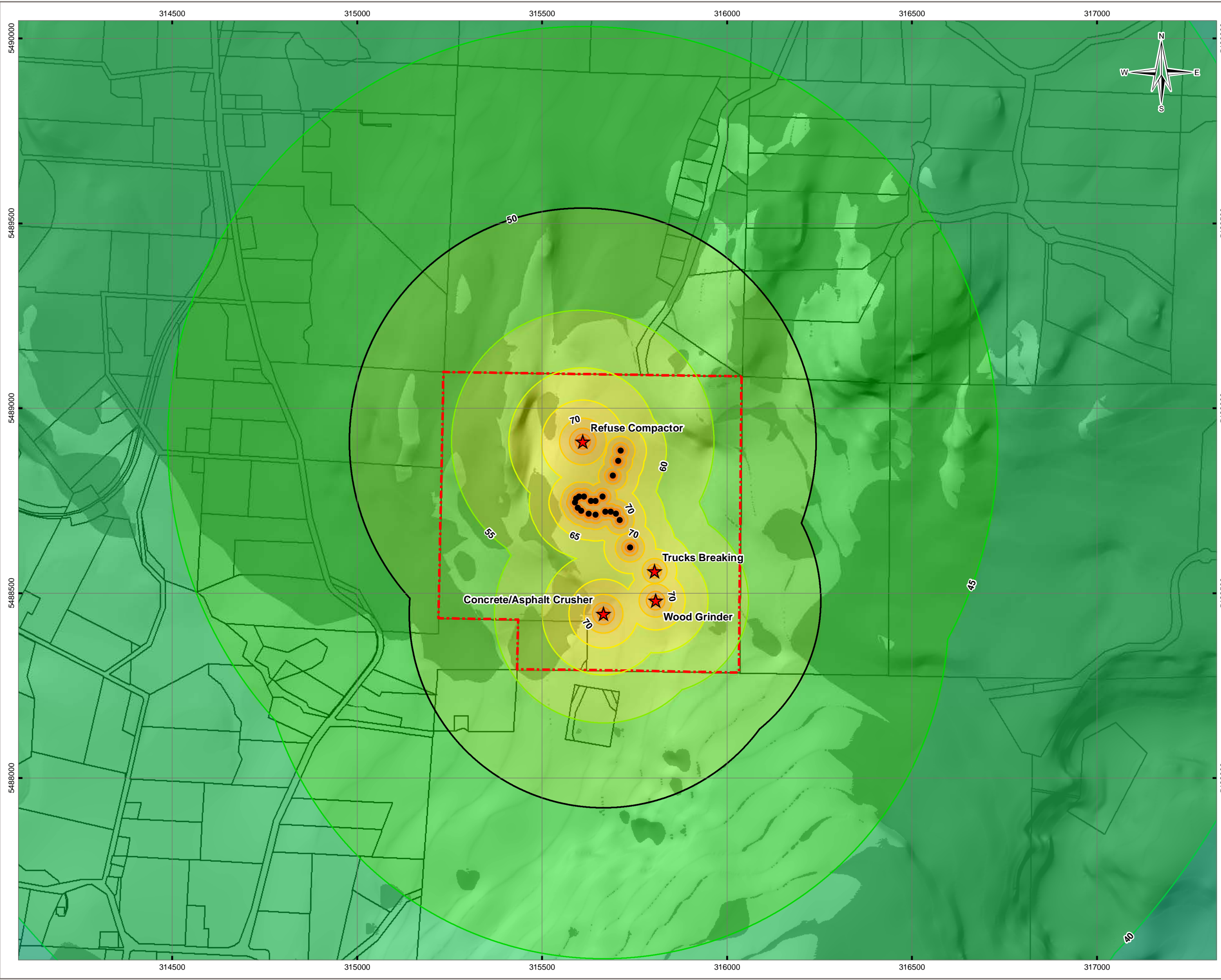
**Noise Impacts from Major Sources  
Future Scenario I  
(Open Face 10 m Above Current)**

PROJECTION UTM Zone 11	DATUM NAD83	CLIENT Regional District of Okanagan-Similkameen
Scale: 1:10,000		
200 100 0 200 Metres		
FILE NO. PLAN03089-01_Fig4-12_NoiseScenarioI.mxd		
OFFICE TI-VANC	DWN SL	CKD BB
APVD TM	REV 0	
DATE April 9, 2019	PROJECT NO. SWM.PLAN03089-01	

**Figure 4.12**

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Q:\Vancouver\GIS\SOLID\_ID\_WASTE\PLAN\PLAN03089-01\Fig4-13\_NoiseScenarioII.mxd modified 4/9/2019 by stephanie.leusink



**LEGEND**

- ★ Point Noise Source
- Road Noise Point Source
- ▭ Subject Property
- ▭ Parcel Boundary

**Visibility Analysis**

- ▭ Not Visible from Any Source
- ▭ Visible from at least One Source

**Noise Level (dB)**

- 100
- 95
- 90
- 85
- 80
- 75
- 70
- 65
- 60
- 55
- 50 (BCOGC) Daytime Noise is 50dB reference level
- 45
- 40
- 35

**NOTES**

1. Base data source: CanVec 1:50,000; ParcelMap BC.
2. No current BC Noise Guidance Level.
3. BCOGC = British Columbia Oil and Gas Commission.

STATUS  
ISSUED FOR USE

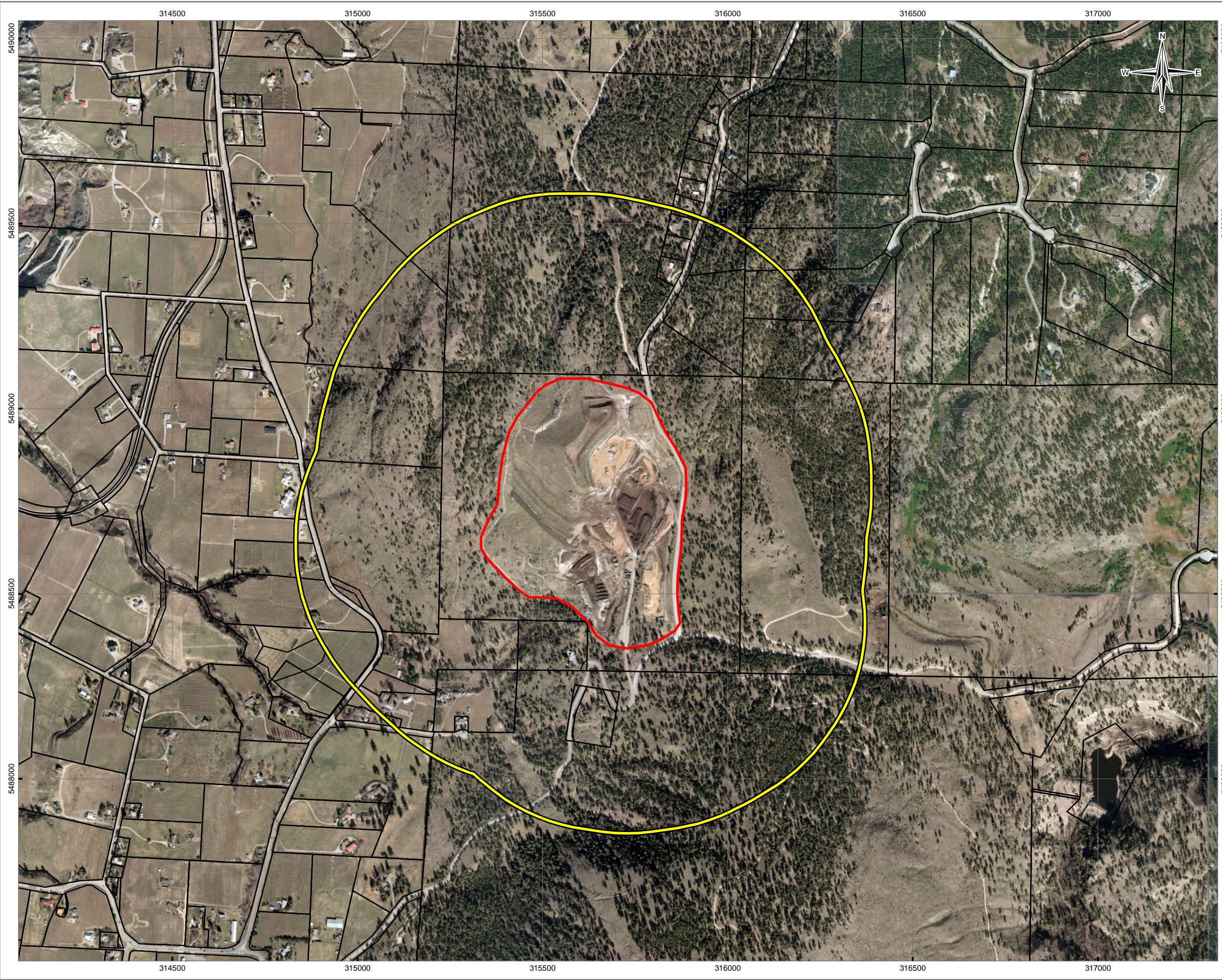
**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Noise Impacts from Major Sources  
Future Scenario II  
(Open Face 20 m Above Current)**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:10,000 200 100 0 200 Metres		
<b>FILE NO.</b> PLAN03089-01_Fig4-13_NoiseScenarioII.mxd		
<b>OFFICE</b> TI-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 9, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 4.13</b>



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**LEGEND**

- Landfill Footprint
- Required minimum setback, as per the B.C. Landfill Criteria (2016), for siting landfills away from existing or planned sensitive land use, as an allowed use in a growth management plan, official community plan, or zoning bylaw
- Parcel Boundary

**NOTES**  
 1. Base data source: CanVec 1:50,000; ParcelMap BC.  
 2. Imagery from ESRI; City of Penticton (2013).

STATUS  
ISSUED FOR REVIEW

**NUISANCE IMPACT ASSESSMENT  
CAMPBELL MOUNTAIN LANDFILL**

**Sensitive Area Land Use Setbacks**

<b>PROJECTION</b> UTM Zone 11	<b>DATUM</b> NAD83	<b>CLIENT</b> Regional District of Okanagan-Similkameen
Scale: 1:10,000		
<div style="display: flex; justify-content: space-between; width: 100%;"> <span>200</span> <span>100</span> <span>0</span> <span>200</span> </div> <div style="text-align: center; margin-top: 5px;"> <p>Metres</p> </div>		
<b>FILE NO.</b> PLAN03089-01_Fig5-1_Recommended.mxd		
<b>OFFICE</b> Tl-VANC	<b>DWN</b> SL	<b>CKD</b> BB
<b>DATE</b> April 4, 2019	<b>APVD</b> TM	<b>REV</b> 0
<b>PROJECT NO.</b> SWM.PLAN03089-01		<b>Figure 5.1</b>





## APPENDIX A

### TETRA TECH'S LIMITATIONS ON THE USE OF THIS DOCUMENT

# LIMITATIONS ON USE OF THIS DOCUMENT

## 1.1 USE OF DOCUMENT AND OWNERSHIP

This document pertains to a specific site, a specific development, and a specific scope of work. The document may include plans, drawings, profiles and other supporting documents that collectively constitute the document (the "Professional Document").

The Professional Document is intended for the sole use of TETRA TECH's Client (the "Client") as specifically identified in the TETRA TECH Services Agreement or other Contractual Agreement entered into with the Client (either of which is termed the "Contract" herein). TETRA TECH does not accept any responsibility for the accuracy of any of the data, analyses, recommendations or other contents of the Professional Document when it is used or relied upon by any party other than the Client, unless authorized in writing by TETRA TECH.

Any unauthorized use of the Professional Document is at the sole risk of the user. TETRA TECH accepts no responsibility whatsoever for any loss or damage where such loss or damage is alleged to be or, in fact, caused by the unauthorized use of the Professional Document.

Where TETRA TECH has expressly authorized the use of the Professional Document by a third party (an "Authorized Party"), consideration for such authorization is the Authorized Party's acceptance of these Limitations on Use of this Document as well as any limitations on liability contained in the Contract with the Client (all of which is collectively termed the "Limitations on Liability"). The Authorized Party should carefully review both these Limitations on Use of this Document and the Contract prior to making any use of the Professional Document. Any use made of the Professional Document by an Authorized Party constitutes the Authorized Party's express acceptance of, and agreement to, the Limitations on Liability.

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The Professional Document is subject to copyright and shall not be reproduced either wholly or in part without the prior, written permission of TETRA TECH. Additional copies of the Document, if required, may be obtained upon request.

## 1.2 ALTERNATIVE DOCUMENT FORMAT

Where TETRA TECH submits electronic file and/or hard copy versions of the Professional Document or any drawings or other project-related documents and deliverables (collectively termed TETRA TECH's "Instruments of Professional Service"), only the signed and/or sealed versions shall be considered final. The original signed and/or sealed electronic file and/or hard copy version archived by TETRA TECH shall be deemed to be the original. TETRA TECH will archive a protected digital copy of the original signed and/or sealed version for a period of 10 years.

Both electronic file and/or hard copy versions of TETRA TECH's Instruments of Professional Service shall not, under any circumstances, be altered by any party except TETRA TECH. TETRA TECH's Instruments of Professional Service will be used only and exactly as submitted by TETRA TECH.

Electronic files submitted by TETRA TECH have been prepared and submitted using specific software and hardware systems. TETRA TECH makes no representation about the compatibility of these files with the Client's current or future software and hardware systems.

## 1.3 STANDARD OF CARE

Services performed by TETRA TECH for the Professional Document have been conducted in accordance with the Contract, in a manner consistent with the level of skill ordinarily exercised by members of the profession currently practicing under similar conditions in the jurisdiction in which the services are provided. Professional judgment has been applied in developing the conclusions and/or recommendations provided in this Professional Document. No warranty or guarantee, express or implied, is made concerning the test results, comments, recommendations, or any other portion of the Professional Document.

If any error or omission is detected by the Client or an Authorized Party, the error or omission must be immediately brought to the attention of TETRA TECH.

## 1.4 DISCLOSURE OF INFORMATION BY CLIENT

The Client acknowledges that it has fully cooperated with TETRA TECH with respect to the provision of all available information on the past, present, and proposed conditions on the site, including historical information respecting the use of the site. The Client further acknowledges that in order for TETRA TECH to properly provide the services contracted for in the Contract, TETRA TECH has relied upon the Client with respect to both the full disclosure and accuracy of any such information.

## 1.5 INFORMATION PROVIDED TO TETRA TECH BY OTHERS

During the performance of the work and the preparation of this Professional Document, TETRA TECH may have relied on information provided by third parties other than the Client.

While TETRA TECH endeavours to verify the accuracy of such information, TETRA TECH accepts no responsibility for the accuracy or the reliability of such information even where inaccurate or unreliable information impacts any recommendations, design or other deliverables and causes the Client or an Authorized Party loss or damage.

## 1.6 GENERAL LIMITATIONS OF DOCUMENT

This Professional Document is based solely on the conditions presented and the data available to TETRA TECH at the time the data were collected in the field or gathered from available databases.

The Client, and any Authorized Party, acknowledges that the Professional Document is based on limited data and that the conclusions, opinions, and recommendations contained in the Professional Document are the result of the application of professional judgment to such limited data.

The Professional Document is not applicable to any other sites, nor should it be relied upon for types of development other than those to which it refers. Any variation from the site conditions present, or variation in assumed conditions which might form the basis of design or recommendations as outlined in this report, at or on the development proposed as of the date of the Professional Document requires a supplementary exploration, investigation, and assessment.

TETRA TECH is neither qualified to, nor is it making, any recommendations with respect to the purchase, sale, investment or development of the property, the decisions on which are the sole responsibility of the Client.



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Planning and Development Committee

Thursday, May 23, 2019

11:00 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of May 23, 2019 be adopted.

---

### B. Environmentally Sensitive Development Permit (ESDP) Area – 24 Month Review

#### 1. Representations

#### RECOMMENDATION 2

THAT the Environmentally Sensitive Development Permit (ESDP) Area designations in the Okanagan Electoral Area Official Community Plan Bylaws be amended;

AND THAT the Development Procedures Bylaw No. 2500, 2011, be amended in order to update the requirements related to ESDPs.

---

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

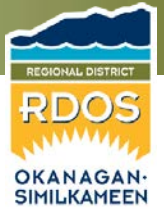
#### RECOMMENDATION 3

THAT Amendment Bylaw No. 2849, 2019, be amended to incorporate the following changes:

1. “cannabis production” no longer be listed as a permitted type of “home industry” use;
  2. a new definition of “micro cannabis production facility” be introduced;
  3. “micro cannabis production facility” be introduced as a permitted accessory use in the Resource Area, Agriculture and Large Holdings zones;
  4. introduce a new set of General Regulations related to “micro cannabis production facilities”;
  5. the definition of “cannabis production” be amended to refer to indoor operations (other than “micro cannabis production facility”); and
  6. references to “soil-less medium production facilities” under zoning setback requirements be amended to “production facilities” and “greenhouses”.
-

**D. ADJOURNMENT**

# ADMINISTRATIVE REPORT



**TO:** Planning and Development Committee

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

**DATE:** May 23, 2019

**RE:** Environmentally Sensitive Development Permit (ESDP) Area  
24 Month Review – Proposed OCP Bylaw & Development Procedure Bylaw Amendments

---

## **Administrative Recommendation:**

**THAT the Environmentally Sensitive Development Permit (ESDP) Area designations in the Okanagan Electoral Area Official Community Plan Bylaws be amended;**

**AND THAT the Development Procedures Bylaw No. 2500, 2011, be amended in order to update the requirements related to ESDPs.**

---

## **Purpose:**

The purpose of this report is to provide the Board with an overview of the Environmentally Sensitive Development Area (ESDP) as it has been operating following the adoption of new guidelines, mapping and processing procedures in June of 2017.

In addition, Administration is proposing a number of amendments to the ESDP Area designation to address issues identified with the new permitting process.

## **Background:**

At its meeting of April 1, 2010, the Board adopted the South Okanagan Sub-Regional Growth Strategy Bylaw No. 2421, 2007, which included, amongst other things, a recommendation to:

*Support the development of an inter-regional Biodiversity Conservation Strategy by collaborating with ecosystems experts, including those with traditional ecological knowledge, and balance ecosystems interests with economic and social sustainability.*

At its meeting of September 5, 2013, the Planning and Development (P&D) Committee of the Board resolved to “accept *Keeping Nature in Our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* as a guiding document for the Regional District of Okanagan-Similkameen and the amendment of Official Community Plans.”

A key policy direction included within this Strategy was to “Establish new, or update existing land use policies and regulations to ensure that development processes integrate biodiversity conservation considerations” (Strategic Direction 1.1).

Based upon this direction, Administration undertook a review of the ESDP Area designations in the Okanagan Electoral Area OCP Bylaws between 2014 and 2017. This involved the following updates:

- mapped areas (using mapping contained in *Keeping Nature in Our Future*);
  - OCP policies which support the designation of ESDP Areas;
  - ESDP Area Guidelines; and
  - application requirements and processing procedures.
-

---

At its meeting of June 15, 2017, the Board adopted Amendment Bylaw 2710, 2017, which incorporated the ESDP Area updates summarized above into the Okanagan Electoral Area OCP Bylaws.

At that time, Administration committed to bring forward a review of the new ESDP Area designation and how it was operating within 12 months (i.e. by June 15, 2018). Due, however, to un-foreseen work volumes and available staff resources in 2018, this review was delayed.

On November 15, 2018, and in anticipation of this review, a Workshop with RDOS staff, Provincial government staff, SOSCP Program Manager and Environmental Planner, and area Qualified Environmental Professionals (QEPs). Items discussed at this meeting included feedback on the ESDP process, possible revisions and the overall efficacy of Rapid Environmental Assessments.

**Analysis:**

Based upon the consultation undertaken with local QEPs and provincial staff involved in environmental management in late 2018, it is Administration’s understanding that the current ESDP process is helping inform development and reducing impacts to sensitive ecosystems and species at risk.

QEPs have also advised that they believe the new ESDP guidelines to be useful and better than the past approach (i.e. exempting all residential development at the building permit stage).

While enforcement and compliance with development permit provisions continues to be an issue, regulating residential development is seen to further the objectives and policies endorsed by the Regional District Board in its various land use bylaws as well as in its Vision statement:

*We envision the Regional District of Okanagan-Similkameen as a steward of our environment, sustaining a diverse and livable region that offers a high quality of life through good governance.*

The ESDP Area designation also assists the Regional District with the protection of Critical Habitat consistent with the requirements of the federal *Species at Risk Act* (i.e. protecting migratory bird habitat), which is over-riding federal legislation that local governments are expected to uphold to.

Finally, the ESDP Area designation is seen to be ensuring that good environmental information is being considered as part of the development planning process.

That said, and after 2 years of working with the current ESDP Area guidelines and processing procedures, Administration believes that there a number of improvements that can be made. These are outlined below along with some basic statistics regarding recent permit issuance:

Permitting Statistics:

Prior to 2017, the average number of ESDP’s issued by the Regional District in a year was 1-2 total, which increased to approximately 30+ per year after 2017 following the removal of the building permit exemption for all types of residential development:

	Area “A”	Area “C”	Area “D”	Area “E”	Area “F”	Area “I”	Total
2017	3	2	9	1	0	[N/A]	15*
2018	10	7	17	2	2	1	39
2019	5	1	1	2	3	1	13†

<b>Total</b>	<b>18</b>	<b>10</b>	<b>27</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>67</b>
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\* ESDP's issued from June 15<sup>th</sup> to December 31<sup>st</sup> of 2017

† ESDP's received from January 1<sup>st</sup> to May 15<sup>th</sup> of 2019

Of the 26 ESDP's issued between 1997 and 2017, a majority were issued for subdivisions with the remainder being related to non-residential development (i.e. motel, campground, tennis court and water reservoir).

After June 15, 2017, 76.1% issued ESDP's have been for single detached dwellings or related residential structures (i.e. garages) with the remainder related to subdivisions (16.4%) and other non-residential development (7.5%).

Of the ESDP's issued since 2017, 86.6% have been actioned under the Expedited ESDP option through the submission of a "Rapid Environmental Assessment" (REA) by qualified environmental professionals (NOTE: this option did not exist prior to 2017).

For reference purposes, an overview of all ESDPs issued since June 15, 2017, is provided in Attachment No. 1.

#### Checklist vs. Template:

The option of a "Rapid Environmental Assessment" (REA) for residential buildings and structures was introduced in 2017 as a way to provide a cost-effective alternative to traditional "Environmental Impact Assessments" (EIA) in light of the proposed removal of the building permit exemption for residential development.

The REA is premised on the completion of a checklist by a QEP that is primarily concerned with the identification of "environmentally valuable resources" (EVRs) within 100 metres of an area proposed for residential development.

If no EVRs are identified by a QEP, the Regional District issues an ESDP in much the same way it issues "Expedited" Watercourse Development Permits (WDPs) for development in riparian areas. If, however, a QEP identifies EVRs and is unable to mitigate the impact of the proposed residential development, an EIA would be required prior to the issuance of an ESDP.

Administration did not anticipate in 2017 that the REA option would become the principal form in which QEP's submit ESDP's to the Regional District, and is further concerned the REA option is being mis-used by QEP's to facilitate complex subdivisions and developments that the checklist was not designed to address.

There also appears to be confusion amongst QEP's as to the level of information required to support a REA with reports ranging in size from 2 pages to 40 pages with length seemingly unrelated to the complexity of a development.

To address this, Administration considers there to be merit in replacing the current REA checklist with a standardised report template that will specify key issues to be addressed and reporting requirements to be met by QEP's. The benefits of this revision would be:

- streamline development permit review, by ensuring that required information is presented more efficiently;
- clarification about what residential development thresholds/circumstances would result in the need for a full environmental impact assessment (EIA), instead of an expedited review;

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- clarification of timing restrictions that may impact an environmental assessment (including REAs) to help property owners understand that these assessments cannot be completed when significant snow is on the ground, or when other timing requirements may be imposed (e.g. where inventory is needed);
  - creating consistency in the quality and effectiveness of assessments being submitted by QEP's in support of development permits; and
  - improving the information provided by QEPs regarding monitoring and evaluation conditions to be used in development permits.

#### Subdivisions:

The subdivision of land is considered a complex form of development that is not suited for assessment through a REA.

This is due to the requirement that an environmental assessment not only consider the proposed layout of parcels and road dedication (including the placement of utilities and storm water management), but also confirm that within each proposed parcel exists a suitable building envelope capable of accommodation residential development (i.e. dwelling, driveway & septic system), and that such development be able to occur without the need for additional ESDPs.

For this reason, it is being proposed to exclude subdivisions as a form of development that can be submitted as an Expedited ESDP.

#### REA Title:

QEP's have expressed concern regarding use of the name Rapid Environmental Assessments to described the checklist and the expectation it creates amongst property owners that an assessment of their property can be completed in a quick manner (i.e. "rapid").

According to QEPs, this is leading property owners to provide insufficient time between the preparation of a building permit application and the obtaining of an environmental assessment.

To address this, QEPs have requested that the "Rapid Environmental Assessment" name be replaced. In response, and reflecting the other changes outlined above, Administration is proposing that the new report template be referred to as the "Environmental Screening Report".

#### Mapping Corrections:

In incorporating the mapping from *Keeping Nature in Our Future*, parcels zoned low, medium and high density residential were excluded from the ESDP Area as were parcels in the Agricultural Land Reserve (ALR) or Crown land – unless significant topographical features existed on a site.

Similarly, where a developed footprint could be identified on a parcel this area was excluded from an ESDP Area. Due to the volume of properties being reviewed, oversights occurred where an existing developed area was inadvertently retained within the ESDP Area (see Attachment No. 2).

Administration has identified a number of such properties since 2017 and is proposing to update the mapping to address these by excluding the developed footprint.

#### Public Representation (Electoral Area "A"):



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While Administration has not yet sought public input regarding the operation of the ESDP Area over the previous two years, a representation from a property owner at Anarchist Mountain in Electoral Area "A" has been received and is included in Attachment No. 3.

In summary, this representation is advocating for the removal of the ESDP Area and the implementation of a voluntary approach to environmental protection by individual property owners with educational support provided by the Regional District.

While Administration is concerned that such an approach would be less effective than the current model of utilising ESDPs for retaining biodiversity values, it does raise a question of the extent to which the ESDP Area should be applied. As a suggestion, the Board may wish to consider if parcels less than 2.0 ha in area should be excluded from the ESDP Area designation if these properties have been previously developed (as is the case for the Anarchist Mountain community).

**Alternatives:**

- .1 THAT the Environmentally Sensitive Development Permit (ESDP) Area guidelines, mapping and development procedures in the Okanagan Electoral Area Official Community Plan Bylaws not be amended; or
- .2 THAT consideration of amending the Environmentally Sensitive Development Permit (ESDP) Area guidelines, mapping and development procedures in the Okanagan Electoral Area Official Community Plan Bylaws be deferred.

**Respectfully submitted:**



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C. Garrish, Planning Manager

**Endorsed by:**



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B. Dollevoet, General Manager of Development Services

Attachments: No. 1 — ESDP's submitted to RDOS since June 15, 2017

No. 2 — Representative Example of Proposed Mapping Correction

No. 3 — Public representation — (March 8, 2019)

Attachment No. 1 — ESDP's submitted to RDOS since June 15, 2017

No.	Permit No.	Applicant	Type	Development
<b>2017</b>				
.1	D2017.116-ESDP	Dyck	Expedited	New dwelling
.2	D2017.125-ESDP	Pyrozyk	Expedited	New dwelling
.3	A2017.127-ESDP	Strouts & Miller	Expedited	New accessory structure
.4	E2017.131-ESDP	Cleveland	Regular	New dwelling
.5	D2017.132-ESDP	Hoeger	Expedited	New dwelling
.6	D2017.136-ESDP	Briscoe	Expedited	New dwelling
.7	D2017.137-ESDP	Jacques	Expedited	New dwelling
.8	D2017.146-ESDP	Burke	Expedited	New Dwelling
.9	A2017.149-ESDP	Visser	Expedited	New Dwelling & Workshop
.10	D2017.153-ESDP	Gratton	Expedited	New well and pipe to dwelling
.11	D2017.158-ESDP	Schmidt	Expedited	New roof over shipping containers
.12	D2017.162-ESDP	McClelland	Expedited	New workshop
.13	C2017.167-ESDP	Vaillancourt	Expedited	New dwelling & septic
.14	C2017.171.ESDP	Lindsay	Expedited	Subdivision (2-lot)
.15	A2017.178-ESDP	Quintal	Expedited	Subdivision (1-lot)
<b>2018</b>				
.1	D2018.008-ESDP	Balla & Paul	Expedited	New dwelling
.2	D2018.016-ESDP	Marti	Expedited	Subdivision (3-lot)
.3	D2018.018-ESDP	Thew	Expedited	New Dwelling
.4	C2018.019-ESDP	Chamberland	Expedited	New Dwelling
.5	D2018.025-ESDP	Kenyon & Hitchcock	Expedited	New dwelling
.6	E2018.034-ESDP	Mathias & Born	Expedited	New dwelling, shed & septic
.7	D2018.037-ESDP	Schmidt	Expedited	New dwelling & garage
.8	D2018.043-ESDP	OK Falls RV Resort	Regular	Residential development
.9	D2018.046-ESDP	Kwakernaak/Wood	Expedited	New dwelling
.10	C2018.055-ESDP	T262 Enterprises	Expedited	Subdivision (31-lot)
.11	A2018.056-ESDP	Blomme	Expedited	New dwelling & garage
.12	D2018.067-ESDP	Mide	Expedited	Subdivision (1-lot)
.13	D2018.068-ESDP	Regina & Chidley	Expedited	New dwelling
.14	F2018.073-ESDP	Vaisanen	Regular	Subdivision (1-lot)

.15	F2018.077-ESDP	Dolan	Expedited	New dwelling & septic
.16	D2018.087-ESDP	Kildaw	Regular	Subdivision (2-lot)
.17	D2018.096-ESDP	Pardell	Regular	New dwelling
.18	A2018.097-ESDP	Teichroew	Expedited	New garage
.19	D2018.101-ESDP	Cesla	Expedited	New dwelling, driveway & septic
.20	E2018.107-ESDP	Schroeder	Regular	New dwelling, garage and garden
.21	D2018.112-ESDP	Elkjar	Expedited	New garage
.22	A2018.117-ESDP	De Goede Newfield	Expedited	New dwelling, garage, pool & septic
.23	C2018.122-ESDP	Marsel	Expedited	New dwelling & driveway
.24	D2018.131-ESDP	Baker	Expedited	New dwelling
.25	A2018.134-ESDP	Larose Winery	Regular	New winery
.26	C2018.136-ESDP	Warren	Expedited	New dwelling, workshop, etc.
.27	C2018.139-ESDP	Oliveira	Expedited	Subdivision (2-lot)
.28	A2018.145-ESDP	Kappel	Expedited	New dwelling & workshop
.29	C2018.151-ESDP	Cotter	Expedited	New accessory structure and septic
.30	A2018.152-ESDP	Trueman	Expedited	New dwelling
.31	A2018.154-ESDP	Gagnon	Expedited	New dwelling
.32	D2018.155-ESDP	Twin Lakes Golf Course	Expedited	Garlic Farm
.33	D2018.157-ESDP	Kribernegg	Expedited	New dwelling & septic field
.34	D2018.167-ESDP	Russell	Expedited	New dwelling
.35	C2018.173-ESDP	Oldfield	Expedited	New dwelling
.36	D2018.176-ESDP	Plensky & Palmer	Expedited	New dwelling
.37	A2018.200-ESDP	Osoyoos Mt. Estate	Regular	Subdivision (1-lot)
.38	I2018.201-ESDP	Zenger	Expedited	New dwelling
.39	A2018.206-ESDP	Premerl & Velghe	Expedited	New dwelling
<b>2019</b>				
1.	A2019.001-ESDP	Kramer	Expedited	New dwelling, driveway & septic
2.	E2019.002-ESDP	Noble	Expedited	New pool
3.	I2019.003-ESDP	Thomson & Sanche	Expedited	New dwelling
4.	C2019.004-ESDP	UBC	Expedited	Demolition & New Buildings
5.	A2019.005-ESDP	424940 BC Ltd.	Expedited	New dwelling & accessory building
6.	D2019.006-ESDP	London	Expedited	New dwelling, garage & acc. dwelling
7.	E2019.007-ESDP	Grace Estates	Expedited	Subdivision (11-lot)
8.	A2019.008-ESDP	Walker	Expedited	New dwelling, shed and septic
9.	A2019.009-ESDP	Hinz & Clark	Expedited	New garage

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10.	I2019.010-ESDP	Gibney	Regular	Quonset & wells
11.	A2019.011-ESDP	Pendergraft	Expedited	Subdivision (boundary adjustment)
12.	F2019.012-ESDP	Matheson	Expedited	New dwelling
13.	I2019.013-ESDP	Mielke	Expedited	New dwelling

Attachment No. 2 — Representative Example of Proposed Mapping Correction



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Attachment No. 3 – Public Representation

My name is Bernie Langlois. My wife Eileen and I purchased lot 1 (3.5 acres) on Bullmoose Trail extension in 2012 and started building our retirement home and developing the property. At the time there was no restrictions, directives, charges or caveats on title (other than Fortis right of ways) as to what we could, or could not do with our property. As we continue to develop the property we have since been informed that this property is now in an environmentally sensitive area and comes with numerous restrictions.

I have read the document “Keeping Nature in our Future” that was adopted as the basis for the RDOS strategic biodiversity policies and the Official Community Plan (OCP). Some of the Key findings in this scientific study are:

1. “More than 20% of the study area is classified as having high or very high relative biodiversity i.e., the region has many healthy natural areas supporting a diversity of wildlife
2. The electoral areas and municipalities with the greatest proportion of very high and high relative biodiversity are Area A (Rural Osoyoos), Area B (Cawston), Area C (Rural Oliver), Area D (Okanagan Falls), and the municipalities of Osoyoos and Oliver.
3. The valley bottom is very important, even though it is a smaller part of the region. Nearly half of the very high and high biodiversity values occur in the valley bottom. The results show that a significant amount of habitat in the valley has already been lost, as reflected by the high proportion of low and very low relative biodiversity found there
4. Since upland areas do not have the same intensity of land conversion as the valleys they represent an opportunity for land managers to retain biodiversity values, although protection of these lands is not comparable or interchangeable with protection of valley bottoms.”

I fully agree that the unique properties of the Okanagan valley and more specifically the northern part of the Sonora Desert must be preserved because of the specific flora and fauna that a desert environment brings. However as stated, the desert in the valley bottom has already been destroyed through development and agriculture.

My major concern and objection is to the plan that was adopted to protect the environment, specifically to our area. It is flawed for the following reasons:

1. The plan targets and focuses on only selective areas and individuals.
  - a. When one looks at the RDOS map that has been designated as environmentally sensitive (red zoned) it is only a small fraction of the entire regional district. The most sensitive areas (the desert areas) are not red zoned. Area B which is a very high to high in biodiversity is not deemed an environmentally sensitive area.
  - b. The largest red zone on the whole map is a big square at the southeast corner of Area A which includes the Regal Ridge development. The whole area is being treated

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equally despite the fact that there are several different eco systems and topography within the area. Low risk area is being treated the same as high risk. Anarchist Mountain is not the Sonoran Desert and as such has different biodiversity values.

- c. RDOS was well intentioned to preserve the biodiversity in the Okanagan but designed a plan that puts all the accountability on the individuals while collecting permit fees for RDOS and creating a healthy source of income for QEP/biologists. How is RDOS accountable and how does the environment benefit from this plan. Who is monitoring and measuring and who gets the accolades?

2. Implementation Plan less than adequate

- a. When the plan was about to become policy, a series of town halls were scheduled. The town hall meeting planned for Area A was set up outside of Area A, one week before Christmas between 5:00PM and 7:00PM (when many residents were away for Christmas, and the time of Dinner hour) This was great timing to not garner good attendance.
- b. We know from the experience in the valley that degradation from human activity is real and detrimental to biodiversity values. Although the plan isn't meant to discourage development and growth, it must contain elements to protect the environment. If this was adopted by RDOS in 2005, why was Regal Ridge allowed to develop as it did without designation on title that this area was environmentally sensitive. Our lot had not even been developed then and even when it was, there were no caveat or descriptors associated with or declared on title.
- c. The method used for ESDP mapping in Regal Ridge was to exclude already disturbed areas based on an interpretation of available aerial photos. In our case there was already a trailer on the western edge of the lot that was not excluded. There was no checking in person on any of these lots. I also find in looking at the whole area that there are inconsistencies to the mapping interpretation. Huge areas are excluded with no evident land disturbance.
- d. We have 2 Fortis right -of -ways on our property. We understand that Fortis can access those right of ways and scrape, dig and basically change the landscape without regard to the flora or fauna and without permission or an ESDP from RDOS. Conversely as the land owner, I am not allowed to do any of these activities without great costs and permission from RDOS. Either the environment is sensitive for all these activities or it isn't.
- e. The current plan for ESDP is to have land/lot owners pay a QEP/biologist (\$1,500 to \$2,000)to do an assessment and provide a report to both RDOS and the lot owner as to the environmental values of the stated development area and mitigative measures to offset any impact the development might have to the environment. This report comes

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in the form of recommendations and is not followed up by RDOS nor are the corrective measures enforced (ie Has there been 2 trees planted for every tree that is cut)? This plan also does not address the following:

- i. If no environmental values are impacted, are the QEP fees refunded by RDOS or the QEP?
- ii. If there is major environmental impact such as the private development otherwise known as, “the scar on the mountain” just above Osoyoos and Hwy #3, is the development not approved or stopped?
- iii. The triggers for an ESDP as per Section 18.2.5 of the OCP bylaw are 1) subdivision development, 2) construction, 3) the “alteration of land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services”. For all practical purposes subdivision development obviously would trigger an ESDP as would many building permits but certainly not all outbuildings. Least of all RDOS would not be apprised by individual lot owners for any of the activities in section 3. In fact Fire Smarting activity exclusions within 10 meters of a building contravenes the recommended guidelines for interface fire hazard mitigation. Anarchist Mountain (mostly Regal Ridge residents) have had Firesmart Recognition status for the past 6 years and were one of the first communities in BC to be recognized. This is because we, as a community and individual land owners care about the environment and the destruction to flora and fauna that a major fire would create, therefore we have raked, scraped the ground and picked up dead brush beyond the 10 meters of our buildings and in common areas. Where is the consistency and how effective is the plan to the overall strategy. What does an individual ESDP for Bernie Langlois or the general “John Smith” do for preserving biodiversity in the Okanagan Valley?
- iv. What about the deforestation and clear cutting of trees adjacent to the Environmentally Sensitive area? How does that interface with this program?
- v. One of the purposes of this program is to protect and encourage growth in all wildlife by protecting their habitat, food and water sources. What good is that if hunters are allowed to come and destroy both animals and habitat within or in close proximity to this environmentally sensitive area?

### 3. Accountability

- a. AS mentioned the accountability from this plan rests solely on those individuals who are coerced (with a threat of not getting a building permit) into getting an ESDP and hopefully they abide or adopt the recommendations in the report. All others in the community know nothing or very little about conservation other than their own



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intuitive methods. How does this meet the objectives of “Keeping Nature in our Future”

- b. Not complying with the ESDP process results in an enforcement procedure that includes putting a notice on title of a non-permitted building on the property. No one is against getting a building permit . It is the ESDP that is questionable and onerous. Many residents are avoiding the whole building permit process for outbuildings because of ESDP. Enforcement is inconsistent by RDOS and unfairly tasked RDOS inspectors.
- c. The plan is erroneous, unfairly burdens land owners financially and is punitive in its’ approach as opposed to collaborative. RDOS are not a fully vested partner in the process but only the body that makes the rules and to get recognition from senior biodiversity groups and provincial government.

#### What is the alternative

The “Keeping Nature in our Future” document provides numerous directives, strategies and recommendations as follows:

#### Page 6 . Strategic Directions for Senior Government

2)Improve implementation of conservation initiatives; promote interagency cooperation, and enforcement of senior legislation, regulations and standards.

3) Manage ecological values on provincial and federal crown lands in a manner that leads by example.

4) Improve the efficiency and effectiveness of environmental mitigation and compensation programs.

6) Support land owners, managers and other stakeholders to conserve biodiversity with financial and technical assistance.

#### Page 54. Examples of Incentives for Landowners and Developers

- Providing resources to help landowners and developers understand the financial benefits of ecological development approaches
- Exempting eligible riparian property from property taxes if a property is subject to a conservation covenant registered under section 219 of the Land Title Act
- Reducing fees for applications that meet certain environmental criteria
- Providing free technical assistance and recognition for land conservation.

#### Page 71. Regional Growth Strategy Support for the Biodiversity Conservation Strategy

- 1) Meet with environment partners to develop a regional approach to biodiversity conservation and work with the RDOS Board toward coordinated biodiversity conservation and ecosystems protection.

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- 2) Support the development of an inter-regional Biodiversity Conservation Strategy by collaborating with ecosystems experts, including those with traditional ecological knowledge, and balance ecosystems interests with economic and social sustainability.
  - 4) Monitor the effectiveness of Regional Growth Strategy ecosystems actions, including annual indicators for key ecosystems measures.

These are only some of the suggestions, directives and strategies that I do not see within the current plan.

#### Suggestions

- Scrapping the current ESPD system including redoing the red zoning maps to exclude private property and focus on community initiatives described below.
- A collaborative approach where all stakeholders prepare the strategies for a particular area/municipality/community/ neighborhood and share in the executive actions and reap the rewards would be much more effective than the punitive approach on individual land owners. The stakeholders would be RDOS, ecosystem experts, community leads and other interested and committed individuals.
- An approach similar to the FireSmart program where objectives for achieving status are outlined to the community. Experts are brought in to explain criteria and what needs to be done. Every year the same and new objectives are added in order to achieve status and maintain designation.
- A number of rewards and incentives could be designed and offered to communities or neighborhoods that achieve proposed biodiversity objectives including public recognition in the form of plaques/signs/announcements, tax deductions for ESDP for every individual in the community, grants for environmental projects for the following year, etc...
- It is critical that a system of monitoring and measurement be established to provide a baseline and gauge on-going progress.

**TO:** Planning & Development Committee

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

**DATE:** May 23, 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 Amendment Bylaw No. 2849, 2019, be amended to incorporate the following changes:**

- 1. “cannabis production” no longer be listed as a permitted type of “home industry” use;**
  - 2. a new definition of “micro cannabis production facility” be introduced;**
  - 3. “micro cannabis production facility” be introduced as a permitted accessory use in the Resource Area, Agriculture and Large Holdings zones;**
  - 4. introduce a new set of General Regulations related to “micro cannabis production facilities”;**
  - 5. the definition of “cannabis production” be amended to refer to indoor operations (other than “micro cannabis production facility”); and**
  - 6. references to “soil-less medium production facilities” under zoning setback requirements be amended to “production facilities” and “greenhouses”.**
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## **Purpose:**

The purpose of this report is to seek direction from the Board with regard to amendments to Draft Amendment Bylaw 2849, which is proposing to update the regulations related to cannabis production facilities, home occupation uses and home industry uses in the Electoral Area Zoning Bylaws.

## **Background:**

On July 13, 2018, the provincial government passed Order-in-Council No. 380, thereby allowing local governments to regulate the production of cannabis in the Agricultural Land Reserve (ALR), unless production involved the following (which local government could not regulate):

- production outside in a field; or
- inside a structure that has a base consisting entirely of soil.

In response, and 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.”

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

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In response, and at its meeting of March 21, 2019, the Planning and Development (P&D) Committee of the RDOS Board resolved to make an allowance for cannabis production as a form of “home industry” in Draft Amendment Bylaw 2849.

As a “home industry” use, cannabis production would, amongst other things, be limited to a maximum floor area of 200 m<sup>2</sup> on parcels with a minimum land area of 2.0 ha.

At its meeting of May 9, 2019, the Board resolved to defer consideration of 1<sup>st</sup> reading of Amendment Bylaw 2849, 2019, in order to consider alternative regulations related to “home industries” (i.e. floor area for cannabis production facilities and nuisance provisions) as well as regulations governing outside production of cannabis.

**Analysis:**

In response to the concerns raised by the Board at its meeting of May 9, 2019, Administration offers the following options for consideration:

Cannabis Production as a “Home Industry”:

Amendment Bylaw No. 2849 is proposing that cannabis production facilities undertaken as a “home industry” comply with the maximum floor area allowance for this type of use of 200 m<sup>2</sup>.

In response to this proposal, the Regional District has received representations from applicant’s seeking micro cultivation/processing licenses from Health Canada stating that this floor area allowance is inadequate.

These applicant’s have pointed out that the maximum growing “canopy” allowed by Health Canada was 200 m<sup>2</sup>, but that such licenses also require additional floor space for packing, processing, storage, testing, staff areas, etc. In light of these other requirements, a 200 m<sup>2</sup> limit on all aspects of a micro license operation would, they believe, render the use un-economical.

Conversely, the Regional District received representations from property owners near proposed production facilities concerned that allowing cannabis production facilities as a form of home industry will adversely impact on the use and enjoyment of their properties.

In addition, concern was expressed about allowing cannabis production facilities as a permitted use as this would remove the ability of residents and property owners to be notified of development proposals and provide input through the types of public consultation processes associated with a rezoning or Temporary Use Permit (TUP) application.

For these reasons, the Regional District was encouraged to not permit cannabis production facilities as a form of home industry use.

In light of this feedback, Administration considers there to be merit in separating the micro production of cannabis from the home industry use, creating a new set of General Regulations and allowing as a permitted accessory use in the Resource Area, Agriculture and Large Holdings zones:

Proposed definition:

**“micro cannabis production facility”** means the small-scale 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.

Proposed Regulations:

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## 7.XX Micro Cannabis Production Facility

The following regulations apply to micro cannabis production facilities where permitted as a use in the bylaw:

- .1 No micro cannabis production facility shall be permitted on a parcel less than 4.0 hectares in size.
- .2 The maximum floor area utilized for a micro cannabis production facility, including the storage of materials, commodities or finished products associated with the micro cannabis production facility shall not exceed 400.0 m<sup>2</sup>.
- .3 A micro cannabis production facility shall be conducted within an enclosed building or structure.
- .4 No retail sales of products produced by the micro cannabis production facility shall be permitted on the parcels.

If the floor area allowance for a micro cannabis production facility is going to be increased from 200 m<sup>2</sup> to 400 m<sup>2</sup>, Administration believes that similar consideration should be given to increasing parcel size requirements from 2.0 ha to 4.0 ha. Doing so could create a potentially greater buffer between the production facility and adjacent properties.

For these reasons, it is recommended that “micro cannabis production” be listed as a permitted accessory use in RA, AG1, AG2, AG3, LH1 & LH2 Zones – all of which have a minimum parcel size for subdivision of 4.0 ha and that this be reinforced through a requirement in the proposed general regulations for a minimum land area of 4.0 ha.

Finally, it is proposed to replace all references to “soil-less medium production facilities” under the setback requirements in the Rural zones with “production facilities” and “greenhouses” in order to clarify that these types of structures must be setback the prescribed 15.0 metres.

### Outdoor Growing of Cannabis:

While the *ALC Use Regulation* allows for outdoor production in the ALR, Amendment Bylaw No. 2849, does not and proposes that all production outside of the ALR be in the form of indoor production facilities on lands zoned Industrial.

Based on comments provided by the Board at its meeting of May 9, 2019, it is understood that this may not have been the intent of the Board’s previous direction from its meeting of September 6, 2018.

In response, Administration is proposing that the definition of “cannabis production” be amended to include a reference to “indoors”:

**“cannabis production”** means the indoor 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, or production outside in a field;

In this way, the “outdoor” production of cannabis in a field would revert to the definition of “agriculture” (i.e. as a medicinal crop) and would be permitted in all zones in which agriculture is listed as a permitted use.

---

The Board is asked to be aware, however, that this change would retain the ability for property owners whose land is zoned Small Holdings to undertake the outdoor production of cannabis as “agriculture” as a listed use in these zones.

Odour:

At its meeting of May 9, 2019, the Board expressed concern about odour and the ability of the Regional District to enact bylaws to govern discharge from production facilities.

While the Regional District could explore this option through nuisance regulations, the adoption of such regulations would create expectations within the community about the ability of the Regional District to police bad operators, while Administration considers that practical enforcement would pose a significant challenges.

If the Board is concerned about odours from micro production facilities, Administration considers the most prudent course of action to be further prohibiting such facilities in areas where odour is not desired. In this regard, Administration believes it has struck the right balance by allowing the indoor production of cannabis only on parcels greater than 4.0 Ha.

**Alternatives:**

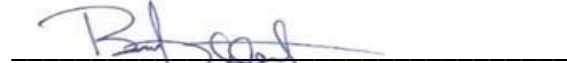
- .1 THAT the Board of Directors not amend Amendment Bylaw No. 2849; or
- .2 THAT the Board of Directors not proceed with Amendment Bylaw No. 2849; or
- .3 THAT the Board of Directors initiate Amendment Bylaw No. 2849, subject to the following amendments:
  - i) *TBD.*

**Respectfully submitted:**

**Endorsed by:**



C. Garrish, Planning Manager



B. Dollevoet, General Manager of Dev. Services

**BOARD of DIRECTORS MEETING**

Thursday, May 23, 2019

1:30 p.m.

**BOARD MEETING AGENDA**

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**A. ADOPTION OF AGENDA**

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

**THAT** the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of May 23, 2019 be adopted.

---

**B. MINUTES**

1. OSRHD Board Meeting – March 21, 2019

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

**THAT** the Minutes of the March 21, 2019 Okanagan-Similkameen Regional Hospital District Board meeting be adopted.

---

**C. FINANCE**

1. Capital Update – for information only

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**D. ADJOURNMENT**

**Minutes are in DRAFT form and are subject to change pending  
approval by the Regional District Board  
BOARD of DIRECTORS MEETING**

Minutes of the Board Meeting of the Okanagan-Similkameen Regional Hospital Board (OSRHD) of Directors held at 1:03 pm on Thursday, March 21, 2019, in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**STAFF PRESENT:**

B. Newell, Chief Administrative Officer	J. Kurvink, Manager of Finance
G. Cramm, Administrative Assistant	

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**A. ADOPTION OF AGENDA**

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

**IT WAS MOVED AND SECONDED**

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of March 21, 2019 be adopted. - **CARRIED**

---

**B. MINUTES**

**1. OSRHD Board Meeting – January 17, 2019**

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

**IT WAS MOVED AND SECONDED**

THAT the Minutes of the January 17, 2019 Okanagan-Similkameen Regional Hospital District Board meeting be adopted. - **CARRIED**

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**C. LEGISLATIVE ISSUES**

1. Physician Recruitment – For Information Only
    - a. Interior Health Letter dated February 26, 2019
    - b. [Interior Health Letter dated March 14, 2019](#)
- 

**D. FINANCE**

1. 2019-2023 Five Year Financial Plan Bylaw No. 166, 2019
  - a. Bylaw No. 166, 2019
  - b. Five Year Financial Plan
  - c. Requisition Summary
  - d. Budget – Schedule A

**RECOMMENDATION 3 (Weighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 166, 2019 Okanagan Similkameen Regional Hospital District 2019-2023 Five Year Financial Plan be read a third time and be adopted. - **CARRIED**

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**E. ADJOURNMENT**

By consensus, the meeting adjourned at 1:28 p.m.

APPROVED:

CERTIFIED CORRECT:

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P. Veintimilla  
OSRHD Board Chair

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B. Newell  
Corporate Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, May 23, 2019  
1:40 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 23, 2019 be adopted.

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – May 9, 2019

*THAT the Minutes of the May 9, 2019 Corporate Services Committee meeting be received.*

*THAT the Board of Directors adopt the Terms of Reference for the RDOS Elected Officials Compensation Committee, amended to remove the time commitment.*

*THAT the matter of Elected Official Code of Conduct be postponed until after UBCM.*

##### b. Protective Services Committee – May 9, 2019

*THAT the Minutes of the May 9, 2019 Protective Services Committee meeting be received.*

*That the Board amend the proposed Fire Department Operational Bylaw to add Bylaw No. 1209 to S. 57 – Repeal of Bylaws*

##### c. RDOS Regular Board Meeting – May 9, 2019

*THAT the minutes of the May 9, 2019 RDOS Regular Board meeting be adopted.*

**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 —6822 Leighton Crescent, Electoral Area “C”****i. Permit****ii. Representations**

*THAT the Board of Directors approve Development Variance Permit No. C2019.010-DVP.*

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

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

---

**B. DEVELOPMENT SERVICES – Building Inspection****1. Building Bylaw No. 2805, 2018****a. Bylaw No. 2805**

The proposed bylaw applies to the design, construction or occupancy of new buildings or structures, and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures.

**RECOMMENDATION 4** (Unweighted Corporate Vote – 2/3 Majority)

**THAT Bylaw No. 2805, 2018, being a bylaw of the Regional District of Okanagan-Similkameen for the administration of the building code and regulation of construction, be read a second and third time, as amended, and be adopted.**

---

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

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

**THAT the RDOS direct the owner to bring Parcel A (KH102098), Bock 14, District Lot 99, Yale Division Yale District, Plan 1003 (1879 Columbia Street) 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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**D. DEVELOPMENT SERVICES – Rural Land Use Matters**

1. **Development Variance Permit Application —4090 4<sup>th</sup> Street, Naramata**
  - a. Permit

To allow for the siting of a new house, garage and secondary suite in prescribed setback areas

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

**THAT the Board of Directors deny Development Variance Permit No. E2019.008-DVP.**

---

**E. PUBLIC WORKS**

1. **Grant Application for Oliver Landfill**

To allow Staff to apply for funding for the design and construction of a compost site at the Oliver Landfill capable of processing residential food and yard waste in a manner that will protect the environment and not create nuisances for neighboring properties.

**RECOMMENDATION 7** (Weighted Corporate Vote – Majority)

**THAT Staff submit an application for grant funding application for \$1,200,000 for the Oliver Landfill Compost Site through the B.C. Organics Infrastructure Program;**

**AND THAT the Board supports the project and commits \$400,000 to the project from the Oliver Landfill Reserves, contingent on grant funding;**

**AND FURTHER THAT the RDOS request letters of support for this grant application from the Town of Osoyoos, Town of Oliver and Osoyoos Indian Band.**

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2. **City of Penticton OCP Bylaw Request for Referral Comments from RDOS**
- 

**F. FINANCE**

1. **Area G Community Works (Gas Tax) Reserve Expenditure Bylaw No. 2856**
  - a. Bylaw No. 2856

**RECOMMENDATION 8** (Weighted Corporate Vote – 2/3 Majority)

**THAT Bylaw No. 2856, 2019, Electoral Area “G” Community Works Program Reserve Fund Expenditure Bylaw for the expenditure of up to \$225,000 for the purchase and installation of an emergency generator for the Olalla Water System be read a first, second and third time and be adopted.**

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## G. LEGISLATIVE SERVICES

### 1. Electoral Area Advisory Planning Commissions — 2019 Meeting Schedule Amendment

To amend the 2019 Advisory Planning Commission (APC) meeting schedule in order to incorporate changes for the Electoral Area “F” APC meeting date requested by the Area Director.

**RECOMMENDATION 9** (Unweighted Corporate Vote – Simple Majority)

**THAT the Board of Directors accept the amendment to the 2019 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions.**

---

### 2. Animal Control Officer Appointments

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

**THAT the Board of Directors rescind the appointment of Don Lowndes, of South Okanagan Security Services Ltd., as an Animal Control Officer for the Regional District of Okanagan-Similkameen.**

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### 3. Vermilion Forks Community Forest Corporation (VFCFC)

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

1. **THAT the Director for Electoral Area “H” and Chief Administrative Officer be appointed as the Regional District of Okanagan Similkameen members on the Board of Directors of the Vermilion Forks Community Forest Corporation; and,**
  2. **THAT the Manager of Financial Services be appointed as an Alternate member to the Board of Directors of the Vermilion Forks Community Forest Corporation.**
- 

### 4. Declaration of State of Local Emergency

**RECOMMENDATION 12** (Unweighted Corporate Vote – Simple Majority)

**THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 10 May 2019, at midnight for a further seven days to 17 May, at midnight.**

**THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 17 May 2019, at midnight for a further seven days to 24 May, at midnight.**

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**5. Fire Department Operational Bylaw**

- a. Bylaw No. 2857

**RECOMMENDATION 13**

**THAT Fire Department Operational Bylaw No. 2857, 2019 be given first, second and third readings, and be adopted.**

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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. Board Representation**

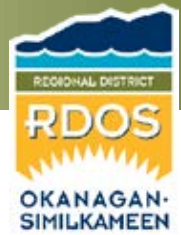
- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
  - b. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) – *Gettens, Obirek (Alternate)*
  - c. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
  - d. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
    - i. MFA Report to Members on Activities October 2018-April 2019
  - 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. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
  - l. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
  - m. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
  - n. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
- 

**3. Directors Motions**

- a. Notice of Motion – Director Monteith  
THAT staff investigate the feasibility of an Electoral Area Committee and the creation of an administration staff position for 2020.
- 

**4. Board Members Verbal Update**

**J. ADJOURNMENT**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Corporate Services Committee

Thursday, May 9, 2019  
12:12 pm

## Minutes

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### MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"	Director S. McKortoff, Town of Osoyoos
Vice Chair M. Bauer, Village of Keremeos	Director S. Monteith, Electoral Area "I"
Director J. Bloomfield, City of Penticton	Director R. Knodel, Electoral Area "C"
Director R. Barkwill, Alt. 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. Kimberley, City of Penticton	

### MEMBERS ABSENT:

Director T. Boot, District of Summerland

### 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 May 9, 2019 be adopted. - **CARRIED**

---

#### B. ELECTED OFFICIAL COMPENSATION REVIEW

1. Committee Report
2. Draft Terms of Reference

##### **RECOMMENDATION 2**

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

THAT the Board of Directors adopt the Terms of Reference for the RDOS Elected Officials Compensation Committee, amended to remove the time commitment. - **CARRIED**

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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**

**It was MOVED and SECONDED**

THAT the matter of Elected Official Code of Conduct be postponed until after UBCM. -  
**CARRIED**

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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**

By consensus, the Corporate Services Committee meeting adjourned at 1:37 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

## Protective Services Committee

Thursday, May 9, 2019  
9:20 a.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 R. Barkwill, Alt. 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. Kimberley, 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 T. Boot, District of Summerland

### 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 Protective Services Committee Meeting of May 9, 2019 be adopted. - CARRIED

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### B. 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 9:20 a.m.

The meeting was opened to the public at 10:37 a.m.

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By consensus, Item D was brought forward.

**D. Delegation – Superintendent Ted De Jager**

Superintendent De Jager addressed the Committee to present the Penticton South Okanagan Similkameen Regional Detachment [quarterly report](#).

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

1. Administrative Report
2. Draft Bylaw

**It was MOVED and SECONDED**

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

Add Bylaw No. 1209 to S. 57 – Repeal of Bylaws

Add Bylaw No. 1125 (West Bench) and Bylaw No. 1197 (Rural Princeton) to Schedule “A”

**DEFEATED**

Opposed: Directors Pendergraft, Bush, Knodel, Obirek, Kozakevich, Gettens, Roberts, Monteith, Vassilaki, Kimberley, Regehr, Bloomfield, Barkwill, Holmes, Veintimilla, McKortoff, S. Coyne, Bauer

**It was MOVED and SECONDED**

That the Board amend the proposed Fire Department Operational Bylaw to add Bylaw No. 1209 to S. 57 – Repeal of Bylaws

**CARRIED**

---

**E. ADJOURNMENT**

By consensus, the Protective Services Committee meeting adjourned at 11:44 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
D. Holmes

Protective Services Committee Chair

\_\_\_\_\_  
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 1:45 p.m. Thursday, May 9, 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 R. Barkwill, Alt. 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. Kimberley, City of Penticton	

### MEMBERS ABSENT:

Director T. Boot, District of Summerland

### STAFF PRESENT:

B. Newell, Chief Administrative Officer	L. Bloomfield, Manager of Engineering
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 May 9, 2019 be amended by adding Item G4 Declaration of State of Local Emergency Approval and remove Item B.1. Untidy Unsightly Property Contravention. – **CARRIED**

#### 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)**

**IT WAS MOVED AND SECONDED**

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

---

2. Consent Agenda – Development Services
  - a. Development Variance Permit Application — 14213 81<sup>st</sup> Street, Electoral Area “A”
    - i. Permit
    - ii. [Response Received](#)  
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
    - ii. [Response Received](#)  
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)**

**IT WAS MOVED AND SECONDED**

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

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**B. DEVELOPMENT SERVICES – Untidy/Unsightly Bylaw Enforcement**

1. Untidy and Unsightly Property Contravention - 1879 Columbia Street, Coalmont, BC  
  
This item was removed from the agenda.
- 

**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 4 (Unweighted Rural Vote – Simple Majority)**

**It was MOVED and SECONDED**

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

**CARRIED**

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

**It was MOVED and SECONDED**

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

**CARRIED**

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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 6 (Unweighted Rural Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the matter of a zoning bylaw amendment for Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I” Cannabis Production Facilities, Home Occupations & Home Industries be referred back to the Planning and Development Committee for discussion. - **CARRIED**

---

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 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 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.

**CARRIED**

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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 8 (Unweighted Corporate Vote – 2/3 Majority)**

**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 read a first, second and third time and be adopted. - **CARRIED**

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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 9 (Weighted Corporate Vote – Majority)**

**It was MOVED and SECONDED**

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.

**CARRIED**

---

**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 10 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

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.

**CARRIED**

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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 11 (Weighted Corporate Vote – Majority)****It was MOVED and SECONDED**

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.

**CARRIED**

**RECOMMENDATION 12 (Weighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

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. - **CARRIED**

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

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

**RECOMMENDATION 13 (Weighted Corporate Vote –Majority)****It was MOVED and SECONDED**

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.

**CARRIED**

---

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

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. - **CARRIED**

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

THAT the Board provide a letter of support for Okanagan Basin Water Board (OBWB) request to the ministers, authorizing the OBWB milfoil de-rooting program to continue. - **CARRIED**

---

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

THAT the Consultant be notified that the Area D/I Economic Development Service Review engagement process must be completed by June 30; and,

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

**CARRIED**

Opposed: Director Holmes

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## ADDENDUM

**4. [Declaration of State of Local Emergency Approval](#)****RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 12 April 2019, at midnight for a further seven days to 19 April 2019, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 19 April 2019, at midnight for a further seven days to 26 April 2019, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 26 April 2019, at midnight for a further seven days to 03 May 2019, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 03 May 2019, at midnight for a further seven days to 10 May 2019, at midnight.

**CARRIED**

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**H. CAO REPORTS****1. Verbal Update**

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**I. OTHER BUSINESS****1. Chair’s Report**

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**J. CLOSED SESSION (if required)****RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

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.

**CARRIED**

The meeting was closed to the public at 3:15 p.m.

The meeting was opened to the public at 3:17 p.m.

---

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

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

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**L. ADJOURNMENT**

By consensus, the meeting adjourned at 3:17 p.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 23, 2019  
**RE:** Development Variance Permit Application — Electoral Area “C”

---

## **Administrative Recommendation:**

**THAT the Board of Directors approve Development Variance Permit No. C2019.010-DVP**

---

Purpose: To allow for the conversion of six (6) existing RV spaces into manufactured home spaces and the splitting of an existing manufactured home space into two.

Owners: 1109808 BC Ltd.                      Agent: David Sereda                      Folio: C-05305.010

Civic: 6822 Leighton Crescent              Legal: Lot A, Plan KAP64520, District Lot 2450s, SDYD

OCP: Low Density Residential (LR)        Zone: Residential Manufactured Home Park (RSM1) Zone

Variance Request: to reduce the maximum distance between a manufactured home space and a fire hydrant connected to the internal water supply of the manufactured home park as measured along the internal and/or external roadway system, from 120.0 metres to 275.0 metres.

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## **Proposed Development:**

The applicant is seeking to vary Manufactured Home Park Regulations Bylaw No. 2597, 2012 by increasing the maximum distance between a manufactured home space and a fire hydrant connected to the internal water supply of a manufactured home park, as measured along the internal and/or external roadway system, from 120.0 metres to 275.0 metres.

The purpose of the variance is to facilitate the issuance of Manufactured Home Park Permit (No. C2018.213-MHP) for the conversion of six (6) existing recreational vehicle (RV) spaces into manufactured home spaces as well as the splitting of an existing manufactured home space into two.

In support of the application, the applicant has stated that the proposal is supported by the Oliver Fire Department, that the Subdivision Servicing Bylaw 2000, 2002, allows up to 300 metres distance between a manufactured home space and a fire hydrant, and that insurance industry standards for fire coverage is typically 300 metres from a fire hydrant, which all existing and proposed homes in the park meet.

## **Site Context:**

The subject parcel is approximately 4.4 hectares in area and is situated on the western boundary of the Town of Oliver (north end of town). The parcel contains Tumbleweed Terrace Mobile Home Park, which currently contains 42 manufactured home spaces and six (6) RV spaces.

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The surrounding pattern of development is predominantly agriculture to the north, south, and west, and Osoyoos Indian Band lands to the east.

**Background:**

The current boundaries of the subject property date to a plan of subdivision registered with the Land Titles Office on March 17, 1998. Regional District records indicate the issuance of several building permits from 1989 to 2002 in relation to additions to mobile homes, while no other permits have been issued.

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the property is designated Low Density Residential (LR), and is subject to Watercourse Development Permit and Environmentally Sensitive Development Permit areas, neither of which is required for this proposal.

Under the Electoral Area "C" Zoning Bylaw, the subject parcel is zoned Residential Manufactured Home (RSM1), wherein "manufactured home park" is a permitted use. The RSM1 Zone is one of five "Low Density Residential Zones" designated in the zoning bylaw.

An application for a Manufactured Home Park Permit has been submitted to the Regional District, the issuance of which is dependent upon this variance request being resolved.

**Public Process:**

Adjacent property owners have received notification of this application with written comments regarding the proposal being accepted until the start of the regular Board meeting.

**Analysis:**

In assessing a variance request to the manufactured home park bylaw, a number of factors are generally taken into account. These include the intent of the bylaw; the presence of any potential limiting physical features on the subject property; and whether the proposed development would have a detrimental impact upon the proposed and/or adjoining uses.

Administration notes that the intent of regulating fire hydrants in a manufactured home park is to ensure sufficient water supply to fight a fire within the park and to prevent its spread to adjoining properties.

In assessing the requested variances, Administration considers that there does not appear to be any potential limiting physical features on the subject property to hinder compliance with the bylaw, and that more than doubling the maximum distance between home space and hydrant from 120.0 metres to 275.0 metres would appear to increase the risk associated with fighting a fire.

Administration recognises, however, that the Regional District's Subdivision Servicing Bylaw allows a distance of 300 metres between fire hydrants and dwelling units in low density residential developments, and that this is greater than the MHP Bylaw.

Further, in an email dated April 30, 2019, Bob Graham, Town of Oliver Fire Chief, stated "the Oliver Fire Department again visited this location with a fire engine and found the access to all the areas to be adequate for our equipment. As stated, we have 2 water tenders and both of our engines also carry a water supply. We feel this would be sufficient to fight a fire in the park given the proximity of

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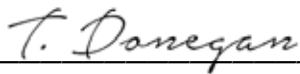
the hydrants close to and in the park. The Oliver Fire Department is not opposed to the expansion of the existing park”;

For these reasons Administration is recommending that this development variance permit be approved.

**Alternatives:**

- .1 THAT the Board of Directors deny Development Variance Permit No. C2019.010-DVP; or
- .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**



T. Donegan, Planning Technician  
Manager

**Endorsed by:**



C. Garrish, Planning Manager

**Endorsed by:**



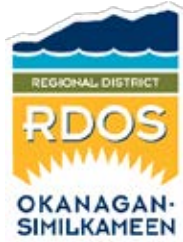
B. Dollevoet, Dev. Services General

Attachments: No. 1 – Site Photos



Attachment No. 1 – Site Photos





# Development Variance Permit

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FILE NO.: C2019.010-DVP

Owner: 1109808 BC Ltd.  
101-198 1865 Dilworth Dr.  
Kelowna, BC V1Y 9T1

Agent: David Sereda  
McElhanney Associates Land Surveying Ltd.  
290 Nanaimo Avenue, West  
Penticton, BC V2A 1N5

## 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' and '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 KAP64520, District Lot 2450S, SDYD

Civic Address: 6822 Leighton Crescent

Parcel Identifier (PID): 024-526-134 Folio: C-05305.010

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Manufactured Home Park Regulations Bylaw No. 2597, 2012, in the Regional District of Okanagan-Similkameen:
  - a) The maximum distance between a manufactured home space and a fire hydrant connected to the internal water supply of a manufactured home space, as measured

along the internal and/or external roadway system, as prescribed at Section 4.12, is varied:

- i) from: 120.0 metres.  
to: 275.0 metres, 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

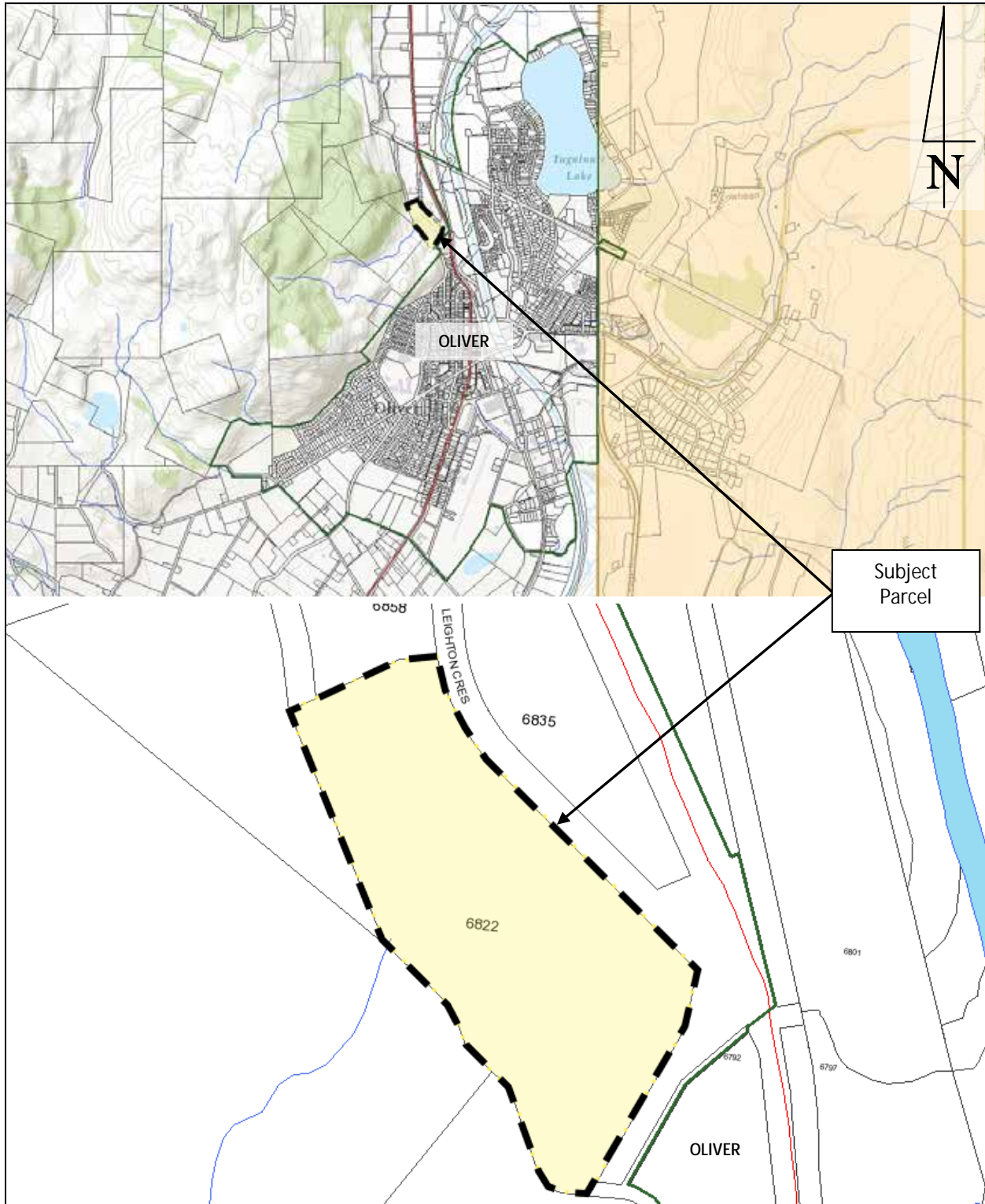
101 Martin Street, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

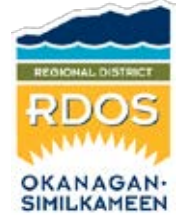
File No. C2019.010-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

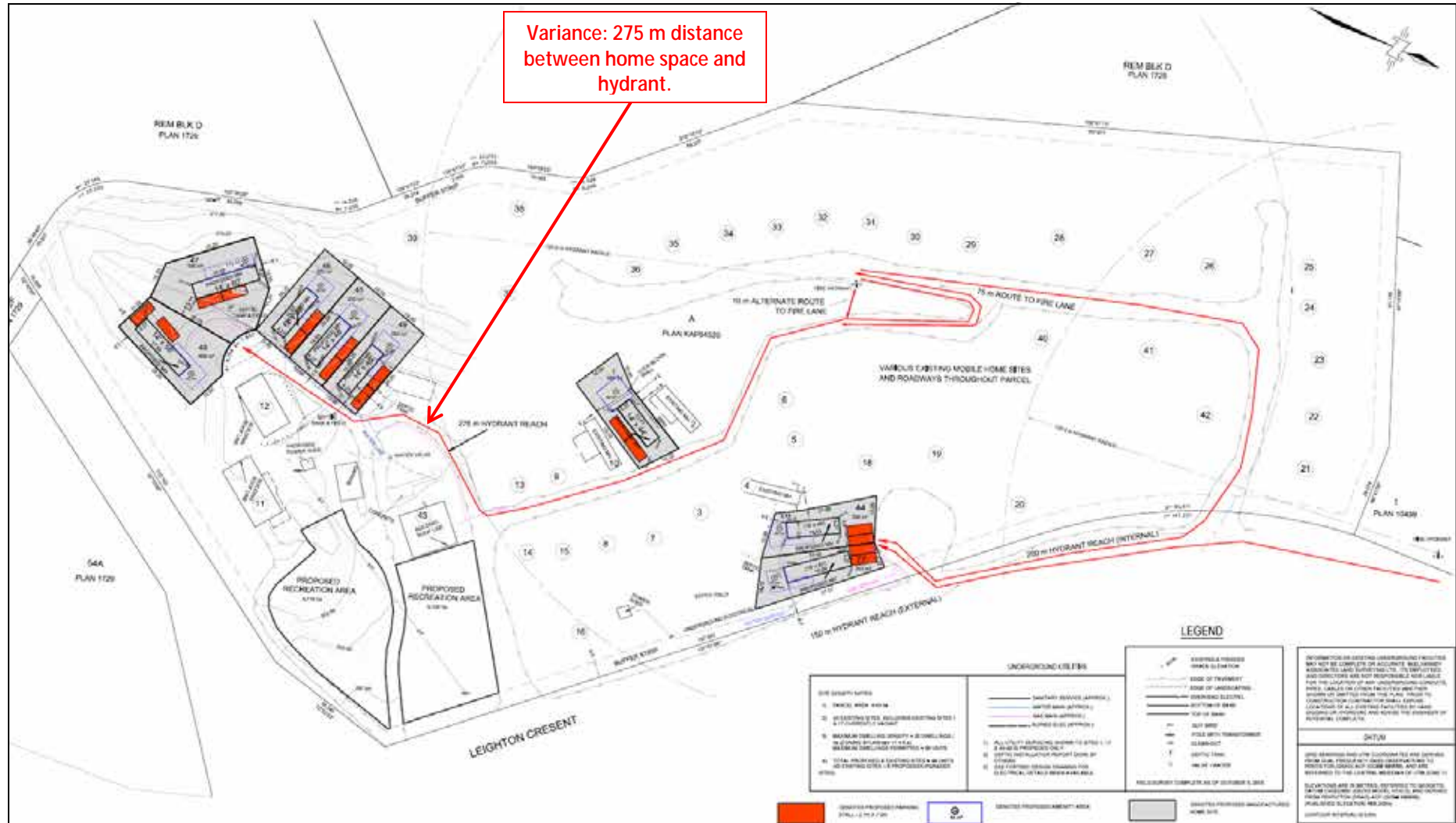
101 Martin Street, Penticton, BC, V2A-5J9  
 Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. C2019.010-DVP

## Schedule 'B'





# Town of Oliver

CANADA'S WINE CAPITAL

In regard to the Tumbleweed Mobile Home Park.

The Oliver Fire Department has visited the site and observed the location of the existing and proposed expansion.

We believe that from the existing hydrants and our 2 water tenders we can provide adequate fire suppression to the entire mobile home park including the expansion as viewed. We have no objection to the additional units being added to the existing park in the locations shown.

Bob Graham

Fire Chief

Oliver Fire Rescue



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** May 23, 2019

**RE:** Building Bylaw #2805, 2018

---

### Administrative Recommendation:

**THAT Bylaw No. 2805, 2018, being a bylaw of the Regional District of Okanagan-Similkameen for the administration of the building code and regulation of construction, be read a second and third time, as amended, and be adopted.**

### Purpose:

The proposed bylaw applies to the design, construction or occupancy of new buildings or structures, and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures.

### Reference:

- [October 4, 2018 Administrative Report](#) – introduction of Building Bylaw #2805, 2018
- [October 18, 2018 Administrative Report](#) - 1<sup>st</sup> reading of Building Bylaw #2805, 2018
- [Farm Building Fact Sheet](#)

### Background:

On October 4, 2018, Administration provided a report to Planning and Development Committee introducing a draft Building Bylaw (Bylaw #2805) for the Board's consideration.

The Building Bylaw #2805, 2018 ("Building Bylaw 2805") was brought forward again on October 18, 2018 for first reading and was then forwarded for public consultation with respect to the changes to the farm building provisions.

Specifically, the provisions with respect to changes to the farm building permits and exemptions were communicated to the public through a Public Outreach Plan (attachment 2) in cooperation with the Regional District's Communications contractor which included distribution of a Fact Sheet to various farming and ranching organizations and winery associations throughout the region. Invitations were extended to host outreach sessions based on expressions of interest from applicable farm organizations and associations. However, no outreach sessions were requested.

## Analysis:

The current RDOS Building Bylaw #2333, 2005 was modelled after the 2002 MIA core sample bylaw and has undergone many amendments since its adoption. Although many of the principles are the same in the newly revised core bylaws released in 2018, the sections have been expanded upon, wording clarified, new sections added and any sections which were ultra vires of the Building Act have been removed.

Building Bylaw #2805 reflects the 2018 MIA core sample bylaw for regional districts. In comparing the draft Bylaw to the previous Building Bylaw #2333 no sections have been removed but there has been expansion and clarification to many of the sections which were discussed at the Planning and Development Committee on October, 4, 2018. A summary of key changes proposed in Building Bylaw #2805 is provided below:

- Expansion of sections on the purpose of the bylaw (part 2), scope and exemptions (part 3), powers of a building official (part 6), registered professional's responsibilities (part 9), permit requirements (part 10), obligations of owner's constructor (part 8), and numbering of buildings (part 13).
- New section on temporary buildings and storage containers (siting permit).
- A new section on the Step Code provisions for future consideration.
- A new section for plumbing (only) permits.
- Revised provisions for farm buildings. The key change here is introduction of an expedited building permit for bona-fide farm buildings less than 600 m<sup>2</sup> on land classed as farm by BC Assessment. These buildings were previously exempt of requiring a permit through application to the RDOS. The proposed fee for these permits is \$250.00 to cover the cost of administration of the permit and one inspection to ensure it is sited correctly and verification of use.

Since first reading the following changes have been made to the draft Bylaw:

1. Exemption of docks with the proposed introduction of foreshore zoning;
2. Changes to the inspection process to reduce the number of inspections – for example:
  - a. accepting photographs of sealed air barrier for radon ground cover;
  - b. accepting test certificate for layout and testing of plumbing systems from a certified plumber in lieu of an inspection;
  - c. inspections for solid fuel burning appliances at framing stage for new construction only.
  - d. Removal of appendices for prescribed forms;
  - e. Include further clarification under the definition of owner;
  - f. Include installation of plumbing systems as a required permit.



It is proposed to have the bylaw effective July 1, 2019 to allow time for administrative changes to forms and documentation and to communicate the adoption of the new bylaw to Development Services customers.

**Alternatives:**

1. That the Board send Building Bylaw #2805, 2018 back to Administration for further review with respect to the following changes:
  - a) *TBD*
2. That the Board not adopt Building Bylaw #2805, 2018.

**Communication Strategy:**

1. New Building Bylaw to be posted on RDOS website including Hot topics;
2. Provision of bylaw to designers, contractors, member municipalities and CHBA;
3. Information pamphlet / brochure to be provided at permit issuance for farm buildings with respect to the process and potential penalty and steps to take if occupancy or use of the building changes.

**Respectfully submitted:**



\_\_\_\_\_  
L. Miller, Building & Enforcement Services Manager

**Endorsed by:**



\_\_\_\_\_  
B. Dollevoet, Development Services General Manager

Attachments: No. 1 – Building Bylaw #2805  
No. 2 – Public Outreach Plan

## Attachment 2

### RDOS Development Services Building Bylaw (Farm Buildings) Public Outreach Plan

#### **Fact Sheet**

Outlines the rationale, cost, requirements of the proposed Farm Building Bylaw.

- è **Add Photos to Fact Sheet**

#### **Fact Sheet Distribution**

- è Send Email/Mail to the following list: Municipalities, RDOS intranet, CBHA, Similkameen Cattlemen's Association, BC Fruit Growers' Association, BC Tree Fruits Cooperative, Naramata Bench Winery Association, Okanagan Falls Winery Association, Oliver Osoyoos Winery Association, Similkameen Independent Winegrowers.
- è Extend invitation to associations to attend an outreach session hosted by RDOS at a date and time to be determined, based on expressions of interest.
  - May require more than one session depending on expressions of interest.
  - Laura & Erick to attend outreach session.
  - Use RDOS or Municipality facility to reduce costs.
- è Upload to RDOS website (Hot Topics & Development Services page) and RDOS Facebook page.
  - Complete this step after associations have been contacted.
- è Print copies and make available at RDOS front counter.
- è Hand out at permit issuance.
- è Display Fact Sheet at key locations throughout RDOS.
- è Ask Municipalities to share and display Fact Sheet.

#### **Media Enquiries**

- è Key talking points based on material contained in Fact Sheet

**REGIONAL DISTRICT OF  
OKANAGAN-SIMILKAMEEN**

**BUILDING BYLAW**

**NO. 2805, 2018**

*A Bylaw for the Administration of the Building Code and Regulation of Construction*

# Table of Contents

PART 1: TITLE.....	1
Citation.....	1
PART 2: PURPOSE OF BYLAW .....	1
PART 3: SCOPE AND EXEMPTIONS.....	2
Application .....	2
Limited Application to Existing Buildings.....	3
PART 4: PROHIBITIONS.....	4
PART 5: PERMIT CONDITIONS.....	4
PART 6: POWERS OF A BUILDING OFFICAL .....	5
Administration .....	5
Refusal and Revocation of Permits .....	5
Right of Entry .....	6
Powers .....	6
PART 7: OWNER’S RESPONSIBILITIES.....	7
Permit Requirements.....	7
Owner’s Obligations.....	7
Damage to Municipal Works.....	8
Demolition .....	8
Notice.....	8
PART 8: OBLIGATIONS OF OWNER’S CONSTRUCTOR .....	9
PART 9: REGISTERED PROFESSIONAL’S RESPONSIBILITIES .....	9
Professional Design and Field Review.....	9
Requirement for a Registered Professional .....	9
Professional Plan Certification .....	10
Alternative Solutions.....	11
PART 10: BUILDING APPLICATION REQUIREMENTS .....	11
Requirements Before Applying for a Building Permit.....	11
Building Permit Applications for Complex Buildings.....	11
Building Permit Applications for Simple Buildings.....	14
Size and Location Information .....	16
Building Permit Fee .....	16
Permit Fee Refunds.....	16

Design Modification .....	17
Construction Before Permit Issued .....	17
Expiration of Application for a Permit .....	17
Issuance of a Building Permit .....	18
Issuance of Partial Permits .....	18
Refusal to Issue Building Permit .....	18
Compliance with the Homeowner Protection Act .....	19
Partial Construction .....	19
Conditions of a Building Permit .....	19
Inspections .....	19
Stop Work Order .....	21
Do Not Occupy Notice .....	21
Inspection and Other Fees .....	22
Permit Expiration .....	22
Permit Extension .....	22
Building Permit Revocation .....	22
Building Permit Cancellation .....	23
Occupancy .....	23
Temporary Buildings .....	24
Siting Permit .....	25
Inspections for Temporary Buildings and Siting Permits .....	25
PART 11: RETAINING WALLS AND GRADES .....	26
PART 12: BUILDING MOVE .....	26
PART 13: NUMBERING OF BUILDINGS .....	26
PART 14: SWIMMING POOLS .....	26
Swimming Pool Permit and Fencing .....	26
Pool Gate .....	27
Maintenance .....	27
Drainage .....	27
PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION .....	27
PART 16: DEMOLITION PERMITS .....	27
Application Requirements .....	27
Demolition Sites .....	28

PART 17: PLUMBING PERMITS.....	28
PART 18: FARM BUILDINGS.....	28
Inspections.....	29
Permit Fees.....	29
PART 19: CLIMATIC DATA.....	29
PART 20: OFFENCES.....	30
Violations.....	30
Deemed Offence.....	30
Ticketing.....	30
Notice on Title.....	30
PART 21: INTERPETATION.....	31
Definitions.....	31
Appendices.....	34
Severability.....	35
PART 22: REPEAL.....	35
PART 23: IN FORCE.....	35
Appendix A – Climatic Data.....	36

Regional District of Okanagan-Similkameen

**BUILDING BYLAW NO. 2805, 2018**

A Bylaw for Administration of the Building Code and Regulation of Construction

---

GIVEN that

- A. The Regional District provides a building regulation service in Electoral Areas A, C, D, E, F, H and I;
- B. The Regional Board may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures for the following:
  - (a) The provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
  - (b) The conservation of energy or water;
  - (c) The reduction of greenhouse gas emissions;
  - (d) The health, safety or protection of persons or property;
- C. The Regional Board is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in the Regional District in accordance with the *Local Government Act* and the *Building Act*;
- D. The Regional District has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Regional Board of the Regional District of Okanagan-Similkameen enacts as follows:

**PART 1: TITLE**

**Citation**

- 1.1 This bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018”

**PART 2: PURPOSE OF BYLAW**

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.
- 2.3 This bylaw is enacted to regulate, prohibit and impose *construction* requirements in the Regional District in the public interest.
- 2.4 The purpose of this bylaw does not extend to
  - (a) The protection of *owners, designers* or *constructors* from economic loss;
  - (b) The assumption by the Regional District or any *Building Official* of any responsibility for ensuring the compliance by any *owner*, his or her representatives or any employees,

- constructors* or *designers* retained by the *owner*, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
- (c) Providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
  - (d) Providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the Regional District is free from latent, or any, defects; or
  - (e) The protection of adjacent real property from incidental damage or nuisance.

## PART 3: SCOPE AND EXEMPTIONS

### Application

- 3.1 This bylaw applies to the geographical area of Electoral Areas A, C, D, E, F, H and I of the Regional District and to land, the surface of water, air space, *buildings* or *structures* in the Electoral Areas.
- (a) This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses) and the alteration, reconstruction, demolition, removal, relocation or occupancy or change of use or occupancy of existing buildings and structures (including on site preparations, interconnection of modules, connection to services and installation of appliances for mobile homes and factory built houses).
- 3.2 This bylaw does not apply to:
- (a) The following matters exempted by Section 1.1 of Division A – Part 1 of the *Building Code*:
    - i. Sewage, water electrical, telephone, rail or similar public infrastructure systems located in a street or a public transit right of way,
    - ii. Utility towers and poles, and television, radio and other communication aerials and towers, excepts for loads resulting for their being located on or attached to buildings,
    - iii. Mechanical or other equipment and appliances not specifically regulated in these regulations,
    - iv. Flood control and hydro electric dams and structures,
    - v. Accessory buildings less than 10m<sup>2</sup> (107 ft<sup>2</sup>) in building area that do not create a hazard,
    - vi. Factory built housing and components complying with CAN/CSA Z240 MH Series standard or A277 series, but this exemption does not extend to on site preparations (foundations, mountings), connection to services and installation of appliances, and
    - vii. Areas that are specifically exempted from provincial building regulations by provincial or federal enactments,



- (b) Non-structural alterations and repairs to single and two-family residential dwelling which alterations do not affect the building envelope, including:
  - i. Re-covering existing roofs;
  - ii. Re-cladding existing exterior walls;
  - iii. Repainting;
  - iv. The repair or replacement of a valve, faucet, fixture or sprinkler head in a *plumbing system* if no change in piping is required;
  - v. Re-covering existing floors;
  - vi. Replacing windows and doors in existing openings (as long as the size does not change);
  - vii. Installation or replacement of gas or electric powered space or water heating fixtures or appliances;
- (c) buildings or structures on a mine site, other than buildings used or intended to be used for residential occupancy and buildings accommodating cooking or sleeping facilities;
- (d) game fences of any height on land classed as farm under the Assessment Act or fences 1.83 metres or less in height except as provided in Part 14 (pools)
- (e) signs with less than 4 square metres of total sign area;
- (f) unroofed residential decks if the deck surface is 600 mm (24 inches) or less above the adjacent ground level, or the adjacent surface within 1.2 m of the walking surface of the deck has a slope of more than 1 in 2;
- (g) public utility water reservoirs, valve chambers, piping and pump-houses and underground tanks;
- (h) Except as set out in Part 11 (Retaining Walls) of this bylaw, a fence;
- (i) A trellis, an arbour, a wall supporting soil that is less than 1.2 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the Regional District's zoning bylaw;
- (j) Docks;
- (k) Areas outside of Electoral Areas A, C, D, E, F, H and I.

### Limited Application to Existing Buildings

- 3.3 Except as provided in the *Building Code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute
- 3.4 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the Regional District, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.5 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *Building Code* and the entire building must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.6 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *Building Code* and the entire building must be made to comply

with this bylaw and the *Building Code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

## PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction, alteration, excavation, reconstruction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction
- (a) except in conformity with the requirements of the *Building Code* and this bylaw; and
  - (b) unless a *Building Official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *final inspection notice* has been issued by a *Building Official* for the *building* or *structure* or the part of the *building* or *structure*; or
  - (b) contrary to the terms of any *permit* issued or any notice given by a *Building Official*.
- 4.3 A person must not knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *Building Official*, or plans and supporting documents which have been filed for reference with the *Building Official* after a *permit* has been issued.
- 4.5 A person must not, unless authorized in writing by a *Building Official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building, structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *Building Official*.
- 4.7 A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the Regional District on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so that it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *Building Official* made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

## PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the Regional District will in any way

- (a) Relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;
  - (b) Constitute a representation, warranty, assurance or statement that the *Building Code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
  - (c) Constitute a representation or warranty that the *building* or *structure* meets any standard of materials or workmanship;
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw, assume, or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code*, this bylaw and all other applicable codes, standards and enactments.

## PART 6: POWERS OF A BUILDING OFFICAL

### Administration

- 6.1 Words defining the authority of a *Building Official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *Building Official* may
- (a) Administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) Keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
  - (c) Establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *Building Code*; and
  - (d) Direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *Building Code*.

### Refusal and Revocation of Permits

- 6.3 A *Building Official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *Building Code* or the provisions of this or any other bylaw of the Regional District, and must state the reason in writing.
- 6.4 A *Building Official* may revoke a *permit* if,
- (a) There is a violation of any condition under which the permit was issued;
  - (b) There is a violation of any provision in the Building Code, this bylaw or any other bylaw of the Regional District;

- (c) The permit was issued in error or on the basis of false or incorrect information; or
- (d) In their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

## Right of Entry

- 6.5 Subject to applicable enactments, a *Building Official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met, or if the *Building Official* has any reason to believe that an unsafe condition exists.

## Powers

- 6.6 Subject to applicable enactments, a *Building Official* may by notice in writing require
- (a) A person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) An *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the Regional District or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *Building Official*;
  - (c) An *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - (d) An *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
  - (e) An *owner* to have work inspected by a *Building Official* prior to covering;
  - (f) An *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *Building Official*;
  - (g) A person to cease any *occupancy* in contravention of a provision of this bylaw;
  - (h) A person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice for the work;
  - (i) An *owner* to correct any *unsafe condition*; and
  - (j) An *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any other enactment.
- 6.7 Every reference to "*owner*" in section 6.6 includes a reference to the *owner's* agent or *constructor*.
- 6.8 Every person served with a notice under this Part must comply with that notice
- i. Within the time ordered, or
  - ii. If no time is ordered, immediately.

## PART 7: OWNER'S RESPONSIBILITIES

### Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to
- (a) *constructing*, repairing or *altering* a *building* or *structure*, including a *pool* or *retaining wall*;
  - (b) moving a *building* or *structure* into or within the Regional District;
  - (c) demolishing a *building* or *structure*;
  - (d) *occupying* a new *building* or *structure*;
  - (e) *constructing* a masonry fireplace or installing a solid fuel-burning appliance or chimney, whether attached to, part of or detached from a *building*;
  - (f) installation of a *plumbing system*;
  - (g) changing the use or *occupancy* of a *building*,
- unless the works are the subject of another valid and subsisting *building permit*.
- 7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

### Owner's Obligations

- 7.3 Every *owner* must
- (a) comply with the *Building Code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *Building Code*, this bylaw or the conditions of a *permit*;
  - (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *Building Official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
  - (c) prior to the issuance of a *building permit*, execute and submit to the Regional District an *owner's* undertaking in the prescribed form, where required by the *Building Official*.
- 7.4 Every *owner* and every *owner's agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirement of the *Building Code*, this bylaw and other bylaws of the Regional District and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *Building Code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* must allow a *Building Official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
- (a) Post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and

- (b) Post the *permit* card on the property so that it may be easily read from the public highway from which the property takes its address
- (c) Provide building officials with safe access to the work site and all areas requiring inspection

### Damage to Municipal Works

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.7 Every *owner* must pay to the Regional District, within 30 days of receiving an invoice for same from the Regional District, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

### Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner*, must
  - (a) Provide to the Regional District a vacancy date; and
  - (b) Ensure that all Regional District services and other services are capped and terminated at the property line in a Regional District standard inspection chamber and valve arrangement, if applicable.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.
- 7.10 No owner shall permit noxious or deleterious materials to escape from any demolition site by any means.

### Notice

- 7.11 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *Building Official* of the date on which the *owner* intends to begin such work.
- 7.12 Every *owner* must give written or online notice to a *Building Official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.13 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *Building Official* new letters of assurance.
- 7.14 Without limiting sections 10.30 to 10.44, every *owner* must give at least 48 hours' online or written notice to a *Building Official*
  - (a) Of intent to cover work that is required or ordered to be corrected during *construction*;
  - (b) Of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) When the work has been completed so that a final inspection can be made.

- 7.15 Every *owner* must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the RDOS Fees and Charges Bylaw immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.16 Every *owner* must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this bylaw.

## **PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR**

- 8.1 Every *constructor* must ensure that all *construction* is completed in compliance with all requirements of the *Building Code*, this bylaw and all other applicable codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

## **PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 9.1 The provision by the *owner* to the Regional District of Letters of Assurance in accordance with the requirements of the *Building Code* shall occur prior to
- (a) The pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) A final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Regional District with Letters of Assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7., Division C, of the *Building Code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *Building Code*, they must also provide proof of professional liability insurance to the *Building Official*.

### **Requirement for a Registered Professional**

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7., Division C, of the *Building Code*, in respect of a *permit* application
- (a) Prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) Prior to a final inspection for a *simple building* in circumstances where letters of assurance have been received in accordance with the requirements of the *Building Code*, in which case the *owner* must provide the Regional District with letters of assurance in the form of Schedules C-A or C-B as appropriate, referred to in subsection 2.2.7., Division C, of the *Building Code*;

- (c) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *Building Code*;
  - (d) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
  - (e) for a *building* in respect of which the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*;
  - (f) if the *building* envelope components of the *building* fall under Division B Part 3 of the *Building Code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 or the *Building Code*, and
  - (g) for a parcel of land on which a *building* or *structure* is proposed if the *Building Official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
    - i. for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
    - ii. that the plans submitted with the application comply with the relevant provisions of the *Building Code* and applicable bylaws of the Regional District.
- 9.4 The *Building Official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

### Professional Plan Certification

- 9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7., Division C, of the *Building Code* referred to in sections 9.1 and 9.3 are relied upon by the Regional District and its *Building Officials* as certification that the design and plans to which the letters of assurance refer comply with the *Building Code*, this bylaw and other applicable enactments.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *Building Code*.
- 9.7 For a building permit issued for the construction of a *complex building*, the *Building Official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments. Any failure on the part of the *Building Official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the Regional District or its *Building Officials* on the *registered professionals*.
- 9.8 When a *building permit* is issued for a *complex building* in accordance with this bylaw, the permit fee required by the RDOS Fees and Charges Bylaw shall be reduced by 25%.
- 9.9 When a *building permit* is issued for a *simple building* in accordance with Part 9 of this bylaw, the permit fee required by the RDOS Fees and Charges Bylaw shall be reduced by 10%.



## Alternative Solutions

- 9.10 An *owner* who wishes to provide alternative solutions to satisfy one or more of the requirements of the *Building Code* or this bylaw, must submit sufficient evidence, certified by a professional engineer or architect, to demonstrate that the proposed alternative solutions will provide the level of performance required by the *Building Code* or this bylaw and pay the fee specified in the RDOS Fees and Charges bylaw.

## PART 10: BUILDING APPLICATION REQUIREMENTS

### Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the Regional District's Official Community Plan as a development permit area;
  - (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the Regional District, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
  - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
  - (d) the *owner* must provide evidence to the *Building Official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
  - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Regional District's sewage disposal system, the *owner* must apply for and obtain approval from the Regional District and other applicable public authorities for an alternate *private sewage disposal system*;
  - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the Regional District's waterworks system, the *owner* must apply for and obtain approval from the Regional District and other applicable public authorities for an alternative water supply system; and
  - (g) if all on site and off site works and services required by a Regional District bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the Regional District and deliver to the Regional District letters of credit or cash security for completion of the works and service.

### Building Permit Applications for Complex Buildings

- 10.2 An application for a *building permit* with respect to a *complex building* must
- (a) be made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;

- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* showing
  - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
  - ii. the legal description and civic address of the parcel;
  - iii. the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - iv. the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - vi. north arrow;
  - vii. if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
  - viii. zoning compliance summary;
  - ix. the location, dimensions and gradient of parking and parking access;
  - x. proposed and *existing* setbacks to property lines;
  - xi. natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
  - xii. first storey floor elevation;
  - xiii. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
  - xiv. line of upper floors;
  - xv. location and elevation of curbs, sidewalks, manholes, and service poles;
  - xvi. location of *existing* and proposed service connections;
  - xvii. location and species of all trees greater than 10 centimetres in diameter;
  - xviii. location of top bank and water courses;
  - xix. access routes for firefighting;
  - xx. *accessible* paths of travel from the street to the *building*;
  - xxi. geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the Regional District's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

except that the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and construction systems;
- (i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the Regional District zoning bylaw and development permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *Building Code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7. Division C, of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the construction of the *building*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 20%.

10.3 In addition to the requirements of section 10.2 of this bylaw, a *Building Official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant

- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the Regional District's subdivision and development servicing bylaw;
- (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
- (c) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

## Building Permit Applications for Simple Buildings

- 10.4 An application for a *building permit* with respect to a *simple building* must
- (a) be made in the form prescribed by the *Building Official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
  - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
  - (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
  - (e) include a site plan showing
    - i. the bearing and dimensions of the parcel taken from the registered subdivision plan;
    - ii. the legal description and civic address of the parcel;
    - iii. the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
    - iv. the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
    - v. setbacks to the natural boundary of any lake, swamp, pond or watercourse;
    - vi. north arrow;
    - vii. if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
    - viii. the location, dimensions and gradient of parking and parking access;
    - ix. proposed and *existing* setbacks to property lines;
    - x. natural and finished grade at *building* corners and datum determination points;
    - xi. *first storey* floor elevations;
    - xii. location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
    - xiii. line of upper floors;
    - xiv. location and elevation of curbs, sidewalks, manholes and service poles;
    - xv. location of *existing* and proposed service connections;
    - xvi. location and species of all trees greater than 10 centimetres in diameter;
    - xvii. location of top bank and water courses;
    - xviii. access routes for firefighting;
    - xix. *accessible* paths of travel from the street to the *building*;
    - xx. zoning compliance summary; and
    - xxi. the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the Regional District's land use regulations or provincial floor mapping regulations establish siting requirements related to minimum floor elevation,

except that for a *simple building* the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

- (f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the Regional District zoning and development permit;
- (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code*;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *Building Code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1.(2), Division C of the *Building Code*.

10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *buildings* or *structure* or siting circumstances warrant,

a *Building Official* may require the following be submitted with a permit application for the construction of each *simple building* in the *project*;

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;

- (g) letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and
  - (h) any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.
- 10.6 The *Building Official* may waive requirements of this section in whole or in part, where the permit is sought for a project of limited scope.

### Size and Location Information

- 10.7 Without limiting sections 10.2(f) or 10.4(d) of this Part, the *Building Official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to
- (a) establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
  - (b) verify, on completion of the *construction*, that all provisions of this and other applicable bylaws have been complied with;
  - (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
  - (d) in relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

### Building Permit Fee

- 10.8 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the Regional District
- (a) a non-refundable plan-processing fee in accordance with the RDOS Fees and Charges Bylaw. If a permit is issued the plan processing fee shall be credited to the building permit fee;
  - (b) the *building permit* fee prescribed in the RDOS Fees and Charges Bylaw; and
  - (c) any fees, charges, levies or taxes imposed by the Regional District and payable under an enactment at the time of issuance of the *building permit*.

### Permit Fee Refunds

- 10.9 No fee or part of a fee paid to the Regional District may be refunded if construction of the *building* has started.
- 10.10 The building official may approve a refund of an application fee or portion thereof only if plan checking has not commenced.

- 10.11 A *building permit* or other *permit* fee may be partially refunded as set out in paragraph 10.53, only if
- (a) the *owner* has submitted a written request for a refund;
  - (b) the *Building Official* has certified a start has not been made on the construction of the *building* or *structure*; and
  - (c) the *permit* has not expired.
- 10.12 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.48 of this Part.
- 10.13 Except as otherwise provided in this bylaw, all fees and charges paid or payable under this bylaw shall be non-refundable.

### Design Modification

- 10.14 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the Regional District a *building permit* fee based on the plan review hourly rate set out in the RDOS Fees and Charges Bylaw.

### Construction Before Permit Issued

- 10.15 If any construction for which a permit is required by this by-law has commenced before a building permit is issued by the *Building Official*, the *owner* of the real property on which the *construction* is being done shall pay to the Regional District as follows:
- (a) An additional charge equal to 25% of the building permit fee as prescribed in the RDOS Fees and Charges Bylaw prior to obtaining the required building permit if a completed application is received within 30 days of notification that a building permit is required;
  - (b) If a Stop Work Order or Do Not Occupy Notice is issued and remains outstanding for 30 days, the permit fee pursuant to the RDOS Fees and Charges Bylaw shall be doubled, to a maximum of \$10,000.00;
- 10.16 If construction has advanced without inspection to a stage where compliance with this bylaw or other applicable bylaws or enactments cannot be readily determined, the building official may require tests and investigations by an independent agency at the owner's expense to establish compliance or provided recommended remedial measures to be taken, prior to the issuance of a permit.

### Expiration of Application for a Permit

- 10.17 A *building permit* or other *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or other *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the Regional District.
- 10.18 When a *building permit* or other *permit* application is cancelled:
- (a) The application fee is forfeited to the Regional District; and
  - (b) The plans and related documents submitted with the application may be destroyed.

## Issuance of a Building Permit

10.19 Each building, structure or part thereof constructed on a site requires a separate permit and shall be assessed a separate permit fee based on the value of that building, structure or part thereof.

10.20 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.8 to 10.16 of this Part and the RDOS Fees and Charges Bylaw;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw;
- (f) the *owner* has provided a hazardous materials assessment and remediation compliance letter or clearance letter for additions, alterations or demolitions to buildings constructed prior to 1992; and
- (g) no covenant, agreement, resolution or regulation of the Regional District requires or authorizes the *permit* to be withheld,

the *Building Official* must issue the *permit*, in the form prescribed by the *Building Official*, for which the application is made, and the date of issuance is deemed to be the date the Regional District gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

## Issuance of Partial Permits

10.21 The *Building Official* may issue a permit for a portion of a *building* or *structure* before the design, plans and supporting documents for the entire *building* or *structure* have been reviewed provided sufficient information has been provided to the Regional District to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and any other applicable Regional District bylaws and the permit fee applicable to that portion of the *building* or *structure* has been paid. Notwithstanding the issuance of the permit, the requirements of this bylaw shall apply to the remainder of the *building* or *structure* as if the permit for the portion of the *building* or *structure* had not been issued.

## Refusal to Issue Building Permit

10.22 Despite section 10.20, the *Building Official* may refuse to issue a *permit* when

- (a) the *owner* has been notified of a violation of this bylaw about the construction, occupancy or use of any other *building* or *structure* or part thereof, by the *owner* on the property, and such violation has not been remedied;
- (b) the results of the tests referred to in Section 6.2(d) are not satisfactory to the *Building Official*; or
- (c) the parcel referred to in the permit application does not have vehicular access



## Compliance with the Homeowner Protection Act

- 10.23 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*
- (a) is covered by home warranty insurance; and
  - (b) the *constructor* is a licensed “residential builder” as defined in that Act.
- 10.24 Section 10.23 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.
- 10.25 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

## Partial Construction

- 10.26 If a site has been *excavated* under a *building permit* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.46, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the Regional District to do so.
- 10.27 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *Building Official* under section 10.48, permanent type fencing with privacy screen complying with the Regional District’s Zoning Bylaw, must be erected around the *building* site for protection to the public.

## Conditions of a Building Permit

- 10.28 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *Building Official* in writing, the *Building Official* has authorized the transfer or assignment in writing and the *owner* has paid the non-refundable fee required under the RDOS Fees and Charges Bylaw. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.29 The review of plans and supporting documents and issuance of a *building permit* do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

## Inspections

- 10.30 Despite the requirement for the *Building Official’s* acceptance of the work outlined in Section 10.33, if a *registered professional* provides letters of assurance the Regional District will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *Building Code* as assurance that the aspects of the *construction* referenced by those letters of assurance substantially conforms to the design, plans and specifications and the construction complies with the *Building Code*, this bylaw and

other applicable enactments respecting safety. Copies of all field reviews must be submitted to the Regional District.

- 10.31 Despite section 10.30 of this Part, a *Building Official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.32 A *Building Official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.
- 10.33 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the Regional District when requesting an inspection and must obtain an inspection and receive a *Building Officials'* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading and removal of debris from the site;
  - (b) Footings/siting, after preparation for footings or alternative methods are complete, prior to placement of concrete;
  - (c) Foundation, after forms for foundation walls are complete, prior to placement of concrete;
  - (d) After damp-proofing and foundation drainage are in place, prior to backfilling;
  - (e) Under-slab plumbing;
  - (f) Under-slab, after slab preparation for soil gas requirements, the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls prior to covering;
  - (g) installation of rough-in plumbing, when complete and under test, prior to covering;
  - (h) factory built chimneys and fireplaces and solid fuel burning appliances:  
**in new structures:** rough-in of factory built chimneys, fireplaces and solid fuel burning appliances, and prior to use; in the case of masonry fireplaces prior to completion of the smoke chamber and again prior to cover up of the masonry flue(s).  
The manufacturer's written instructions and specifications must be made available to the *Building Official* at the time of the inspection(s), including the make, model and specified clearance requirements.
  - (i) framing, sheathing, fire stopping (including drywall in fire separations), fire blocking, bracing, rough plumbing, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (j) insulation, air and vapour barrier;
  - (k) Occupancy and final, after the *health and safety aspects of the work* when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to occupancy.
- 10.34 A *Building Official* will only carry out an inspection under section 10.33 if the *owner* or the *owner's agent* has requested the inspection in accordance with this bylaw.
- 10.35 No person may conceal any aspect of the work referred to in section 10.33 of this bylaw until a *Building Official* has *accepted* it in writing.
- 10.36 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' online or written notice to the Regional District when requesting a preconstruction meeting with the *Building Official* prior to the start of *construction*,

and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;

- (b) give at least 48 hours' online or written notice to the Regional District when requesting a pre-occupancy review coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *Building Official* and Fire Services the compliance with the *health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable Regional District requirements and other enactments respecting safety and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 48 hours prior to the preoccupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *Building Official* the Confirmation of Required Documentation in the prescribed form, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### Stop Work Order

- 10.37 The *Building Official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice in the prescribed form on the premises when it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the Regional District or the applicable provisions of the *Homeowner Protection Act*.
- 10.38 The *coordinating registered professional* may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching a stop work order notice on the premises. The *Building Official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- 10.39 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to the *registered professional's design* or *field review* and the *Building Official* is deemed to have issued a stop work order under section 10.37.
- 10.40 The *owner* must immediately, after the posting of a notice under section 10.37, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the Regional District.
- 10.41 Subject to Section 10.37, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.36 until the stop work order notice has been removed by the *Building Official*.
- 10.42 The notice referred to in section 10.37 and 10.43 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### Do Not Occupy Notice

- 10.43 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy Notice in the prescribed form on the affected part of the *building* or *structure*.

10.44 If a notice is posted under section 10.43, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *Building Code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *Building Official*.

### Inspection and Other Fees

10.45 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the RDOS Fees and Charges Bylaw for

- (a) each subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than two site visits are required for any required inspection;
- (b) a special inspection during the Regional District's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
- (c) An inspection that requires transportation other than by Regional District vehicles or other than during regular hours, the owner shall make arrangements in advance for such inspections and shall pay the Regional District's actual costs.

### Permit Expiration

10.46 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if

- (a) the work authorized by the *permit* is not commenced within six months from the date of issuance of the *permit*;
- (b) work is discontinued for a period of six months; or
- (c) the work is not completed within two years of the date of issuance of the *permit*.

10.47 When a permit has expired, no *construction* or other work may continue or commence until a valid permit authorizes the work.

### Permit Extension

10.48 A *Building Official* may extend the period set out under section 10.46 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

- (a) application for the extension is made prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in the RDOS Fees and Charges Bylaw has been paid.

### Building Permit Revocation

10.49 The *Building Official* may revoke a *building permit* if

- (a) there is a violation of
  - i. a condition under which the *permit* was issued; or
  - ii. a requirement of the *Building Code* or of this or another bylaw of the Regional District,

- (b) the permit was issued in error;
- (c) the *Building Official* determines that an *owner*, or his or her *agent*, has provided false or misleading information on the application or otherwise obtained the permit fraudulently;

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

### Building Permit Cancellation

- 10.50 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *Building Official*.
- 10.51 On receipt of the written cancellation notice, the *Building Official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 10.52 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *Building Official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 10.53 If a *building permit* application or *permit* has not expired and is cancelled, and construction has not commenced under the *permit*, the *Building Official* may return to the *owner* any fees paid pursuant to the RDOS Fees and Charges Bylaw, less any non-refundable portion of the fee.

### Occupancy

- 10.54 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *Building Official* for
  - (a) The first occupancy of a *building* or *structure* or part thereof after completion *construction*; or
  - (b) Any change of class of occupancy of any *building* or *structure* or part thereof.
- 10.55 A final inspection notice will not be issued unless
  - (a) All letters of assurance have been submitted when required in accordance with this bylaw;
  - (b) All aspects of the work requiring inspection and acceptance pursuant to this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
  - (c) The *owner* has delivered to the Regional District as-built plans of works and *services* in digital format as required by the Regional District;
  - (d) The *owner* has provided to the Regional District a *building* survey prepared by a British Columbia Land Surveyor, as required by a *Building Official*, showing the *building* height, size, location and elevation determined in accordance with the Regional District's land use regulations;
  - (e) All other documentation required under applicable enactments has been delivered to the Regional District; and
  - (f) The *owner* has delivered to the Regional District as-built drawings of the *building* or *structure* in digital format as required by the Regional District.

- 10.56 Where any of the requirements for life and fire safety have been deemed to be satisfied by an alternate solution pursuant to the provisions of the *Building Code*, the *owner* shall submit to the *Building Official*, prior to use or occupancy of the *building* or *structure*, certification from the *registered professional* responsible for the equivalency, that the construction substantially complies with the requirements set out in the alternate solution report.
- 10.57 When a *registered professional* provides letters of assurance in accordance with this bylaw, the Regional District will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design, the Building Code*, this bylaw and other applicable enactments respecting safety.
- 10.58 A *Building Official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when
- (a) That portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and
  - (b) The requirements set out in section 10.55 have been met with respect to it.
- 10.59 A final inspection notice may not be issued unless
- (a) All letters of assurance and the Confirmation of Required Documentation in the prescribed form have been submitted when required in accordance with the requirements of this bylaw;
  - (b) All aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.30 through 10.36 of this bylaw have both been inspected and *accepted*;
  - (c) The *owner* has executed and delivered to the Regional District every agreement, instrument or form required by the Regional District in relation to the work or the site; and
  - (d) All required offsite works respecting safety have been completed.

## Temporary Buildings

- 10.60 Subject to the bylaws and orders of the Regional District, the *Building Official* may issue a *building permit* for the erection of a *temporary building* or *structure* for *occupancy* if
- (a) The *permit* is for a period not exceeding one year; and
  - (b) The *building* or *structure* is located in compliance with the Regional District's zoning bylaw, built in compliance with the *Building Code* and this bylaw, and connected, as required by enactments, to Regional District utility services.
- 10.61 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application in the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include
- (a) Plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
  - (b) Plans and supporting documents showing construction details of the *building* or *structure*;
  - (c) A statement by the *owner* indicating the intended use and duration of the use;
  - (d) Plans and supporting documents showing the proposed parking and loading space;
  - (e) A written description of the *project* explaining why the *building* is temporary;

- (f) A copy of an issued development *permit*, if required;
  - (g) In the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
  - (h) A report or drawing by an engineer, architect or designer confirming compliance with the *Building Code*, this bylaw, the Regional District's zoning bylaw and other applicable bylaws; and
  - (i) In the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.62 Before receiving a *building permit* for a *temporary building* or *structure* for *occupancy*, the *owner* must pay to the Regional District the applicable *building permit* fee set out in the RDOS Fees and Charges Bylaw.
- 10.63 A *permit fee* for a *temporary building* or *structure* is not refundable.

### Siting Permit

- 10.64 Subject to the bylaws and orders of the Regional District, the *Building Official* may issue a *building permit* for the erection or placement of a portable self-contained container. The application must be made in the prescribed form and signed by the *owner* or *agent*, or a signing officer if the owner is a corporation and must include:
- (a) Plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
  - (b) Plans and supporting documents showing construction details of the *building* or *structure*;
  - (c) A statement by the *owner* indicating the intended use;
  - (d) Plans and supporting documents showing the proposed parking and loading space (if applicable);
  - (e) Be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a *signing officer* if the owner is a corporation;
  - (f) A copy of an issued development *permit*, if required; and
  - (g) Include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;

### Inspections for Temporary Buildings and Siting Permits

- 10.65 Despite section 10.33, the *owner* must give at least 48 hours' notice to the Regional District when requesting an inspection and must obtain an inspection and receive a *Building Official's* *written acceptance of the following aspects of the work prior to concealing them*:
- (a) Verification of siting – before concrete is poured or construction commences;
  - (b) Verification of use when the *building* or *structure* is substantially complete.
- 10.66 A *Building Official* may attend periodically at the site of the construction to ascertain whether the work is being carried out in substantial conformance with this bylaw and the *building permit*.

## PART 11: RETAINING WALLS AND GRADES

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.
- 11.4 If a *Building Official* determines that an unsafe condition exists as a result of the construction of a retaining wall requiring a building permit, a guard or fence may be required.

## PART 12: BUILDING MOVE

- 12.1 No person may move a *building* or *structure* into or within the Regional District building regulation service areas
  - (a) Except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *Building Code*; and
  - (b) A *building permit* has been issued for the *building* or *structure*.

## PART 13: NUMBERING OF BUILDINGS

- 13.1 Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the Regional District
  - (a) On or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
  - (b) Until such time as the *building* is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the Regional District may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the *Building Official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

## PART 14: SWIMMING POOLS

### Swimming Pool Permit and Fencing

- 14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.



- 14.2 A permit application for a pool must be accompanied by a plan showing:
- (a) The location of the proposed pool and any accessory *buildings* in relation to all existing *buildings* on the parcel and the parcel boundaries;
  - (b) The type of *construction* and the proposed method of enclosure.
- 14.3 A swimming *pool* must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.2 metres and no openings greater than 100 mm at their greatest dimension.

### Pool Gate

- 14.4 Access through a fence enclosing a swimming *pool* other than through a dwelling, must be through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool* side of the gate.
- 14.5 A swimming *pool* which is located above ground and has vertical sides of at least 1.2 metres may be protected from access by fencing the access ladder with fencing in accordance with section 14.3.

### Maintenance

- 14.6 A person may not use or *occupy* a swimming *pool* unless the *owner* or *occupier* of property on or in which a *pool* is located maintains every fence required under sections 14.3 to 14.5 in good order and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

### Drainage

- 14.7 Drainage from pools must be contained and disposed of on the same property as the pool is located and discharged to the ground where practical to do so.

## PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 Reserved

## PART 16: DEMOLITION PERMITS

- 16.1 Without limiting section 5.1 of this bylaw, a person must not demolish or partially demolish a building or structure without making application and receiving a valid permit.

### Application Requirements

- 16.2 An application for a building permit with respect to a demolition permit must:
- (a) Be made in the prescribed form and signed by the *owner*, or a signing officer if the owner is a corporation;
  - (b) Pay applicable fees pursuant to the RDOS Fees and Charges Bylaw;
  - (c) Provide a site plan showing all buildings and structures and servicing locations;
  - (d) Provide vacancy date;

- (e) Provide a hazardous materials assessment and clearance letter for *buildings* or *structures* constructed prior to 1992;
- (f) Include a Waste Disposal Plan or a Waste Disposal Application for Demolition and Renovation Waste in a form prescribed by the Regional District

16.3 Applications for demolition permits will not be processed until the Disposal Plan or Waste Disposal Application is approved by the Regional District.

### Demolition Sites

- 16.4 The demolition of buildings and structures shall be in accordance with Part 8 of the *Building Code* "Safety Measures at Construction and Demolition Sites".
- 16.5 Where required for industrial and commercial demolition sites the *Environmental Management Act* shall apply.

## PART 17: PLUMBING PERMITS

- 17.1 Without limiting section 5.1 of this bylaw, a person must not install, replace or alter a plumbing system without making application and receiving a valid permit.
- 17.2 An application for a plumbing permit shall
  - (a) Be made in the prescribed form and signed by the *owner, agent* or a signing officer if the owner is a corporation;
  - (b) Include the applicable fee as set out in the RDOS Fees and Charges Bylaw;
  - (c) Include two (2) isometric drawings
- 17.3 The design, installation and maintenance of plumbing systems shall conform to the BC Plumbing Code.

## PART 18: FARM BUILDINGS

- 18.1 Despite section 3.1 and 5.1, building permit fees and inspections do not apply to the following buildings:
  - (a) *Low human occupancy farm buildings* or *structures* less than 20 m<sup>2</sup> (215 ft<sup>2</sup>);
  - (b) *Unenclosed* hay storage *structures* or animal shelters less than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>);
  - (c) Greenhouses up to 190 m<sup>2</sup> (2045 ft<sup>2</sup>) used for the production of agricultural and horticultural produce or feeds

located on land classed as "farm" under the *Assessment Act* for a *bona fide agricultural operation* on the date on which the application was made. *Farm buildings* must be constructed and sited in compliance with all applicable bylaws, enactments and regulations affecting the property.
- 18.2 Subject to the bylaws and orders and requirements contained herein, the *Building Official* may issue a *building* permit for the erection of placement of a *farm building* if

- (a) The *building* or *structure* is a bona fide *farm building* less than 600 m<sup>2</sup> (6458 ft<sup>2</sup>) located on land classed as “farm” under the *Assessment Act* that are designed for “low human occupancy” which fall outside the parameters of section 18.1;
  - (b) The *building* or *structure* is located in compliance with the Regional District’s zoning bylaw and built in compliance with the *Building Code* or the *National Farm Building Code of Canada*;
- 18.3 An application with respect to a *building* or *structure* referred to in sections 18.1 and 18.2 must be made in the prescribed form and signed by the *owner* or *agent*, or a signing officer if the owner is a corporation and must include:
- (a) Plans and supporting documents showing the location and *building* height of the *building* or *structure* on the parcel;
  - (b) Plans and supporting documents showing construction details of the *building* or *structure*;
  - (c) A statement by the *owner* indicating the intended use;
  - (d) Plans and supporting documents showing the proposed parking and loading space (if applicable);
  - (e) be accompanied by the *owner’s* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation; and
  - (f) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application

## Inspections

- 18.4 Despite section 10.33, the *owner* must give at least 48 hours’ *notice* to the Regional District when requesting an inspection and must obtain a inspection and receive a *Building Official’s* written acceptance of the following aspects of the work prior to concealing them:
- (a) Verification of siting – before concrete is poured or construction commences;
  - (b) Verification of use when the *building* or *structure* is substantially complete.
- 18.5 A *Building Official* may attend periodically at the site of the construction to ascertain whether the work is being carried out in substantial conformance with this bylaw and the *building permit*.

## Permit Fees

- 18.6 Before receiving a *building permit* for a *farm building* or *structure*, the *owner* must first pay to the Regional District the building permit fee pursuant to the RDOS Fees and Charges Bylaw.
- 18.7 A *permit fee* for a *farm building* or *structure* is not refundable.

## PART 19: CLIMATIC DATA

- 19.1 The climatic data for the design of *buildings* and *structures* are set out in the attached Appendix A. The *Building Official* shall determine the applicable zone in respect of any particular *building* location.

## PART 20: OFFENCES

### Violations

- 20.1 Without limiting Part 4 of this bylaw, every person who
- (a) Violates a provision of this bylaw;
  - (b) Permits, suffers or allows any act to be done in violation of any provision of this bylaw; and
  - (c) Neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 20.2 Every person who fails to comply with any order or notice issued by a *Building Official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 20.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional fee as outlined in Section 10.15 of this bylaw.

### Deemed Offence

- 20.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 20.5 No person is deemed liable under section 20.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 20.6 Nothing in section 20.5 affects
- (a) The Regional District's right to require and the *owner's* obligation to obtain a *permit*; and
  - (b) The obligation of the *owner* to comply with this bylaw.

### Ticketing

- 20.7 The offences in Schedule A, Appendix 5(A) of the RDOS Bylaw Enforcement Bylaw No. 2507 are designated for enforcement.
- 20.8 The following persons are designated as bylaw enforcement officers for enforcing the offences in the Bylaw Enforcement Notice Bylaw:
- (a) *Building Officials*,
  - (b) and persons designated by the Regional Board as Bylaw Enforcement Officers.

### Notice on Title

- 20.9 Where the Regional District has caused a notice to be filed on the title of a property in accordance with Section 57 of the Community Charter, the notice may be removed provided:

- (a) The owners has obtained a new permit for the correction of the deficient construction;
- (b) The deficient construction has been corrected and completed so that the conditions which gave rise to the filing of the notice have been rectified; and
- (c) The owner has paid the applicable fee set out in the RDOS Fees and Charges Bylaw.

## PART 21: INTERPETATION

21.1 In this bylaw the italicized words and terms have the meanings set out in Section 21.2 of this bylaw.

### Definitions

21.2 In this bylaw:

*Accepted* means reviewed by the *Building Official* under the applicable provisions of the *Building Code* and this bylaw;

*Addition* means an *alteration* to any building which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

*Agent* includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

*Alternative solution* means an alternative solution authorized under the *Building Code*;

*Alteration* means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;

*Architects Act* means the *Architects Act* RSBC 1996, c. 17;

*Bona fide Agricultural Operation* means an operation classified as a farm by the Assessor under the *Assessment Act*;

*Building Code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

*Building Official* means the person designated in or appointed to that position by the Regional District, and includes a building inspector, plan checker, plumbing inspector, designated or appointed by the Regional District, and for certainty the *Building Official* is the "building inspector" referred to in the *Community Charter* and *Local Government Act*;

*Complex building* means:

- (a) A *building* used for a *major occupancy* classified as:
  - i. *Assembly occupancy*;
  - ii. *Care occupancy*;
  - iii. *Detention occupancy*;
  - iv. *High hazard industrial occupancy*;

- v. *Treatment occupancy*; or
- vi. *Post-disaster building*,
- (b) A *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as
  - i. *residential occupancy*;
  - ii. *business and personal services occupancy*;
  - iii. *mercantile occupancy*; or
  - iv. *medium and low hazard industrial occupancy*,

*coordinating registered professional* means a *registered professional* retained pursuant to the *Building Code* to coordinate all design work and field reviews of the *registered professionals* required for a development;

*construct* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

*constructor* means a person who *constructs*;

*Engineers and Geoscientists Act* means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

*Existing*, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;

*Farm Buildings* means a *building* or part thereof which

- (a) does not contain a residential occupancy and is
  - i. associated with and located on land dedicated to farming, and
  - ii. used exclusively for the housing of equipment or livestock, or the growing or production, storage or processing of agricultural and horticultural produce or feeds,
- (b) is a stand alone barn, agricultural storage facility, greenhouse or silo located on land dedicated to farming,
- (c) does not include
  - i. covered riding arenas;
  - ii. structures associated with cannabis production;
  - iii. structures associated with the production of manufactured derivatives from agricultural raw materials (wine, sausages, fruit leathers, jams); or
  - iv. structures which may be used for assembly occupancies.

*Farm Building Code* means the National Farm Building Code of Canada as referenced by the *Building Code*.

*Foundation* means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

*GHG* means greenhouse gas;

*Health and safety aspects of the work* means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *Building Code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

*Low Human Occupancy* (as applying to *farm buildings*) means a *occupancy* having an *occupant load* of not more than one person per 40 m<sup>2</sup> (430 ft<sup>2</sup>) of *floor area* during normal use.

*Owner* means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the prescribed form, and also where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a lessee with authority to build on land;

*Permit* means permission or authorization in writing by the *Building Official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;

*Pool* means any artificial body of water intended for recreational use and having a surface area exceeding 12 square metres in which the depth of water could attain at least 60 centimetres.

*Professional design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

*Project* means any construction operation;

*Retaining wall* means a *structure*, or series of structurally interdependent *structures*, exceeding 1.2 metres in height, measured between the elevation of the ground at the lowest and highest points adjacent to the *structure* or any portion of the *structure*, that holds or retains *soil* or other material behind it. Multiple terraced retaining structures at a ratio of less than 2 horizontal to 1 vertical shall be considered a single structure for calculating height;

*Simple building* means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as

- (a) *residential occupancy*;
- (b) *business and personal services occupancy*;
- (c) *mercantile occupancy*;
- (d) *medium hazard industrial occupancy*; or
- (e) *low hazard industrial occupancy*,

*structure* means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.22 meters in height;

*temporary building* includes a sales office, construction office or a *structure* in which tools are stored during construction of a *building* or other *structure*;

*unenclosed* (as applying to *farm buildings*) means less than 40% of the total perimeter is enclosed by *walls, doors or windows*;

*value of the work* means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
  - i. the declared *value of the work*; or
  - ii. the value calculated pursuant to the RDOS Fees and Charges Bylaw; or
- (b) for all other construction, the greater of
  - i. the declared *value of the work*; or
  - v. the value calculated using a method stipulated in the "Marshall Valuation Service" or "RS Means".

21.3 In this bylaw the following words and terms having the meanings:

- (a) set out in section 1.4.1.2. of the *Building Code* as of the date of the adoption of this bylaw: *accessible, assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, plumbing system, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, or unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.

21.4 Every reference to this bylaw in this or another bylaw of the Regional District is a reference to this bylaw as amended to the date of the reference.

21.5 Every reference to

- (a) the *Building Code* is a reference to the current edition as of the date of issuance of the *building permit*; and
- (b) a section of the *Building Code* is a reference to the applicable successor sections,

as the code or section may be amended or re-enacted from time to time.

21.6 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.

## Appendices

21.7 Appendices A through E are attached to and form part of this bylaw.



## Severability

21.8 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

## PART 22: REPEAL

22.1 Building Regulation Bylaw No. 2333, 2005, as amended, is repealed effective July 1, 2019.

22.2 Despite Section 22.1, with respect to a *building permit* issued on or before July 1, 2019, provisions of Bylaw No. 2333, 2005 shall apply as if the bylaw remained in force.

## PART 23: IN FORCE

23.1 This bylaw comes into force on July 1, 2019.

READ A FIRST TIME this 18<sup>th</sup> day of October, 2018.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Chair

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Chief Administrative Officer

### Appendix A – Climatic Data

Location	Elevation	Design Temperature				Degree Days Below 18°C	15 min rain, mm	One day rain, 1/50, mm	Annual Rain, mm	Moist. Index	Annual Total Prec.	Driving Rain Wind Pressure, Pa, 1/5	Ground Snow Load, kPa, 1/50		Hourly wind pressure		Frost Depth
		January		July 2.5%									Ss	Sr	1/10	1/50	
		2.5%	1%	Dry	Wet												
Town of Osoyoos	285 m	-14	-17	35	21	3100	10	48	275	0.28	310	60	1.1	0.1	0.31	0.4	600 mm
Vaseux, Oliver , Osoyoos, Anarchist Richter Pass	Up to 500 m	-16	-18	33	20	3250	10	48	275	0.28	310	60	1.1	0.1	0.31	0.5	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	500-750 m	-16	-18	33	20	3900	10	48	275	0.28	310	60	2.0	0.1	0.3	0.5	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	750-1000 m	-19	-22	30	20	4400	10	50	320	0.36	500	70	2.9	0.3	0.31	0.4	600 mm
Vaseux, Oliver, Osoyoos, Anarchist Richter Pass	Over 1000 m	-20	-22	29	18	4900	10	50	320	0.36	510	70	4.1	0.3	0.31	0.4	600 mm*
City of Penticton	350	-15	-17	33	20	3350	10	48	275	0.28	300	60	1.3	0.1	0.35	0.45	600 mm
OK Falls, Kaleden & Skaha Lake	Up to 600 m	-16	-18	33	20	3500	10	48	275	0.28	300	60	1.3	0.1	0.4	0.59	600 mm
OK Falls, Kaleden & Skaha Lake	Over 600 m	-16	-18	33	20	3800	10	48	275	0.28	300	60	2.0	0.1	0.4	0.59	600 mm
West Bench/Sage Mesa/Husula	Up to 600 m	-16	-18	33	20	3500	10	48	275	0.28	300	60	1.3	0.1	0.4	0.59	600 mm
Carmi, Falconridge & Twin Lakes	Up to 800 m	-20	-22	31	19	4000	10	50	280	.28	390	60	2.4	0.2	0.35	0.45	600 mm
Carmi, Falconridge & Twin Lakes	Over 800 m	-24	-26	30	19	4350	10	50	280	0.28	430	60	3.1	0.2	0.35	0.45	600 mm
Apex	1840 m	-25	-28	25	19	5850	10	49	200	0.24	580	60	5.5	0.3	0.31	0.40	1200 mm
Naramata, Summerland North & Faulder	Up to 600 m	-18	-20	31	19	3700	10	48	275	0.28	300	60	2.0	0.2	0.34	0.45	600 mm
Naramata, Summerland North & Faulder	600-800 m	-20	-22	31	19	3800	10	50	280	0.28	360	60	2.2	0.2	0.35	0.45	600 mm

Location	Elevation	Design Temperature				Degree Days Below 18°C	15 min rain, mm	One day rain, 1/50, mm	Annual Rain, mm	Moist. Index	Annual Total Prec.	Driving Rain Wind Pressure, Pa, 1/5	Ground Snow Load, kPa, 1/50		Hourly wind pressure		Frost Depth
		January		July 2.5%									Ss	Sr	1/10	1/50	
		2.5%	1%	Dry	Wet												
Naramata, Summerland North & Faulder	Over 800 m	-24	-26	30	19	4200	10	50	280	0.28	410	60	2.8	0.2	0.35	0.45	600 mm
Town of Princeton	655	-24	-29	33	19	4250	10	43	235	0.35	350	80	2.9	0.6	0.28	0.36	600 mm
Princeton area	Up to 850 m	-24	-29	33	19	4250	10	43	235	0.35	350	80	2.9	0.6	0.28	0.36	600 mm
Allison Lake, Tulameen, Coalmont, Chain Lakes, Osprey Lake, Missezula	850-950 m	-24	-29	29	19	4500	10	43	235	0.35	350	80	3.6	0.6	0.28	0.36	600 mm
Allison Lake, Tulameen, Coalmont, Chain Lakes, Osprey Lake, Missezula	950-1100 m	-24	-29	29	19	4700	10	45	260	0.37	500	80	4.4	0.6	0.29	0.37	600 mm
Eastgate, Pasayten Valley, Kennedy Lake	1100 m	-24	-29	29	19	4600	10	45	290	0.39	500	80	4.4	0.6	0.29	0.37	600 mm*
Headwaters/ Elkhart	1300 m	-24	-29	28	19	5000	10	45	220	0.25	490	60	4.2	0.3	0.31	0.41	1200 mm
Manning Park*	Up to 1200 m	-23	-26	29	19	5000	9	90	500	0.63	1200	120	6.8	0.7	0.39	0.50	1200 mm

**NOTE:** For areas and/or elevations not specifically mentioned in Schedule A, the Ground Snow load shall be determined by the **Building Official**.

Climate zones:

**Zone 5 – 3000 to 3999 HDD**

**Zone 6 - 4000 to 4999 HDD**

**Zone 7A – 5000 to 5999 HD**



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** May 23, 2019

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

---

### Administrative Recommendation:

**THAT the RDOS direct the owner to bring Parcel A (KH102098), Bock 14, District Lot 99, Yale Division Yale District, Plan 1003 (1879 Columbia Street) 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, 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 May 7, 2019. 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, Schedule A states that 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 Parcel A (KH102098), Block 14, District Lot 99, Yale Division Yale District, Plan 1003 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 Parcel A (KH102098), Block 14, District Lot 99, Yale Division Yale District, Plan 1003.

**Respectfully submitted:**



L. Miller, Building & Enforcement Services Manager

**Endorsed by:**



B. Dollevoet, Development Services General Manager

Attachments: Schedule A – Parcel map  
Schedule B – Site photographs

**SCHEDULE A**



**SCHEDULE B**





# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 23, 2019  
**RE:** Development Variance Permit Application — Electoral Area “E”

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## **Administrative Recommendation:**

**THAT the Board of Directors deny Development Variance Permit No. E2019.008-DVP**

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Purpose: To allow for the siting of a new house, garage and secondary suite in prescribed setback areas

Owners: April Knox, Garlen Knox & Martin Dicken      Agents: April Knox, Garlen Knox & Martin Dicken

Civic: 4090 4<sup>th</sup> Street, Naramata      Legal: Lot 11, Blk B17, Plan KAP519, DL210, SDYD      Folio: E-00619.000

OCP: Low Density Residential (LR)      Zone: Residential Single Family One (RS1)

Variance to reduce minimum front parcel line setback for a building or structure from 7.5m to 2.42 m

Requests: to reduce minimum rear parcel line setback for a building or structure from 7.5m to 2.33 m

to reduce minimum interior side parcel line setback for a building or structure from 3.0 m to 1.35 m

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## **Proposed Development:**

The applicant is seeking to construct a new dwelling unit along with an attached garage and attached secondary suite on the subject property.

The floor area of the dwelling unit will be approximately 314 m<sup>2</sup> (i.e. 3,380 ft<sup>2</sup>), the floor area of the garage will be approximately 73.6 m<sup>2</sup> (i.e. 792 ft<sup>2</sup>) while the secondary suite will have a floor area of approximately 58 m<sup>2</sup> (i.e. 624 ft<sup>2</sup>).

To accomplish this, the applicants are seeking variances to the following setback requirements:

- to reduce the minimum front parcel line setback from 7.5 metres to 2.42 metres;
- to reduce the minimum rear parcel line setback from 7.5 metres to 2.33 metres; and
- to reduce the minimum interior side parcel line setback from 3.0 metres to 1.35 metres.

In support of this request, the applicant has stated, amongst other things, that the parcel line dimensions of the property are in the form of a “pie shape” which makes compliance with the setbacks difficult. In addition, the variances to the front parcel line setback are adjacent a lake access (road) that will never be built on while the variances to the rear “allows for more consistent separation from neighbours to the east.”

## **Site Context:**

The subject property is approximately 1,301 m<sup>2</sup> in area and is located on the east side of 4<sup>th</sup> Street at its intersection with 1<sup>st</sup> Street and is seen to be comprised of a single detached dwelling and various accessory buildings.

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The surrounding pattern of development is predominantly low density residential with a commercial use (i.e. Royal Anchor hotel) immediately to the east.

**Background:**

The subject property was created by a plan of subdivision prepared on July 8, 1908, while available Regional District records indicate that no previous Building Permits have been issued for this property, indicating that development of the site likely occurred prior to the introduction of building inspection services in the early 1970s.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR), an objective of which is "to manage residential growth in a way that protects the existing quality of life for rural residents, and minimizes negative environmental impacts" and to "encourage high standards that maintain and enhance rural character for ... building design and landscaping for various types of residential developments."

The property is also the subject of a Watercourse Development Permit (WDP) Area designation associated with Okanagan Lake and a permit application has been submitted to the Regional District which is proposing to reduce the Streamside Protection and Enhancement Area (SPEA) setback from 30.0 metres to 15.0 metres (see Attachment No. 2). The reduced SPEA represents a land area of approximately 145 m<sup>2</sup>, or 11.14% of the total property.

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is zoned Residential Single Family One (RS1) Zone, which allows for single detached dwellings as a principal permitted use and secondary suites as permitted accessory uses and establishes setbacks for these from property lines.

The Ministry of Transportation and Infrastructure (MoTI) requires a building setback of not less than 4.5 metres from a property line fronting a provincial public highway. On January 3, 2019, MoTI granted a permit to reduce the setback to 2.41 metres for a building.

The property is seen to possess a geotechnical assessment hazard rating of "hazard of land receiving slide or slump materials from above" (i.e. red zone) and, while mapping is not available, it is assumed to be within the floodplain associated with Okanagan Lake.

At its meeting of April 8, 2019, the Electoral Area "E" Advisory Planning Commission (APC) resolved to defer consideration of this application to their May meeting. At its meeting of May 13, 2019, the Electoral Area "E" APC failed to achieve a quorum and its meeting was cancelled.

**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:**

The use of setbacks in a zoning bylaw are generally to provide a physical separation between the road and residential dwellings, to improve traffic and pedestrian safety, to maintain an attractive streetscape, to discourage overshadowing and loss of privacy on adjacent parcels, and to provide opportunities for openness and landscaping.

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When assessing variance requests, staff will also take into consideration the intent of the zoning; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

Where staff have supported reducing a front setback in the past, this is generally in relation to a significant difference in elevation between the road and the proposed building footprint, or where a neighbourhood was developed before the introduction of zoning and adherence to the prescribed setback would be inconsistent with an established building line on a street.

In this instance, there is no known change in elevation between the property and the road to warrant a reduced front setback while the building line established by development to the south is generally further from the 4<sup>th</sup> Street road dedication than what the applicant is requesting.

While it is recognised that the parcel is somewhat irregular in shape, it also possesses a land area of over 1,300 m<sup>2</sup>, which provides for a sufficient building envelope outside of prescribed setbacks and without the need for encroachments.

While it is further recognised that the proposed new dwelling will not encroach into the setback areas to the same extent as the existing dwelling, the demolition and replacement of a non-conforming structure is also considered to be the preferred juncture at which to seek compliance with the zoning regulations that apply to a property.

Finally, while Administration recognises that this particular section of 4<sup>th</sup> Street is comprised of lake access and that vehicle traffic movements are unlikely to ever be adversely affected as a result of a reduced building setback at this location, residential development occurring in close proximity to these lake accesses is a concern.

In Naramata, the Regional District has entered into an agreement with the Ministry to maintain lake accesses and has zoned those Parks and Recreation (PR) to denote that they are intended for public access. In the past, there have been instances where adjacent property owners have attempted to blur the line between these lake accesses and private lands in order to discourage public use.

For this reason, Administration favours maintaining a clear boundary between the two and this includes adherence to prescribed setback when other options are available (i.e. a suitable building envelope exists outside of the setbacks), and does not support the requested variances.

**Alternatives:**

1. That the Board approve Development Variance Permit No. E2019.008-DVP.
2. That the application be referred to the Electoral Area "E" Advisory Planning Commission.

**Respectfully submitted**

**Endorsed by:**



C. Garrish, Planning Manager



B. Dollevoet, General Manager of Dev. Services

**Attachments:** No. 1 – Aerial Photo (2017)  
No. 2 – Aerial Photo (2007)  
No. 3 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo (2017)

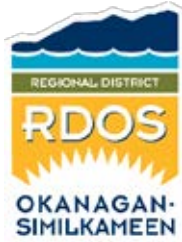


Attachment No. 2 – Aerial Photo (2007)



Attachment No. 3 – Site Photo (Google Streetview)





# Development Variance Permit

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FILE NO.: E2019.008-DVP

Owner: April Knox, Garlen Knox & Martin Dicken  
PO Box 42  
4055 Mill Road  
Naramata, BC, V0H-1N0

## 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', 'E' and 'F', 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 11, Block B17, Plan KAP519, District Lot 210, SDYD

Civic Address: 4090 4<sup>th</sup> Street, Naramata

Parcel Identifier (PID): 012-280-615 Folio: E-00619.000

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
  - a) the minimum front parcel line setback for a building or structure in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(i), is varied:

- i) from: 7.5 metres
  - ii) to: 2.42 metres to the outermost projection as shown on Schedule 'B'.
- b) the minimum rear parcel line setback for a building or structure 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: 2.33 metres to the outermost projection as shown on Schedule 'B'.
- c) the minimum interior side parcel line setback for a building or structure in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(iii), is varied:
  - i) from: 3.0 metres
  - to: 1.35 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.

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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

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

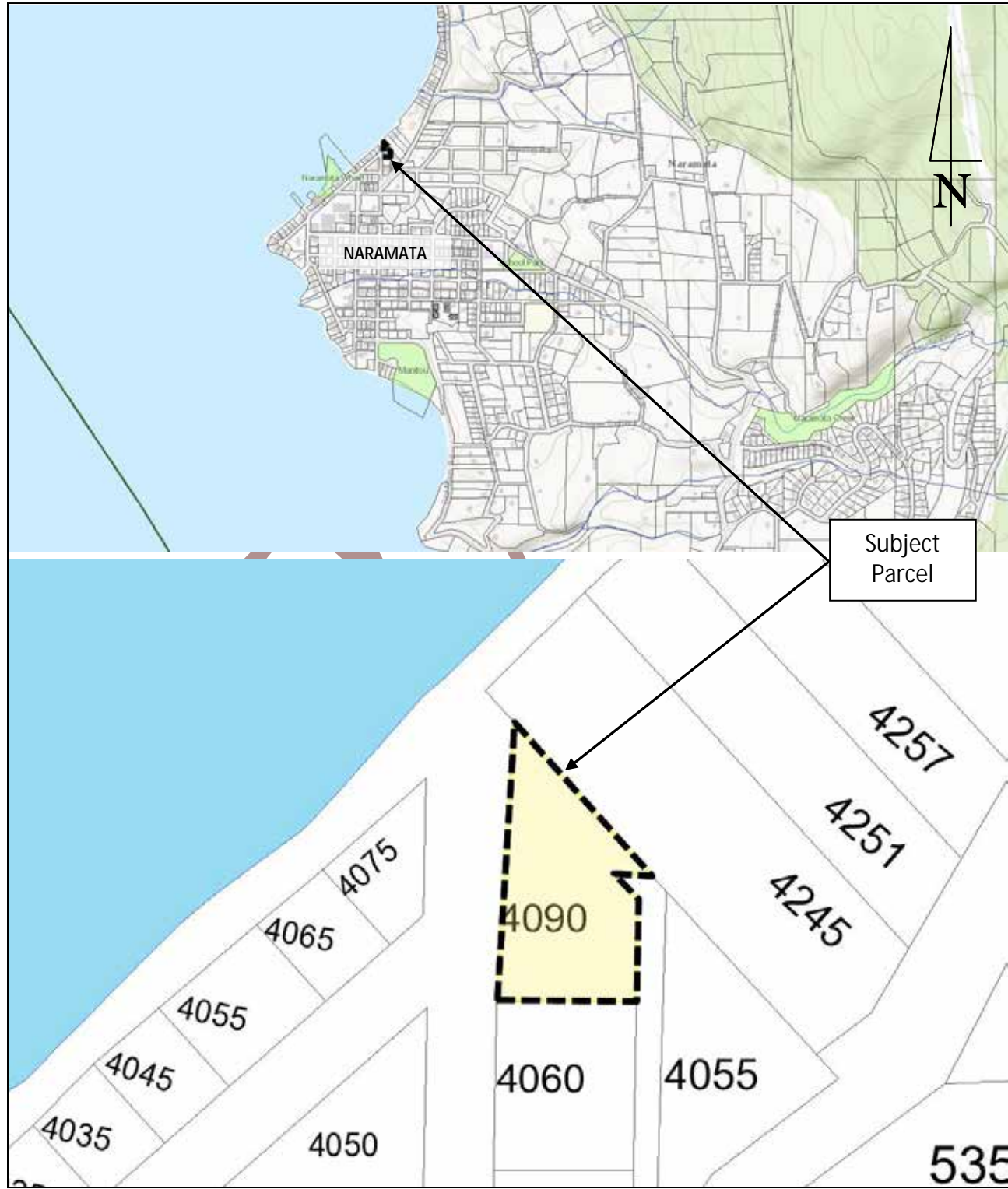
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2019.008-DVP

Schedule 'A'





# Regional District of Okanagan-Similkameen

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

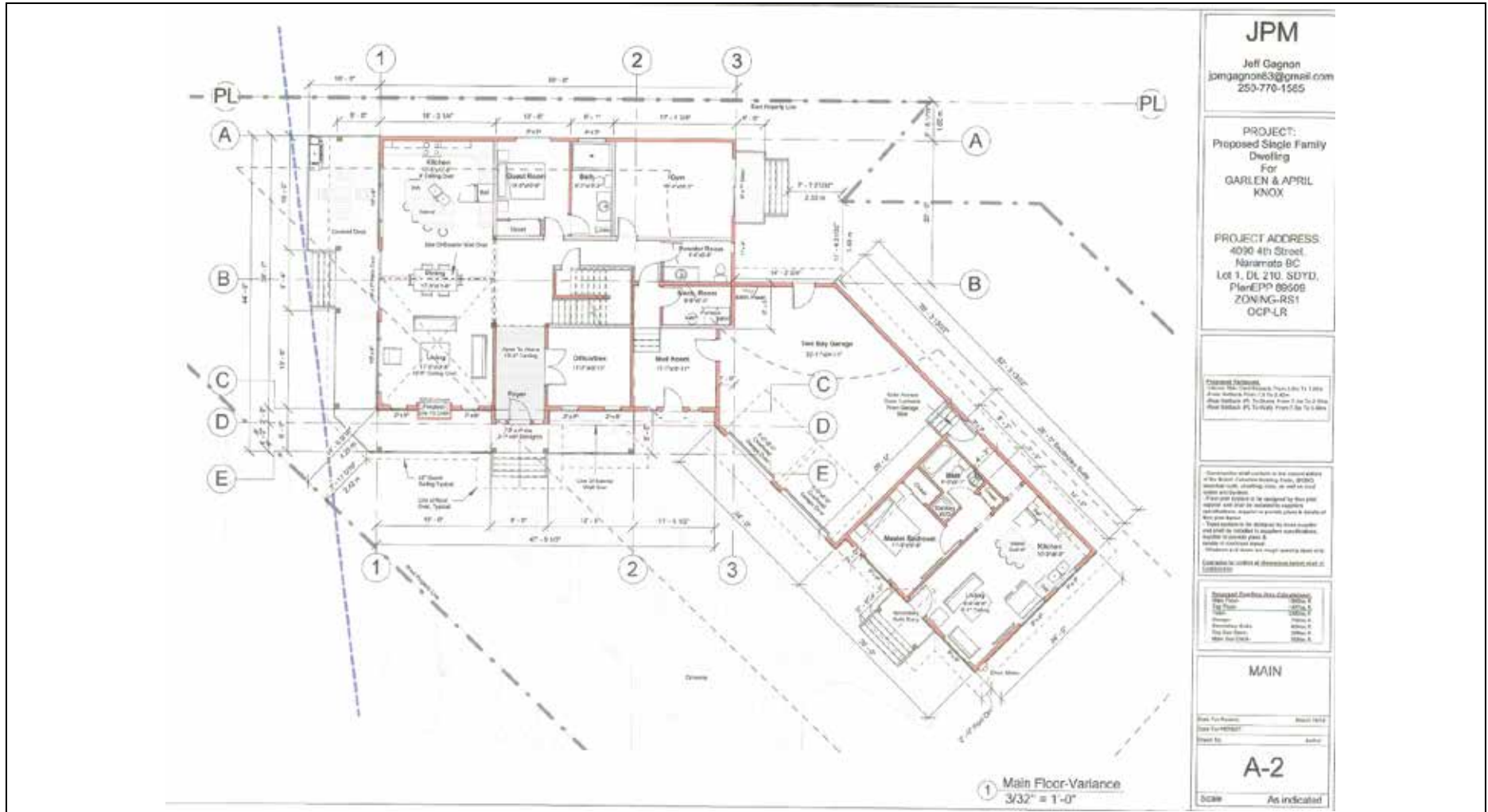
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2019.008-DVP

Schedule 'C'



# Regional District of Okanagan-Similkameen

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

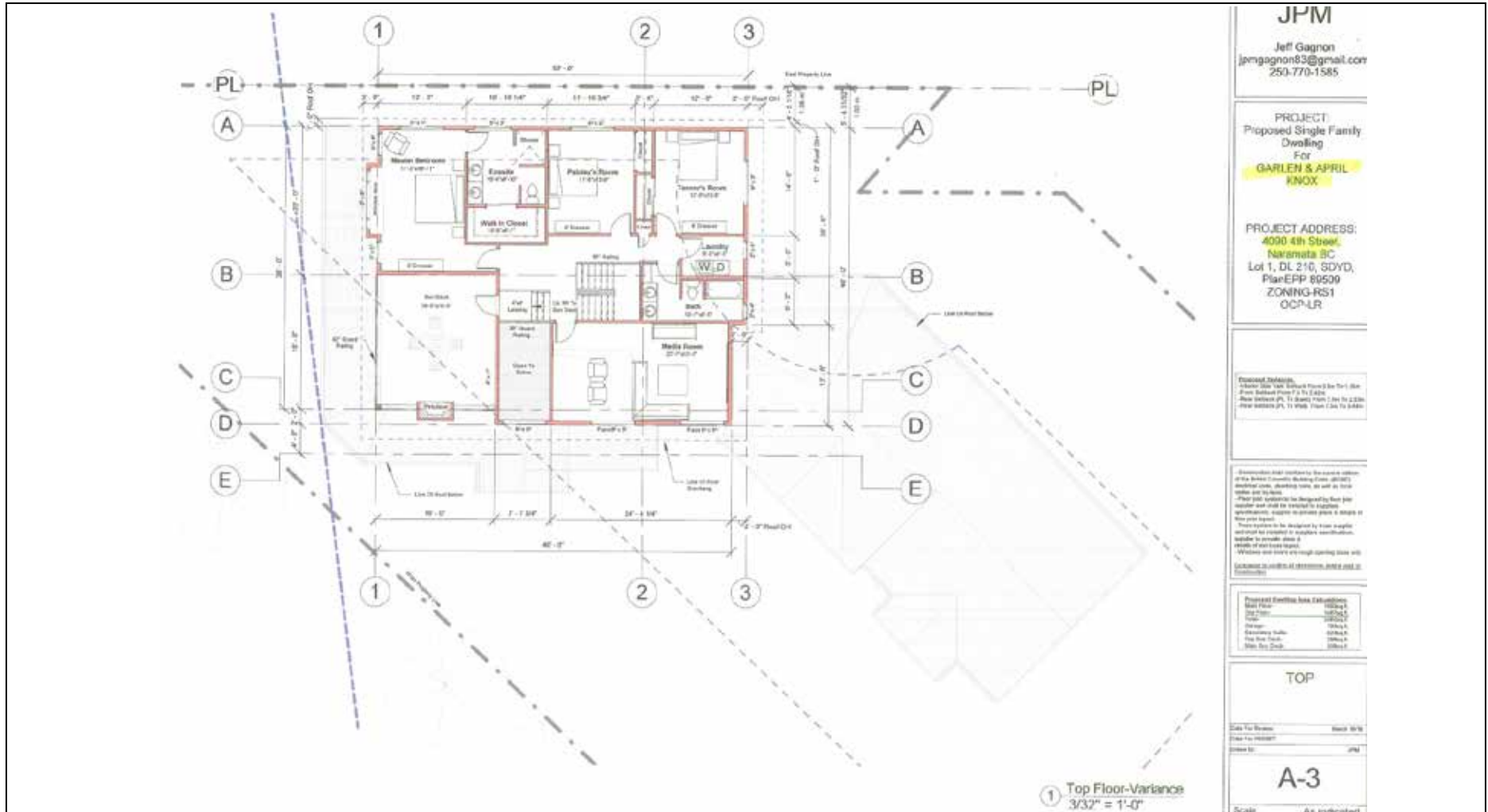
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2019.008-DVP

Schedule 'D'



**JPM**  
 Jeff Gagnon  
 jpmgagnon83@gmail.com  
 250-770-1585

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**PROJECT**  
 Proposed Single Family Dwelling  
 For  
**GARLEN & APRIL KNOX**

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**PROJECT ADDRESS:**  
 4090 4th Street,  
 Nanaimo BC  
 Lot 1, DL 210, SDYD,  
 Plan EFP 60500  
 ZONING-RS1  
 OCP-LR

---

**Proposed Variance:**  
 - Reduce Side Yard Setback Floor to 1st Floor  
 - Front Setback Floor 7.5 To 8.0m  
 - Rear Setback 1st, 11.5m; 2nd Floor 12.25m  
 - Floor Setback 1st, 11.5m; 2nd Floor 12.25m

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**Disclaimer:**  
 This document shall constitute the entire contract between the applicant and the Regional District of Okanagan-Similkameen. It shall be read and interpreted as such. The applicant is responsible for ensuring that the proposed development complies with all applicable laws, codes, and regulations. The Regional District of Okanagan-Similkameen is not responsible for the design or construction of the proposed development. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Regional District of Okanagan-Similkameen is not responsible for the design or construction of the proposed development. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

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**Proposed Dwelling Area Calculations:**

Net Floor Area	1000 sq ft
Net Floor Area	1000 sq ft
Net Floor Area	1000 sq ft
Net Floor Area	1000 sq ft
Net Floor Area	1000 sq ft
Net Floor Area	1000 sq ft

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**TOP**

Date: 10/10/19  
 Drawn by: JPM  
 Checked by: JPM

**A-3**

Scale: As indicated

1 Top Floor-Variation  
 3/32" = 1'-0"

# Regional District of Okanagan-Similkameen

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

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



Development Variance Permit

File No. E2019.008-DVP

## Schedule 'E'



**JPM**  
Jeff Gagnon  
jpmgagnon83@gmail.com  
250-770-1585

**PROJECT:**  
Proposed Single Family Dwelling  
For  
GARLEN & APRIL KNOX

**PROJECT ADDRESS:**  
4090 4th Street,  
Naramata BC,  
Lot 1, DL 210, SDYD,  
PlanEPP 89500  
ZONING-RS1  
OCP-LR

**PERMITTED WORKS:**  
Other than the above floor level to 1.2m above finished floor level, the following works are permitted:  
- Alterations to the existing structure, including the addition of a second floor, provided that the structure is designed by a registered professional engineer and shall be constructed in accordance with the applicable building code.  
- Windows and doors are high opening into the lot.  
- Construction of a second storey, attached or detached, provided that the structure is designed by a registered professional engineer and shall be constructed in accordance with the applicable building code.

Component	Check Area	Calculation
Front Yard	100% (100%)	100%
Side Yard	100% (100%)	100%
Back Yard	100% (100%)	100%
Front Yard	100% (100%)	100%
Side Yard	100% (100%)	100%
Back Yard	100% (100%)	100%

**ELEVATIONS**

Scale: As indicated

# Regional District of Okanagan-Similkameen

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

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



Development Variance Permit

File No. E2019.008-DVP

## Schedule 'F'



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** May 23, 2019

**RE:** Grant Application for Oliver Landfill

---

**Administrative Recommendation:**

THAT Staff submit an application for grant funding application for \$1,200,000 for the Oliver Landfill Compost Site through the B.C. Organics Infrastructure Program;

AND THAT the Board supports the project and commits \$400,000 to the project from the Oliver Landfill Reserves;

AND FURTHER THAT the RDOS request letters of support for this grant application from the Town of Osoyoos, Town of Oliver and Osoyoos Indian Band.

**Purpose:**

To allow Staff to apply for funding for the design and construction of a compost site at the Oliver Landfill capable of processing residential food and yard waste in a manner that will protect the environment and not create nuisances for neighboring properties.

**Reference:**

[RDOS Solid Waste Management Plan](#)

**Business Plan Objective:**

Implement Solid Waste Management Plan

**Background:**

The 2012 RDOS Solid Waste Management Plan calls for the development of sites that can allow for composting of curbside collected food waste. Currently food waste is collected with garbage. Food waste is estimated to be 40% of all garbage currently being landfilled.

2017 Public Consultation

In 2017, RDOS Staff conducted public consultation regarding potential compost sites. One option was the potential siting of turned windrow compost systems at the Oliver and Summerland Landfills for residential food waste. Newsletters were sent out and public meetings were held in Oliver and Osoyoos.

The public consultation outlined the potential of setting up a turned windrow compost system at the Oliver Landfill. The proposed site would allow for the composting of residential food waste and yard waste collected from Oliver, Osoyoos, Electoral Area 'A' and Area 'C'. Very few responses

regarding this potential project were received during public consultation. In general, a turned windrow compost site was not seen as a controversial project so long odour was controlled and wastewater treatment sludge was not included.

#### **2017 Open house responses regarding Oliver Landfill compost siting:**

- I'm in favor of Oliver Landfill compost site for yard & residential food waste only.
- Oliver site probably OK as a site.

One additional handwritten letter was received from a resident in Osoyoos that did not oppose the siting in Oliver but felt that Osoyoos may want to operate their own compost program. They had questions concerning costs and gas consumption.

#### Issues at Oliver Landfill

The closure of the adjacent cattle feedlot, to the west of the Oliver Landfill, has resulted in a jump of the amount of agricultural waste received at the Oliver Landfill. Fruit waste more than doubled in 2018 from historical amounts. Additionally, the feedlot took almost all of the ground yard waste and wood waste from the Oliver site. Their closure has resulted in a buildup of materials at the Oliver Landfill.

In 2014, the Oliver Landfill composted fruit, agricultural and yard waste. Changes to the Organic Matter Recycling Regulation (OMRR) and a lack of water made composting more difficult. OMRR requires that compost sites be lined and all leachate be managed. The Oliver Landfill is perched in an area with limited access to well water. The Oliver Landfill requires significant capital upgrades to bring sufficient water to the site to allow for composting.

#### **Analysis:**

RDOS Staff have submitted an application to the Organics Infrastructure Program by the deadline of May 22<sup>nd</sup>. Board resolution and letters of support may be submitted by June 22<sup>nd</sup>.

The estimated capital expenses prepared by Staff is about \$1.2 million. This includes the construction of a leachate liner, water access improvements and equipment recommended to operate the site. The RDOS is responsible for 1/3 of this amount, which is \$400,000. The Oliver Landfill Reserve for the end of 2018 is \$1,115,622. Tipping fees and revenues from the sale of compost would be used to pay back all monies expended from the reserves.

The RDOS [Compost and Woodchips Marketing Memo](#) shows that food waste compost is in demand in the south Okanagan. An OMRR approved product can be sold at a price to the benefit of local growers and the Oliver Landfill. As well, composting would assist in handling the increase of agricultural organics coming to the Oliver Landfill. Windrows of uncomposted organics increase the chance of fire.



The Organics Infrastructure Program offers the ability to up to 2/3<sup>rd</sup> funding for capital infrastructure already needed at the Oliver Landfill. Public consultation indicates no opposition to the compost site as long as it is built and operated to minimize odour. The development of water infrastructure will assist the landfill in dust control and firefighting.

The Town of Oliver, Town of Osoyoos and Osoyoos Indian Band will benefit from this project . This grant application does not require funding from Oliver, Osoyoos or the Osoyoos Indian Band and does not commit them to remove food waste from their residential collection programs. This grant application does not require any commitment to change collection contracts, work with the RDOS or set a timeline for decisions. Letters of support from Oliver, Osoyoos and OIB are not required for the grant application but the letters would be helpful in showing the grant committee that there is definite interest in this proposed project.

Having the RDOS, Town of Oliver, Town of Osoyoos and Osoyoos Indian Band work collaboratively on diverting food waste from landfills has the potential to save money for all parties involved.

**Communication Strategy:**

Request for letters of support will be sent to the Town of Oliver, Town of Osoyoos and Osoyoos Indian Band. The RDOS Board resolution and the letters of support must be submitted by June 22<sup>nd</sup>, 2019.

**Respectfully submitted:**

*Cameron Baughen*

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C. Baughen, Solid Waste Management Coordinator

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** May 23, 2019

**RE:** Area G Community Works (Gas Tax) Reserve Expenditure Bylaw 2856

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### Administrative Recommendation:

**THAT** Bylaw No. 2856, 2019, Electoral Area "G" Community Works Program Reserve Fund Expenditure Bylaw for the expenditure of up to \$225,000 for the purchase and installation of an emergency generator for the Olalla Water System be read a first, second and third time and be adopted.

### Reference:

Bylaw 2406, 2006 - Regional District Okanagan Similkameen Electoral Area "G" Community Works Program Reserve Fund Establishment Bylaw.

Bylaw 2856, 2019 – Electoral Area "G" Community Works Program Reserve Fund Expenditure Bylaw

### Background:

In 2006, the RDOS Board created the Electoral Area "G" Community Works Program Reserve Fund for the purpose of expenditures for or in respect of environmentally sustainable municipal infrastructure to support environmental sustainability objectives under the New Deal for Cities and Communities.

### Analysis:

In the event of a power outage, the Olalla Water System does not have backup power for its pumps rendering the system unavailable to its' customers. Lack of water poses a serious inconvenience and potential health hazard to the population served by the system.

The expenditure being requested from the fund is up to \$225,000.00. This will provide for the purchase and installation of an emergency power generator.

This expenditure meets the criteria set out by the UBCM for the Community Works Program.

After deducting the expenditures already committed in 2019, the balance in the Area G Community Works Reserve Fund is \$283,534.

**Alternatives:**

Status Quo – Purchase does not occur, water system remains at risk.

**Respectfully submitted:**

*“John Kurvink, Manager of Finance/CFO”*

---

J. Kurvink, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2856, 2019**

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A bylaw to authorize the expenditure of monies from the Electoral Area 'G' Community Works Program Reserve Fund for purchase and installation of an emergency backup generator for the Olalla Water System

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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' Community Works Program 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 Community Works Program Reserve Fund Expenditure Bylaw No. 2856, 2019"

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2. The expenditure of up to \$225,000 from the Electoral Area 'G' Community Works Program Reserve Funds are hereby authorized for the purchase and installation of an emergency generator for the Olalla Water System

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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 23, 2019  
**RE:** Electoral Area Advisory Planning Commissions — 2019 Meeting Schedule Amendment

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**Administrative Recommendation:**

**THAT the Board of Directors accept the amendment to the 2019 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions.**

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**Purpose:**

It is being proposed to amend the 2019 Advisory Planning Commission (APC) meeting schedule in order to incorporate changes for the Electoral Area "F" APC meeting date requested by the Area Director.

**Background:**

Under Section 6.3 of the Regional District's Advisory Planning Commission (APC) Bylaw No. 2339, 2006, "a schedule of regular Commission meetings including time, date and place shall be arranged by each Commission in consultation with the Regional District and shall be forwarded to the Board at the first meeting of each new year."

At its meeting of November 15, 2018, the Board resolved to "accept the 2019 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions, as amended by changing the meeting dates for Electoral Area "I"."

On May 8, 2019, the Electoral Area "F" APC held its first meeting and its members requested that their meeting schedule be changed to the first Wednesday of each month.

**Analysis:**

The APC meeting schedule contained at Attachment No. 1 to this report has been prepared on the basis of the 2019 meeting schedule for each Electoral Area APC and amended to reflect Electoral Area "F" APC's decision to meet the first Wednesday of each month.

**Alternatives:**

THAT the Board of Directors not accept the amendment to the 2019 Meeting Schedule for the Electoral Area Advisory Planning Commissions.

**Respectfully submitted:**

Fiona Titley  
F. Titley, Planning Student  
Attachments:

**Endorsed by:**

CG  
C. Garrish, Planning Manager  
No. 1 – Revised 2019 APC Meeting Schedule

**Endorsed by:**

B. Dollevoet  
B. Dollevoet, G.M. of Development Services

Attachment No. 1 – Revised 2019 APC Meeting Schedule

AREA "A"	AREA "B"	AREA "C"	AREA "D"	AREA "E"	AREA "F"	AREA "G"	AREA "H"	AREA "I"
January 14	N/A	January 15	January 8	January 14	January 3	January 16	January 15	January 16
February 11	N/A	February 19	February 12	February 11	February 7	February 20	February 19	February 20
March 11	N/A	March 19	March 12	March 11	March 7	March 20	March 19	March 20
April 8	N/A	April 16	April 9	April 8	April 4	April 17	April 16	April 17
May 13	N/A	May 21	May 14	May 13	May 2	May 15	May 21	May 15
June 10	N/A	June 18	June 11	June 10	June 5	June 19	June 18	June 19
July 8	N/A	July 16	July 9	July 8	July 3	July 17	July 16	July 17
August 12	N/A	August 20	August 13	August 12	August 7	August 21	August 20	August 21
September 9	N/A	September 17	September 10	September 9	September 4	September 18	September 17	September 18
October 15	N/A	October 15	October 8	October 15	October 2	October 16	October 15	October 16
November 12	N/A	November 19	November 12	November 12	November 6	November 20	November 19	November 20
December 9	N/A	December 17	December 10	December 9	December 4	December 18	December 17	December 18

Electoral Area "A": 8505 – 68<sup>th</sup> Avenue (Sonora Centre), Osoyoos, B.C. at 7:00 P.M.

Electoral Area "B": N/A

Electoral Area "C": 36003 – 79<sup>th</sup> Street (Oliver Community Centre), Oliver, B.C. at 7:00 P.M.

Electoral Area "D": 5013 – 11<sup>th</sup> Avenue (Okanagan Falls Firehall), Okanagan Falls, B.C. at 7:00 P.M.

Electoral Area "E": 3<sup>rd</sup> & Ritchie Avenue (Naramata Old Age Pensioners Hall), Naramata, B.C. at 7:30 P.M.

Electoral Area "F": 101 Martin Street (RDOS Boardroom), Penticton, B.C. at 7:00 P.M.

Electoral Area "G": 700 – 3<sup>rd</sup> Street (Keremeos Health Centre), Keremeos, B.C. at 7:30 P.M.

Electoral Area "H": 148 Old Hedley Road (Riverside Centre), Princeton, B.C. at 7:00 P.M.

Electoral Area "I": 320 Lakehill Road (Kaleden Community Hall), Kaleden, B.C. at 7:00 P.M.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** May 23, 2019

**RE:** Animal Control Officer Appointments

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### **Administrative Recommendation:**

**THAT the Board rescind the appointment of Don Lowndes, of South Okanagan Security Services Ltd., as an Animal Control Officer for the Regional District of Okanagan-Similkameen**

### **Purpose:**

Don Lowndes is no longer acting in the capacity as an Animal Control Officer on behalf of the Regional District of Okanagan-Similkameen and his appointment must be rescinded.

### **Background:**

South Okanagan Security Services Ltd. has been contracted to provide investigation and enforcement services under the RDOS Dog Control Bylaw, RDOS Animal Control Bylaw and other regulatory bylaws that may require investigation and/or enforcement of provisions contained therein.

Don Lowndes was appointed as an Animal Control Officer for the Regional District of Okanagan-Similkameen by Board resolution on February 1, 2018.

### **Analysis:**

The Board of Directors has authorized RDOS Administration to enter into contracts to provide investigation and enforcement services to the Regional District for the purposes of administering the RDOS Dog Control Bylaw, RDOS Animal Control Bylaw and other regulatory bylaws that may require investigation and/or enforcement of provisions contained therein. These appointments are necessary to permit the Officers to enter onto private properties to investigate and ensure that RDOS regulatory bylaws are not being contravened, in accordance with the RDOS Bylaw Enforcement Procedures Policy dated April 19, 2018.

Don Lowndes is no longer acting in the capacity of an Animal Control Officer on behalf of the Regional District of Okanagan-Similkameen and therefore his authority to act in that capacity must be rescinded.

**Alternatives:**

1. To not rescind the appointment of Don Lowndes as an Animal Control Officer for the RDOS.

**Respectfully submitted:**



\_\_\_\_\_  
L. Miller, Building & Enforcement Services Manager

**Endorsed by:**



\_\_\_\_\_  
B. Dollevoet, Development Services General Manager



## ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: 23 May 2019

RE: Vermilion Forks Community Forest Corporation (VFCFC)

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### Administrative Recommendation:

1. **THAT the Director for Electoral Area “H” and Chief Administrative Officer be appointed as the Regional District of Okanagan Similkameen members on the Board of Directors of the Vermilion Forks Community Forest Corporation; and,**
2. **THAT the Manager of Financial Services be appointed as an Alternate member to the Board of Directors of the Vermilion Forks Community Forest Corporation.**

### Reference:

1. Letter from VFCFC – 6 May 2019

### Background:

The Regional District of Okanagan Similkameen is one of three partners in the VFCFC. Each partner appoints two members to the Board of Directors of the Corporation and one alternate. The Annual General Meeting of the VFCFC is scheduled for May 27<sup>th</sup> and appointments from the three partners will be ratified at that time. The two members currently appointed are the Director for Electoral Area H and the CAO. The Alternate role has traditionally been filled by the Manager of Financial Services.

### Analysis:

### Alternatives:

1. Appoint other members

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 23 , 2019  
**RE:** Declaration of State of Local Emergency Approval

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### Enabling Legislation:

The Emergency Program Act provides:

**12(1)** A local authority or the head of the local authority, may, at any time that the local authority of the head of the local authority, as the case may be, is satisfied that an emergency exists or is imminent in the jurisdictional area for which the local authority has responsibility, declare a state of local emergency relating to all or any part of the jurisdictional area.

**12(3)** The head of a local authority must, before making a declaration under subsection (1), use best efforts to obtain the consent of the other members of the local authority to the declaration and must, as soon as practicable after making a declaration under subsection (1), convene a meeting of the local authority to assist in directing the response to the emergency.

### Administrative Recommendation:

Electoral Area "C":

**THAT** the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area "C" due to expire 10 May 2019, at midnight for a further seven days to 17 May, at midnight.

**THAT** the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area "C" due to expire 17 May 2019, at midnight for a further seven days to 24 May, at midnight.

### Reference:

*Emergency Program Act, Section 12*

### Background:

2018 Spring Freshet Flooding

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The State of Local Emergency for Electoral Area "B" was **cancelled** on May 28<sup>th</sup> 2018.  
The State of Local Emergency for Electoral Area "E" was **cancelled** on May 28<sup>th</sup> 2018.  
The State of Local Emergency for Electoral Area "H" was **cancelled** on May 28<sup>th</sup> 2018.  
The State of Local Emergency for Electoral Area "F" was **cancelled** on July 13<sup>th</sup> 2018.  
The State of Local Emergency for Electoral Area "G" was **cancelled** on July 18<sup>th</sup> 2018.  
The State of Local Emergency for Electoral Area "A" was **cancelled** on July 23<sup>rd</sup> 2018.  
The State of Local Emergency for Electoral Area "D" was **cancelled** on November 20<sup>th</sup>, 2018

Inclement weather conditions on March 22<sup>nd</sup> 2018, coupled with significant snowpack, higher than average seasonal ground water levels and rain on snow events led to extensive Freshet flooding in the RDOS. The RDOS Emergency Operations Centre (EOC) was activated on March 22<sup>nd</sup> 2018 to support emergency responders and residents dealing with issues related to the flooding. The EOC remained active on a daily basis, offering support to our partners throughout the region, until Friday June 15, 2018, when operations began scaling back and shortly after, wildfires became active. The EOC was active for support to wildfires through the summer and scaled back in mid-September. Now the EOC continues to provide support for response work and recovery efforts in the region. State of Local Emergency remains in Electoral Area "C" until emergency response works are completed that necessitate the use of SOLE authority for access onto private lands to effect the work and due to the continued imminent risk of flooding in Park Rill Creek.

**Respectfully submitted:**

Bill Newell

Emergency Operations Centre Director

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 23, 2019  
**RE:** Fire Department Operational Bylaw No. 2857, 2019

**Recommendation:**

THAT Fire Department Operational Bylaw No. 2857, 2019 be given first, second and third readings, and be adopted.

**Background:**

At the May 9, 2019 Protective Services Committee meeting, a draft Fire Department Operational Bylaw was introduced. The bylaw, as proposed would replace the regulatory bylaws for 7 of the Services identified below with a consolidated Fire Department Operational Bylaw. The two fire departments not proposed to be included in this operational bylaw are Electoral Area "F" which has an existing regulatory bylaw and Area "H" which 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 Regional District contracts for fire protection in Rural Princeton and West Bench, and will want to consider either including those two areas in Bylaw No. 2857 or ensuring that they have their own bylaw, accompanying the contract under which the service is delivered.

**Alternatives:**

1. THAT Fire Department Operational Bylaw No. 2857, 2019, as presented with 7 of the 9 fire departments included be given first, second and third readings, and be adopted.
2. THAT Fire Department Operational Bylaw No. 2857, 2019, with all 9 fire departments included be given first, second and third readings, and be adopted
3. THAT Fire Department Operational Bylaw No. 2857, 2019 not be given readings and adoption.



**REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN  
BYLAW NO. 2857, 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. 2857, 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 ("LAFC") under the *Fire Services Act*. Upon such designation, the Fire Chief is responsible for carrying out the Services and fulfilling the responsibilities of an LAFC 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.

54. Notwithstanding any section of this bylaw, where a person upon whom an order has been served fails to comply with the order and has not appealed from the order, or has appealed from the order and a decision has been rendered against him, the Board may take the necessary action to perform the work required by the order, and the Board may recover the expenses thereof with costs, in a like manner as property taxes pursuant to the provisions of section 399 of the Local Government Act.





REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2857, 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. 2857, 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.

## **MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA**

### **REPORT FROM THE CHAIR and VICE-CHAIR ON ACTIVITIES FOR THE PERIOD ENDED APRIL 2019**

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#### **PURPOSE**

This report is intended to provide a summary of the activities and performance of the Municipal Finance Authority of British Columbia (“MFA”) for the period ended April 2019.

#### **MFA**

##### **Board of Trustee Meetings**

The Board of Trustees attended three meetings during the six-month period of October 2018 – March 2019.

The Investment Advisory Committee, comprising all trustees, held one meeting. The purpose of these meetings is to receive reports from management and our pooled investment fund manager Phillips, Hager & North (PH&N) and assess the performance of the pooled funds.

##### **Annual General Meeting of Members and Board of Trustee Elections for 2019**

Members and trustees attended the Annual General meeting on March 28, 2019. The 39 appointed Members elect 10 trustees each year at the MFA AGM. The following trustees were elected from the members representing Metro Vancouver: Malcolm Brodie, Jonathan Coté, Jack Froese and Brad West. Geoff Young was nominated as the trustee representing the Capital Regional District. The following were elected as the five trustees from the remaining regional districts: Al Richmond (Cariboo Regional District), Ron Toyota (Regional District of Central Kootenay), Rob Gay (Regional District of East Kootenay), Lyn Hall (Fraser-Fort George Regional District) and Andy Adams (Strathcona Regional District). Malcolm Brodie and Al Richmond were acclaimed Chair and Vice Chair, respectively.

#### **2018 IN REVIEW AND LOOKING FORWARD**

Meetings of our Members were held September 11, 2018 (SAGM) and March 28, 2019 (AGM).

The Board of Trustees met with management several times throughout the year to review operating performance, access to the financial markets, administration and other miscellaneous items. In addition, the Board of Trustees held meetings of the Investment Advisory Committee which provides oversight for our Pooled Investment Funds. The Trustees and management also made presentations on behalf of the MFA at various local government conferences during the year.

From a staffing perspective, Graham Egan has decided to take a well-deserved retirement at the

end of 2018, culminating 19 years of service to our organization. Graham's legacy includes not only the financial strength of the MFA, but also the development of our proprietary in-house software system which has been instrumental in the continued success of our organization. Matthew O'Rae joined us in October from the Island Health Authority to take on the role of Director of Finance.

During 2018, we hired four additional team members to fill vacant positions: Marina Scott, Programmer Analyst; Selina Pieczonka, Administrative Assistant; Connor Neuman, Accountant; and Kyle Derrick, Credit and Economic Analyst. Alex Berg joined us in the newly created role of Client Support Specialist in February of this year.

Despite growth of the staff complement at MFA over the last few years – we have grown from 7 to 14 full time staff – we continue to answer questions from investors and the rating agencies to explain how our organization can operate with such a lean staff complement. In our recent meeting with the rating agencies, two out of the three noted that the few organizations around the world that do a similar function to MFABC (infrastructure lenders to local government) have much higher staff complement than MFA (ranging from 50 to several hundred staff in some cases). Management suggested there were many reasons for this relating to how MFA conducts its operations relative to these other organizations including:

1. MFA is not competing with other financial institutions in our main lines of business (borrowing and on-lending) so does not need to devote an inordinate amount of time and effort on marketing efforts;
2. MFA's lending parameters (for example level of indebtedness) are clearly defined and not subject to interpretation or competitive pressures;
3. MFA's capital market operations are simpler than many of those international organizations who tend to borrow in multiple currencies and employ swap and derivatives to a large extent. MFA has focuses on Canadian dollar issuance and lending, which keeps things much simpler to manage; and
4. MFA is not a regulated financial entity (nor should it be) as it operates under clearly defined parameters as per its Act – and lends to a very conservatively fiscally managed local government sector in BC. Regulations are ever increasing in the financial services industry and lead to additional staff needs and reporting requirements for those regulated entities.

From a program perspective, 2018 marked the end of the Municipal Investment Program (MIP), which offered individual investment accounts to municipal employees and politicians. As we described during the 2018 SAGM, the significant legal, regulatory and other complexities of dealing with individual investors outweighed the marginal benefits of the program. All participants who chose to remain in the program transitioned to the new Industrial Alliance program with Apri as the sponsor.

In mid-2018, we added a second service provider for our Pooled High Interest Savings investment program. As you know, we undertook a review in 2016/2017 on the issue of creating a new 'socially responsible (SRI)' pooled investment fund for clients who expressed this need. In 2018, interest in creating such a fund has continued to be static and remains at least \$35 million short of the \$100 million in scale we require to sufficiently defray costs.

From an accounting and reporting perspective, we are very pleased to report that we have successfully adopted IFRS 9 and the new requirement to model and estimate our forward-looking credit loss expectations for all assets held by the organization. Credit losses could be sustained by the MFA if one of our investments or loans were not paid back in time or in full. While we have never experienced any credit losses in our history, we are required to estimate potential future losses, based on new accounting standards used by financial institutions. This has resulted in an Expected Credit Loss on our balance sheet of just over \$600,000 as at December 31, 2018 on a balance sheet value of over \$9 billion. This represents less than 1 basis point, or 0.01% of the balance. This remarkably small Expected Credit Loss number reflects the quality of our loan and investment portfolios, will help inform our capital target, and should be supportive of our credit ratings going forward. We expect a capital strategy – effectively a target operating level for capital to be held on our balance sheet – to be developed and approved by Trustee in 2019.

### **2018 Year End Financial Results**

#### **Income from Operating Activities, Short-Term Debt Fund, and Retention Fund**

Our retention fund grew to \$73 million at the end of 2018, a \$9.3 million increase from 2017. This was accomplished by a combination of income from operations of \$3.2 million, short-term debt fund earnings of \$4.2 million, interest earned on the fund itself of \$1.4 million and \$0.5 million fair market value gain on investment holdings for accounting purposes. The uses of the retention fund are currently technically unrestricted; however, the fund supports our AAA ratings and investors' view of the MFA's credit quality. As such, management and trustees will be developing a formal policy (Capital Target) with respect to its intended use and targeted size.

#### **Asset and Investment Management**

Assets under management were \$9.2 billion at the end of 2018. Assets comprise our loans to clients of \$4.7 billion, representing 1,689 long-term requests for financing through 28 regional districts and three other entities. Our short-term loans of \$258 million represented 123 short-term requests for financing and 331 equipment financing arrangements. Included in our assets are investments of \$3.6 billion managed internally. Of these investments, \$3.5 billion are held as sinking funds which reflect payments collected from clients and invested for the future retirement of market obligations. We also manage and invest a debt reserve fund, valued at \$108 million at the end of the year. The debt reserve fund holds assets as security for debenture payments to bondholders in the unlikely event that a client is unable to make payment to the MFA. It is a measure of protection that has never been accessed in our history.

### **LENDING**

#### **Long-term Lending**

We issued \$1,741 million of long term bonds in 2018 – an increase of about \$785 million from 2017, due to a higher amount of maturing market debt to be refinanced. We issued four debenture issues during 2018 (compared to 2017 – \$956 million raised in five issues). These issues achieved 5-year and 10-year borrowing rates of between 2.60% to 3.084% which are still very low by historical standards. Throughout 2018, MFA continued to access the lowest long-term rates in Canada when compared to our municipal peers. This borrowing program refinanced maturing debt and underpinned both existing client loans as well as 73 new loans aggregating over \$726 million to our clients.

<b>New Long-Term Loans – 2018 Full Year</b>		
Size	Number	Aggregate Amount (\$)
Less than \$1 million	38	14,225,466
Between 1 & 5 million	27	62,131,423
Between 5 & 10 million	2	15,000,000
Between 10 & 15 million	2	25,500,000
Above \$15 million...	1	89,898,990
	1	120,000,000
	1	128,787,879
	1	270,000,000
<b>Total</b>	<b>73</b>	<b>\$725,543,758</b>

### Short-term Lending

At the end of 2018 we had \$675 million in commercial paper outstanding to support our current and expected growth in short-term lending. We issued \$5.7 billion in commercial paper throughout the year in weekly auctions. Short-term loans are refinanced weekly, allowing for flexibility and efficiency for our clients. This program is primarily used to provide interim financing for capital projects during construction and lending for our equipment financing program.

In 2018, advances totalled \$152.4 million. Of the 172 advances, \$12.2 million was the largest single transaction. At the end of December, we had 445 loans outstanding aggregating \$257.2 million.

<b>Short-term Outstanding Loans December 31, 2018</b>		
Size (\$)	Number	Aggregate Amount (\$)
< 50,000	213	4,525,485
50,000 < < 150,000	109	9,497,853
150,000 < < 500,000	74	20,606,973
500,000 < < 1 million	24	17,594,637
1 million < < 5 million	15	32,042,353
5 million < < 10 million	6	36,556,200
Greater than 10 million	4	136,381,000
<b>Total</b>	<b>445</b>	<b>257,204,502</b>

### Triple A Credit Ratings

Annual credit rating presentations were held April 16-17, 2019. The representatives for MFA were the Chair, Vice-Chair, CAO Peter Urbanc, Shelley Hahn (Director of Business Services), Matthew O’Rae (Director of Finance), Nikola Gasic (Portfolio Manager), Phil Troczuk (CFO of Metro Vancouver

Regional District) and Dean Rear (Director/Deputy CFO of Metro Vancouver Regional District). We are pleased to report that no issues of concern were raised in those meetings. Confirmation of our ratings will be forthcoming over the coming weeks.

### POOLED INVESTMENT FUNDS

In June 2018, we launched our second Pooled High Interest Savings Accounts (PHISA). The National Bank of Canada (NBC) PHISA is currently paying 2.52% and the CIBC PHISA at 2.46% on all money deposited. This rate will adjust with any changes in the prime rate. As at the time of this report, the NBC PHISA was \$144 million and CIBC PHISA was \$412 million on deposit.

The 2018 results for the three managed funds are all positive relative to the benchmark indexes. These are Money Market Fund, 1.65% (Index 1.15%), Intermediate Fund, 1.90% (Index 1.62%), and Bond Fund, 1.76 % (Index 1.71%).

Total pooled funds at December 31, 2018 was \$1.915 billion (2017, \$2.316 billion), with the Money Market Fund at \$1.106 billion (2017, \$1.200 billion), the Intermediate Fund at \$0.265 billion (2017, \$0.340 billion), and the Bond Fund at \$0.544 billion (2017, \$0.775 billion).

As at	January 31, 2019	January 31, 2018	Change	1 Year Returns at January 31, 2019	
				Funds	Benchmark
	\$ millions				
Bond	541	741	-200	2.68 %	2.62 %
Intermediate	240	314	-74	2.20 %	1.74 %
Money Market	1,076	1,107	-31	1.71 %	1.20 %
Pooled High Interest Savings Account *	661	209	452	**	N/A
<b>AUM</b>	<b>2,518</b>	<b>2,371</b>	<b>147</b>		

\*\* Current Rate on CIBC and NBC PHISA's are 2.46% and 2.52%, respectively.

As previously reported, MFA staff and PH&N have been working on the development of a pooled mortgage fund (the "PMF") since 2017 and are getting ready to launch the new fund over the coming months. Staff from both organizations believe that a commercial mortgage option in a pooled fund format would offer an attractive yield and good diversification for those local government investors that have a longer time horizon for a portion of their reserves. We have spoken directly to some of our larger clients and many have expressed an interest in participating. Introducing the fund can be done at minimal cost given it would make use of two existing pooled funds managed by PH&N – a bond fund with a small exposure to mortgages, the PH&N Short Term Bond & Mortgage Fund, and a mortgage fund – the PH&N Mortgage Pension Trust. One of the main risks of investing in commercial mortgages is liquidity risk due to the lack of an active secondary commercial mortgage market. The design of an MFA Pooled Mortgage fund can provide



some liquidity despite mortgages being an illiquid asset class as the fund will not be fully invested in mortgages; it will also hold liquid securities to help permit orderly redemptions by clients. The next steps for the mortgage fund included detailed educational session with interested customers in April and May and opening the fund for subscriptions in the June/July timeframe.

## **EDUCATIONAL SUPPORT**

Here are some specific ways we supported you, your teams, and your communities in 2018:

- The Len Traboulay Education Fund was established in 2001 and provides up to \$60,000 annually for the education of elected officials and employees in local government. \$30,000 was contributed to the Local Government Leadership Academy and \$30,000 was available for applications of interest towards providing education and training to local government staff;
- We contributed a further \$72,500 for annual conferences of UBCM, LGMA, and GFOABC, as well as the chapter and area association meetings for elected officials and officers in local government. MFA employees are requested, from time to time, to instruct or facilitate at these events;
- The Government Finance Officers' Association received \$12,000 towards their "Bootcamp" program, an Asset Management training day, and the first two Investors' Forum Webinars, a new educational offering underwritten by the MFA;
- We provided a travel bursary of \$12,000 from the James R. Craven Fund, funded annually to support local government staff from rural areas to attend the Municipal Administrators Training Institute (MATI Level 1); and
- Members of the MFA team have active representation on the Local Government Leadership Academy (LGLA) and Government Finance Officers Association of BC (GFOABC) Boards, and take an active part in CivicInfo BC committees on public sector scholarship and local government app development.

## **2019 BUSINESS PLAN**

Our business plan is driven by our key areas of focus: people, programs, processes, partnerships, policies, and profile. As we have augmented our team to accommodate new goals and challenges, our emphasis has evolved to concentrate on organizational resilience and excellence. By adding selectively to our staff complement over the last few years, we have increased our capacity to pursue new programs and refine our existing service model, while gaining access to expanded skillsets and fresh perspectives.

### **Top level themes for 2019:**

- Greater connectivity and communication with related agencies, stakeholders, & clients;
- Internal streamlining and refining of processes;
- Incorporation of digital solutions, both internal and external;
- Cybersecurity and data security;
- Business continuity/disaster recovery planning;
- Refinement of education and sponsorship support to reflect our mandate & client needs; and
- Reimagining our mission and vision heading into our 50th year.

**SUMMARY / CONCLUSION**

The MFA Semi-Annual Meeting of members will be held on the afternoon of Tuesday, September 24, 2019 in Vancouver, at the time of the annual convention of the Union of BC Municipalities (UBCM).

Submitted by:

A handwritten signature in black ink, appearing to read "Malcolm Brodie".

Malcolm Brodie  
Chair

A handwritten signature in blue ink, appearing to read "Al Richmond".

Al Richmond  
Vice-Chair