



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, September 5, 2019  
RDOS Boardroom – 101 Martin Street, Penticton

## SCHEDULE OF MEETINGS

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9:00 am	-	9:15 am	Public Hearing regarding 336 Tulameen River Road, Tulameen
9:15 am	-	9:45 am	Community Services Committee
9:45 am	-	10:00 am	Environment and Infrastructure Committee
10:00 am	-	10:45 am	Protective Services Committee
11:00 am	-	1:00 pm	RDOS Board
1:00 pm	-		Lunch

*"Karla Kozakevich"*

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Karla Kozakevich  
RDOS Board Chair

### Advance Notice of Meetings:

September 19, 2019	RDOS Board/OSRHD Board/Committee Meetings
October 3, 2019	RDOS Board/Committee Meetings
October 17, 2019	RDOS Board/OSRHD Board/Committee Meetings
November 7, 2019	RDOS Board/Committee Meetings
November 21, 2019	RDOS Board/OSRHD Board/Committee Meetings
December 5, 2019	RDOS Board/Committee Meetings
December 19, 2019	RDOS Board/OSRHD Board/Committee Meetings



# NOTICE OF PUBLIC HEARING

## Amendment of Electoral Area “H” Zoning Bylaw No. 2497, 2012 and Official Community Plan Bylaw No. 2498, 2012

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “H” Zoning Amendment Bylaw No. 2498.18, 2019**, or **Electoral Area “C” Official Community Plan Amendment Bylaw 2497.11, 2019** will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

**Date: Thursday, September 5, 2019**

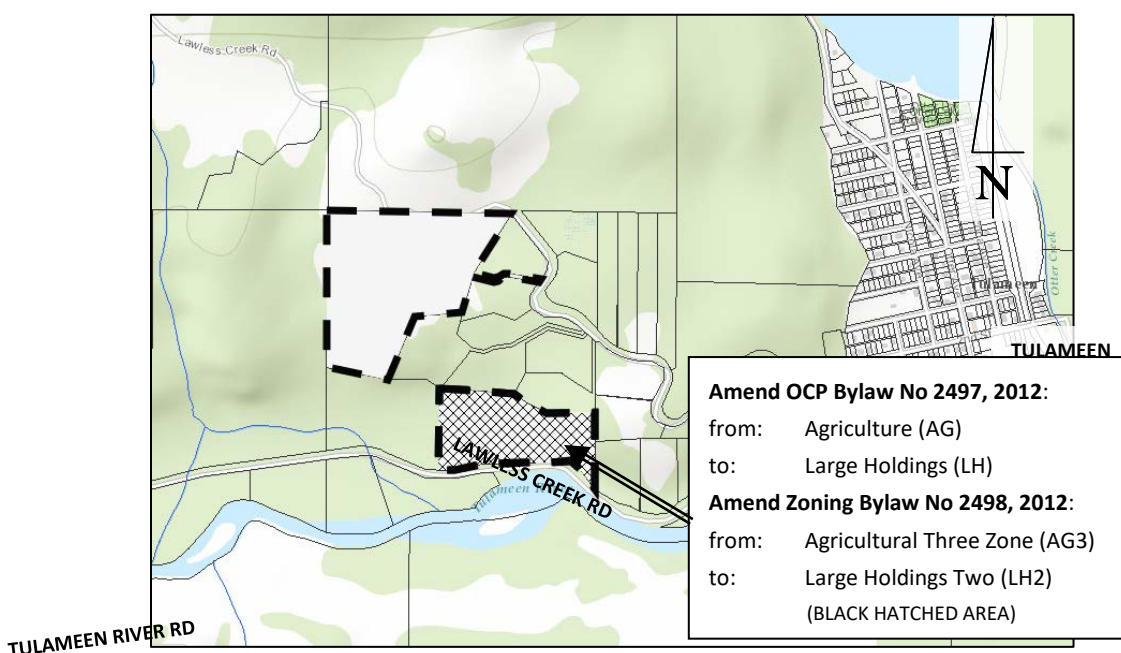
**Time: 9:00 a.m.**

**Location: 101 Martin Street, Penticton, BC (RDOS Boardroom)**

The applicant is proposing to amend Electoral Area “H” Zoning Bylaw and Official Community at 336 Tulameen River Road, Tulameen, BC (legally described as Lot 2, Plan 29927, District Lot 395, YDYG) in order to allow for the creation of an 8.6 ha parcel. Specifically:

**Amendment Bylaw No. 2497.11, 2019**, proposes to amend Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012, by changing the land use designation of the land described as Lot 2, Plan 29927, District Lot 395, YDYG from Agriculture (AG) to Large Holdings (LH).

**Amendment Bylaw No. 2498.18, 2019**, proposes to amend Schedule ‘2’ of the Electoral Area “C” Zoning Bylaw NO. 2498, 2012, by changing the land use designation of the land described as Lot 2, Plan 29927, District Lot 395, YDYG from Agriculture Three Zone (AG3) to Large Holdings Two (LH2).

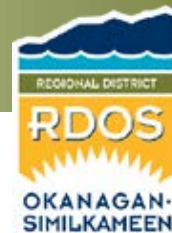


For further information about the content of **Amendment Bylaw No. 2497.11, 2019** or **Amendment Bylaw No. 2498.18, 2019**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Departments → Development Services → Planning → Current Applications → Electoral Area “H” → H2019.010-ZONE).

Anyone who considers themselves affected by **Amendment Bylaw No. 2497.11, 2019** or **Amendment Bylaw No. 2498.18, 2019** can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

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



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, September 5, 2019

9:15 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

THAT the Agenda for the Community Services Committee Meeting of September 5, 2019 be adopted.

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### B. DELEGATION - Osoyoos & District Museum and Archives Mat Hassen

1. Osoyoos Museum Fact Sheet
2. PowerPoint Presentation

Mat Hassen President of Osoyoos Museum Society will address the Committee regarding the museum project.

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### C. TRANSIT – For Information Only

1. Routes and Schedules

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### D. ADJOURNMENT



## NEW MUSEUM PROJECT FACT SHEET

- WHY:** The current home of the museum is a 55-year old former curling rink which is beyond repair, provides minimal environmental control, is difficult to find and sits on valuable park land which is needed for other park purposes.
- WHERE:** The new location is a highly-visible, solid concrete building located at 8702 Main Street, Osoyoos, across from the Town Hall and Art Gallery with ample parking.
- OWNER:** The building belongs to the Regional District of the Okanagan-Similkameen (RDOS). After a successful public referendum in 2011, it was purchased for \$1.26 million specifically as the new home for the museum and will be leased on a long-term basis to the Osoyoos Museum Society (OMS) for a museum and archives effective January 1, 2020.
- PLANS:** The architectural firm of Boni-Maddison, and the museum design firm, D. Jensen & Associates, have produced attractive, affordable plans for both the building conversion and the new exhibits.
- COST:** The cost for Phase One (a fully-operational main floor plus a self-contained archive room as well as open storage on the lower level) is projected at \$2.5 million. Phase Two (a multipurpose room, additional washrooms and a closed storage system on the lower level as well as an urban park and outdoor performance area on the west side) will be undertaken when funding is available.
- WHEN:** The OMS will take possession of the property on January 1, 2020 when the extended lease to the existing tenant expires.
- OPENING:** Based on professional estimates, the OMS is planning to open the museum and archives at the new site by mid-June of 2020.
- FEATURES:** The new museum will provide ample opportunities for both residents and visitors to experience, first-hand, the faces, voices, stories and events which have shaped Osoyoos and district.
- The building will provide a safe, secure, two-floor space for our collection which is fully-accessible to all with a level entrance, elevator, spacious washrooms and open aisles throughout as well as being environmentally-friendly with full insulation, low-energy lighting, state-of-the-art environmental controls and extensive solar (photovoltaic) array on the entire roof to help meet electrical energy needs.
- SUPPORT:** There are ample opportunities to get involved and support the project by becoming a volunteer, helping with projects and events, serving on a committee or donating to help make the project a reality.
- QUESTIONS:** Please contact the Osoyoos & District Museum and Archives directly at 19 Park Place, PO Box 791, Osoyoos, BC V0H 1V0; call 250-495-2582; or [info@osoyoosmuseum.ca](mailto:info@osoyoosmuseum.ca)

OUR VISION IS 2020



## PHASE ONE BUILDING PLAN

Phase One of the museum project will provide a fully-operational main floor plus an archive room and open storage on the lower level as well as the new exhibits in preparation for opening in the mid-June of 2020.

### **Projected Costs:**

The projected cost for Phase One of the new museum is, as follows:

1. Building Conversion:	\$2,000,000
2. Exhibit Development:	<u>\$ 500,000</u>
<b>Projected Total:</b>	<b>\$2,500,000</b>

### **Construction Costs Include:**

- a) Revised front façade and signage
- b) New entrance and exit doors including a new exit from the lower level
- c) Interior fully insulated and panelled
- d) Completely revised plumbing and electrical systems including LED lighting
- e) Elevator servicing the lower and main levels
- f) Fire protection sprinkler system throughout
- g) Revisions and upgrades to the HVAC system
- h) New mezzanine structure
- i) Fully-accessible washrooms on the main level
- j) Revised stairway to lower level
- k) Environmentally-controlled archive room on the lower level
- l) Open storage on the lower level for artifacts
- m) Solar (photovoltaic ) system on roof able to meet two-thirds of power needs
- n) New twenty-year roof membrane
- o) Unistrut grid system on main level ceiling to support hanging panels and lighting
- p) Cabinetry and mill work in the Reception and Gift Shop areas

### **Exhibit costs include:**

- a) Hanging panels and standing dividers to separate and complement exhibits
- b) Information panels with text and graphics in each of the thematic exhibit areas
- c) Additional display cases
- d) Dedicated and easily-adjustable feature lighting to enhance displays and exhibits

### **Phase Two:**

When funding permits, Phase Two will include construction of a multipurpose room on the lower level for meetings, events and presentations, a small kitchen, additional washrooms, closed storage for artifacts, a reading room adjacent to the archive room and an urban park on the west side with an outdoor performance area. The projected cost is \$500,000.

# OUR VISION IS 2020!

## LAND, PEOPLE, INDUSTRY



Mat Hassen, President OMS  
Kara Burton, Executive Director/Curator



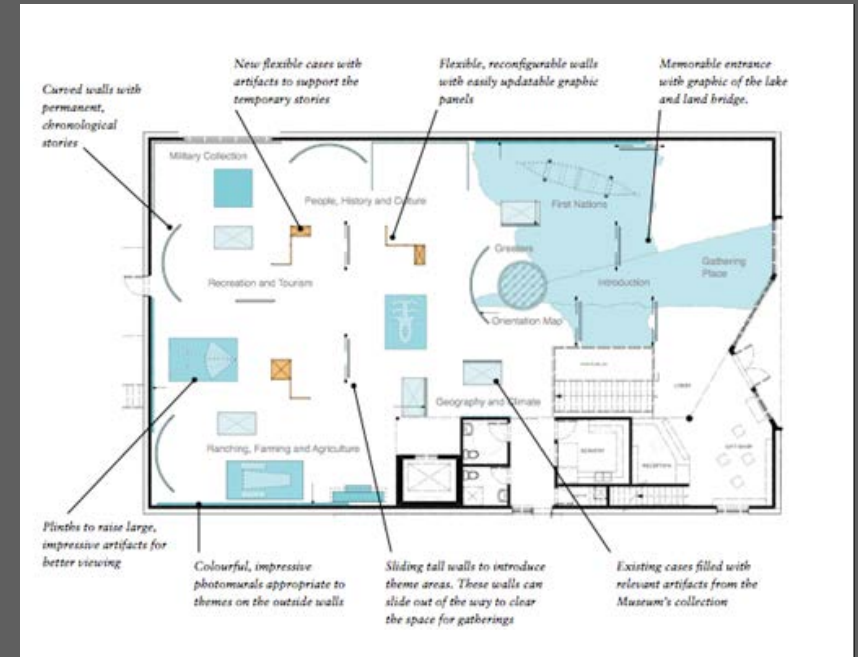


# OSOYOOS MUSEUM SOCIETY

The Osoyoos Museum Society was established for the express purpose of collecting, protecting, preserving and providing access to artifacts and information regarding the history of the Osoyoos area.



# 8702 MAIN STREET





# PHASE ONE BUDGET

## Construction budget: Phase One

Phase One will focus on essential elements required to open the museum in the new location in the spring of 2020 and set the stage for future phases and embellishments.

General Requirements	\$250,280		
Existing Conditions	\$87,156		
Concrete	\$11,949		
Masonry	\$18,720		
Metals	\$43,933		
Wood and Plastics	\$43,848		
Moisture and Thermal Protection	\$173,025		
Doors and Windows	\$57,010		
Finishes	\$195,444		
Specialties	\$4,500		
Conveying Systems	\$80,000		
Fire Suppression	\$45,793		
Plumbing Systems	\$39,700		
Heating and Ventilation	\$139,712		
Electrical Systems	\$170,833		
Communications	\$10,500		
Electronic Safety/Security	\$15,984		
Earthworks	\$4,120		
External Improvements	\$0		
Utilities including Solar	\$160,000		
Construction Sub-total		\$1,552,508	
Contingency 15%		\$232,876	
Total Construction Cost Estimate – October 2014 dollars			\$1,785,384
Escalation cost to November 2016 at 2% (per year)			\$72,130
Total Construction Cost Estimate including Escalation			\$1,857,514
Soft Cost Estimate: Arch/Struct/Mech/Elect. Predesign not included			\$185,603
Additional Costs: QS/Land/Survey/Civil/Disbursements			\$23,000
<b>Total Construction Budget including Soft Costs</b>			<b>\$2,066,117*</b>

\*excluding taxes

## Exhibit budget: Phase One

Phase One will focus on essential elements required to open the museum in the new location in the spring of 2020 and set the stage for future phases and embellishments.

Graphics (incl. design, production, management, shipping & installation)	\$144,500		
Millwork (incl. production, management, shop drawings, shipping & installation)	\$200,000		
Photo Acquisition	\$5,000		
Custom Photography	\$10,000		
Commissioned Artwork and Illustrations	\$10,000		
Exhibit budget Sub-total		\$369,500	
Contingency 10%		\$36,950	
Total Exhibit Cost Estimate – September 2015 dollars			\$406,450
Escalation cost to November 2016 at 2% (per year)			\$8,129
Total Exhibit Cost Estimate including Escalation			\$414,579
Soft Cost Estimate: Predesign not included			\$75,000
Additional Costs: Travel, Accommodation, Couriers and other disbursements			\$15,000
<b>Total Exhibit Budget including Soft Costs</b>			<b>\$504,579*</b>

\*excluding taxes

NOTE:

Tableaux to be done by others.

# “... WHAT’S YOUR DECADE?”



“My decade was the 1930s. There are people here that came in the '40s, '50s and years later. You have your decade. Don't let it get lost. It's important that we know where we came from.”

-Dorothy Fairbairn,  
OMS Honourary  
Lifetime Member

# CORE THEMES



## LAND

– geography, climate, lake, desert, mountains, location

## PEOPLE

– OIB, settler, immigrant, tourist, community

## INDUSTRY

– ranching, orchards, viticulture, tourism, recreation

# “... THE HEART OF OUR COMMUNITY.”



“Successful communities have preserved their past in order to enrich the present and protect it for the future. When I travel, I seek out the museum to learn about the community. Having our new museum in our downtown core will help residents and visitors alike get directly in touch with the heart of our community.”

-Frances Sologuk,  
Local Business Owner

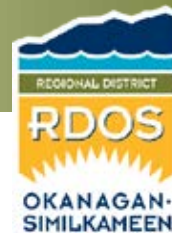


19 Park Place, Box 791  
Osoyoos, BC, VoH 1Vo  
250.495.2582  
[info@osoyoosmuseum.ca](mailto:info@osoyoosmuseum.ca)

“A MUSEUM SHOULD NEVER BE FINISHED BUT  
BOUNDLESS AND EVER IN MOTION.”

- GOETHE





# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, September 5, 2019

9:45 am

### REGULAR AGENDA

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A. APPROVAL OF AGENDA

**RECOMMENDATION 1**

THAT the Agenda for the Environment and Infrastructure Committee Meeting of September 5, 2019 be adopted.

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B. Single Use Plastics Consultation – For Information Only

To advise how RDOS Staff will be engaging with the Province on single use plastics.

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C. ADJOURNMENT

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** August 15, 2019

**RE:** Single Use Plastics Consultation

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**Administrative Recommendation:**  
For Information Only

**Purpose:**  
To inform the Environment and Infrastructure Committee how RDOS Staff will be engaging with the Province of BC on single use plastics.

**Reference:**

- June 20<sup>th</sup>, 2019 – Environment and Infrastructure Committee - Discussion Regarding Plastic Bag Ban in Okanagan
- [Webpage – CleanBC - Plastics Action Plan](#)

**Background:**

The Board resolved on July 4<sup>th</sup>, 2019 “THAT the RDOS Board of Directors express their support to the Province and Federal governments for a single use plastics ban.”

Since that resolution was adopted, the Province of BC has entered into public consultation on single use plastics ban. Under the CleanBC program, the Province will be accepting input on single use plastics until September 18<sup>th</sup>, 2019. The four main topics the Province is seeking input on are:

- Bans on single-use packaging;
- Methods to reduce the creation of plastics;
- Increased recycling of plastic items; and
- Initiatives to increase the take back of beverage containers in BC.

The CleanBC program has developed a survey for individuals and a submission process for organizations such as the RDOS.

**Analysis:**

In order to meet the Board's direction, RDOS Staff will submit correspondence to the Province asserting the Board's position that the Province and Federal government should oversee the development of a single use plastic ban.

Additionally, the RDOS will encourage all RDOS residents to complete the online survey prior to September 18<sup>th</sup>. The website link to access the survey is <https://cleanbc.gov.bc.ca/plastics>.

**Communication Strategy:**

RDOS Public Works will develop a submission for the consultation. Local governments across BC are organizing discussions on single use plastics that the RDOS will participate in.

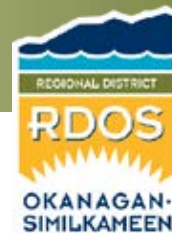
The RDOS will share information with the public on the Provincial public consultation through our webpage, information release, Facebook and CivicReady. All Directors are encouraged to promote this Provincial public consultation through their municipality, newsletters or social media.

**Respectfully submitted:**

*Cameron Baughen*

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C. Baughen, Solid Waste Management Coordinator



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Protective Services Committee

Thursday, September 5, 2019

10:00 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

THAT the Agenda for the Protective Services Committee Meeting of September 5, 2019 be adopted.

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### B. RCMP RECRUITMENT – OC PENTICTON DETACHMENT

- i. Verbal Update
- ii. Email Correspondence

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### C. EMERGENCY PROGRAM BYLAW REVIEW – For Information Only

- i. Administrative Report
- ii. Bylaw - Clean
- iii. Bylaw – V.02
- iv. Draft Contract

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### D. ADJOURNMENT

## ADMINISTRATIVE REPORT

TO: Protective Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 5, 2019

RE: RCMP Detachment Commander – For Information Only

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**From:** Doug Holmes <dholmes@summerland.ca>  
**Sent:** Tuesday, August 27, 2019 9:52 AM  
**To:** Bill Newell <bnewell@rdos.bc.ca>; Christy Malden <cmalden@rdos.bc.ca>  
**Cc:** Karla Kozakevich <kkozakevich@rdos.bc.ca>  
**Subject:** RCMP - protective services committee

Hi Bill, Christy,

I'm writing as chair of the protective services committee...

A few RDOS board members, myself included, were caught off guard by the announcement of Superintendent's De Jager's transfer and frustrated that the RDOS board had no involvement in the matter.

I'm wondering if at the next protective services committee we could receive an explanation of his departure (not sure from whom, but surely someone can tell us) as well as the process for hiring his replacement and what role if any the RDOS would play.

Many thanks,

Doug

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From: Brad Haugli <[brad.haugli@rcmp-grc.gc.ca](mailto:brad.haugli@rcmp-grc.gc.ca)>  
Date: Aug 27, 2019 2:27 PM  
Subject: RE: new Superintendent Officer in Charge - RCMP Penticton South Okanagan Similkameen Regional Det  
To: Karla Kozakevich <[kkozakevich@rdos.bc.ca](mailto:kkozakevich@rdos.bc.ca)>

Hi Karla & Donny,

I am pleased to advise that Insp. Brian Hunter is confirmed as your new Supt Officer in Charge. It will be published through the RCMP bulletin tomorrow (Weds Aug 28) at around noon.

Donny, could you please advise Councillor Robinson.



In regards to the larger group, I will leave with you to advise Penticton Council and the RDOS Board, but could I ask that you wait until 11 am tomorrow. I just want to ensure the notifications go smoothly.

In regards to external comms, I will be deferring to our Division Comms Ms. Dawn Roberts, who is copied on this email. Please provide me your points of contact for comms at the City and RDOS.

Regards,  
Brad  
19-08-27

B.D. (Brad) Haugli, C/Supt.  
District Commander  
Southeast District, 'E' Div, RCMP  
office: (250) 491-2300  
email: [brad.haugli@rcmp-grc.gc.ca](mailto:brad.haugli@rcmp-grc.gc.ca)<<mailto:brad.haugli@rcmp-grc.gc.ca>>

## ADMINISTRATIVE REPORT

**TO:** Protective Services Committee

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

**DATE:** September 5, 2019

**RE:** Emergency Management Regulatory Bylaw – For Information Only

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### **Purpose:**

To open a discussion about the Emergency Management Organization for the Region. With the passage of time and the events of the past few years, it would be appropriate to review the structure of the organization identify opportunities for improvement.

**This discussion is not to be confused with the implementation of the Emergency Response Plan or the operation of the Emergency Operations Centre.**

### **Reference:**

Emergency Program Act, RSBC 1996, C. 111 (the “Act”)  
Local Authority Emergency Management Regulation  
Bylaw 2375/06 Emergency Planning Program Establishment Bylaw  
Bylaw 2423/07 Emergency Planning Program Regulatory Bylaw

### **Business Plan Objective:** *(Tie to current RDOS Business Plan)*

3.1.1.1 To update the Regional District Emergency Management Regulatory **Bylaw**

### **Background:**

The Emergency Program Act, S. 6, stipulates that each local authority is at all times responsible for the direction and control of the local authority’s emergency response, must have an emergency plan and must establish and maintain an emergency management organization. By Bylaw 2375/06, the Regional District established a regional emergency management program which includes all 9 electoral areas and our 6 member municipalities.

Further the Act enables a local authority to appoint a committee to advise and assist them with their responsibility and to appoint a coordinator. By Bylaw 2423/07, the Regional District sets up an emergency management organization and the administration thereof.

### **Analysis:**

The Regional District of Okanagan Similkameen is currently reviewing our Emergency Management Program and we have the Regulatory Bylaw on the agenda for discussion. We have some questions about the Service Establishment Bylaw and what the Act enables a Regional District and it’s member municipalities to undertake and we’re investigating that for later discussion.

The Emergency Program Act clearly separates electoral areas within a regional district from incorporated communities and dictates that each local authority is at all times responsible for the direction and control of their emergency response (S. 6).

The Regulation refers to Mutual Aid between local authorities, but doesn't go as far as delegation. The Sample Bylaw for Regional Districts on the EMBC web page seems to rely on the Local Government Act to authorize a municipality to delegate that responsibility to a regional district, and we're aware of jurisdictions that do that, but there may be other documents required to be compliant with the Act.

The RDOS has established a regional emergency planning program that includes all 9 electoral areas and 6 member municipalities. Some of our smaller members rely completely on the RDOS for emergency response; others have appointed an Emergency Coordinator but use us for additional capacity; others are stand-alone. The RDOS has no documentation other than our Service Establishment Bylaw and a Regulatory Bylaw setting up the Emergency Management structure. We have no MOU's or Mutual Aid Agreements.

## 1. Governance

The Regional District determined in 2008 that the Committee established in 2423 was a bit cumbersome and decided to add responsibility for emergency preparedness into the Terms of Reference for the Protective Services Committee. This was deemed appropriate because it kept all members equally informed.

The Regional District is composed of 15 unique jurisdictions. Emergencies or Disasters rarely follow geographic boundaries and they're rarely selective. When facing imminent risk or having experienced a disaster within a certain jurisdiction, it would seem beneficial to have the representative(s) for the jurisdiction on the Emergency Management Committee. There would be important communication political actions required that the representative would be expected to fulfill in those circumstances and use of the Protective Services Committee format seems appropriate.

**Discussion: Are we prepared to change the governance structure currently entrenched in 2423 to reflect current practice of using the Protective Services Committee as our Emergency Management Committee?**

## 2. Administration

Emergency management is a very complex and technical responsibility. Familiarity with the Act, government programs, the incident command system, EOC management, government relationships, etc. are not only technical, but they take a lot of time. Add on top of that the knowledge and experience necessary to organize training and exercises, the constant turn-over of personnel, the different types of events, new equipment and technology; but most importantly the coordination required between our jurisdictions.

The Emergency Planning Committee (the political side) would benefit from support from a Management Planning Team (the administrative/technical side) in order to fulfil the obligations of creating an emergency organization referred to in S. 6 (3) of the Act.

**Discussion: Is the designation of the 7 Chief Administrative Officers broad enough to satisfy the responsibilities set out for the administrative/technical arm of the Emergency Organization?**

### **Communication Strategy:**

Should Committee be satisfied with the proposed direction and structure of the Emergency Management Organization, it would be the intent to meet with the proposed Emergency Management Team to discuss how we want to proceed in the future. While the draft Bylaw relies on the CAO Group to take responsibility for emergency management, it is anticipated that each member will bring along those in their organization who could add value to the discussions.

## **REGIONAL DISTRICT of OKANAGAN SIMILKAMEEN**

### **BYLAW NO.**

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A bylaw of the Regional District of Okanagan Similkameen to regulate the administration and operation of the Regional Emergency Management Program

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**WHEREAS** pursuant to the Emergency Program Act of British Columbia a Board or Council is at all times responsible for the direction and control of the local authority's emergency response;

**AND WHEREAS** the Regional District of Okanagan Similkameen has, by Emergency Planning Program Services Bylaw 2375, 2006 established the service of Emergency Management Planning and Preparedness;

**AND WHEREAS** the Board of a regional district must establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disaster;

**AND WHEREAS** the Board of Directors wishes to provide a comprehensive management program for the Regional District of Okanagan-Similkameen to prepare for, respond to and recover from emergencies and disasters;

**AND WHEREAS** section 6 (3.1) of the Act provides that a Board may appoint a coordinator for the emergency management organization.

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

#### **Section 1 - Citation**

- 1.1 This Bylaw shall be cited as the “**Regional Emergency Management Program Regulatory Bylaw No.**”.

#### **Section 2 - Interpretation**

2.1 In this bylaw:

- (a) "Act" means the Emergency Program Act (1996), RSBC Chapter 111 and all regulations made thereunder.
- (b) "Board" means the Board of Directors of the Regional District of Okanagan Similkameen.
- (c) "Chair" means that person elected annually by the Board as Chair.
- (d) "Chief Administrative Officer" or "CAO" means that person appointed by the Board as the Chief Administrative Officer for the Regional District and who is hereby delegated the responsibility for emergency management in the Regional District.



- (e) "Committee" means the Protective Services Committee established by the Board.
- (f) "Council" means the council of a member municipality.
- (g) "Declaration of a state of local emergency" means a declaration by the Board or a Council, the Chair or Mayor, that an emergency exists or is imminent in the Regional District.
- (h) "Disaster" means a calamity that:
  - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
  - ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;
- (i) "Emergency" means a present or imminent situation or condition that:
  - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
  - ii. requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people or to limit widespread damage to property;
- (j) "Emergency Coordinator" means the coordinator for the Emergency Management Organization appointed by and responsible to the CAO;
- (k) "Emergency Planning Team" means those persons appointed by the CAO who are responsible for the implementation of the Emergency Response and Recovery Plan.
- (l) "Emergency Response and Recovery Plan" (ERRP) means the objectives, responsibilities and strategies that shall be used to respond to and recover from major emergencies or disasters in the Regional District or a member municipality.
- (m) "Head" means the mayor of a council or chair of a regional district
- (n) "Member Municipality" means Osoyoos, Oliver, Penticton, Summerland, Keremeos and Princeton.
- (o) "Regional District" means the Regional District of Okanagan Similkameen.

### **Section 3 – Establishment of a Committee**

- 3.1 There is established a Committee, the membership of which shall consist of all members of the Board and be chaired by the Chair of the Committee, who shall be appointed annually by resolution of the Board to provide policy direction and assist in ensuring that all aspects of the Regional District Emergency Management Program are adequately addressed.

## **Section 4 – Responsibilities of the Committee**

- 4.1 Subject to the direction of the Board, the Committee shall be responsible for the carrying out of any emergency measures or emergency activities or works in furtherance of the British Columbia Emergency Program Act or this bylaw. To that end, the Committee shall have delegated to it the duties and resources of the Board except the power to declare a State of Local Emergency, borrow money, pass a bylaw or enter into any contracts; provided however, such delegation of duties and powers of the Board is expressly limited to only those powers of the Board necessary to carry out its rights, responsibilities, or duties under the Act.
- 4.2 There is established an Emergency Planning Team to assist and report to the Committee, chaired by the CAO. The Team shall consist of the Chief Administrative Officers for the jurisdictions listed in bylaw No. 2375, 2006 being:
- i) the Regional District
  - ii) the District of Summerland
  - iii) the City of Penticton
  - iv) the Town of Oliver
  - v) the Town of Osoyoos
  - vi) the Village of Keremeos
  - vii) the Town of Princeton

## **Section 5 – Powers of the Board**

- 5.1 The Board may enter into agreements with other regional districts or municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness response or recovery.
- 5.2 The Board, or the Chair, or the Chief Administrative Officer may, whether or not a state of local emergency has been declared, cause the Regional Emergency Response and Recovery plan to be implemented or activate an Emergency Operation Center in support of the event.
- 5.3 The Board by bylaw or resolution, the Chair by order, or other authority having jurisdiction of the respective participating area may declare a state of local emergency when the extraordinary power or authority enabled by the Act is required to effectively deal with an emergency or disaster in any part of the participating areas.

## **Section 6 - Powers of a Participating Municipality**

- 6.1 The local authority, whether or not a state of local emergency has been declared, may cause the regional emergency plan to be implemented.
- 6.2 The Council by bylaw or resolution, or the Mayor by order when time is of the essence, may declare a state of local emergency within any part of their respective municipality under the authority of Section 12 of the Act.

- 6.3 Upon a "declaration of a state of local emergency" being made, the local authority shall:
- (a) Forward a copy of the declaration to the minister and the Regional District.
  - (b) Cause the details of the declaration to be published by a means of communication that the local authority considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- 6.4 After a declaration of a state of emergency is made, for the duration of the state of emergency, the local authority or other authority having jurisdiction of the respective participating municipality may do any or all acts considered necessary and implement procedures that the local authority considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster.

### **Section 7 - The Emergency Planning Team**

- 7.1 The Emergency Planning Team shall be responsible for:
- a. the formation of the Emergency Response and Recovery Plan for each local authority included within the Service; and,
  - b. the integration of Regional District, Member Municipality, other agency and volunteer emergency services; and,
  - c. the submission to the Committee of annual estimates of expenditures for the maintenance and operation of the Emergency Organization; and,
  - d. the submission to the Committee, at least once per year, of a progress report of activities; and,
  - e. the training of individuals in emergency preparedness and the implementation of the Emergency Response and Recovery Plan; and,
  - f. the exercising of the Emergency Response and Recovery Plan plus the ongoing review and evaluation of the Plan.

### **Section 8 – Liability**

- 8.1 As enabled by the Act, no person, including, without limitation, the Board, the Chair, members of the Committee, employees of the Regional District, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:
- (a) The person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Bylaw or the regulations, unless, in doing or omitting to do the act, the person was grossly negligent; or
  - (b) Any acts done or omitted to be done by one or more of the persons who were, under this Bylaw or the regulations, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

**READ A FIRST, SECOND, AND THIRD TIME** this            day of

**ADOPTED BY AT LEAST 2/3 OF THE VOTES** this            day of

---

Chair

---

Chief Administrative Officer

## REGIONAL DISTRICT of OKANAGAN-SIMILKAMEEN

### BYLAW NO. ~~2423, 2007~~

A bylaw ~~to Regulate the Administration and Operation~~ of the Regional District of Okanagan-Similkameen to regulate the administration and operation of the Regional Emergency Management Program

**WHEREAS** pursuant to the Emergency Program Act of British Columbia a Board or Council is at all times responsible for the direction and control of the local authority's emergency response;

**AND WHEREAS** the Regional District of Okanagan-Similkameen has, by Emergency Planning Program Services Bylaw 2375, 2006 established the service of Emergency Management Planning and Preparedness;

**AND WHEREAS** the Board of a regional district must establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disaster;

**AND WHEREAS** the Board of Directors wishes to provide a comprehensive management program for the Regional District of Okanagan-Similkameen ~~Participating Areas~~ to prepare for, respond to and recover from emergencies and disasters;

**AND WHEREAS** section 6 (3.1) of the Act provides that a Board may appoint a coordinator for the emergency management organization.

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

#### **Section 1 - Citation**

1.1 This Bylaw shall be cited as the “**Regional ~~District Okanagan-Similkameen~~ Emergency Management Program Regulatory Bylaw No. ~~2423, 2007~~”**.”

#### **Section 2 - Interpretation**

2.1 In this bylaw:

- (a) ~~(a)~~ "Act" means the Emergency Program Act (1996), RSBC Chapter 111 and all regulations made thereunder.
- (b) ~~(b)~~ "Board" means the Board of Directors of the Regional District of Okanagan-Similkameen.
- (c) ~~(c)~~ "Chair" means that person elected annually by the Board as Chair.
- (d) ~~(d)~~ "Chief Administrative Officer" or "CAO" means that person appointed by the Board as the ~~Chief Administrative Officer~~ for the Regional District and who is



hereby delegated the responsibility for emergency management in the Regional District.

(e) ~~(e)~~ "Committee" means the Protective Services Committee established by the Board.

(f) "Council" means the council of a member municipality.

~~(e)~~(g) "Declaration of a state of local emergency" means a declaration by the Board or a Council, the Chair, ~~or other authority having jurisdiction for the respective participating area or Mayor~~, that an emergency exists or is imminent in the Regional District.

(h) ~~(f)~~ "Disaster" means a calamity that:

i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and

ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;

(i) "Emergency" means a present or imminent situation or condition that:

i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and

ii. requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people or to limit widespread damage to property;

(j) "Emergency Coordinator" means the coordinator for the Emergency Management Organization appointed by and responsible to the CAO;

(k) "Emergency Planning Team" means those persons appointed by the CAO who are responsible for the implementation of the Emergency Response and Recovery Plan.

~~(f)~~(l) "Emergency Response and Recovery Plan" (ERRP) means the objectives, responsibilities and strategies that shall be used to respond to and recover from major emergencies or disasters in the ~~Participating Areas of the~~ Regional District ~~Okanagan-Similkameen~~ or a member municipality.

(m) ~~(g)~~ "Emergency Program Guide" (EPG) ~~"Head"~~ means the guidelines, objectives ~~mayor of a council or chair of a regional district~~

(n) "Member Municipality" means Osoyoos, Oliver, Penticton, Summerland, Keremeos and ~~strategies to be used by Princeton~~.

~~(g)~~(o) "Regional District" means the Regional District of Okanagan-~~Similkameen~~.

~~(h) "Protective Services Manager" means the individual appointed with the responsibility for coordinating jurisdictional emergency management for the Regional District Okanagan-Similkameen.~~

- (i) ~~"Participating Area" means Regional District Okanagan-Similkameen Electoral Areas "A, B, C, D, E, F, G, H, Town of Oliver, Town of Osoyoos, Village of Keremeos, Town of Princeton, City of Penticton and the District of Summerland.~~

~~2.2 This Bylaw shall be construed in accordance with the Emergency Program Act (1996), RSBC Chapter 111 and all regulations made thereunder.~~

### **Section 3 – Administration Establishment of a Committee**

3.1 There is established ~~an Emergency Preparedness Committee that is an advisory group that shall~~ Committee, the membership of which shall consist of all members of the Board and be chaired by the Chair of the Committee, who shall be appointed annually by resolution of the Board to provide policy direction and assist in ensuring that all aspects of ~~—The~~ the Regional District ~~Okanagan-Similkameen~~ Emergency Management Program are adequately addressed. ~~The committee shall consist of:~~

~~four~~ **(Section 4) members – Responsibilities of the** Regional District Okanagan-Similkameen Corporate **Committee**

4.1 ~~Subject to the direction of the Board; appointed, the Committee shall be responsible for the carrying out of any emergency measures or emergency activities or works in furtherance of the British Columbia Emergency Program Act or this bylaw. To that end, the Committee shall have delegated to it the duties and resources of the Board except the power to declare a State of Local Emergency, borrow money, pass a bylaw or enter into any contracts; provided however, such delegation of duties and powers of the Board is expressly limited to only those powers of the Board necessary to carry out its rights, responsibilities, or duties under the Act.~~

~~a) 4.2 There is established an Emergency Planning Team to assist and report to the Committee, chaired by the Regional District Chair~~

**CAO. The Team shall consist of** the Chief Administrative Officers ~~or designate~~ for the jurisdictions listed in bylaw No. 2375, 2006 being:

- ~~i) ———the Regional District~~
- ~~ii) ———the District of Summerland~~
- ~~iii) the City of Penticton~~
- ~~iv) the Town of Oliver~~
- ~~v) the Town of Osoyoos~~
- ~~vi) the Village of Keremeos~~
- ~~vii) the Town of Princeton~~

~~b) Regional District Protective Services Manager~~

~~c) Regional District Public Works representation~~

~~d) Royal Canadian Mounted Police (RCMP) representation~~

~~e) BC Ambulance Service (BCAS) representation~~

~~f) Search and Rescue (SAR) representation~~

~~g) First Nations representation~~

~~h) Interior Health representation~~

~~i) School District representation~~

~~j) up to two (2) members of the public~~

~~3.2 Subject to the approval of the Board, the Emergency Preparedness Committee may:~~

~~a) may amend its terms of reference, policies and procedures.~~

~~b) enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services.~~

#### **Section 45 – Powers of the Board**

~~45.1~~ The Board may enter into agreements with other regional districts or municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness response or recovery.

~~5.2~~ The Board, or the Chair ~~(or his designate),~~ or the Chief Administrative Officer ~~(or his designate)~~ may, whether or not a state of local emergency has been declared, cause the Regional ~~District Okanagan-Similkameen~~ Emergency Response and Recovery plan to be implemented or activate an Emergency Operation Center in support of the event.

~~4.25.3~~ The Board by bylaw or resolution, the Chair by order, or other authority having jurisdiction of the respective participating area may declare a state of local emergency when the extraordinary power or authority enabled by the Act is required to effectively deal with an emergency or disaster in any part of the participating areas.

4

#### **Section 6 - Powers of a Participating Municipality**

~~6.1~~ The local authority, whether or not a state of local emergency has been declared, may cause the regional emergency plan to be implemented.

~~6.2~~ The Council by bylaw or resolution, or the Mayor by order when time is of the essence, may declare a state of local emergency within any part of their respective municipality under the authority of Section 12 of the Act.

~~6.3~~ Upon a "declaration of a state of local emergency" being made, the ~~Board, Chair or other authority having jurisdiction of the respective participating area~~ local authority shall:

(a) ~~(a)~~ Forward a copy of the declaration to the ~~Attorney General~~ minister and the Regional District.

- (b) ~~(b)~~ Cause the details of the declaration to be published by a means of communication that the ~~Board, Chair or other authority having jurisdiction of the respective participating area~~ local authority considers most likely to make the contents of the declaration known to the majority of the population of the affected area.

~~46.4~~ After a declaration of a state of emergency is made ~~under section 4.2 of this bylaw in respect of all or any part of the electoral participating area(s), and,~~ for the duration of the state of emergency, the ~~Board, Chair~~ local authority or other authority having jurisdiction of the respective participating ~~area~~ municipality may do any or all acts considered necessary and implement procedures that the ~~Board, Chair or other authority having jurisdiction of the respective participating area~~ local authority considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, ~~including any or all.~~

## **Section 7 - The Emergency Planning Team**

7.1 The Emergency Planning Team shall be responsible for:

- a. the formation of the Emergency Response and Recovery Plan for each local authority included within the Service; and,
- b. the integration of Regional District, Member Municipality, other agency and volunteer emergency services; and,
- a-c. the submission to the Committee of annual estimates of expenditures for the maintenance and operation of the following: Emergency Organization; and,
  - ~~(a) — Acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster.~~
  - ~~(b) — Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of any emergency or disaster;~~
  - ~~(c) — Control or prohibit travel to or from any portion of the participating area.~~
  - ~~(d) — Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the participating area.~~
  - ~~(e) — Cause the evacuation of persons and the removal of livestock, animals and personal property from the participating electoral area that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property.~~
  - ~~(f) — Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the Board, Chair or other authority having jurisdiction~~

~~of the respective participating area to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster.~~

- ~~(g) Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Board, Chair or other authority having jurisdiction of the respective participating area to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster.~~
- ~~(h) Construct works considered by the Board, Chair or other authority having jurisdiction of the respective participating area to be necessary or appropriate to prevent, respond to or alleviate the effects of any emergency or disaster.~~
- ~~(i) Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the participating area for the duration of the local state of emergency; and~~
- ~~(j) Authorize the Emergency Program Coordinator to exercise, in any part of the participating area (s) affected by a declaration of a local state of emergency, those specific powers enabled in Section 4.4 of this bylaw and assumed by the Board or Chair.~~

~~4.5 The Board, Chair or other authority having jurisdiction of the respective participating area must, when of the opinion that an emergency no longer exists in the participating area to which a declaration of local state of emergency was made:~~

- ~~(a) Cancel the declaration of a state of local emergency in relation to that part:~~
  - ~~i) by bylaw or resolution, if cancellation is effected by the Board; or~~
  - ~~ii) by order, if the cancellation is effected by the Chair; or~~
  - ~~iii) by bylaw, resolution or order by the other authority having jurisdiction of the respective participating area, and~~
- ~~(b) Promptly notify the Minister of the cancellation of the declaration of a state of local emergency.~~
- d. the submission to the Committee, at least once per year, of a progress report of activities; and,
- e. the training of individuals in emergency preparedness and the implementation of the Emergency Response and Recovery Plan; and,
- f. the exercising of the Emergency Response and Recovery Plan plus the ongoing review and evaluation of the Plan.

## **Section 58 – Liability**

**58.1** As enabled by the Act, no person, including, without limitation, the Board, the Chair, members of the ~~Emergency Preparedness~~ Committee, employees of the Regional District ~~Okanagan-Similkameen~~, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

- (a) The person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Bylaw or the regulations, unless, in doing or omitting to do the act, the person was grossly negligent; or
- (b) Any acts done or omitted to be done by one or more of the persons who were, under this Bylaw or the regulations, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

**READ A FIRST, SECOND, AND THIRD TIME** this ~~21st~~\_\_ day of ~~June, 2007~~.

**ADOPTED BY AT LEAST 2/3 OF THE VOTES** this ~~21st~~\_\_ day of ~~June, 2007~~.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Chief Administrative Officer

## EMERGENCY MANAGEMENT PROGRAM AGREEMENT

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

BETWEEN:

**MUNICIPALITY**

Address  
TOWN, BC  
L#L #L#

(hereafter called the “municipality”)

OF THE FIRST PART

AND:

**REGIONAL DISTRICT of OKANAGAN SIMILKAMEEN**

101 Martin St.  
Penticton, BC  
V2C 2A9

(hereafter called the “RDOS”)

OF THE SECOND PART

**WHEREAS:**

- A. The municipality is authorized to enter into an agreement with the RDOS to provide Regional Emergency Program Services pursuant to Section 3 of the RDOS Regional Emergency Program Establishment Bylaw No.2375, 2006.
- B. The RDOS and the municipality have resolved to enter into this Agreement believing it to be mutually beneficial.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, and mutual covenants and agreements hereinafter set forth in this agreement, the parties agree as follows:

**1. DEFINITIONS**

- 1.1. “Act” means the Emergency Program Act (1996), RSBC Chapter 111 and all regulations made thereunder.
- 1.2. “Disaster” means a calamity that:
  - (a) is caused by accident, fire, explosion or technical failure or by forces of nature;
  - (b) has resulted in serious harm to the health, safety, or welfare of people, or in widespread damage to property; and
  - (c) has overwhelmed the available resources of the municipality.
- 1.3. “Emergency” means a present or imminent threat that:
  - (a) is caused by accident, fire, explosion or technical failure or by forces of nature;
  - (b) requires prompt coordination or special regulation of persons or property to protect the health, safety or welfare of people to limit damage to property; and



- (c) is within the available resources of the municipality.
- 1.4. “Emergency Response and Recovery Plan or ERRP” means the physical plan that is adopted by the RDOS.
- 1.5. “Emergency Program Coordinator or EPC” means the individual appointed with the responsibility for coordinating jurisdictional emergency management for the RDOS.
- 1.6. “EOC” means Emergency Operations Centre.
- 1.7. “ESS” means Emergency Support Services.
- 1.8. “State of Local Emergency” means a declaration of a local authority or the head of a local authority under section 12 (1) of the Act.

## **2. SERVICES**

- 2.1. The RDOS will manage the Emergency Response and Recovery Plan of the municipality, to include:
  - (a) an all hazard approach;
  - (b) a Hazard, Risk, and Vulnerability Analysis;
  - (c) an Evacuation Plan;
  - (d) templates of various forms or checklists;
  - (e) procedures for declaring a State of Local Emergency; and
  - (f) any other documents either deemed necessary or that have a positive effect on the overall success of the EPP.
- 2.2. The RDOS will provide emergency training at least once per year to the municipality.
- 2.3. The RDOS will manage ESS teams located throughout the geographic area to support local municipality operations.
- 2.4. The RDOS will activate the Regional EOC to support the municipality when they implement their ERRP or declare that a disaster has occurred.
- 2.5. The RDOS will entertain requests from the municipality for additional resources such as manpower to staff the municipal EOC in the event of an emergency, dependent on operational needs and requirements of the whole region.
- 2.6. The EPC will give guidance to EOCs based on the needs of the municipality.
- 2.7. The EPC will chair an emergency management collaboration group that will meet bi-annually with all Regional level stakeholders to discuss overarching emergency management concepts, best practices, and new ideas.

## **3. CONDITIONS OF SERVICE**

- 3.1. The municipality will contact EMBC for task and incident numbers.
- 3.2. The municipality is responsible for staffing, maintaining, and having a primary location for an EOC or providing resources to assist in staffing the regional EOC.
- 3.3. The municipality understands that they may request additional staffing from the RDOS under section 2.5 to adequately staff their EOC, however, are not guaranteed to receive any additional support depending on the Regional operational tempo.
- 3.4. The municipality shall send a representative to the emergency planning team meetings to discuss overarching emergency management ideas and how they would impact the municipality.



#### **4. INDEMNIFICATION**

- 4.1. The RDOS releases, indemnifies and saves harmless the municipality, its officers and employees for any and all claims, actions for loss, injury, damages, or compensation by any person or corporation whatsoever by reason of or in any way attributable to any emergency management services provided pursuant to this Agreement, or any failure to provide such services.

#### **5. RENEWAL AND CANCELLATION**

- 5.1. Either party wishing to renew this Agreement will advise the other in writing on or before \_\_\_\_\_ of the intention to renew, and the terms on which such renewal is sought.
- 5.2. Either party may terminate this Agreement by giving to the other written notice to that effect, such notice to be sent by registered mail. However, notice of termination of this Agreement shall be provided prior to June 30<sup>th</sup> to take effect December 31<sup>st</sup> of that same year.
- 5.3. This Agreement may be amended at the mutual consent of both parties.
- 5.4. This Agreement may be renewed for an additional five years at the mutual consent of both parties.

#### **6. NOTICE**

- 6.1. Wherever in this Agreement it is required or permitted that notice, demand or other communication will be given and served by either party to the other, such notice or demand will be given and served in writing and forwarded to the respective party at the address given in this Agreement, provided that either party may change its address by giving the other prior notice of a change in address.

#### **7. EFFECTIVE DATE**

- 7.1. Notwithstanding the date of executing or date of reference of this Agreement, the effective date of this Agreement is \_\_\_\_\_, 2019.
- 7.2. This Agreement replaces any previous Agreement between the parties dealing with the provision of emergency management planning, training, or dealings to the Local Service Area or any part of it.

(c/s)

## **SCHEDULE “A”**

Thompson-Nicola Regional District Emergency Management Program Regulatory Bylaw No.  
XXXX, 2019.

## **SCHEDULE “B”**

Thompson-Nicola Regional District Emergency Program Service Establishment Bylaw 1818,  
2000, and as amended.

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, September 5, 2019

11:00 am



## 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 September 5, 2019 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Electoral Area “D” Advisory Planning Commission – August 13, 2019

*THAT the Minutes of the August 13, 2019 Electoral Area “D” Advisory Planning Commission meeting be received.*

##### b. Electoral Area “E” Advisory Planning Commission – August 12, 2019

*THAT the Minutes of the August 12, 2019 Electoral Area “E” Advisory Planning Commission meeting be received.*

##### c. Electoral Area “C” Advisory Planning Commission (APC) Appointment

*THAT the Board of Directors appoint Beantjit Chahal as a member of the Electoral Area “C” Advisory Planning Commission until October 31, 2022.*

##### d. Naramata Parks & Recreation Commission – July 29, 2019

*THAT the Minutes of the July 29, 2019 Naramata Parks & Recreation Commission meeting be received.*

##### e. Environment and Infrastructure Committee – August 15, 2019

*THAT the Minutes of the July 29, 2019 Environment and Infrastructure Committee meeting be received.*

##### f. RDOS Regular Board Meeting – August 15, 2019

*THAT the minutes of the August 15, 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 – 101 Chardonnay Court Electoral Area “D”****i. Permit**

To increase the maximum parcel coverage to allow a swimming pool.

*THAT the Board of Directors approve Development Variance Permit No. D2019.018-DVP.*

**b. Development Variance Permit Application – 445 Ritchie Avenue Electoral Area “E”****i. Permit**

To allow for the development of an over-height accessory building within parcel line setbacks.

*THAT the Board of Directors approve Development Variance Permit No. E2019.016-DVP.*

**c. Development Variance Application – 6869 Indian Rock Road Electoral Area “E”****i. Permit****ii. Responses Received**

To increase the maximum height for a retaining wall to accommodate a septic field.

*THAT the Board of Directors approve Development Variance Permit No. E2019.024-DVP.*

**d. Development Variance Permit Application – 2630 Strathcona Avenue Electoral Area “H”****i. Permit**

To increase the maximum height for an accessory building to allow a detached garage/office/storage.

*THAT the Board of Directors approve Development Variance Permit No. H2019.023-DVP.*

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

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

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**B. DEVELOPMENT SERVICES – Rural Land Use Matters**

1. **Official Community Plan (OCP) & Zoning Bylaw Amendment – 336 Tulameen River Road Electoral Area “H”**
  - a. Bylaw No. 2497.11
  - b. Bylaw No. 2498.18
  - c. Representations

To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel.

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

**THAT Bylaw No. 2497.11, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.18, 2019, Electoral Area “H” Zoning Amendment Bylaw be read a third time and adopted.**

---

2. **Agricultural Land Commission referral (Non-Farm Use) – 5535 Highway 97 Electoral Area “C”**
  - a. Responses Received

To allow an “eating and drinking establishment” (i.e. restaurant) within the Agricultural Land Reserve.

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

**THAT the Regional District “not authorize” the application to operate an “eating and drinking establishment” as a “non-farm use” on the property at 5535 Highway 97 in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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**C. PUBLIC WORKS**

1. **Kaleden Sanitary Sewer Predesign Award**

To approve the award of predesign of the Kaleden sewer system around the lakeshore area to provide sufficient information to the residents for an informed referendum.

**RECOMMENDATION 6** (Weighted Corporate Vote – Majority)

**THAT the Regional District award the Predesign phase of the “Sewer Extension to Kaleden from Okanagan Falls” project to Urban Systems Ltd.in the amount of \$194,693.50 plus applicable taxes; and**

**THAT the Regional District approve a contingency of \$35,000 for unexpected items during the Predesign process.**

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**D. COMMUNITY SERVICES****1. Heritage Hills Park Naming**

The Vintage Views Developer will propose an amended name for a local park.

- a. Johnny Aantjes
  - b. Okanagan Falls Parks & Recreation Commission
  - c. Administrative Report
- 

**E. FINANCE****1. Electoral Area “I” Community Grant in Aid**

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

**THAT the Board approve the Area I Electoral Area Grant in Aid to the Kaleden Community Association in the amount of \$4,850.00 for community projects.**

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**2. Electoral Area “E” Naramata Fire 2019-2023 Five Year Financial Plan Amendment**

**RECOMMENDATION 8** (Weighted Corporate Vote – Majority)

**THAT the Board of Directors approve a budget amendment to transfer \$35,000 from the Naramata Satellite Hall Donation account to the 2019 Naramata Fire operating budget, Donation Revenue.**

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**F. LEGISLATIVE SERVICES****1. Area B Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw No. 2516 and Area B Untidy and Unsightly Premises Regulatory Control Bylaw No. 2517**

- a. Bylaw No. 2516
- b. Bylaw No. 2517

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

**THAT the first, second and third readings of Area B Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw 2516, 2010 and Area B Untidy and Unsightly Premises Regulatory Control Bylaw 2517, 2010, be rescinded and the bylaws abandoned.**

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**2. Bylaw 2059, 2001 Naramata Water System Capital Financing - Abandon**

- a. Bylaw No. 2059. 2001

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

**THAT the first, second and third readings of Bylaw 2059, 2001 Naramata Water System Capital Financing, be rescinded and the bylaw be abandoned.**

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**3. Electoral Area “E” Naramata Water System Development Cost Charge Amendment Bylaw 1804.08, 2018**

**a. Bylaw No. 1804.08, 2019**

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

**THAT Bylaw 1804.07, 2016 Naramata Water System Development Cost Charge Amendment Bylaw be repealed;**

**AND THAT Bylaw 1804.08, 2019 Naramata Water System Development Cost Charge Amendment Bylaw, be read a first, second and third time.**

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**4. Elected Official Compensation Committee Members**

**a. Terms of Reference**

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

**THAT the RDOS appoint the following applicants to the Elected Officials Compensation Committee:**

- Lionel Trudel
  - Lanny O.C. Smith
  - Bill Ross
  - Timothy Hodgkinson
  - Frank Armitage
- 

**G. CAO REPORTS**

**1. Verbal Update**

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**H. OTHER BUSINESS**

**1. Chair’s Report**

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**2. Directors Motions**

That administration investigate the feasibility of entering into a Twinning Agreement (Sister Region) initiative with a wine region in France.

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**3. Board Members Verbal Update**

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**I. ADJOURNMENT**

# Minutes

## Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, August 13, 2019

Okanagan Falls Community Centre (Gymnasium)

1141 Cedar Street, Okanagan Falls, BC

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Present: Ron Obirek, Director, Electoral Area “D”  
Members: Doug Lychak, Jerry Stewart, Navid Chaudry, Kelvin Hall, Alf Hartviksen, Almira Nunes, Kurtis Hiebert  
Absent: Don Allbright, Jill Adamson, Malcolm Paterson, Norm Gaumont  
Staff: Brad Dollevoet, General Manager of Development Services  
Sue Gibbons, Recording Secretary

Delegates: Barnett, Claudia, Applicant and Walter, Tony, Agent

### 1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

### 2. ADOPTION OF AGENDA

#### MOTION

It was Moved and Seconded that the Agenda be adopted.

**CARRIED**

### 3. APPROVAL OF PREVIOUS MEETING MINUTES

#### MOTION

It was Moved and Seconded by the APC that the Minutes of July 9, 2019 be approved.

The Chair called for errors or omissions and there were none.

**CARRIED**

#### **4. DEVELOPMENT APPLICATIONS**

##### **4.1 D06799.970 / (D2019.018-DVP) – Development Variance Permit Application**

Delegates: Barnett, Claudia, Applicant and Walter, Tony, Agent

Discussion

##### **MOTION**

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

**CARRIED**

#### **5. OTHER**

##### **5.1 Parkland Dedication Policy - Draft**

Attachment No. 1 – Draft Parkland Dedication Policy

Attachment No. 2 – Previous Parkland Dedication Policy

Presented by Brad Dollevoet, General Manager of Development Services

Discussion

##### **MOTION**

IT was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the draft Parkland Dedication Policy be supported and that the RDOS Board direct staff to develop a Development Cost Charges Bylaw for parkland acquisition and/or improving parkland.

**CARRIED**

#### **6. ADJOURNMENT**

##### **MOTION**

It was Moved and Seconded that the meeting be adjourned at 7:47 pm.

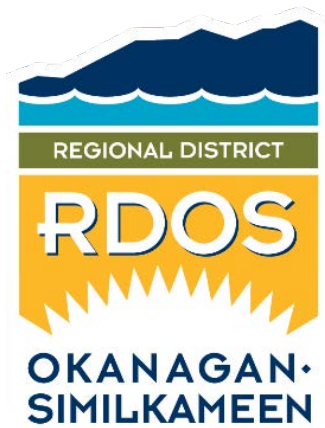
**CARRIED (UNANIMOUSLY)**

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Advisory Planning Commission Chair

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Advisory Planning Commission Recording Secretary



# Minutes

## Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, August 12th, 2019 at 7:30 p.m.

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

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### Present:

Members: Bruce Clough (Chair, Electoral Area 'E' APC), Don Mancell, Heather Fleck

Absent: Phil Janzen, Richard Roskell

Staff: Brad Dollevoet (RDOS Manager of Development Services)

Guests: Karla Kozakevich (RDOS Area 'E' Director)

Recording Secretary: Heather Lemieux, via transcription

Delegates: Jodi Trovao left meeting at 7:39 p.m., Ross Manning left meeting at 7:39 p.m.

### 1. ADOPTION OF AGENDA

The meeting was called to order at 7:30 p.m. Quorum Present.

#### MOTION

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

CARRIED

### 2. APPROVAL OF MINUTES

#### MOTION

It was Moved and Seconded by the APC THAT the Minutes of July 8th, 2019 be approved.

CARRIED

### 3. DELEGATIONS

- 3.1 Trovao, Jodi for Development Variance Permit Application Agent: Manning, Ross

E00699.000 (E2019.016-DVP)

#### 4. DEVELOPMENT APPLICATIONS

- 4.1 E00699.000 (E2019.016-DVP) - Development Variance Permit Application  
Administrative Report submitted by JoAnn Peachey, Planner

##### MOTION

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

CARRIED

#### 5. OTHER

- 5.1 E2019.011-CROWN - For Information Only

The Area 'E' APC understands that the site is already being used as a recreational site without proper management. The Area 'E' APC supports the creation of a recreational camping site with proper facilities and management.

- 5.2 Parkland Dedication Policy - Draft  
Administrative Report submitted by Brad Dollevoet, General Manager of Development Services  
Attachment No. 1 - Draft Parkland Dedication Policy  
Attachment No. 2 - Previous Parkland Dedication Policy

The Area 'E' APC reviewed and discussed the proposed changes to the policy and generally supports their update and linking policy with an updated Official Community Plan.

The Area 'E' APC also recommends THAT all parkland changes of use - not just disposal - be subject to electoral approval. The Area 'E' APC also encourages the continuing submission of drafted parkland reports to the Area Planning and Parks and Recreation Commissions for review.

- 5.3 Date of next meeting - September 9, 2019

#### 6. ADJOURNMENT

##### MOTION

It was Moved and Seconded that the meeting be adjourned at 8:25 p.m.

CARRIED

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

A handwritten signature in black ink, appearing to be 'B. Clough', written over a horizontal line.

Advisory Planning Commission Recording Secretary / minute taker

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Electoral Area "C" Advisory Planning Commission (APC) Appointment

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### **Administrative Recommendation:**

**THAT the Board of Directors appoint Beantjit Chahal as a member of the Electoral Area "C" Advisory Planning Commission until October 31, 2022.**

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### **Purpose:**

The purpose of this report is to seek the Board appointment of a member of the Area Planning Commission for Electoral Area "C".

**Reference:** [Advisory Planning Commission Bylaw No. 2339](#)

### **Background:**

The role of Area Planning Commission is to provide recommendations to the Regional District on all matters referred to it by the Regional District or by its Electoral Area Director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw and permits under Divisions 2, 7, 9 and 11 of Part 26 of the Local Government Act.

Section 4 of Bylaw 2339 (Advisory Planning Commissions) provides for the appointment of members, requiring the Board, by resolution, to appoint members to each Commission on the recommendation of the respective Electoral Area Director.

At least two-thirds of the members of a Commission for an Electoral Area shall be residents of that electoral area. Commission appointments shall be made by the Board for terms which run concurrent with the Board term, and no term of appointment shall extend beyond the term of the Electoral Area Director unless re-appointed by the Board.

### **Analysis:**

Ms. Beantjit Chahal has submitted an application to sit on the APC for Electoral Area "C" and Director Knodel has recommended that her application be brought forward for appointment by the Board.

The Board should be aware that Ms. Chahal was the applicant of a recent Development Variance Permit (No. C2019.015-DVP) to allow for new signage for a fruit stand that was subsequently approved by the Board on August 1, 2019.

### **Respectfully submitted:**

A handwritten signature in blue ink, appearing to read "B. Dollevoet", is written over a horizontal line.

B. Dollevoet, General Manager, Development Services

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# MINUTES

## Naramata Parks & Recreation Commission Monday July 29, 2019 at 6:30 p.m. Naramata Fire Hall

Members Present:	Dennis Smith (Chair), Maureen Balcaen, Nicole Verpaelst, Bob Coulter, Lyle Resh, Richard Roskell
Absent:	Jeff Gagnon, Jacqueline Duncan
Area 'E' Director	Karla Kozakevich (RDOS Area 'E' Director)
Staff & Contractors:	Adrienne Fedrigo (NPR Recreation Coordinator) arrived at 6:56 p.m., Heather Lemieux (Recording Secretary)
Guests:	None
Delegations:	None

### 1. Approval of Agenda — Quorum present

#### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

That the Agenda for the Naramata Parks & Recreation Meeting of July 29, 2019 be adopted as presented and all presentations and reports be received.

CARRIED

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### 2. Approval of Last Meeting Minutes — June 24, 2019

#### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

That the minutes for the Naramata Parks & Recreation Meeting of June 24, 2019 be adopted as presented.

CARRIED

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### 3. Correspondence/Delegations — None

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### 4. RDOS Director Report — Karla Kozakevich reported:

4.1. Naramata Parent Advisory Council — Last years grant cheque stale-dated, and has been reissued.

4.2. Manitou Swim Platform — The ladder has been fixed, it will be replaced soon.



# MINUTES

## Naramata Parks & Recreation Commission

Monday July 29, 2019 at 6:30 p.m.  
Naramata Fire Hall

- 4.3. Wharf Park Septic System Proposal — Two sets of preliminary designs have been completed by owners and the RDOS. The designs and evaluations have been compared. Negotiations continue with MOTi regarding First Street closure.
- 4.4. Park Vendors — Park Zoning is to be reviewed and amended.

### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

That both vendors, Peak Perfection Ice Cream and Chabendo Gelato, be granted permission to sell at Manitou and Wharf parks.

CARRIED

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#### 5. RDOS Staff Reports — Staff Report included in RDOS Director Report

- 5.1. Manitou Update — Requests For Proposals remain open. The project will commence in September 2019.
- 5.2. Age-Friendly — Designation is still in process.

ACTION — Adrienne Fedrigo to follow up with Age-Friendly BC regarding the status of Naramata's Age-friendly designation.

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#### 6. Recreation Coordinator Report — Adrienne Fedrigo (NPR Recreation Coordinator) reported:

- 6.1. Programs and Events — The Canada Day event was successful. Swim Lessons have commenced. Sailing Camp registration is full, working on instructor accommodations. Cardboard Boat Regatta, races will be divided to age-groups. Working on getting trophies. Naramata Faire, discussed Manitou Park tables.

ACTION — Adrienne Fedrigo to post a reminder on mynaramata for Cardboard Boat Regatta registrants.

- 6.2. Civic Ready — The RDOS is looking to start a community alert system. Discussed recreation program alerts.

ACTION — Karla Kozakevich to have another reminder for residents to sign up for Civic ready posted on mynaramata.com

- 6.3. Fees and Charges Bylaw — Planning is ongoing to determine revised park rental costs, maximum numbers and rate sections for park rentals. Discussed noise bylaws and permits.



# MINUTES

## Naramata Parks & Recreation Commission

Monday July 29, 2019 at 6:30 p.m.  
Naramata Fire Hall

### 7. Commission Member Reports

- 7.1. Woodwackers Report — Lyle Resh presented a verbal report. The KVR has had many visitors, both bikers and walkers. The Woodwackers have been talking with people on the trail about its history, receiving feedback and providing tips on the area. Deciduous trees and shrubs hanging over the trail are being removed.
- 7.2. Park Contractor Liaison Report — Maureen Balcaen presented a verbal report. Wharf Park irrigation is complete. Spirit Park irrigation is ongoing, the main water line is repaired, secondary lines are still being worked on. Canada Goose numbers are down. Vandalism reported on the Manitou washroom building.

ACTION — Karla Kozakevich to follow up on secondary irrigation lines at Spirit Park.

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### 8. Business Arising

- 8.1. Spirit Park — Discussed outdoor learning centre and the Naramata Child Development Centre playground fence project is underway.
- 8.2. Fire Smart BC — Dennis Smith will be attending a Fire Smart assessment meeting. An assessment will be conducted on properties in interface fire areas from Arawana to Gawne roads.

ACTION — Maureen Balcaen to contact Jordan Taylor about the port-o-potty relocations.

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### 9. Adjournment — 8:00 p.m.

NEXT MEETING:      Next NPR Meeting  
                             August 26, 2019 at 6:30 p.m.  
                             Naramata Fire Hall

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Recreation Commission, Dennis Smith

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Recording Secretary, Heather Lemieux



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Environment and Infrastructure Committee

Thursday, August 15, 2019

9:00 am

## MINUTES

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#### MEMBERS PRESENT:

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

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

#### MEMBERS ABSENT:

Director T. Boot, District of Summerland  
Director J. Kimberley, City of Penticton

#### STAFF PRESENT:

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

A. Reeder, Manager of Operations

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#### A. APPROVAL OF AGENDA

##### **RECOMMENDATION 1**

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

THAT the Agenda for the Environment and Infrastructure Committee Meeting of August 15, 2019 be adopted. - **CARRIED**

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#### B. Delegation – Ministry of Environment

Zoe Kirk, Public Works, addressed the Committee regarding the Provincial Integrated Pest Management Plan for the Southern Interior.

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By consensus, the Committee brought forward item D.

**D. Extended Producer Responsibility for Commercial Paper and Packaging**

1. Draft letter from TNRD to Minister of Environment and Climate Change Strategy

**RECOMMENDATION 2**

**It was MOVED and SECONDED**

THAT the Board endorse the letter drafted by the Thompson-Nicola Regional District regarding the implementation of an Extended Producer Responsibility program for paper and packaging produced by the Industrial, Commercial and Institutional sector;

AND THAT the Board send supporting correspondence to the Province of BC regarding issues identified with the Industrial, Commercial and Institutional sector within the RDOS to support the Province engaging in public consultation on this issue. - **CARRIED**

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**C. Delegation – Ministry of Transportation and Infrastructure**

Steve Sirett, Program Manager, and Jeff Wiseman, Operations Manager provided the Committee with an update of ongoing projects and addressed questions posed by the Board.

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**E. Single Use Plastics Consultation – For Information Only**

This item was deferred to the next Environment and Infrastructure Committee meeting.

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**F. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting adjourned at 10:18 am.

APPROVED:

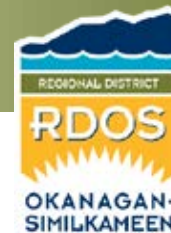
CERTIFIED CORRECT:

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G. Bush  
Committee Chair

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B. Newell  
Chief Administrative Officer



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

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 10:32 am. Thursday, August 15, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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### MEMBERS PRESENT:

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

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

### MEMBERS ABSENT:

Director T. Boot, District of Summerland  
Director J. Kimberley, City of Penticton

### STAFF PRESENT:

B. Newell, Chief Administrative Officer	J. Kurvink, Manager of Finance
C. Malden, Manager of Legislative Services	A. Reeder, Manager of Operations
B. Dollevoet, Gen. Manager of Development Services	L. Bloomfield, Manager of Engineering

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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 August 15, 2019 be adopted. - **CARRIED**

#### 1. Consent Agenda – Corporate Issues

- a. Electoral Area 'C' Advisory Planning Commission – July 16, 2019  
*THAT the Minutes of the July 16, 2019 Electoral Area 'C' Advisory Planning Commission meeting be received.*
- b. Electoral Area 'H' Advisory Planning Commission – July 16, 2019  
*THAT the Minutes of the July 16, 2019 Electoral Area 'H' Advisory Planning Commission meeting be received.*
- c. Planning and Development Committee – August 1, 2019  
*THAT the Minutes of the August 1, 2019 Planning and Development Committee meeting be received.*

- d. RDOS Regular Board Meeting – August 1, 2019

*THAT the minutes of the August 1, 2019 RDOS Regular Board meeting be adopted.*

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

**It was MOVED and SECONDED**

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

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**2. Consent Agenda – Development Services**

- a. Development Variance Permit Application – 3992 39<sup>th</sup> Street, Electoral Area “A”

- i. Permit

To allow for a new single detached dwelling within a front parcel line setback area.

*THAT the Board of Directors approve Development Variance Permit No. A2019.017-DVP.*

- b. Development Permit Application (Okanagan Falls Town Centre Commercial) – 5219 9<sup>th</sup> Avenue, Okanagan Falls

- i. Permit

To allow for façade alterations to one-storey retail building.

*THAT the Board of Directors approve Development Permit No. D2019.001-DP.*

- c. Agricultural Land Commission Referral (“non-adhering residential use”) – 579 Lawless Creek Road, Electoral Area “H”

To allow for an “additional residence” in the Agricultural Land Reserve.

*THAT the RDOS “authorize” the application for a “non-adhering residential use” at 579 Lawless Creek Road (District Lot 936, YDYP) in Electoral Area “H” to proceed to the Agricultural Land Commission.*

**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 – Rural Land Use Matters**

1. Agricultural Land Commission Referral (ALR Exclusion) – 8111 – 148 Avenue, Electoral Area “A”

[Representations](#)

To exclude a 690 m2 portion of a 4.2 ha parcel from the Agricultural Land Reserve (ALR).

**RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors refer the application to allow exclusion of land from the Agricultural Land reserve at 8111 148<sup>th</sup> Avenue to the Area “A” APC. - **CARRIED**

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2. Development Variance Permit Application — 2779 Noyes Road Naramata
  - a. Permit
  - b. Representations

To increase the maximum height for an accessory building to allow a detached garage/workshop.

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

That the Board approve Development Variance Permit No. E2019.013-DVP. - **CARRIED**

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**C. PUBLIC WORKS**

1. Water and Sewer Utility Acquisition Policy
  - a. Draft Water and Sewer Utility Acquisition Policy

To create a process that existing utilities and the RDOS can follow in order to facilitate the transfer of ownership of a utility in a responsible and transparent manner that does not put the RDOS at undue risk, or compromise our operations.

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

THAT the Water and Sewer Utility Acquisition Policy be adopted as attached to the report to the Board of Directors dated August 15, 2019 from CAO Bill Newell.

**CARRIED**

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## 2. RBC Social Impact and Real Estate Foundation of BC Grants

To obtain continued support funding from the major contributors to the Guidebook for the printing of more guidebooks and ability to conduct more workshops in 2019 and 2020.

### **RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)**

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

THAT the Board of Directors support applications to the Royal Bank of Canada - Social Impact (RBC) and the Real Estate Foundation of BC Grant (REFBC) to augment printing costs and continue on-the-ground outreach for the Building Climate Resilience in the Okanagan Guidebook, A Homeowner's Resource Guide. - **CARRIED**

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## **D. FINANCE**

1. Bylaw No. 2868 Area C – Community Works Gas Tax Reserve Expenditure
  - a. Bylaw No. 2868

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

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

THAT Bylaw No.2868, 2019, Electoral Area “C” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$100,000 towards the Small Wheels Playground project be read a first, second and third time and be adopted. - **CARRIED**

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2. Community Emergency Preparedness Fund
  - a. Grant Application

To support the Grant Application for funds from the “Community Emergency Preparedness Fund” (Volunteer & Composite Fire Departments Equipment & Training.

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

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

THAT the Board of Directors support the Grant Application by the Okanagan Falls Volunteer Fire Department for the Community Emergency Preparedness Fund. - **CARRIED**

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**E. LEGISLATIVE SERVICES**

1. Electoral Area "I" Economic Development Service Establishment
  - a. Bylaw No. 2869

**RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT Electoral Area "I" Economic Development Service Establishment Bylaw No. 2869, 2019 be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval; and further,

THAT the Board of Directors authorize the approval for the bylaw be given with the consent of the Electoral Area "I" Director, in accordance with the Local Government Act. - **CARRIED**

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2. Petition to Enter Kaleden Fire Protection Service Area
  - a. Bylaw No. 1238.03

To bring a property into the fire service area.

**It was MOVED and SECONDED****RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)**

THAT Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw No. 1238.03, 2019 be adopted. - **CARRIED**

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**F. CAO REPORTS**

1. Verbal Update
- 

**G. 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)*
- 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)*

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## 3. Directors Motions

Notice of Motion – Chair Kozakevich

That administration investigate the feasibility to enter into a partnership with sister region initiative with a wine region in France.

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## 4. Board Members Verbal Update

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## H. ADJOURNMENT

By consensus, the meeting adjourned at 11:28 am.

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:** September 5, 2019

**RE:** Development Variance Permit Application — Electoral Area "D"

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### Administrative Recommendation:

**THAT the Board of Directors approve Development Variance Permit No. D2019.018-DVP**

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Purpose: To increase the maximum parcel coverage to allow a swimming pool

Owner: Douglas and Claudia Barnett      Agent: n/a      Folio: D-06799.970

Civic: 101 Chardonnay Court      Legal: Lot 14, Plan KAP86678, District Lot 2710, SDYD

OCP: Low Density Residential (LR)      Zone: Residential Single Family One (RS1)

Requested Variance: To increase the maximum parcel coverage from 35% to 37.4%

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### Proposed Development:

This application seeks a development variance permit to increase the maximum parcel coverage to accommodate for construction of a 27 m<sup>2</sup> swimming pool in association with a single detached dwelling with secondary suite.

Specifically, it is proposed to increase the maximum lot coverage for buildings and structures in the RS1 zone from 35% to 37.4%.

The applicants have stated that "the house plans dated December 2018 and submitted to the RDOS for a building permit had an incorrect parcel coverage of 30.3% ... had the applicants know about the house designer's error a reduced parcel coverage would have been made at the design stage to allow for the pool. At this point construction has started on the house and the foundation installed making any change very costly and difficult."

### Site Context:

The subject parcel is approximately 1,401 m<sup>2</sup> (0.1401 ha) in area, on the west side of Chardonnay Court in Heritage Hills.

The property currently has an active building permit issued for a single family dwelling and two retaining walls. However, the applicant has advised that only one retaining wall will be constructed. The surrounding pattern of development is characterised by residential.

### Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on May 23, 2008, while available Regional District records indicate that Building Permits were issued in 2019 for a single family dwelling and two retaining walls.

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The Board of Variance approved to construct a new single detached dwelling within the required front yard setback from 7.5 metres to 3.9 metres on August 15, 2018. A development variance permit to vary retaining wall height was denied by the Board on August 2, 2018.

Under the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013, the property is designated Low Density Residential (LR) and is within the Hillside/Steep Slope Development Permit Area.

Under the Electoral Area "D" Zoning Bylaw No. 2603, 2013, the property is currently zoned Residential Single Family One (RS1) which allows for single detached dwellings as a principal use.

The maximum parcel coverage is 35% in the RS1 zone for all buildings and structures. Buildings and structures include, by definitions under Section 4.0, any roofed structure, and any construction fixed to, supported by or sunk into land or water. This includes swimming pools, retaining walls, attached decks and porches but excludes paving, and landscaping.

Due to the calculation error on the building permit drawings, the lot coverage for permitted buildings and structures to date is 35.4%, which includes single detached dwelling with covered decks (493 m<sup>2</sup>), and one retaining wall (3 m<sup>2</sup>).

The subject property has been assessed as "Residential" (Class 01), and possesses a geotechnical classification of "limited or no hazard of slumps and slides. No development problems anticipated."

There is a covenant on title that requires a lot drainage plan prepared and approved by a qualified professional engineer prior to construction any building or structure on the lot and would be required prior to issuance of a building permit for the swimming pool.

At its meeting August 13, 2019, the Electoral Area "D" Advisory Planning Commision made a motion to recommend to the Board that the subject development application be approved.

#### **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:**

Maximum lot coverage regulation has several functions, including establishing reasonable expectations of built form within a neighbourhood, acting as a mechanism to limit density of development indirectly (in conjunction with maximum height regulations), and providing opportunities for open, landscaped, and permeable surfaces within a site to enhance aesthetics and on-site storm water retention.

In this instance, the additional lot coverage is to allow for a swimming pool within the backyard of a single detached dwelling and does not contribute to additional buildings on the property.

The swimming pool is not visible from any public street and is located on a hillside that provides further physical and visual separation from neighbouring properties.

In effect, the perception of built form and level of development on the site will be unchanged, should the variance be approved.

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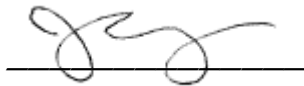
Conversely, the parcel already contains a significantly large dwelling that could be seen as over-sized and beyond the natural limitations of the site, and any additional development exacerbates this issue. However, building permits for the dwelling and retaining walls were issued despite exceeding the lot coverage regulations, due to a calculation error, and the impact of an additional swimming pool is seen as minor.

For the reasons listed above, Administration supports the variance request to exceed the lot coverage regulations for a swimming pool.

**Alternative:**

1. That the Board deny Development Variance Permit No. D2019.018-DVP.

**Respectfully submitted**



J. Peachey, Planner I

**Endorsed by:**



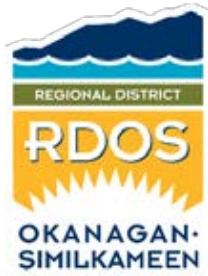
C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (Google Earth)

Attachment No. 1 – Aerial Photo (Google Earth)







# Development Variance Permit

---

FILE NO.: D2019.018-DVP

Owner: Douglas and Claudia Barnett  
744 Balsam Ave  
Penticton, BC, V2A-7X2

Agent: Douglas Barnett  
744 Balsam Ave  
Penticton, BC, V2A-7X2

## 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 14, Plan KAP86678, District Lot 2710, SDYD

Civic Address: 101 Chardonnay Court

Parcel Identifier (PID): 027-523-616 Folio: D-06799.970

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "D" Zoning Bylaw No. 2455, 2008, in the Regional District of Okanagan-Similkameen:
  - a) The maximum parcel coverage in the the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.8(a), is varied:
    - i) from: 35%



to: 37.4% as shown on Schedule 'B'; and

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

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

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

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

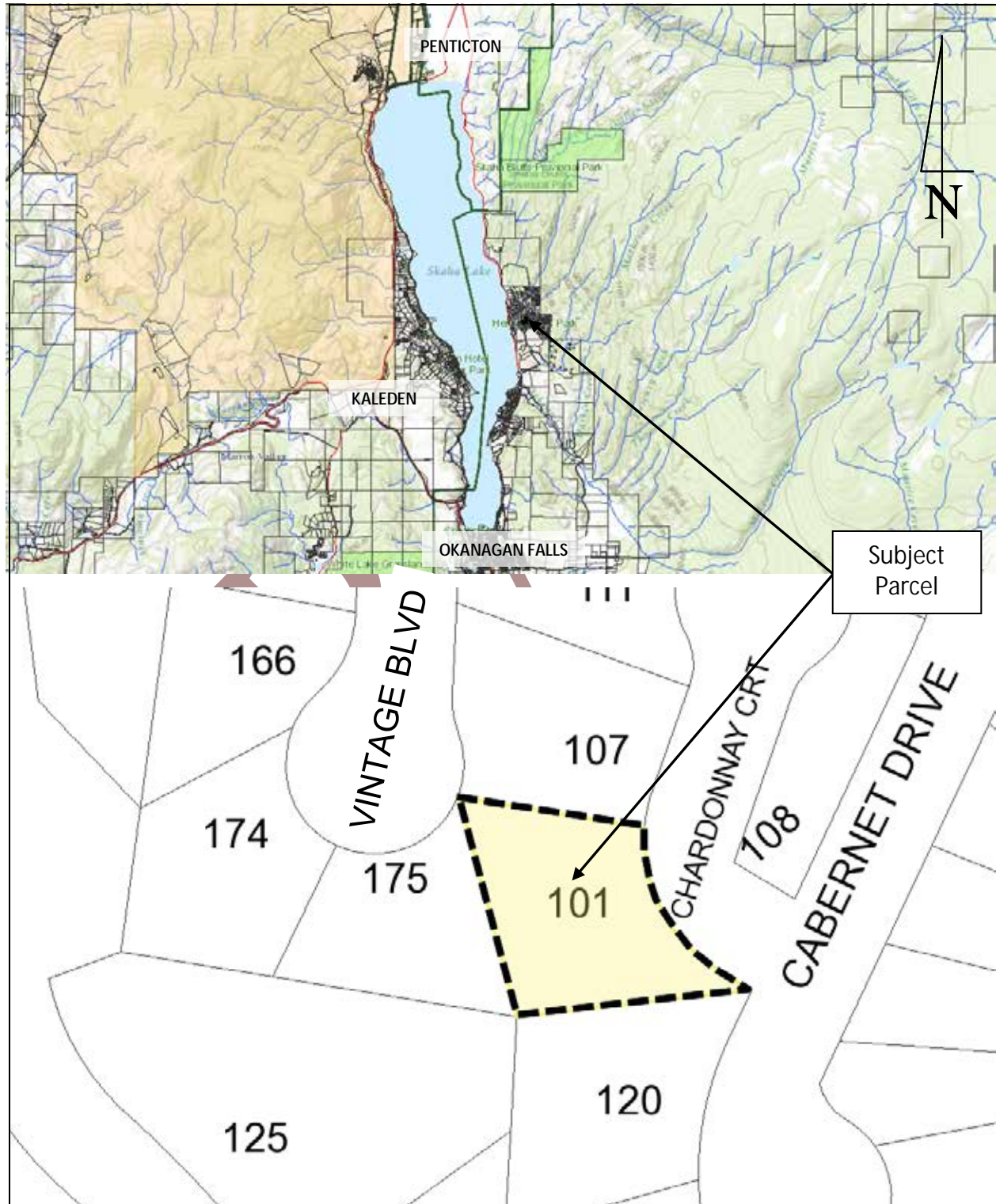
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. D2019.018-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

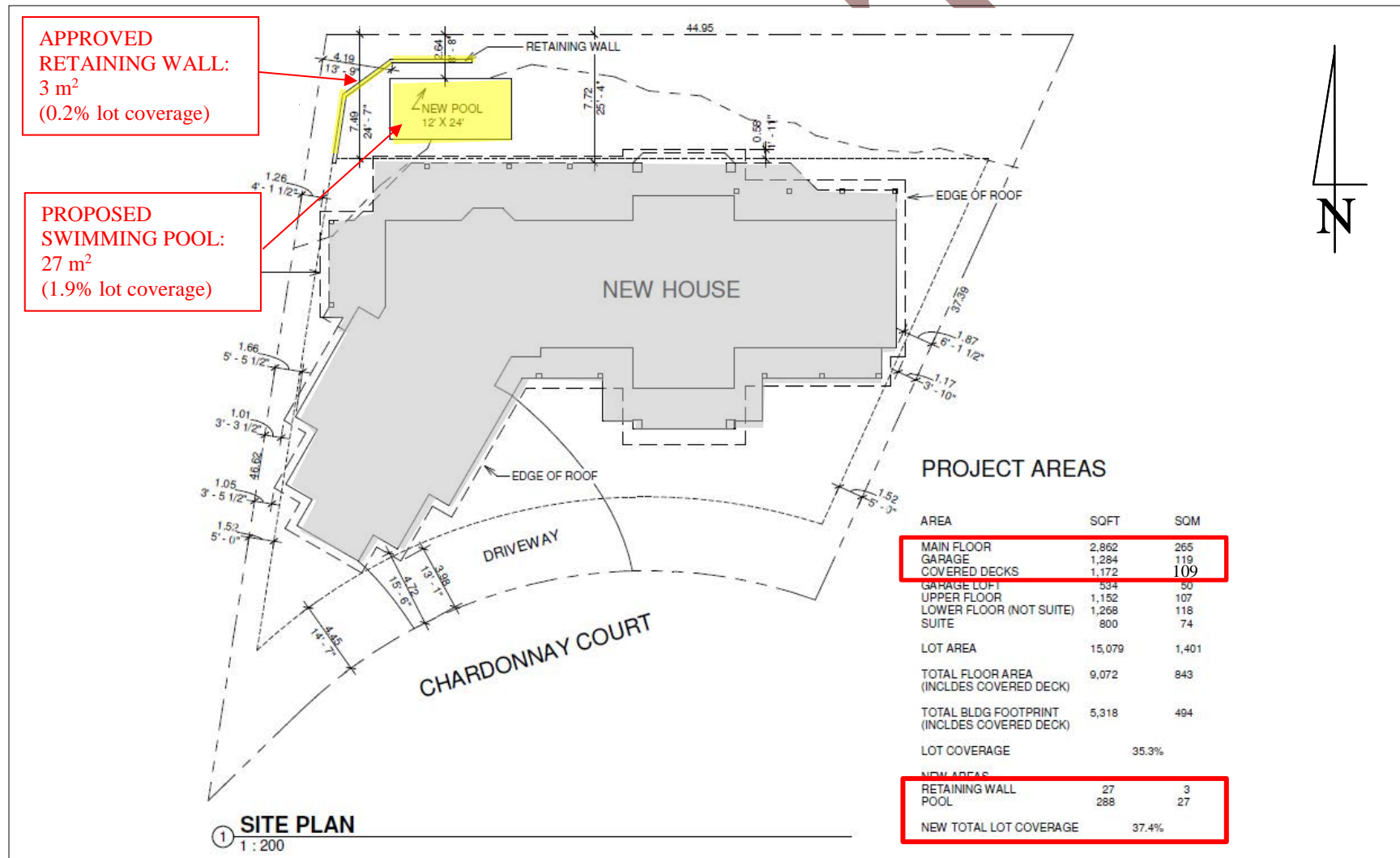
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. D2019.018-DVP

Schedule 'B'



Development Variance Permit No. D2019.018-DVP

Page 4 of 4

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Development Variance Permit Application — Electoral Area “E”

---

## Administrative Recommendation:

**THAT the Board of Directors approve Development Variance Permit No. E2019.016-DVP**

---

Purpose: To allow for the development of an over-height accessory building within parcel line setbacks

Owner: Jodi and Tony Trovao      Applicant: Ross Manning      Folio: E-00699.000

Civic: 445 Ritchie Avenue, Naramata      Legal: Lot A, Plan EPP91143, District Lot 210, SDYD

OCP: Low Density Residential (LR)      Zoning: Residential Single Family One (RS1)

Requested to increase the maximum height for an accessory building from 4.5 metres to 6.0 metres and

Variances: to reduce the minimum rear parcel line setback for an accessory building from 3.0 m to 1.2 m

---

## Proposed Development:

This application seeks a development variance permit to increase the maximum height and to reduce the minimum rear parcel line setback for an accessory building to accommodate a 65 m<sup>2</sup> one-storey detached garage.

Specifically, it is proposed to increase the maximum height for an accessory building in the RS1 zone from 4.5 metres to 6.0 metres, and to reduce the minimum rear parcel line from 3.0 metres to 1.2 metres.

The applicants have stated that it is a “variance due to small lot for rear setback” and “the height variance allows to have a 14’ ceiling for truck and equipment”.

## Site Context:

The subject parcel is approximately 558.26 m<sup>2</sup> (0.058 ha) in area, situated between Ritchie Avenue to the south and a lane to the north.

The property currently has an active building permit issued for a single family dwelling. The surrounding pattern of development is characterised by residential.

## Background:

It is unknown when the current boundaries of the subject property were created, while available Regional District records indicate that an active Building Permit application for a single family dwelling.

---

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which allows for single detached dwellings as a principal use and accessory buildings, among other uses, as a secondary use.

The building is within 4.5 metres of a road right-of-way and a setback permit from the Ministry of Transportation and Infrastructure (MoTI) has issued a permit (Permit No. 2019-04776) to allow the proposed garage to be no closer than 1.2 metres from the lane right-of-way.

The subject property has no assessment classification on record, and possesses a geotechnical classification of "limited or no hazard of slumps and slides. No development problems anticipated."

At its meeting August 12, 2019, the Electoral Area "E" Advisory Planning Commission made a motion to recommend to the Board that the subject development application be approved.

#### **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:**

##### Building Height

The purpose of a maximum height regulation is to establish a uniform built environment with consistency of streetscape and reasonable expectations of built form within a neighbourhood. A height regulation for accessory buildings that is lower than a principal dwelling acts as a mechanism to limit the massing and prominence of accessory buildings.

In the context of the subject property, the accessory building will be located behind a 9.2 metre tall principal dwelling at the rear of the site, which obstructs the view of the building from Ritchie Avenue to create a subordinate appearance.

At the laneway, the most imposing building face is facing the interior of the lot and slopes downwards to the building wall at the lane, to lessen the effect of the over-height building.

The proposed accessory building is a one-storey garage with no plumbing. As such, the concern of the structure being used or converted to a use that is not permitted (e.g. accessory dwelling) is mitigated by its one-level, angled roof design and lack of servicing.

##### Rear parcel line setback

The purpose of minimum setbacks is to provide a physical separation between the road and a building to manage traffic and pedestrian safety, maintain an attractive streetscape, mitigate overshadowing or loss of privacy of neighbouring properties, encourage open and landscaped areas along roadways, and contain development impacts on the property.

In general, laneways contain buildings and structures closer to the road than other types of streets and have lesser standards applied given that their function is meant for local traffic to gain access to

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the rear of properties. The proposal is consistent with the neighbouring property that also has a garage close to the laneway.

At this time, there is no vehicular traffic access on the lane beyond the subject parcel, as the lane is overgrown with vegetation and has not been maintained east of the property. Although this situation could change over time and there is concern that not enough space between the building and the lane is provided for safe egress onto the lane, Administration defers the determination of safety and impact on the lane function to MoTI.

Given the rear parcel line setback abuts a lane, there is physical separation between the proposed building and neighbouring properties. The only windows on the building are facing the interior of the property, which mitigates any loss of privacy of neighbouring properties.

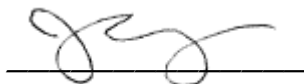
Conversely, there are reasonable available alternatives to the proposed variance requests to alleviate the need for a height variance and for a reduced setback. The building could be redesigned to lower the overall height through the use of flat roof. As shown on the site plan, there is additional space available between the accessory building and the dwelling to site the garage to meet the rear setback requirement by reducing the amount of separation between the buildings and available space for a deck/yard.

For the reasons stated above, Administration supports the variance request.

**Alternative:**

1. That the Board deny Development Variance Permit No. E2019.016-DVP.

**Respectfully submitted**



J. Peachey, Planner I

**Endorsed by:**



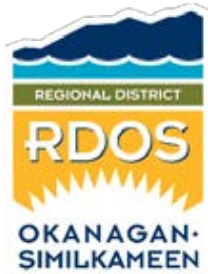
C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (July 2019)



Attachment No. 1 – Site Photo (July 2019)





# Development Variance Permit

---

FILE NO.: E2019.016-DVP

Owner: Jodi and Tony Trovao  
1039 Lower Debeck Road  
Naramata, BC, V0H 1N1

Agent: Ross Manning  
202-74 Wade Avenue East  
Penticton, BC, V2A 8M4

## 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', and 'D', 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 EPP91143, District Lot 210, SDYD

Civic Address: 445 Ritchie Avenue, Naramata

Parcel Identifier (PID): 030-744-261 Folio: E-00699.000

## 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 rear parcel line setback for an accessory building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(b)(ii), is varied:
    - i) from: 3.0 metres



to: 1.2 metres to the outermost projection as shown on Schedule 'B'.

b) the maximum height for an accessory building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.7(b), is varied:

i) from: 4.5 metres

to: 6.0 metres as shown on Schedule 'C' and 'D'.

**7. COVENANT REQUIREMENTS**

a) Not Applicable

**8. SECURITY REQUIREMENTS**

a) Not applicable

**9. EXPIRY OF PERMIT**

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

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

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

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

---

B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

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

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



Development Variance Permit

File No. E2019.016-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

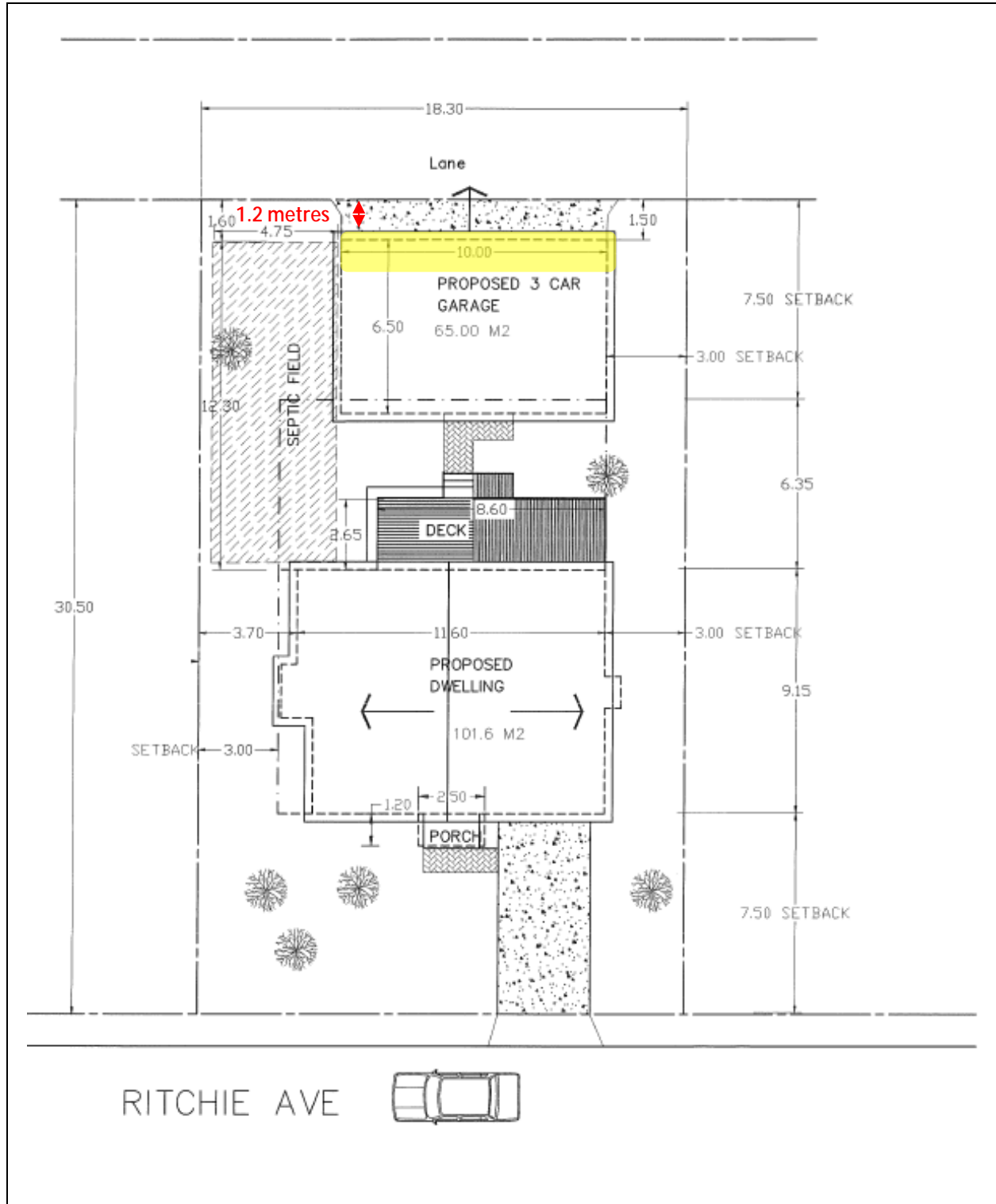
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2010.016-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

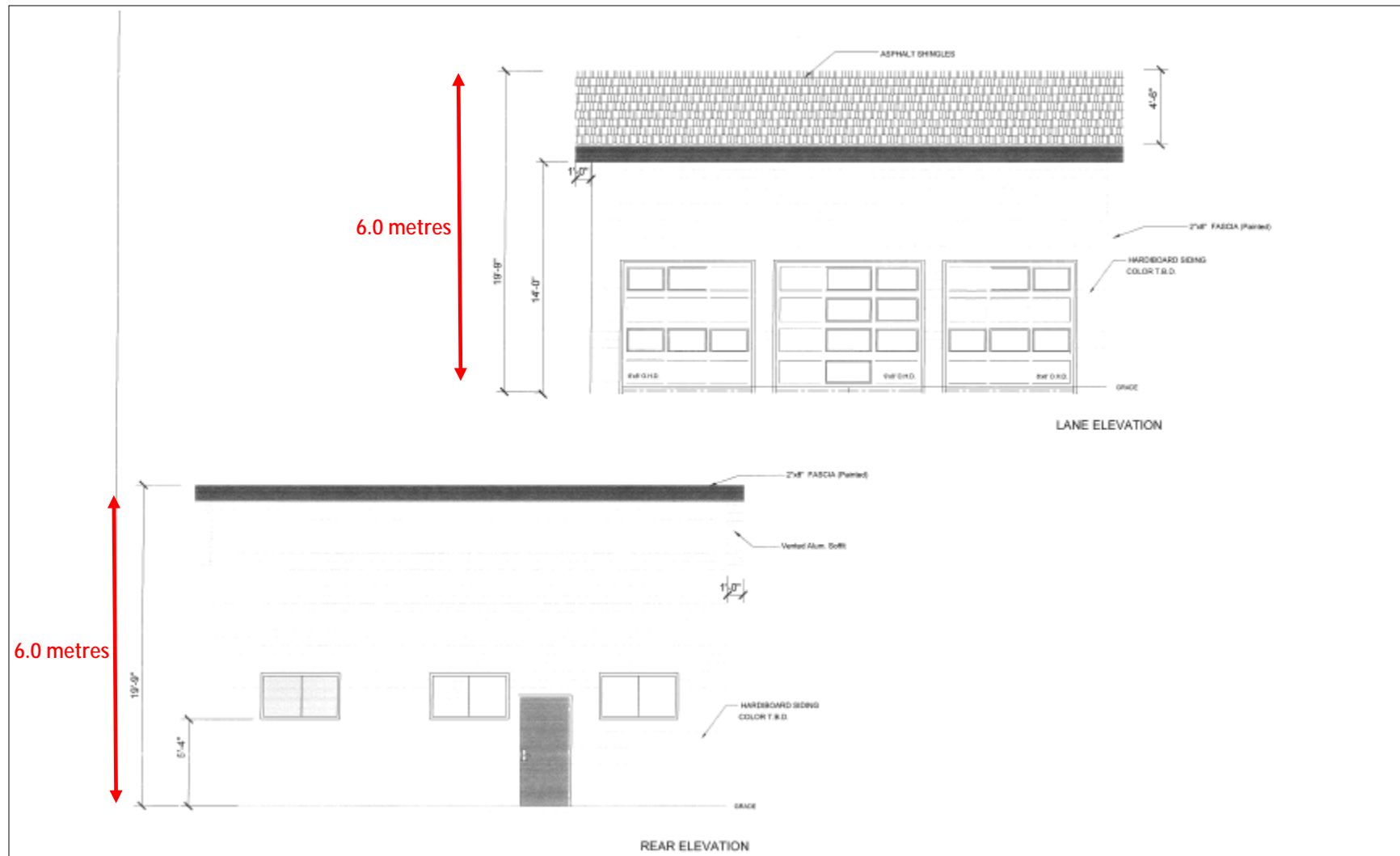
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. E2019.016 -DVP

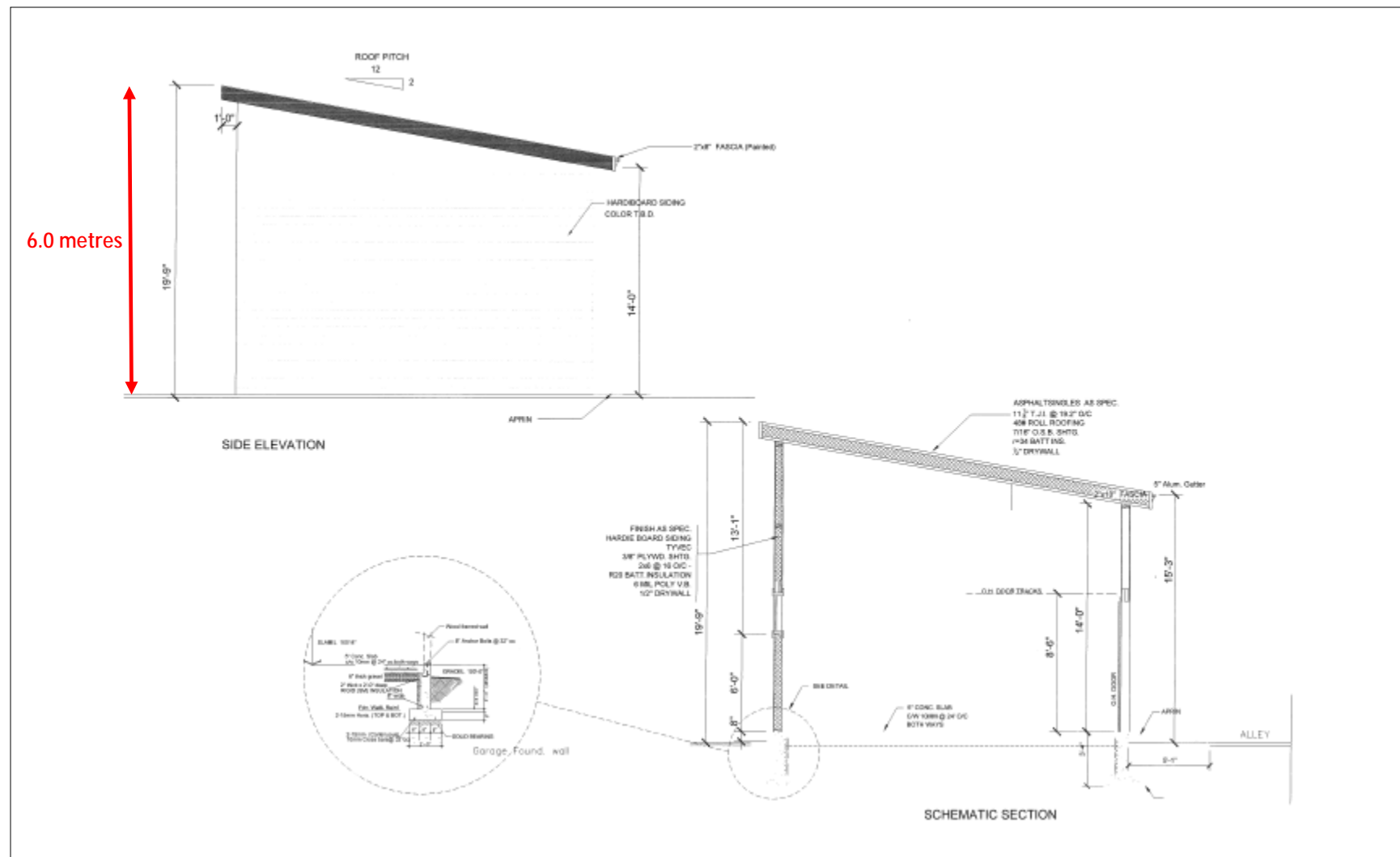
## Schedule 'C'



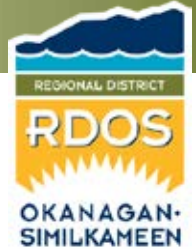
Telephone: 250-492-0237    Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)

File No. E2019.016 -DVP

### Schedule 'D'



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Development Variance Permit Application — Electoral Area “E”

---

### Administrative Recommendation:

**THAT the Board of Directors approve Development Variance Permit No. E2019.024-DVP**

---

Purpose: To increase the maximum height for a retaining wall to accommodate a septic field

Owner: Bryan and Carrol Kneller      Applicant: Ritchie Contracting and Design      Folio: E-02329.025

Civic: 6869 Indian Rock Road, Naramata      Legal: Lot 5, Plan 13417, District Lot 391, SDYD

OCP: Low Density Residential (LR)      Zoning: Residential Single Family One (RS1)

Variance Request: To increase the maximum height for a retaining wall from 2.0 m to 2.438 m

---

### Proposed Development:

This application seeks a development variance permit to increase the maximum height for a retaining wall to accommodate the minimum depth requirement for a septic field.

Specifically, it is proposed to increase the maximum height for a retaining wall from 2.0 metres to 2.438 metres.

The applicant has stated that “the proposed variance is an attempt to deviate from the bylaw standard as little as possible while accommodating the septic design. Sections of the retaining wall greater than 2.0 m will be kept to a minimum (<0.5 m) via driveway grading and a second retaining wall...Site conditions present a unique obstacle to design an adequate septic system. Per the design, 8’ of depth is required for the field, but shallow bedrock through-out the lot makes this impossible without moving the field location, removing rock or building the wall higher”.

### Site Context:

The subject parcel is approximately 1,396 m<sup>2</sup> (0.1396 ha) in area, situated between Indian Rock Road to the east and Lake Okanagan to the west. The site slopes down towards the lake.

The property currently has an active building permit issued for a single family dwelling. The surrounding pattern of development is characterised by a small enclave of residential properties west of Indian Rock Road along the shoreline of Lake Okanagan, surrounded by rural holdings, agricultural and resource areas.

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**Background:**

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on August 7<sup>th</sup>, 1968, while available Regional District records indicate that a Building Permit was issued in 2017 for a single family dwelling.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which allows for single detached dwellings as a principal use and accessory structures, among other uses, as a secondary use.

Retaining walls are subject to regulations in Section 7.27 of the Electoral "E" Zoning Bylaw, a maximum height of 2.0 metres, except in a required setback for a front, side or rear parcel line, no retaining wall shall exceed 1.2 metres in height.

The height of a retaining wall is measured from the lowest finished grade at the base to the top of any part of the wall.

Although a portion of the retaining wall is within 4.5 metres of a right-of-way, Ministry of Transportation and Infrastructure (MoTI) has advised that a setback permit is not required for the subject proposal.

The subject property has been assessed as "Residential" (Class 01), and possesses a geotechnical classification of "hazard of land receiving slide or slump materials from above; and hazard of materials sliding or slumping".

**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 purpose of a maximum height regulation for retaining walls is generally to mitigate visual impacts associated with large walls, to reduce potential impact on adjacent properties (e.g. overshadowing), and to encourage development that integrates into the natural topography of a site (e.g. use of stepping, smaller scale retaining walls, or building into the hillside).

In this instance, the majority of the retaining wall meets the maximum height regulation, including the more restrictive height maximum for the portion of retaining wall within the front and side parcel line setback abutting 6863 Indian Rock Road to ensure compatibility with the neighbouring property.

As the portion requiring a height variance faces the interior of the parcel, the potential for overshadowing the abutting parcel is also kept to a minimum and is further alleviated through its positioning which is perpendicular to and set back from the neighbouring property.

In consideration of whether alternatives are available, and whether the variance is the best option, this proposal is seen as a preferred alternative as it results in the lowest overall retaining wall height to gain the required depth for an adequate septic field without further blasting of the bedrock.

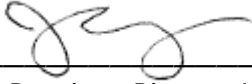
For the reasons listed above, Administration supports the requested variance.

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**Alternative:**

1. That the Board deny Development Variance Permit No. E2019.024-DVP.
2. That the Board directs that the proposal be considered by the Electoral Area "E" Advisory Planning Commission (APC).

**Respectfully submitted**



J. Peachey, Planner I

**Endorsed by:**



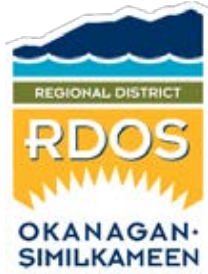
C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2017)



Attachment No. 1 – Aerial Photo (2017)





# Development Variance Permit

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FILE NO.: E2019.024-DVP

Owner: Bryan and Carrol Kneller  
6869 Indian Rock Road  
Naramata, BC, V0H 1N0

Agent: Ritchie Contracting and Design  
104-198 Winnipeg Street  
Penticton, BC V2A 5M1

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 5, Plan 13417, District Lot 391, SDYD

Civic Address: 6869 Indian Rock Road

Parcel Identifier (PID): 009-204-440 Folio: E.02329.025

## 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 maximum height for a retaining wall, as prescribed in Section 7.27.4 is varied:
    - i) from: 2.0 metres
    - to: 2.438 metres as shown on Schedule 'C'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

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

---

B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

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

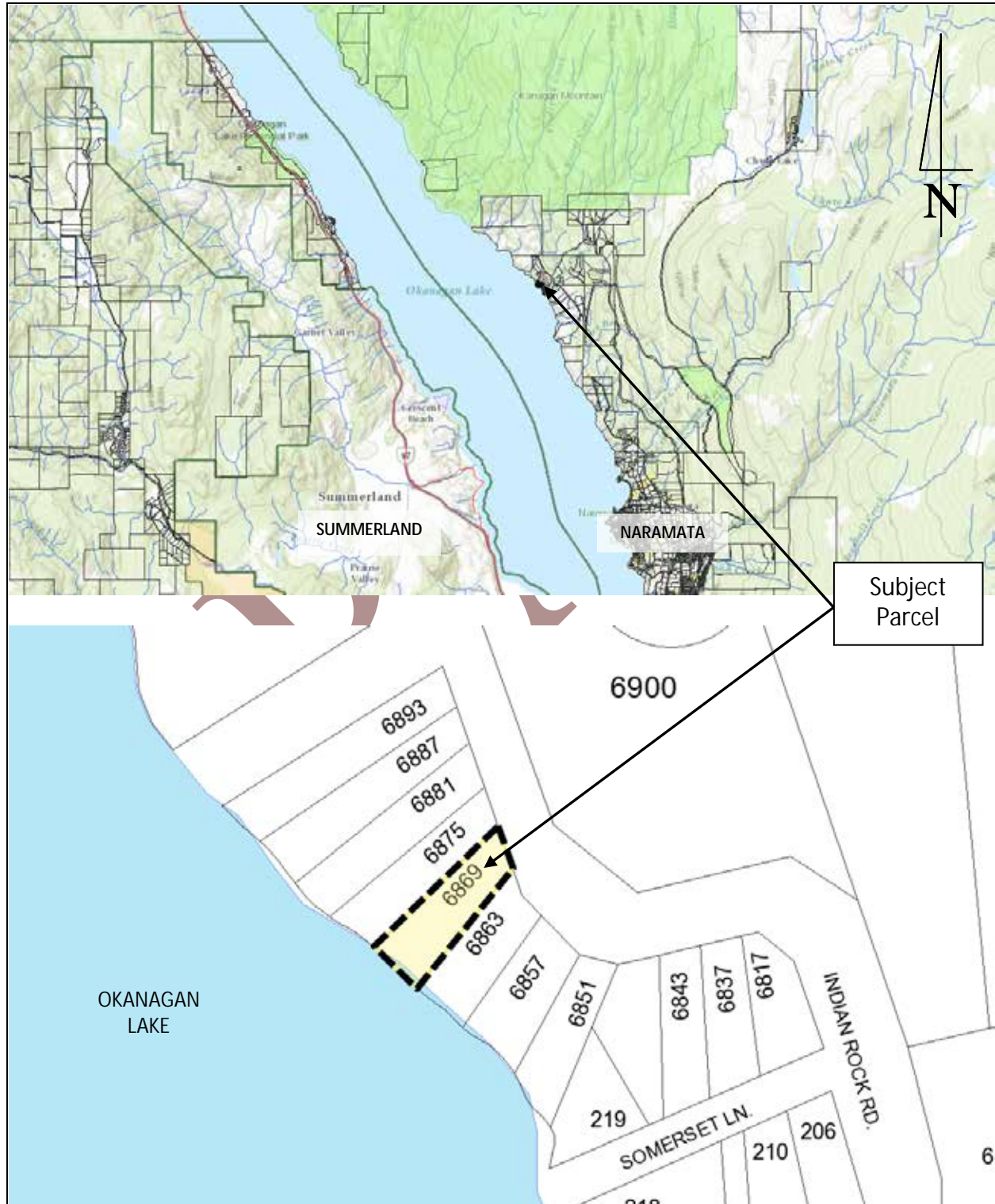
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2019.024-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

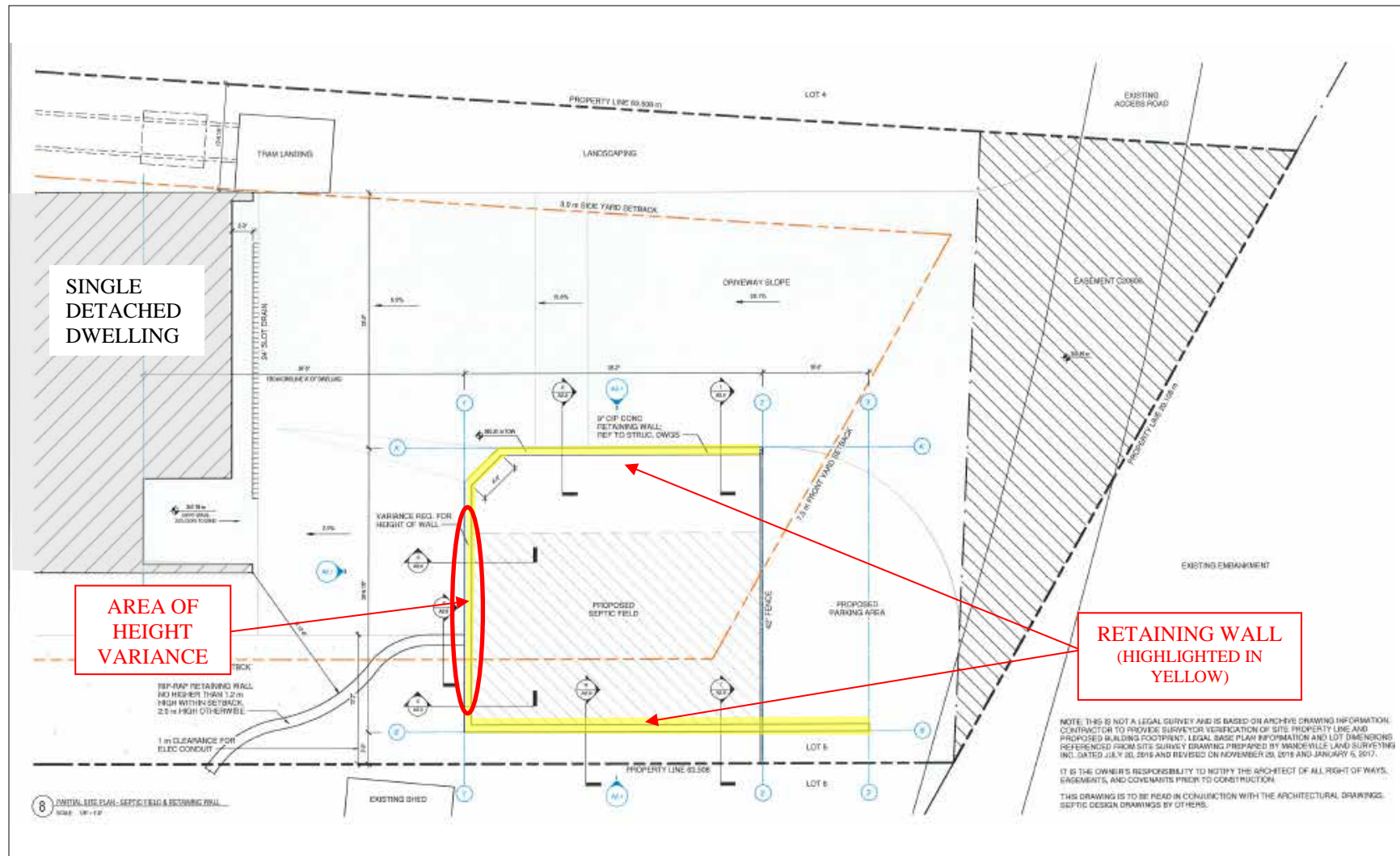
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. E2019.024-DVP

Schedule 'B'



Development Variance Permit No. E2019.024-DVP

Page 4 of 7

# Regional District of Okanagan-Similkameen

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

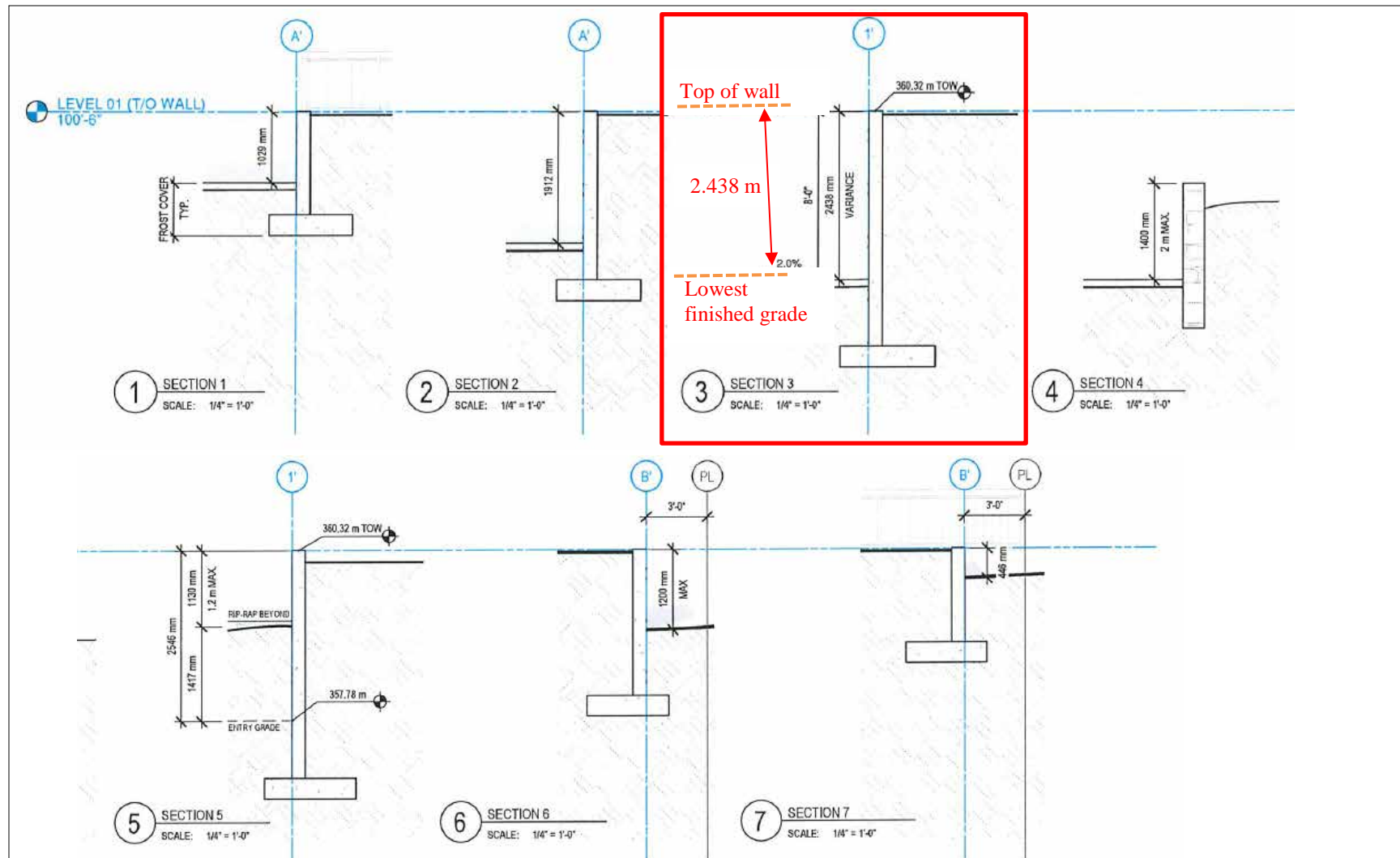
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. E2019.024-DVP

Schedule 'C'



Development Variance Permit No. E2019.024-DVP

Page 5 of 7



# Regional District of Okanagan-Similkameen

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

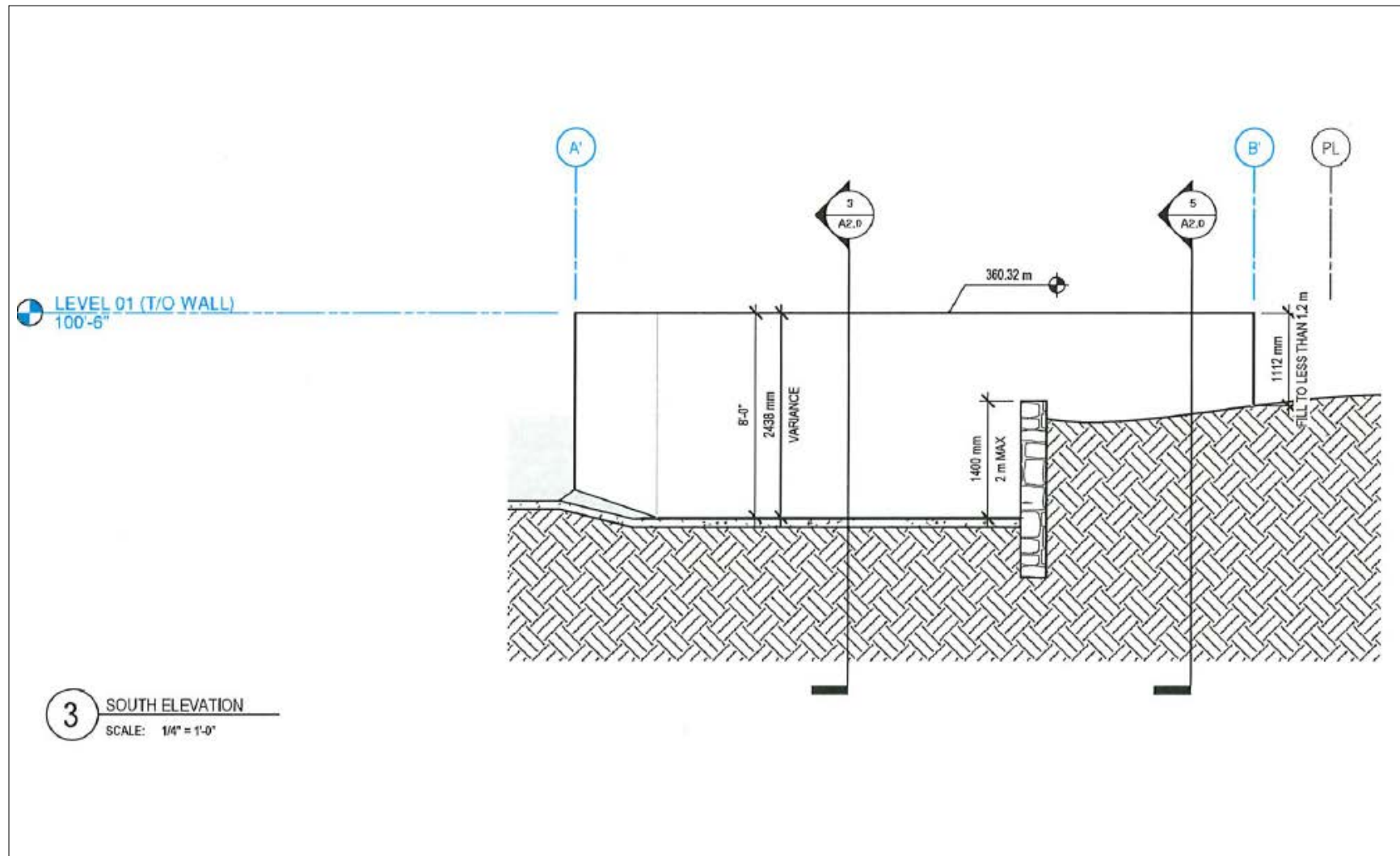
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. E2019.024-DVP

Schedule 'D'



Development Variance Permit No. E2019.024-DVP

Page 6 of 7

# Regional District of Okanagan-Similkameen

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

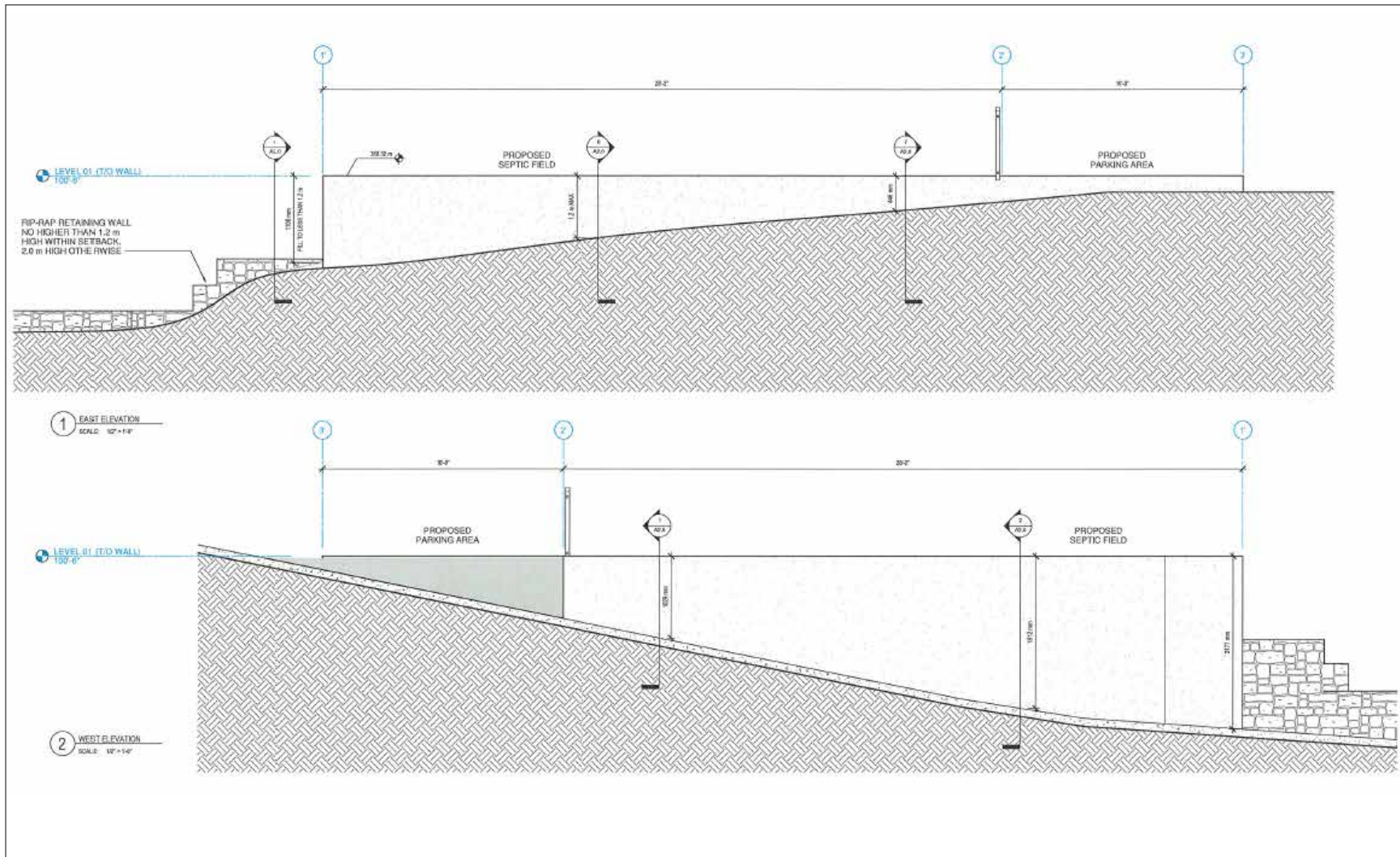
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. E2019.024-DVP

Schedule 'E'



Development Variance Permit No. E2019.024-DVP

Page 7 of 7



Elmer and Annette Leib

Naramata, B.C. V0H 1N1

August 23, 2019

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, B.C. V2A 5J9

Attention JoAnn Peachey, Planner 1

Re: Development Variance Permit (DVP) Application No. E2019.024-DVP

6869 Indian Rock Road (Lot 5, Plan 13417, District Lot 391, SDYD)

Dear Ms. JoAnn Peachey:

We have no problem or complaint with the proposed variance permit. We believe that the Kneller's should be allowed to complete their construction as soon as possible as they have had to endure a number of set backs.

Yours truly,

Elmer & Annette Leib

RECEIVED  
Regional District

AUG 28 2019

101 Martin Street  
Penticton BC V2A 5J9

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Development Variance Permit Application — Electoral Area “H”

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## Administrative Recommendation:

**THAT the Board of Directors approve Development Variance Permit No. H2019.023-DVP**

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Purpose: To increase the maximum height for an accessory building to allow a detached garage/office/storage

Owners: Cheryl and Richard Desautels      Agent: n/a      Folio: H-00482.050

Civic: 2630 Strathcona Avenue      Legal: Parcel C, Block 20, District Lot 128, YDYD

OCP: Low Density Residential (LR)      Zone: Residential Single Family One (RS1)

Variance Request: to increase the maximum height for an accessory building from 4.5 m to 5.64 m

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## Proposed Development:

This application seeks a development variance permit to increase the maximum height for an accessory building to accommodate a 130 m<sup>2</sup> one-storey detached garage and office/storage.

Specifically, it is proposed to increase the maximum height for an accessory building in the RS1 zone from 4.5 metres to 5.64 metres.

In support of this request, the applicant has stated, that they “would like to extend roof/structure height by 1.14 m to allow for 10 foot garage door openings..the height variance will allow access for RV and cargo trailer storage and added security”.

## Site Context:

The subject property is approximately 557 m<sup>2</sup> in area and is situated mid-block between Fourth Street and Fifth Street, on the west side of Strathcona Avenue in the Townsite of Tulameen. The property currently contains a single detached dwelling.

The surrounding pattern of development is characterised by residential to the immediate north, south, east and west. The rear of the property abuts a laneway.

## Background:

The subject property was created by a plan of subdivision registered in the Land Title Office at Kamloops on March 19, 2019. Available Regional District records indicate that Building Permits have been issued for a single family dwelling (2014 and renewed in 2016).

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Under Electoral Area “H” Official Community Plan No. 2497, 2012, the subject property is designated as Low Density Residential (LR), and objective of which is “to encourage high standards for ... site development, building design and landscaping for various types of residential developments.”

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is zoned as Residential Single Family One (RS1), which allows for single detached dwellings as a principal use and accessory buildings, among other uses, as a secondary use.

Accessory buildings are subject to regulations in Section 7.12 of the Electoral “H” Zoning Bylaw, including prohibiting showers and bathtubs, bedrooms, sleeping facilities or other living areas, and limiting bathrooms to one (1) with a maximum floor area of 3.0 m<sup>2</sup>.

The Tulameen Fire Department has advised that hydrant testing has shown that there is only 10 minutes of use before the subdivision system is dry. Any firefighting will required shuttling water from 5 kilometres away.

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

**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 purpose of a maximum height regulation is to establish a uniform built environment with consistency of streetscape and reasonable expectations of built form within a neighbourhood. In absence of maximum floor area regulations for accessory buildings, it can act as a mechanism to limit the size and prominence of accessory buildings to maintain the dominance of the principal dwelling on the parcel.

In this instance, the surrounding residential properties along Strathcona Avenue contain a mix of one-storey and two-storey dwellings, some with accessory buildings. As the primary dwelling is located closer to Strathcona Avenue than the proposed accessory building and the narrower building elevation of the accessory building is fronting the street, it is sited in a manner that is subordinate to the dwelling along the streetscape.

Further, the height variance does not increase the accessory building’s floor area and does not foster a design that allows for more floor area than what is contemplated under the bylaw. The portion of the building above the permitted height is minor and is limited to facilitating a pitched roof design.

In general, there is concern that large accessory buildings with heating and plumbing may be converted to an accessory dwelling in the future, which is not a permitted use in the RS1 Zone. This concern is mitigated by its one-level design, and the majority of floor area used for an unheated garage.

In consideration of any variance, Administration evaluates whether the proposal constitutes the best design and whether there are alternatives available that would comply with the bylaw. The building could be redesigned to lower the overall height through the use of a flat roof. However, a pitched roof adds visual interest and is a practical design option to meet snowload requirements for the Tulameen area.

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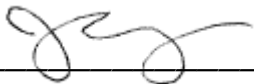
Conversely, the proposed accessory building is large and will be highly visible from Strathcona Avenue, as the view of the building is unobstructed. The proposed building is almost as large as the principal dwelling and is much larger than other accessory buildings in the neighbourhood.

For the reasons stated above, Administration supports the variance request.

**Alternatives:**

1. That the Board deny Development Variance Permit No. H2019.023-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "H" Advisory Planning Commission.

**Respectfully submitted**



J. Peachey, Planner I

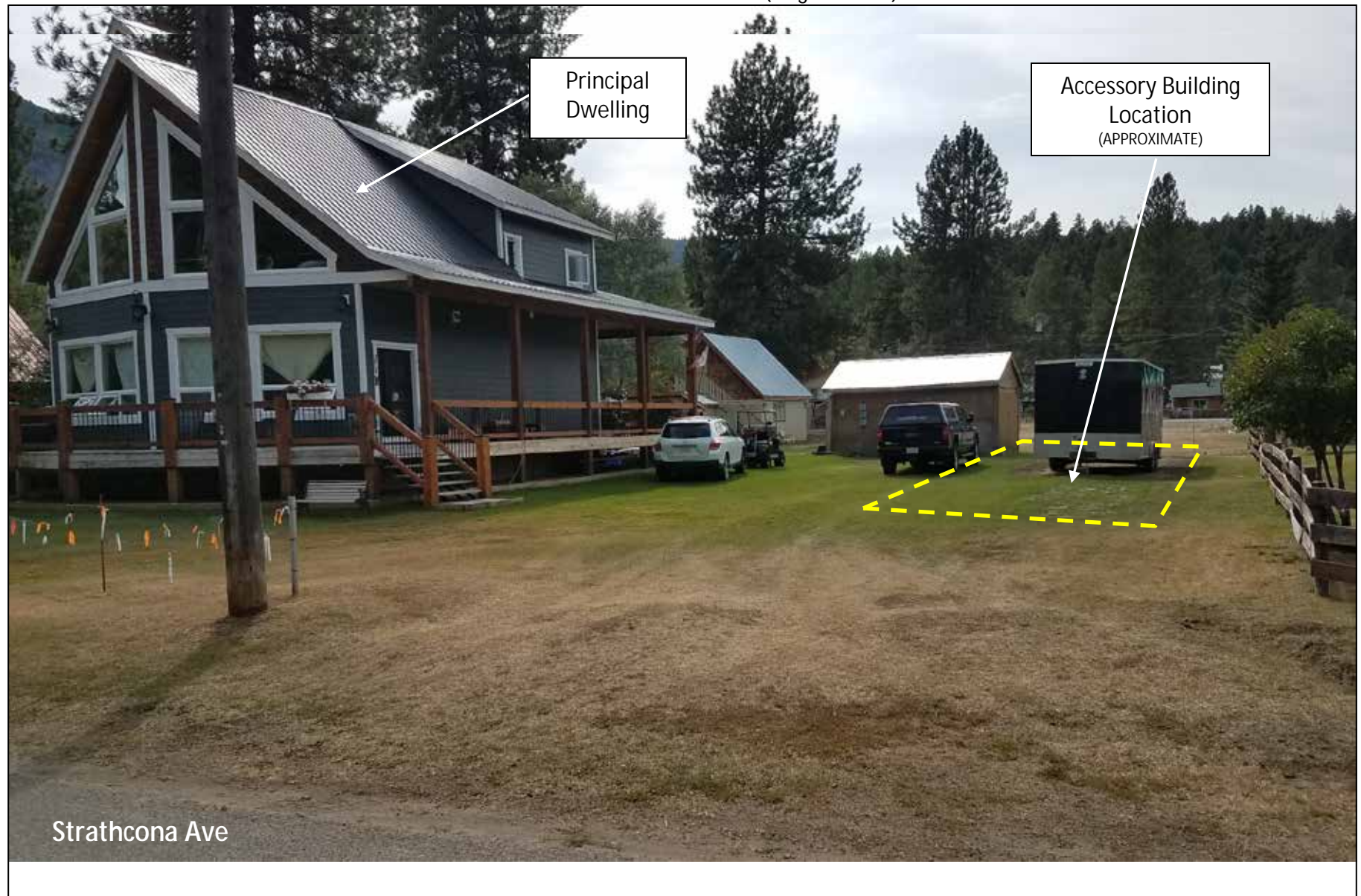
**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (August 2019)

Attachment No. 1 – Site Photo (August 2019)





# Development Variance Permit

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FILE NO.: H2019.023-DVP

Owner: Cheryl and Richard Desautels      Agent: n/a  
Box 3D Comp 14 RR2  
2630 Strathcona Avenue  
Tulameen, BC, V0X 2L0

## 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: Parcel C (Being a Consolidation of Lots 14 and 15, See CA7401571), Block 20, District Lot 128, YDYD, Townsite of Tulameen

Civic Address: 2630 Strathcona Avenue

Parcel Identifier (PID): 030-734-576      Folio: H-00482.050

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "H" Zoning Bylaw No. 2498, 2012, in the Regional District of Okanagan-Similkameen:

- a) the maximum height for an accessory building in the Residential Single Family One (RS1) Zone, as prescribed in Section 12.1.6(b), is varied:
  - i) from: 4.5 metres
  - to: 5.64 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.

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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

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

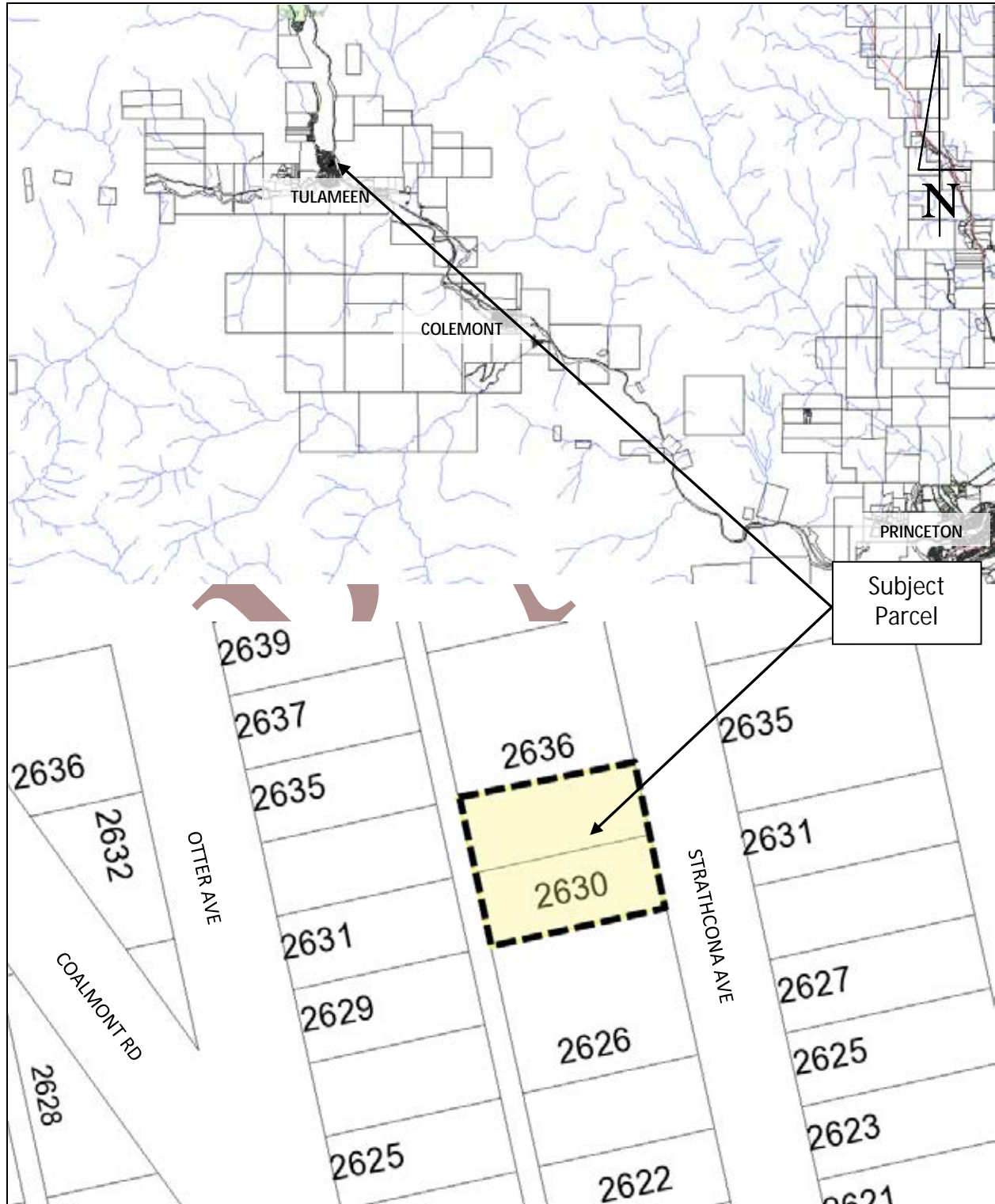
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'A'





# Regional District of Okanagan-Similkameen

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

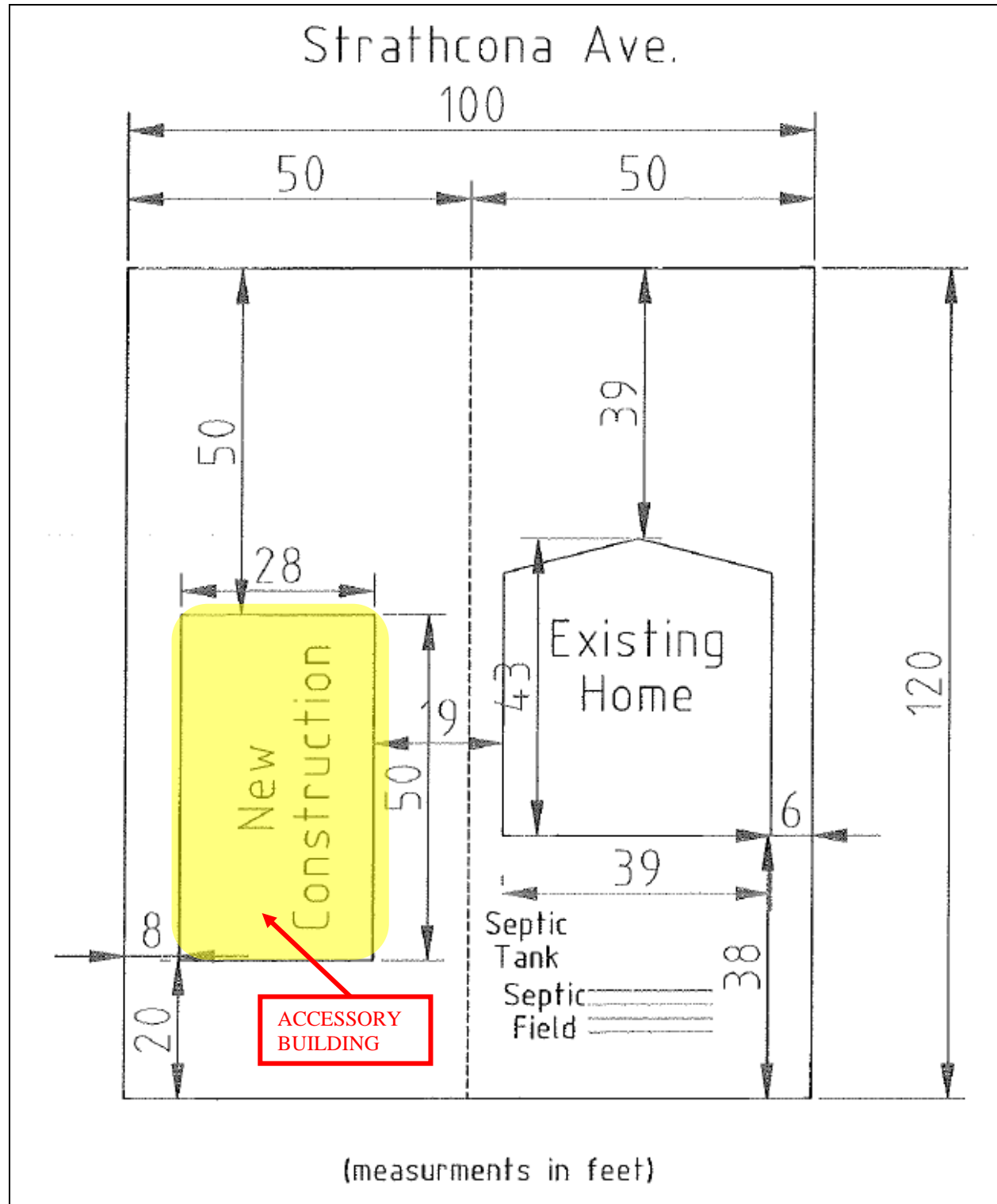
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

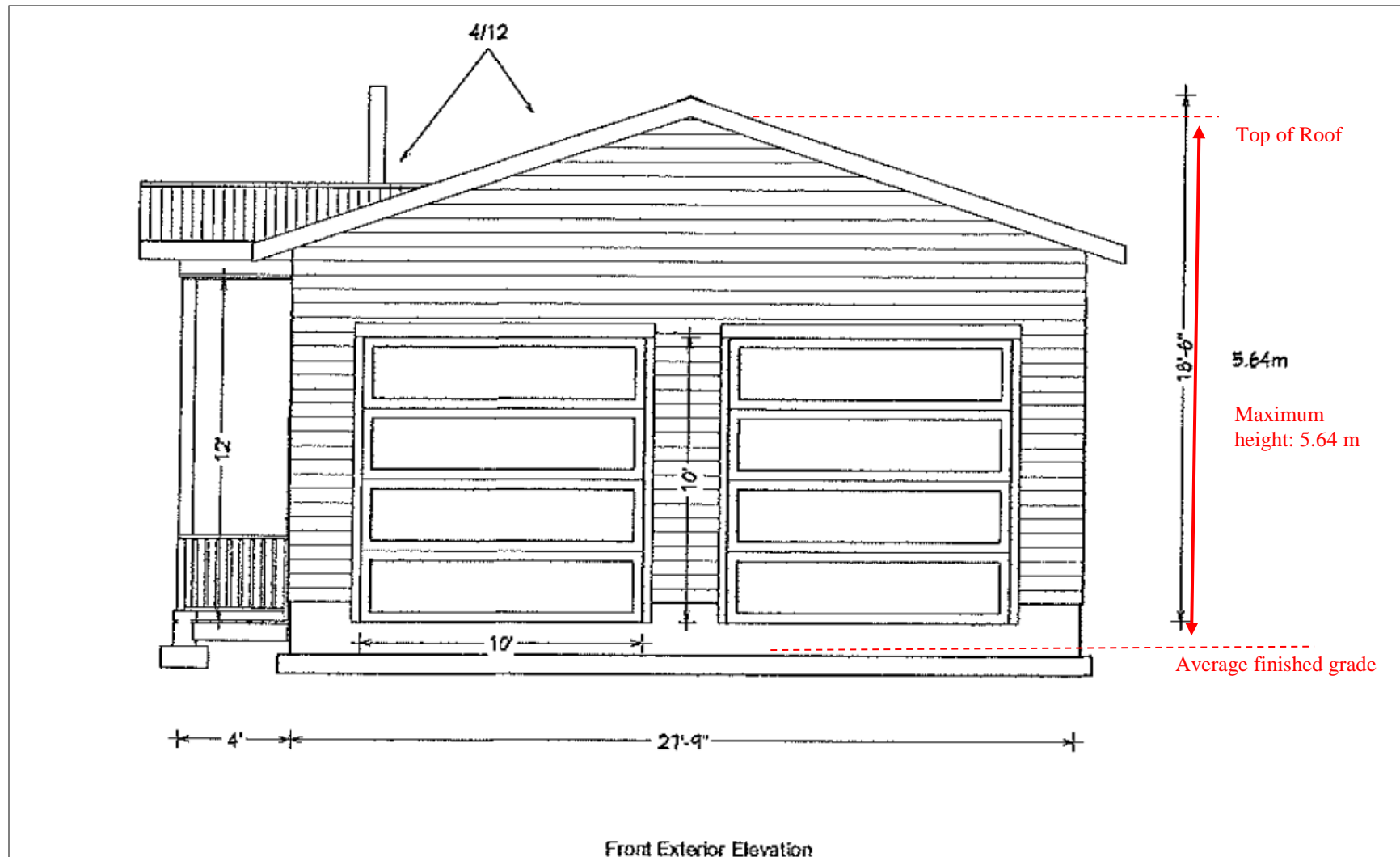
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'C'



Development Variance Permit No. H2019.023-DVP

Page 5 of 9

# Regional District of Okanagan-Similkameen

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

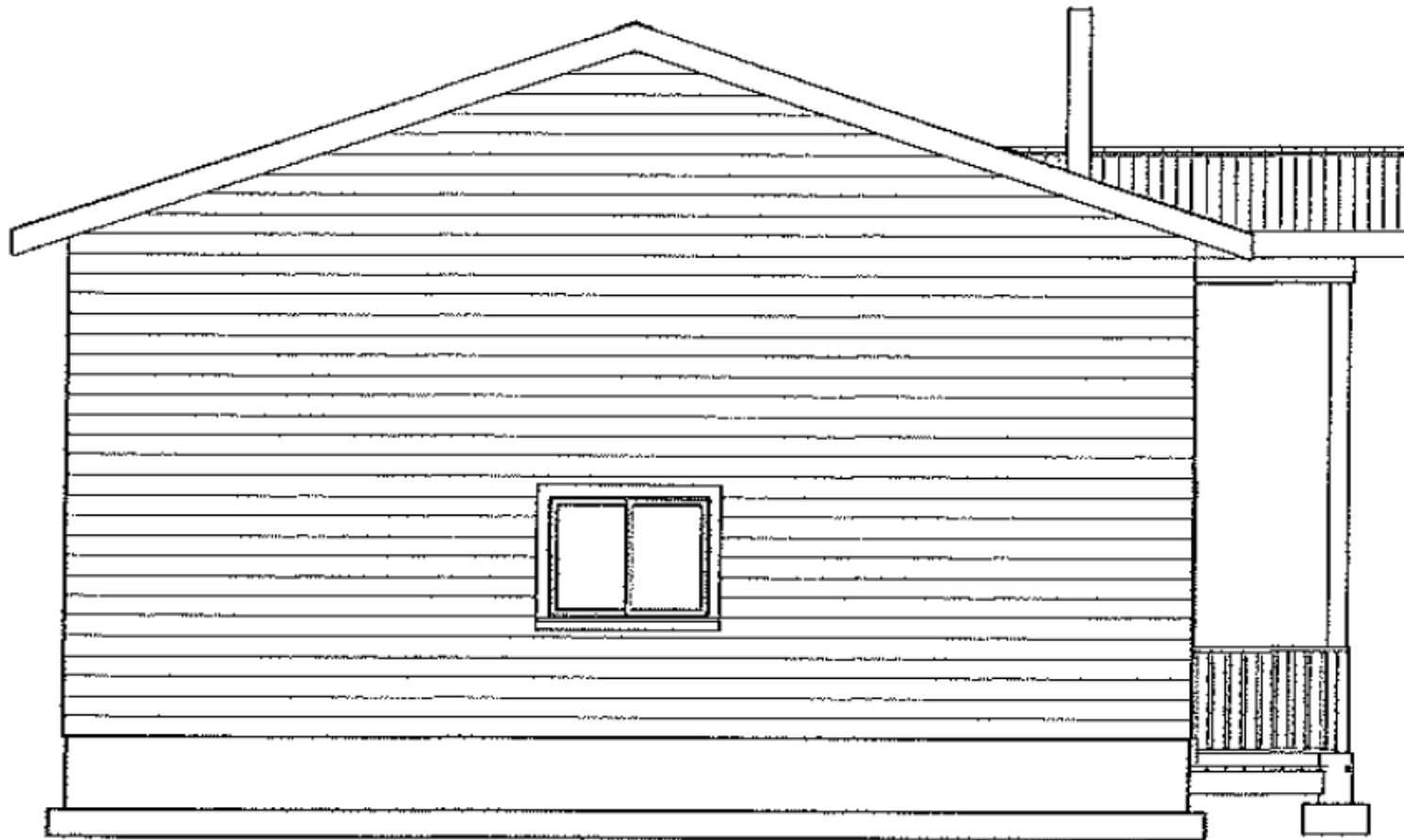
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'D'



Rear Exterior Elevation

# Regional District of Okanagan-Similkameen

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

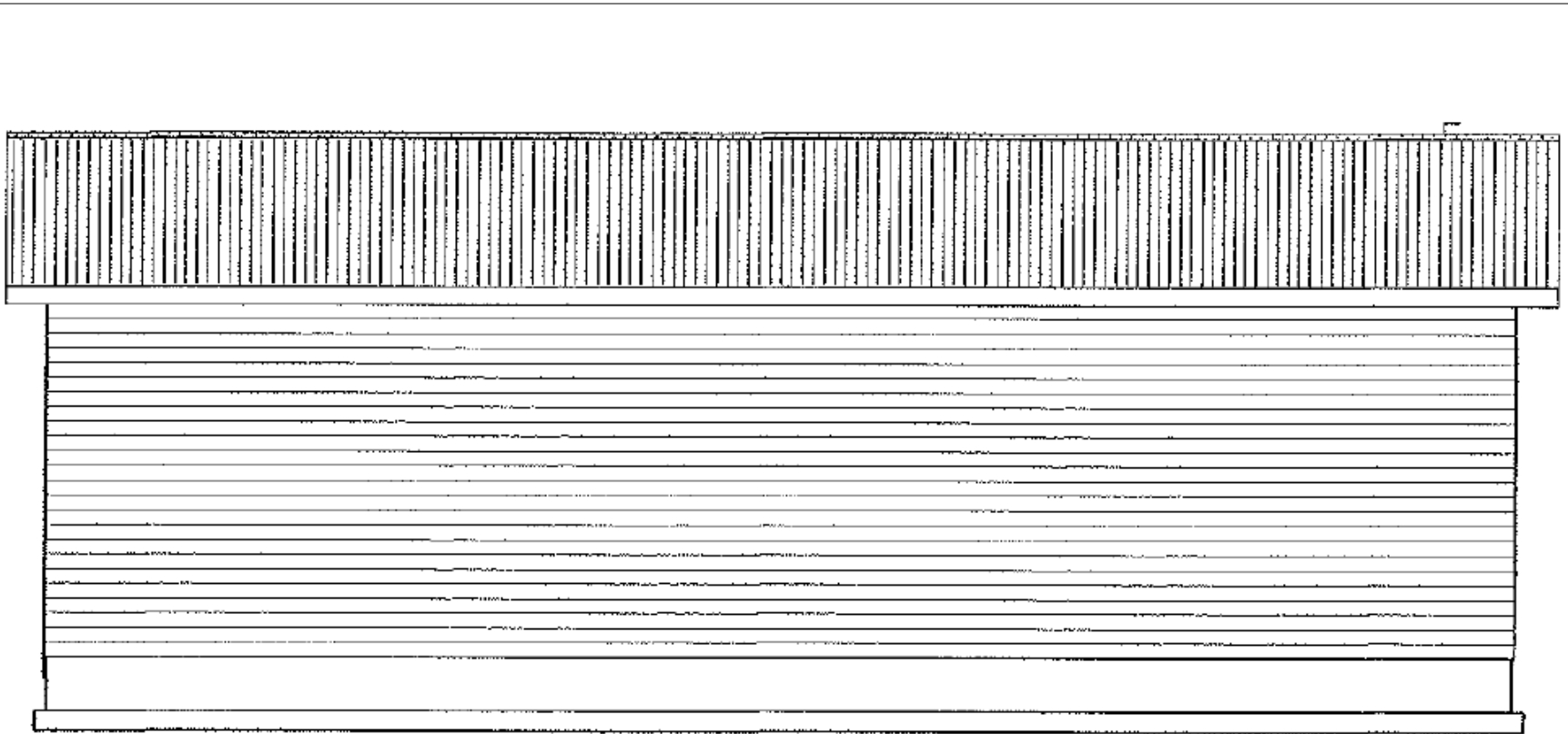
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'E'



Right Exterior Elevation

# Regional District of Okanagan-Similkameen

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

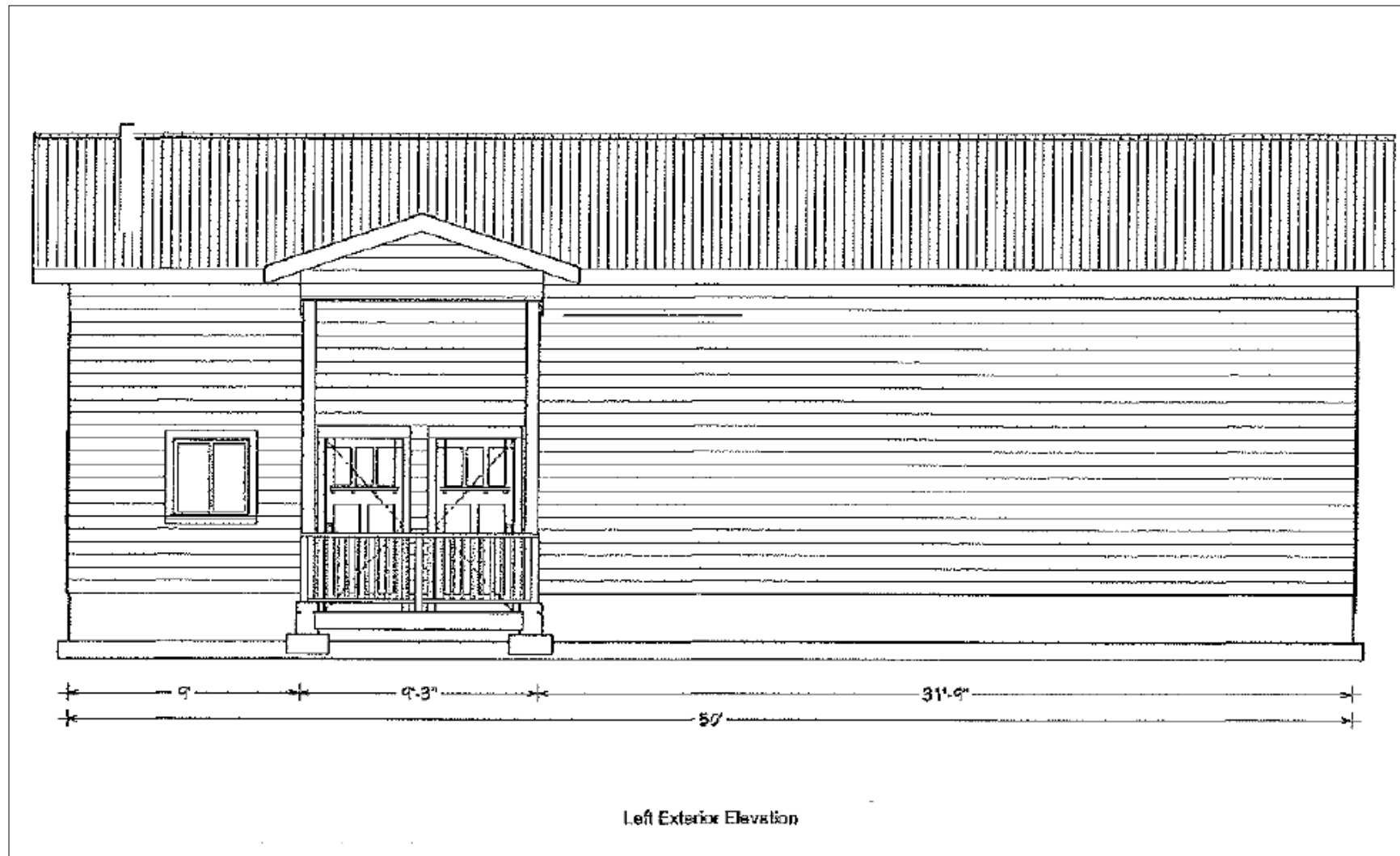
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

Schedule 'F'



Left Exterior Elevation

# Regional District of Okanagan-Similkameen

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

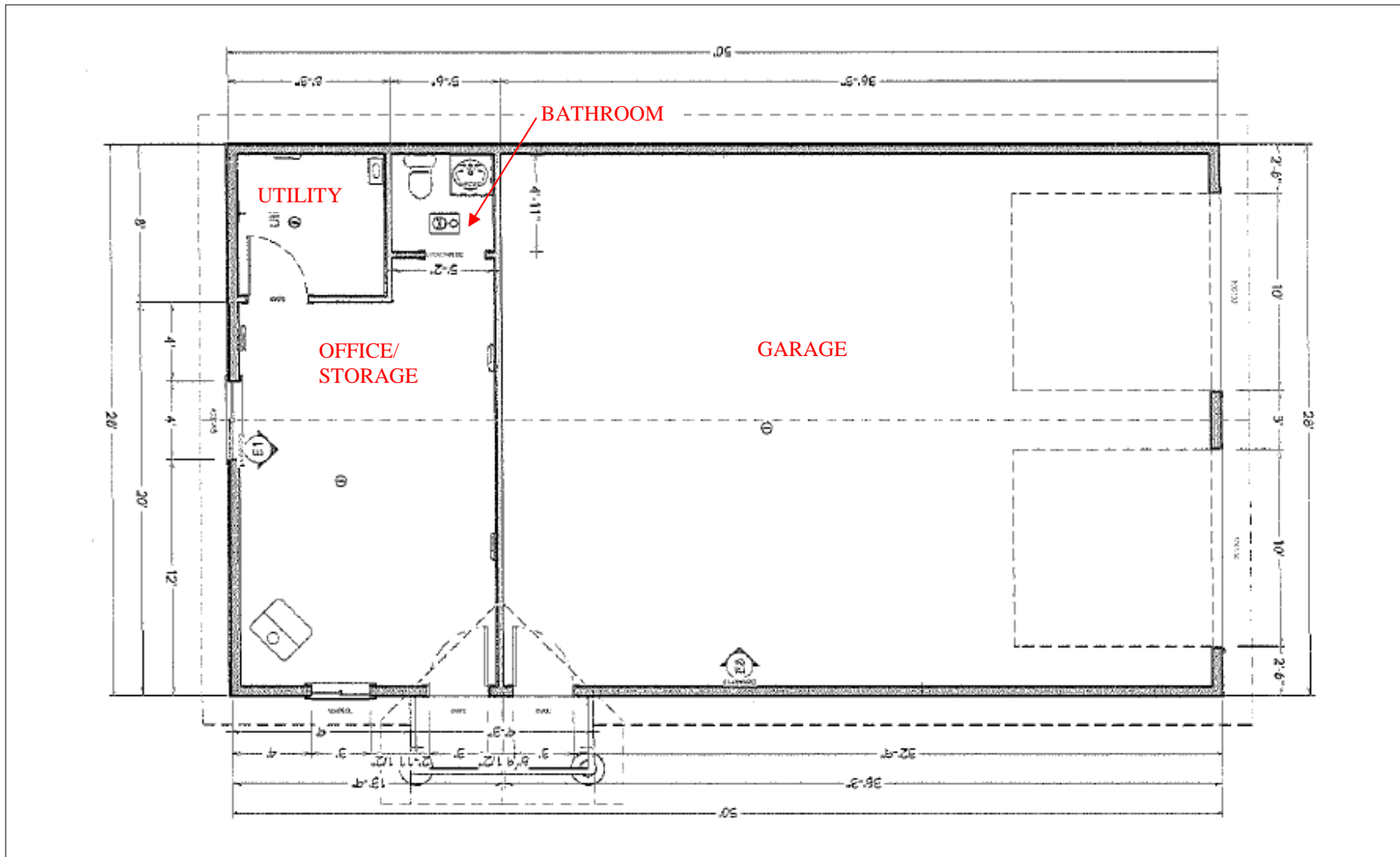
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. H2019.023-DVP

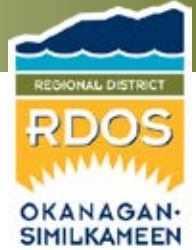
Schedule 'G'



Development Variance Permit No. H2019.023-DVP

Page 9 of 9

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

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### Administrative Recommendation:

**THAT Bylaw No. 2497.11, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.18, 2019, Electoral Area “H” Zoning Amendment Bylaw be read a third time and adopted.**

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Purpose: To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel

Owner: Liss, Jennifer & Lawrence      Agent: AllTerra Land Surveying      Folio: H00724.040

Civic: 336 Tulameen River Road      Legal: Lot 2, Plan KAP29927, District Lot 395, LDYD

OCP: Agriculture (AG)      Proposed OCP: Large Holdings

Zoning: Agriculture Three Zone (AG3)      Proposed Zoning: Large Holdings Two (LH2)

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### Proposed Development:

This application proposes to amend zoning of the southern portion of the subject property in order to facilitate the subdivision of the northern part of the property into six (6) lots and allow the creation of an 8.6 hectare (ha) remainder parcel in the southern portion where the owners reside.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from Agriculture (AG) to Large Holdings (LH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

In support of the rezoning, the agent has stated that the owners wish to complete the previously ALC approved subdivision “to create 13 lots with the subject parcel as the remainder” and to “continue abiding on this parcel in the same way they have been”, as their primary residence.

### Site Context:

The subject property is approximately 25.8 ha in area and is situated approximately 800 metres west of Tulameen on the north side of Tulameen River Road.

It is understood that the southern portion of the parcel is comprised of a single detached dwelling, accessory structures and undeveloped agricultural land. The surrounding pattern of development is generally characterised by vacant agricultural land, and residential parcels.

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**Background:**

At its meeting of July 16, 2019, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this application be approved.

A Public Information Meeting was held ahead of the APC meeting on July 16, 2019, and was attended by two (2) members of the public.

At its meeting of August 1, 2019, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of September 5, 2019.

Referral comments on this proposal have been received from the Agricultural Land Commission, Fortis, the Ministry of Agriculture, Upper Similkameen Indian Band and Interior Health Authority and are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 3).

**Analysis:**

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of agricultural land and that the OCP generally seeks to discourage this type of subdivision by supporting the consolidation of legal parcels that support more efficient agricultural operations and encourage the protection of agricultural lands and maximizing productive farm activity.

Administration is concerned that the principle agricultural rationale put forward in support of this subdivision, which is the creation of smaller parcels, runs counter to the direction provided by the OCP.

Moreover, Administration notes that the ALC has been consistent in its support for larger parcel sizes on ranching and grazing lands — such as the subject property — in the Similkameen. For instance, the Commission recommended a 42.0 ha parcel size be applied to the AG3 Zone in Electoral Area “H”.

In this context, the creation of an 8.4 ha remainder may impede the agricultural opportunities available in the long-term.

That said, Administration also recognises that the ALC previously approved the subdivision of this parcel into smaller lots and that the subject property is now dis-contiguous as a result of the subdivisions that has since been completed.

Moreover, requiring compliance with the 20.0 ha minimum parcel size requirement of the AG3 Zone is not going to result in a more viable agricultural parcel.

Administration also recognises that it has previously supported proposals in other Electoral Areas that seek to undertake subdivision along a road alignment or where parcels are physically separated by other parcels within the ALR on the basis that these generally form a boundary between what is seen to be two separate parcels.

While the requested LH2 Zone is not an “Agriculture” zone, it shares many of the same regulations as the AG3 Zone, such as similar permitted uses and the same maximum parcel coverage requirements



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which will ensure that the general use of the property remains the same. For reference purposes, a comparison of the AG3 Zone and LH2 Zone is presented at Attachment No. 2.

In summary, Administration generally supports the proposed OCP and Zoning Bylaw amendments.

**Alternative:**

THAT first and second reading of the Electoral Area "H" Official Community Plan (OCP) Amendment Bylaw No. 2497.11, and the Electoral Area "H" Zoning Amendment Bylaw No. 2498.18, be rescinded and the bylaws abandoned.

**Respectfully submitted:**

Fiona Titley  
F. Titley, Planning Student

**Respectfully Submitted:**

  
C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2019)

No. 2 – Comparison of AG3 Zone vs. LH2 Zone

Attachment No. 1 – Aerial Photo (2019)



## Attachment No. 2 – Comparison of AG3 Zone vs. LH2 Zone

<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; brewery, cidery, distillery, meadery or winery; equestrian centre; guest ranches; guide camps; meteorological towers; packing, processing & storage of farm & off-farm products; single detached dwelling or mobile home; veterinary establishments;	<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; cemeteries; equestrian centre; open land recreation; packing, processing & storage of farm & off-farm products; single detached dwelling, mobile home or RV; veterinary establishments;
<u>Accessory Uses:</u> accessory dwellings; agri-tourism accommodation; bed and breakfast operations; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.	<u>Accessory Uses:</u> accessory dwellings; bed and breakfast operations; carriage house; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.
<b>Minimum Parcel Size:</b> 20.0 ha	<b>Minimum Parcel Size:</b> 8.0 ha
<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth	<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth
<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. up to two (2) accessory dwelling units with a max. floor area not exceeding 180 m <sup>2</sup> between the unit(s).	<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. two (2) accessory dwelling units with a max. floor area of 70 m <sup>2</sup> per unit
<b>Minimum Setbacks:</b> <u>Buildings and Structures:</u> Front parcel line: 7.5 metres Rear parcel line: 7.5 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 7.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres	<b>Minimum Setbacks:</b> <u>Principal Buildings and Structures:</u> Front parcel line: 9.0 metres Rear parcel line: 9.0 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 4.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres
<b>Maximum Height:</b> 10.0 metres	<b>Maximum Height:</b> 10.0 metres
<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses	<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2497.11, 2019**

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**A Bylaw to amend the Electoral Area "H"  
Official Community Plan Bylaw No. 2497,2012**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "H" Official Community Plan Amendment Bylaw No. 2497.11, 2019."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, is amended by changing land use designation on the land described as Lot 2, Plan KAP29927, District Lot 395, LDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture (AG) to Large Holdings (LH).

READ A FIRST AND SECOND TIME this 1<sup>st</sup> day of August, 2019.

PUBLIC HEARING held on this 5<sup>th</sup> day of September, 2019.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Board Chair

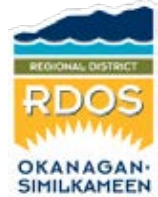
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Corporate Officer



# Regional District of Okanagan-Similkameen

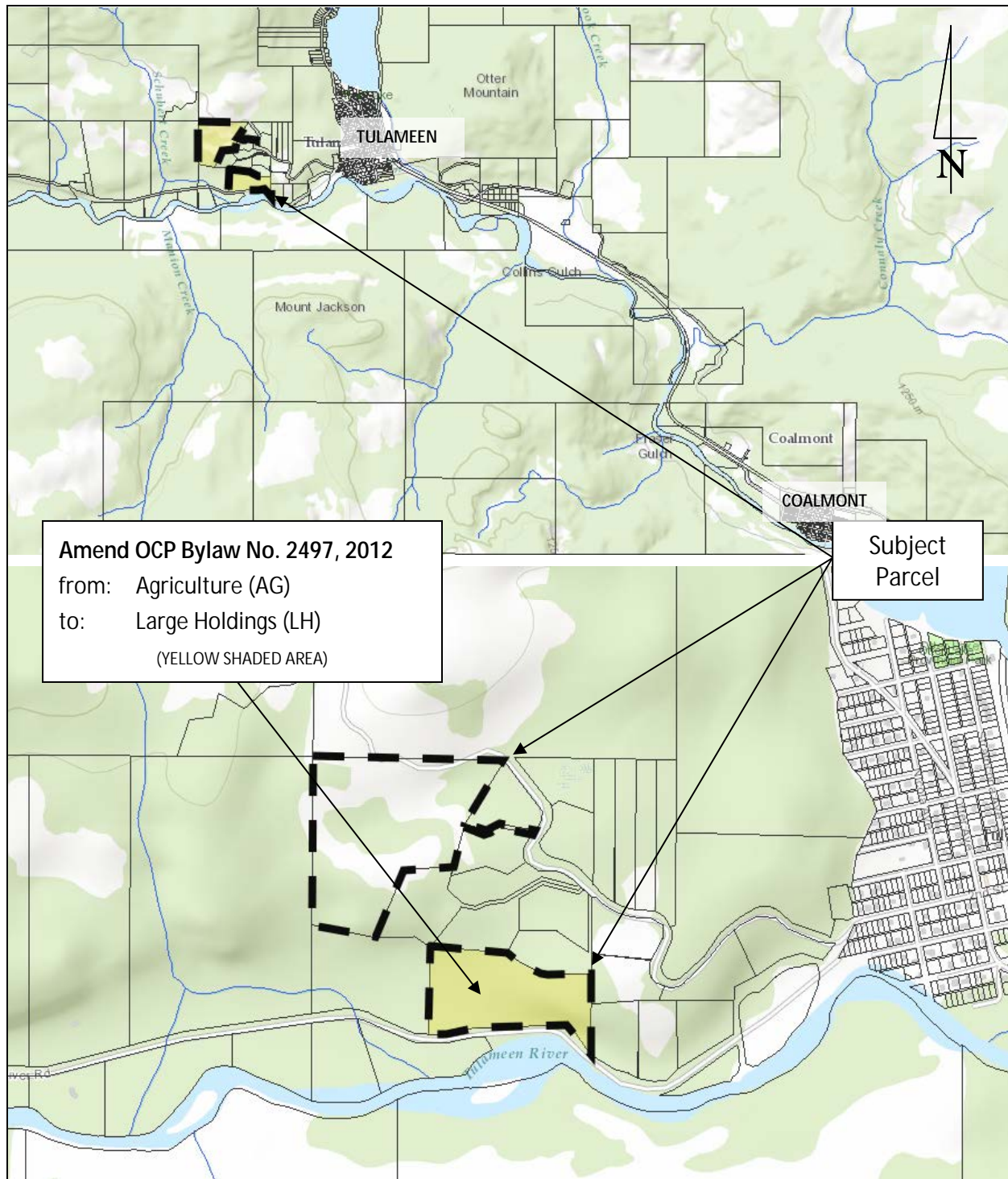
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2497.11, 2019

File No. H2019.010-ZONE

## Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.18, 2019

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**A Bylaw to amend the Electoral Area “H” Zoning Bylaw No. 2498, 2012**

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “H” Zoning Amendment Bylaw No. 2498.18, 2019.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation on the land described as Lot 2, Plan KAP29927, District Lot 395, LDYD, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

READ A FIRST AND SECOND TIME this 1<sup>st</sup> day of August, 2019.

PUBLIC HEARING held on this 5<sup>th</sup> day of September, 2019.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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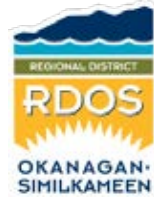
Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

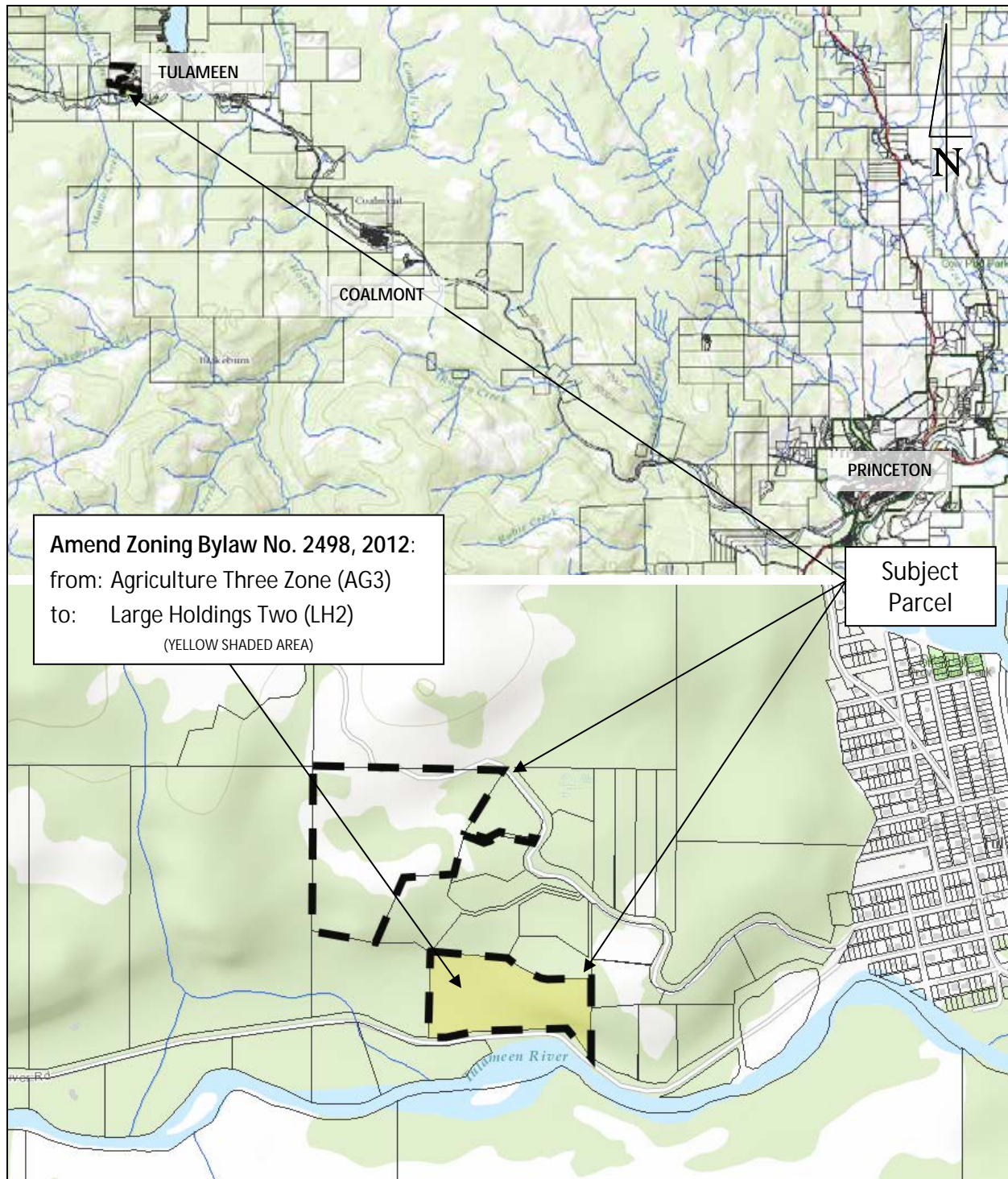
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2498.18, 2019

File No. H2019.010-ZONE

## Schedule 'A'







July 19, 2019

File No: H2019.010-ZONE

Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, B.C. V2A 5J9  
Via E-mail: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Re: Bylaw Referral – File No. H2019.010ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the amendment of Electoral Area "H" OCP Bylaw No.2497 and Zoning Bylaw No. 2497 for the zoning change of AG3 to LH2 for the property located at 336 Tulameen River Road. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- It is noted that the subdivision of this property was approved by the ALC in 2002.
- Ministry staff suggest that a lawful fence be established for this parcel (and all parcels resulting from the previous subdivision). This protects current and future property owners from issues (such as livestock being at large) and reduces the potential for complaints and conflict.

If you have any questions please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
Office: (250) 861-7201  
E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)

Email copy: Sara Huber, ALC Regional Planner, [Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)







Without Prejudice to Aboriginal Title and Rights  
Not to be construed as consultation

Monday, July 22, 2019

Attention: Christopher Garrish, Planning Manager

Re: File #: H2019.010-ZONE

Summary: 336 Tulameen River Road - PID: 005-568-242

PURPOSE OF THE BYLAWS: To amend the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012 designation of the southern portion of the property from Agriculture (AG) to Large Holdings (LH) as well as the Zoning Bylaw No. 2498, 2012 designation from Agricultural Three Zone (AG3) to large Holdings Two (LH2) to allow for the creation of an 8.6 hectare (ha) parcel.

Dear Mr. Garrish,

Further to your referral of July 18, 2019, we thank you for referring this matter to us. This referral falls within the of the area of responsibility of the Upper Similkameen Indian Band.

Our referrals department has now had the opportunity to review the referral package provided by RDOS. Our archaeologist has reviewed the package and indicate that this site will require Preliminary Field Reconnaissance (PFR) to determine if a more rigorous archaeology impact assessment is required. Previous information on file indicates that only the upper terrace of this site has been surveyed.

This information is communicated in good faith however First Nations still claim title to the un-ceded lands and resources of British Columbia. By this First Nations have made it abundantly clear that they have not discharged the governments of British Columbia or Canada from their fiduciary obligations as the title to the land and resources is not yet settled. Recent court decisions such as the Tsilqot'in land claim have now proven aboriginal title exists on the land and that adequate consultation and accommodation of Aboriginal Title and Rights in the land and resources must be taken into consideration. This review has been undertaken without prejudice to these Aboriginal Title and Rights.

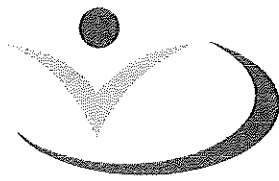
Please feel free to contact me if you require further information.

Sincerely,  
Upper Similkameen Indian Band

Robin Irwin  
Referrals Coordinator

Box 220, Hedley, BC V0X 1K0  
161 Snaza'ist Drive  
Phone: (250) 292-8733 Fax: (250) 292-8753





Interior Health  
*Every person matters*

July 23, 2019

Christopher Garrish  
Regional District of Okanagan-Similkameen  
101 Martin St  
Penticton, BC V2A 5J9  
<mailto:planning@rdos.bc.ca>

Dear Christopher Garrish:

**RE: File #: H2019.010-ZONE**  
**Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca) with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

**Mike Adams, CPHI(C)**  
Team Leader, Healthy Communities  
Interior Health Authority



## **Fiona Titley**

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** Wednesday, July 31, 2019 1:41 PM  
**To:** Planning  
**Subject:** Tulameen River Rd, 336, RDOS (H2019\_010 ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities within Tulameen River Road and Lawless Creek Road. **Due to their size and configuration, significant extension work will likely be required to bring service to potential building sites, the cost of which may be significant. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision.** The applicant is responsible for costs associated with changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

**FortisBC Overhead Design Requirements**

<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

*Steven Danielson, AACI, SR/WA*  
*Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, SR/WA**  
**Supervisor | Property Services | FortisBC Inc.**

2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Office: 250.469.8033  
Mobile: 250.718.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)

**Lauri Feindell**

---

**Subject:** FW: RE: Bylaw Referral - Project H2019.010-ZONE

**From:** John Kurvink <jkurvink@rdos.bc.ca>

**Sent:** August 16, 2019 8:40 AM

**To:** Fiona Titley <ftitley@rdos.bc.ca>; Cameron Baughen <cbaughen@rdos.bc.ca>

**Cc:** Lauri Feindell <lfeindell@rdos.bc.ca>

**Subject:** RE: RE: Bylaw Referral - Project H2019.010-ZONE

No impact from Finance.

John

**Lauri Feindell**

---

**Subject:** FW: RE: Bylaw Referral - Project H2019.010-ZONE

**From:** Cameron Baughen <cbaughen@rdos.bc.ca>  
**Sent:** August 15, 2019 3:37 PM  
**To:** Fiona Titley <ftitley@rdos.bc.ca>; John Kurvink <jkurvink@rdos.bc.ca>  
**Cc:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Subject:** RE: RE: Bylaw Referral - Project H2019.010-ZONE

This does not impact the Solid Waste Management Plan.

**Cameron Baughen, RDOS Solid Waste Management Coordinator**  
101 Martin Street, Penticton BC  
Ph 250-490-4203 TF 1-877-610-3737  
[cbaughen@rdos.bc.ca](mailto:cbaughen@rdos.bc.ca) [www.rdos.bc.ca](http://www.rdos.bc.ca)

*This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed*



**Agricultural Land Commission**

201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033  
www.alc.gov.bc.ca

August 15, 2019

Reply to the attention of Sara Huber  
ALC Issue: 51497  
Local Government File: H2019.010-ZONE

Lauri Feindell  
Administrative Assistant, Regional District of Okanagan Similkameen  
planning@rdos.bc.ca

**Delivered Electronically**

**Re: RDOS Electoral Area H Official Community Plan and Zoning Amendment Bylaw  
Nos. 2497.11 and 2498.18**

Thank you for forwarding draft copies of Regional District of Okanagan Similkameen (RDOS) Electoral Area H Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2497.11 and 2498.18 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

**Current Proposal**

The purpose of the Bylaws are to amend the Electoral Area H OCP designation of the southern portion of the property identified as 336 Tulameen River Road (the "Property") from Agriculture (AG) to Large Holdings (LH), and to amend the Zoning Bylaw designation of the Property from Agricultural Three Zone (AG3) to Large Holdings Two (LH2) to allow for the creation of an 8.6 ha parcel.

The Property is currently hooked and the applicant is seeking to subdivide the northern portion of the Property into six new parcels. In doing so; however, there is a remainder parcel that will not meet the 20 ha minimum parcel size required by the AG3 zoning of the southern part of the Property. Accordingly, a rezone is required to allow for the creation of an 8.6 ha parcel in that location.

**Previous Applications**

In February 2002, the Commission approved subdivision of the Property into 13 - 2 ha lots with a 21 ha remainder at the south end of the Property (ALC Application 5374; Resolution #9/2002).

In February 2019, the Commission received a letter from All Terra Land Surveying Ltd. (the "Agent") advising that the applicants would be moving forward with the subdivision of the final 6 lots. The letter also advised that slight tweaks had been made to the layout of the subdivision to accommodate an internal shared driveway and to provide optimal use of the developable land; however, the plan is substantially similar to the original approval.

## ALC Response

ALC staff recognizes that the subdivision was approved in 2002 and that the Bylaws are required in order to facilitate such subdivision. While slight amendments have been made to the plan, the ALC finds that the plan is in substantial compliance with the approval. For these reasons, the ALC has no objection to the proposed Bylaws.

\*\*\*\*\*

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral H2019.010-ZONE

CC: Ministry of Agriculture – Attention: Christina Forbes

51497m1



February 8, 2002

Reply to the attention of Caoimhe (Keeva) Kehler

Jennifer and Larry Liss  
Site 2D, Comp 1  
Tulameen, BC - V0X 2L0

Dear Mr. and Mrs. Liss:

**Re: Application #V-30591-1**

Further to your letter of January 10, 2002, the Land Reserve Commission (the "Commission"), acting pursuant to section 26 of the *Agricultural Land Reserve Act*, has reconsidered the above noted application.

The Commission, by Resolution #9/2002, has allowed your application to subdivide the property into  $13 \pm 2$  ha lots leaving a 21 ha remainder at the south end of the parcel. The subdivision must be in substantial compliance with the attached plan.

The land referred to in the application remains subject to the provisions of the *Agricultural Land Reserve Act*, the *Soil Conservation Act* and applicable regulations except as provided by this approval.

Furthermore, the Commission's approval does not relieve you of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction. Please contact the Regional District of Okanagan-Similkameen, as other approvals may be needed before your development can proceed.

When the final survey plans have been prepared, please send two (2) paper prints to this office well in advance of commencing registration. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the plans.

Please quote your application number in any future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per: 

K. B. Miller, Chief Executive Officer

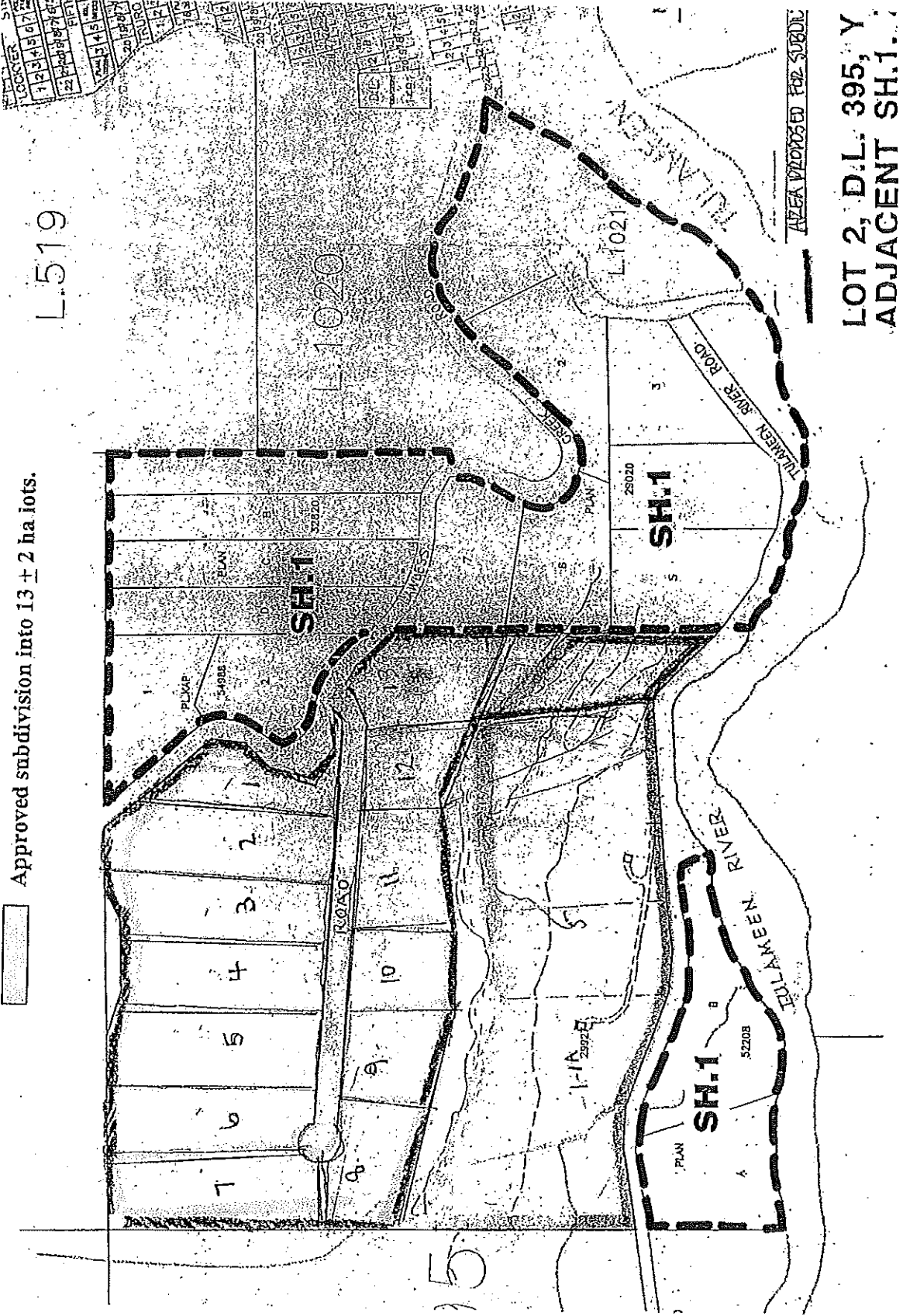
cc: Regional District of Okanagan-Similkameen (H.96.00724.040)  
Approving Officer, Ministry of Transportation, Penticton  
B.C. Assessment, Penticton

CK/lv Encl./I:30591d2.

Subject property.

Approved subdivision into 13 ± 2 ha lots.

L.519



**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “C”

---

## Administrative Recommendation:

**THAT the Regional District “not authorize” the application to operate an “eating and drinking establishment” as a “non-farm use” on the property at 5535 Highway 97 in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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Purpose: To allow an “eating and drinking establishment” (i.e. restaurant) within the Agricultural Land Reserve.

Owner: Gurmeet Singh Chahal      Agent: Bill Ross      Folio: C-05465.000

Civic: 5535 Highway 97      Legal: Lot 158, Plan 1728, DL 2450S, SDYD

OCP: Agriculture (AG)      Zone: Agriculture One (AG1)

---

## Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 20(2) of the *Agricultural Land Commission Act* (the Act) has been lodged with the Regional District in order to allow for an “eating and drinking establishment” within the Agricultural Land Reserve (ALR).

In support of this proposal, the applicant has stated that the purpose is “to produce food from our farm products to be sold in the fruit stand with our fruits and vegetables.”

## Statutory Requirements:

Under Section 34(4) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) or (3.1) or 30(4) or 30(4.1) apply, wherein the Board has the ability to refuse to “authorize” an application.

In this instance, Section 25(3) of the Act is seen to apply as the land is zoned Agriculture One (AG1), which permits “agriculture” as a use.

## Site Context:

The subject property is approximately 4.1 ha in area and is directly abutting Highway 97. The property is currently developed as a fruit stand and farm.

The surrounding pattern of development is characterised by agricultural uses in the ALR, with a mix of residential and commercial uses to the north towards the Town of Oliver boundary approximately one kilometre northeast of the subject parcel.

---

## Background:

The subject property was created by a plan of subdivision on February 11, 1921 and available Regional District records indicate that building permits have previously been issued for a fruit stand (2016), and demolition of a residence (2003).

The approved plans for the "fruit stand" indicated a total floor area 469.5 m<sup>2</sup> apportioned as follows:

- 223.0 m<sup>2</sup> for retail uses (47.5%);
- 113.2 m<sup>2</sup> for a storage/packing area (24.1%);
- 111.0 m<sup>2</sup> for a cooler (23.6%);
- 15.8 m<sup>2</sup> for storage rooms (3.4%);
- 6.5 m<sup>2</sup> for washrooms (1.4%).

In addition, a 111.5 m<sup>2</sup> paved covered area and 74.3 m<sup>2</sup> outdoor retail area were also indicated in the approved plans. A commercial kitchen (55.7 m<sup>2</sup>) was subsequently constructed, without permit, in the area designated for storage/packing, storage rooms and washroom.

On April 23, 2019, a Stop Work Order ("Build Without Permit") was issued for a café and sign on the subject property. A commercial kitchen had been built without permit within the farm stand building for the purpose of preparing foods for a café (e.g. "eating and drinking establishment").

Under Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated as Agriculture (AG), an objective of which is "to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area."

Supporting policies include "preserve and protect the existing agricultural land base in rural Oliver" (Section 9.3.5), "the principal use of lands designated as 'Agriculture'...shall be agriculture" (Section 9.3.9), and "encourages maximizing productive farm activity and minimizes non-farm use on farmland by limiting the footprint of non-farm uses" (Section 9.3.19), while "encouraging secondary 'value added' uses for the purpose of diversifying and enhancing farm income, provided that these developments:

- are compatible with the agricultural character of the area
- remain incidental to the primary agricultural uses;
- remain subject to the provisions of the Zoning Bylaw, the Agricultural Land Reserve Act (if in the Agricultural Land Reserve) and other Provincial standards; and
- do not present a potential land use conflict with surrounding properties" (Section 9.3.14).

Commercial policies under Section 12.3.3 of the Electoral Area "C" OCP Bylaw "limits highway commercial development along Highway 97 to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT)".

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is zoned Agricultural One (AG1), which lists "retail sales of farm and off-farm products" (e.g. fruit stands) are permitted as a secondary use, subject to a maximum retail sales area of 300 m<sup>2</sup> and no more than 1/3 of the area used for retail sales of "off-farm products".

The Zoning Bylaw further defines an "eating and drinking establishment" as meaning "a development where prepared foods and beverages are offered for sale to the public for consumption within the premises or off the site and includes ...take-out restaurants..." and is not a permitted use in the AG1 Zone.

---

The property is within the ALR and has been assessed as Residential (Class 01), and Farm (09) by BC Assessment.

**Analysis:**

In considering this proposal, Administration acknowledges that there is a balance needed between competing objectives of Agricultural lands, namely preserving an agricultural land base, which is a central tenet of the Electoral Area "C" OCP Bylaw, and enhancing farm income opportunities by allowing 'value added' uses.

When expanding any 'value added' use on Agricultural lands, due consideration should be made for the cumulative impact of eroding the agricultural land base through the placement of large non-farm structures and parking areas, in addition to the introduction of potential land use conflicts between farming and non-farming interests. Ensuring any proposed commercial use is incidental to the farm and compatible with surrounding farm uses is paramount.

Commercial uses within an agricultural area can pose potential land use conflicts with agricultural operations. By allowing additional uses to occur, the primary use of the property or surrounding properties as agricultural land can become threatened through the introduction of competing interests. These can be in the form of increased complaints from neighbours regarding traffic, noise or trespassing on adjacent farms.

There are concerns with introducing "eating and drinking establishments" within agricultural areas in general, as it is a broad term that encapsulates a range of restaurant types (e.g. take-out restaurants, cafes, bistros, seated restaurants, delis). Historically, allowances for "eating and drinking establishments" within agricultural lands has been limited to those associated with wineries, breweries and distilleries, to align with ALR regulations.

From a land use perspective, there is no distinction between a take-out restaurant for foods prepared from farm produce and from any other type of take-out restaurant (e.g. a fast food operation, café, deli, etc.).

Although an "eating and drinking establishment" could enhance farm income opportunities, there is no direct nexus between farming operations and an "eating and drinking establishment".

Land use controls do not regulate the types of foods prepared or sold on a premises and do not contain the mechanisms that would be required to ensure the use remains incidental to the farm or consistent with the criteria under Section 9.3.14 of the Electoral Area "C" OCP Bylaw.

As such, an "eating and drinking establishment" is viewed as a commercial use that should be directed to a commercial-designated property, in accordance to Section 12.3.3 of the Electoral Area "C" OCP Bylaw.

It should be noted that there are provisions in the zoning bylaw that would allow for preparation of foods as a "home occupation" which provide an appropriate balance between preserving agricultural lands and allowing for "value added" uses to occur.

Conversely, the primary use of the property remains agricultural through the active farming of fruit and vegetable crops on the vast majority of the parcel. The "eating and drinking establishment" is contained within the existing building, utilizes on-site farm products, and would be serviced by the parking area accessible directly from Highway 97 with no disruption to the existing crops.

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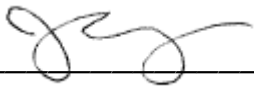
In summary, as an "eating and drinking establishment" within a farm stand is not considered consistent with Electoral Area "C" OCP bylaw policies for agriculture-designated lands, it is recommended that this proposal be "not authorised" to proceed to the ALC.

**Alternatives:**

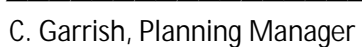
1. THAT the RDOS Board "authorize" the application to operate "eating and drinking establishment" as a "non-farm use" on the property at 5535 Highway 97 in Electoral Area "C" to proceed to the Agricultural Land Commission.
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area "C" Advisory Planning Commission (APC).

**Respectfully submitted**

**Endorsed by:**



J. Peachey, Planner I



C. Garrish, Planning Manager

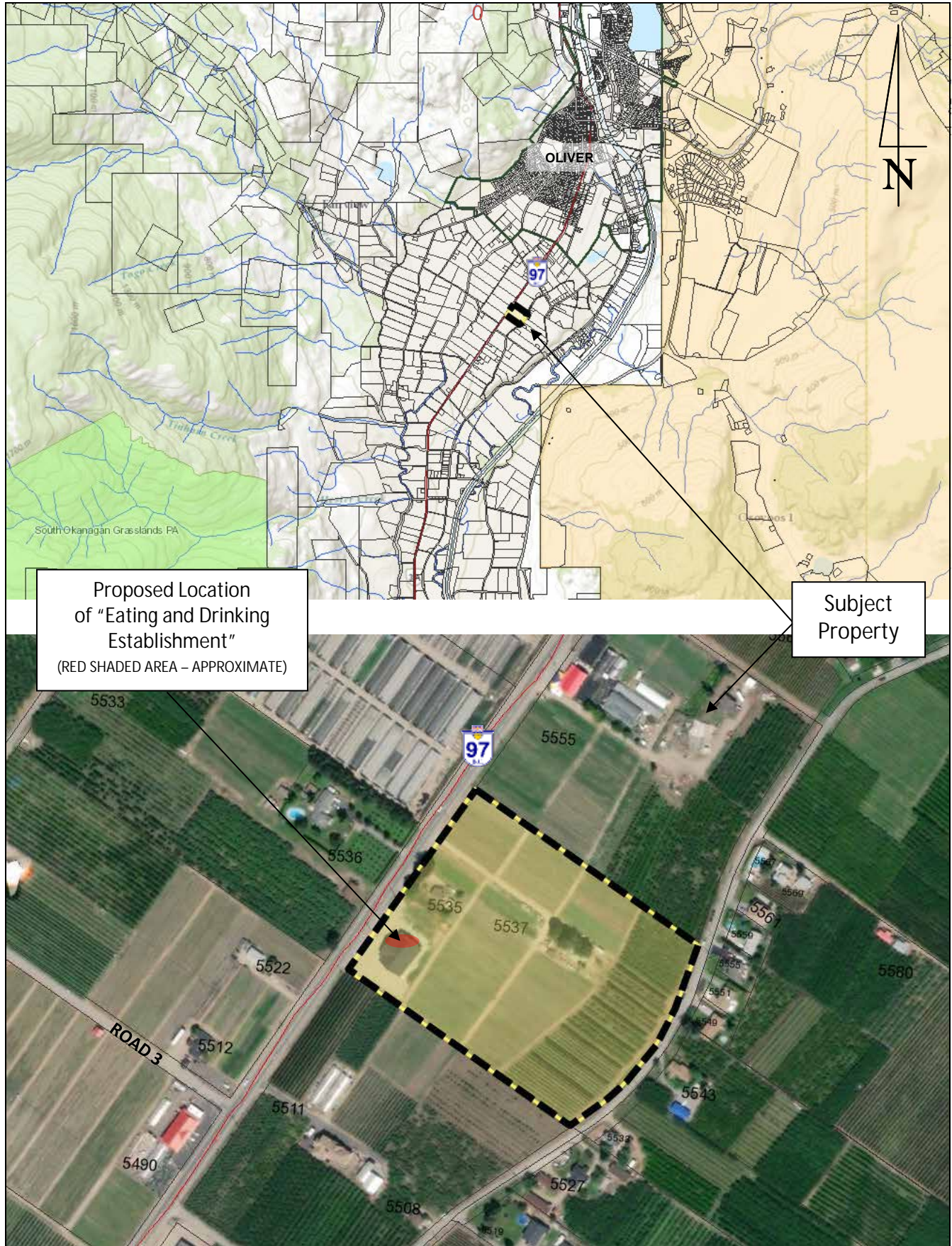
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Floor Plan

No. 3 – Site Photo



Attachment No. 1 – Context Maps





Attachment No. 2 – Applicant's Floor Plan

FLOOR PLAN FOR NATURE'S BASKET Fruit Stand and Entry  
5535 97 HWY OLIVER BC

Location of Proposed Kitchen/Serving Area

Washrooms

Covered Area for Processing/Sorting

Kitchen/Serving Area  
846 sq. ft.

COOLER 8'x8'

SINK

STOVE

SPELTING COUNTERS

WASH ROOM 1

WASH ROOM 2

Storage

FRUIT COOLER 40'x30'

WALK-IN COOLER 11'x8'

Retail Area

Parking Stalls

16

17

18

19

20

21

22

23

24

25

26

90'

70'FT

FRONT

Attachment No. 3 – Site Photo





Attachment No. 4 – Aerial Photo



Hi Rick

Just wanted to let you know that allowing value add on farms is in my opinion one of the best ways to insure continued operation of the family farm. As an example I recently made a trip through Cash Creek and had apple pie at Horsting's family market, which sits on an operation farm/greenhouse operation. They actually have people drive up from the coast to have apple pie, and while I was there 2 tour buses stopped. Just down the road in Ashcroft a stop at Desert hills ranch market gardens is a mandatory stop, not only great local produce but also products from as far away as Mexico. As you know there is an increasing number of acres being converted to grapes, i'm assuming because the profit is higher. While obviously the investment is great for the community I think we need to maintain a balance of crops in the area. the wine industry is very organized and has been quite successful in changing regulations to accommodate their needs, we need to look at those changes and see how it could advance other commodities. For example if selling ice cream increases the number of apples sold at a fruit stand isn't that good for everyone? I am excited to see the investment in a number of new fruit stands in the area, as you know these are major investments and we need to make sure there is no undue impediments in making them successful.

By the way, I was happy to see your comments about a miscommunication of facts in the chronicle, as the Chahal's have been advertising (even on the billboard sign) about their opening, so limited chance of trying to slide under the radar.

I hope you will continue to push for increasing value add at the farm gate even if it doesn't quite fit with current regulations.

thanks

Respectfully

Ron Casorso



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Kaleden Sanitary Sewer Predesign Award

---

### Administrative Recommendation:

**THAT the Regional District award the Predesign phase of the "Sewer Extension to Kaleden from Okanagan Falls" project to Urban Systems Ltd. in the amount of \$194,693.50 plus applicable taxes; and**

**THAT the Regional District approve a contingency of \$35,000 for unexpected items during the Predesign process.**

### Purpose:

To approve the award of predesign of the Kaleden sewer system around the lakeshore area to provide sufficient information to the residents for an informed referendum.

### Business Plan Objective:

Key Success Driver #3 – Build a Sustainable Region

Goal 3.3: To develop an environmentally sustainable region with Objective 3.3.2.3 to repurpose the Building Canada grant sewer project to the Kaleden areas

### Background:

A Building Canada Fund – Small Communities Component Grant was received in late March of 2017 for the Phase 1 of the Skaha Estates and Kaleden Sewering Project that partial grant funding of \$6.6M had been received.

In 2018, Tetra Tech Canada completed the sewer predesign of the Skaha Estates area with an updated cost estimate of over \$14M. This project was unaffordable with this BCF grant and the funds were reallocated to Phase 2 of the project; addition of sewers for the Kaleden lakeshore area.

### Analysis:

A Request for Qualifications(RFQ) / Expression of Interest was released to shortlist up to five consultants who would then prepare a full Proposal for a Request for Proposals (RFP). Eight submissions were received under the RFQ process. An evaluation team of five members, selected

the top four consultants; these short-listed consultants received the RFP. All four consultants submitted Proposals by the Closing Time.

Due to the complexity and scope of this project, the evaluation team, took over six weeks to determine the preferred consultant. The proposals were broken down by specific scope, personnel and methodology. To ensure the focus was on the specific details provided and each item was evaluated independently, the names of the consultants were removed from the descriptions which were provided to the team in random order.

A consensus score was determined for each of the scope, personnel and methodology items. The scores were tabulated and the preferred consultant was determined from the highest points. The following table provides the contractor name and total proposal price provided without GST.

Proponent (in alphabetical order)	Total Points from evaluation	Proposal Price for Predesign
AECOM	70	\$191,384
Associated Engineering	83	\$166,490
Tetra Tech Canada	68	\$198,000
Urban Systems	92	\$194,694

The budget of \$200,000 was provided in the RFP for the Kaleden lakeshore area sewer predesign. All the proposals addressed the core requirements with knowledgeable and fairly experienced team members, while some presented some significant value added components.

Urban Systems scored the highest of the four consultants and is recommended for the predesign work for the Kaleden sewer project. Urban System had a very strong and clear proposal detailing out various challenges and providing discussion and methodology on how they would address each issue or opportunity. Overall, this proposal presents the best value for the RDOS.

#### **Funding:**

The BCF grant will cover 2/3 of the predesign costs, and the remaining 1/3 will be covered by the 2019 budgeted amount of \$100,000 in the Electoral Area I Rural Projects.

#### **Communication Strategy:**

A Notice of Award letter will be prepared for the consultant upon approval by the Board. Residents of Kaleden will be kept updated during this process to ensure that they are well informed prior to making a decision on the subsequent referendum.

#### **Respectfully submitted:**

*Liisa Bloomfield*

---

L. Bloomfield, Manager of Engineering





## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** 5 September 2019

**RE:** Heritage Hills Park Naming

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### **Issue:**

The donor of the new Heritage Hills/Vintage View Park has put forward a variation of the name for the park that was previously deferred by the Board. An alternate name has been submitted by the Okanagan Falls Parks & Recreation Commission.

### **Reference:**

RDOS Corporate Donations and Naming Rights Policy, May 3, 2018  
Vintage Views Offer to Purchase/Donate Agreement  
Okanagan Falls Parks & Recreation Commission minutes of 18 April 2019

### **Background:**

#### Process

At the meeting of October 18<sup>th</sup>, 2018, the donor of a majority portion of the new Heritage Hills Park submitted the name, "Ted Garnett Park" to the Board for consideration. The submission was deferred to the Spring of 2019. The issue returned to the Board June 6<sup>th</sup>, along with an alternate name proposed by the Okanagan Falls Parks & Recreation Commission. The issue was deferred for one year. Proponents for the alternative recommendations were not allowed to speak on a motion to defer.

#### History

On July 16, 2015 the RDOS accepted a donation of parkland at Heritage Hills within Electoral Area "D". The donation was part of an agreement with Vintage Views Development Ltd. (Jasmine and John Aantjes) which resulted in a total of 3.0 acres donated and 0.5 acres purchased for \$400,000 based on a market appraisal. During discussions on the parkland acquisition, the developer indicated strongly that he wanted to hold the naming rights to the park. The subdivision was still in progress and the Developer did not have a name for submission at the time the agreement came to the Board. Naming of public assets is a responsibility of the Board of Directors and, rather than lose the deal, the following clause was inserted into the agreement.

**"In the event the Regional District elects to construct a park on the Subdivided Lands and wishes to adopt a name therefor, the Regional District agrees that the Regional District and Vintage shall agree on the said naming thereof."**

Further, the RDOS entered into a lease for an adjacent 0.5 acre residential lot, for an total park area of 4.2 acres.

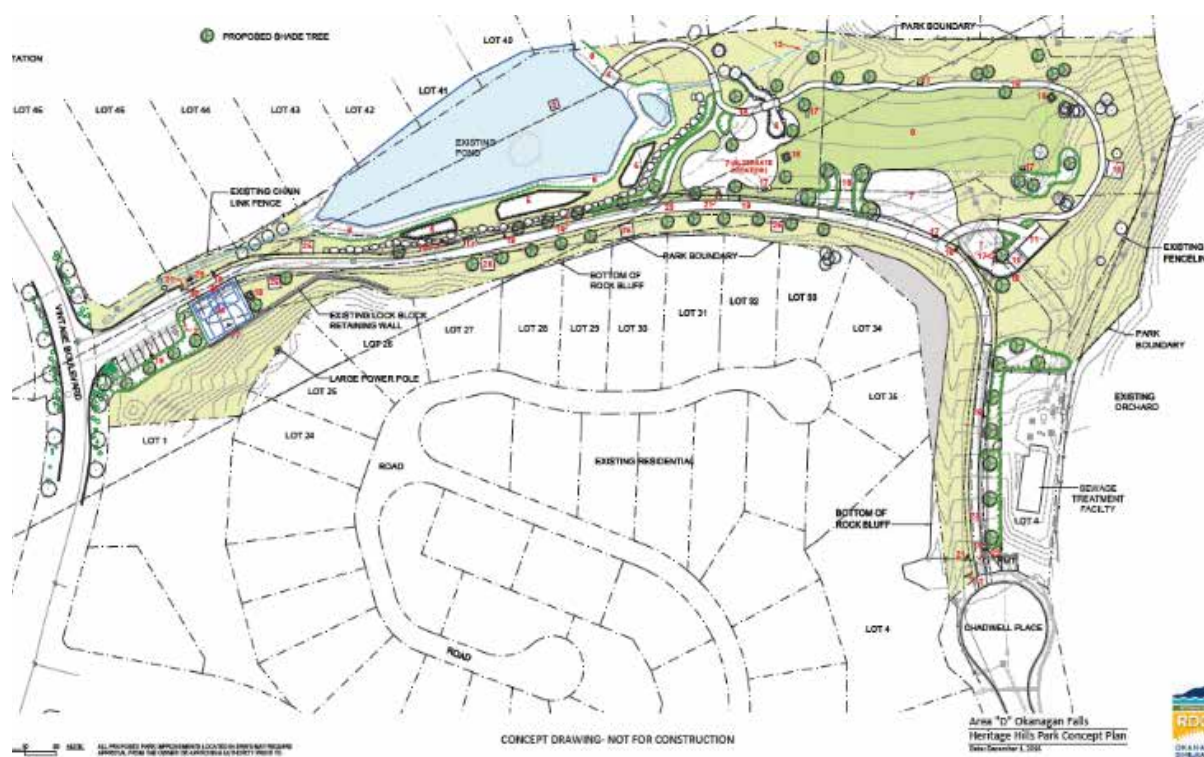
Since that time, Okanagan Falls Parks and Recreation Commission, supported by the Heritage Hills/Lakeshore Highlands Homeowner's Association have developed a long-term park plan for the land.

On May 3, 2018 the Board passed its' Corporate Donations and Naming Rights Policy. The policy supports a donor who has contributed towards a "special project" to be permitted to have input into the naming rights of the specified project. Section 14 of the Policy is dedicated to "Naming Rights".

#### 14. NAMING RIGHTS

- a) Donors of standard amenities are permitted to have input into the text contained within the recognition plaque. The proposed text shall be expressed by the Donor at the time of application, is subject to the final approval of the RDOS, and will be finalized in writing prior to the transaction date.
- b) Donors who contribute towards a special project are permitted to have input into the naming rights of the specified project. Where multiple donors are involved, donors are encouraged to reach consensus among all donating parties prior to forwarding their input to the RDOS. The Page 5 of 7 proposed name shall be expressed by the Donor(s) prior to the transaction date, and is subject to the final approval of the RDOS.
- c) Donors are encouraged to suggest names that represent one or more of the following: the geographical location, the geological features of the landscape, persons (both living and in memoriam) who significantly contributed to the specified project or community at large, or an uplifting message, inspirational phrase or quote.
- d) The RDOS will not permit names of the following nature: names that promote or condone stereotyping of any group or discrimination, or names that are of a contentious or political nature.
- e) Names assigned to donated amenities, objects, or projects must only be associated with persons, groups or businesses in good public and moral standing. Any criminal or moral lapse may result in the revocation of the naming right at the RDOS Board's discretion.

The Donor submits that Mr. Garnett was instrumental in completing the Vintage Views subdivision and that recognition of Mr. Garnett (in memorium) meets the policy and the intent of the donation agreement.



## Alternatives:

1. Do not name the park
2. Name the donated parcel (3.0 acres) in favour of the donor; the purchased parcel (0.7 ac.) and leased parcel (0.5 ac.) in favour of the Commission.
3. Name the total area "**Garnett Family Park**" and the trail "**Skaha Vista Trail at Heritage Hills**".
4. With the agreement of the Developer, name the total area "**Skaha Vista Park at Heritage Hills**" and the trail "**Garnett Trail**".

## Analysis:

Jasmine and John Aantjes of Vintage Views Development Ltd. have submitted the name "Garnett Family Park" for this public space in recognition of the contributions Mr. Garnett and his family have made towards the development of Vintage Views. The Okanagan Falls Parks & Recreation Commission have proposed "**Skaha Vista Park at Heritage Hills**".

## Notes:

1. Neither the Donation Agreement or the Naming Policy speak to a public consultation process requirement.
2. The alternative to split the name is somewhat dubious as the purchase agreement includes the naming clause.

Additional Information regarding Ted Garnett:

<https://www.castanet.net/news/Penticton/228880/Ted-Garnett-bigger-than-life>

**From:** Johnny Aantjes  
**Sent:** Friday, August 23, 2019 11:24 AM  
**To:** Karla Kozakevich <kkozakevich@rdos.bc.ca>  
**Cc:** Dean <deang@prequip.com>; Bill Newell <bnewell@rdos.bc.ca>  
**Subject:** The Naming of the Park in Heritage Hills

Hi Karla,

I would like to propose another name option for the board to consider regarding the donated park land in Heritage Hills

Instead of The Ted Garnett Family Park, we could do the The Garnett Family Park. A plaque with information regarding Ted Garnett would help with keeping this a memorial for Ted.

As you know, I have a legal agreement with the RDOS regarding the donation and naming of the park.

I would also propose accepting the Vista Views name for the trail that some people in the community were proposing for the park....if that is acceptable.

Please let me know when we could put this before the board for a vote.

Thanks for your time,

Johnny Aantjes  
Vintage Views Developments Ltd.

## ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 5, 2019

RE: Area I Community Grant in Aid

---

### Administrative Recommendation:

**THAT** the Board approve the Area I Electoral Area Grant in Aid to the Kaleden Community Association in the amount of \$4,850.00 for community projects.

### Reference:

Electoral Area Grant in Aid Policy

### Background:

The Kaleden Community Association (KCA) has submitted five projects to the Area I Director for Community Grant in Aid funding. Director Monteith is a director on the KCA board, putting her into a conflict of interest position, and has passed the application along to the Board of Directors for consideration.

### Analysis:

KCA has submitted an application under the Electoral Area Grant-in-Aid Program for the following applications.

	Purpose	Amount
KCA – Fire Smart Board	Clearing wildfire fuel to reduce risk to homes	\$2,000
KCA – Safety Committee	Start up equipment - Radios, safety vest, signs, flashlights	\$500
KCA – Seniors Committee	Murals on packing house wall	\$850
KCA – Get Jazzed Event	Jazz event costs – advertising, ticket printing, licensing	\$500
KCA – Twin Lakes Community Event Planners	Sandwich boards	\$1,000

Due to the director being on the KCA board, there may be a real or perceived conflict of interest with her approving these applications in isolation.

### Alternatives:

Deny the application.

**Respectfully submitted:**

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

---

J. Kurvink, Finance Manager

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Area E – Naramata Fire 2019-2023 Five Year Financial Plan Amendment

---

### Administrative Recommendation:

THAT the Board of Directors approve a budget amendment to transfer \$35,000 from the Naramata Satellite Hall Donation account to the 2019 Naramata Fire operating budget, Donation Revenue.

### Reference:

Bylaw 2839, 2019-2023 Five Year Financial Plan

### Background:

Amendments to the approved Five-year Financial Plan are brought forward as supporting resolutions with bylaw amendments taking place in aggregation annually.

Donations have been collected from a variety of sources for the Naramata Satellite Fire Hall and deposited into a segregated account. As at December 31, 2018 the balance in the account was \$126,963.04

### Analysis:

The Naramata Fire Service Area underwent an expansion in 2016. Portions of the expansion area are more than 8km from the existing Fire Hall on Upper Debeck Road. In order to meet adequate Fire Underwriter response times and grading for the new expanded area, a satellite Fire Hall has been planned for a location approximately 8km from the existing Fire Hall.

On February 16, 2017, the RDOS Board endorsed a motion to apply for a Provincial License of Occupation for the site of the proposed satellite fire hall. The license was granted to the RDOS in September of 2018.

The funding will be used for site planning related to the proposed North Naramata Fire Hall (road access point, driveway, parking, water supply, septic system, site drainage, etc).



## Alternatives:

Status Quo: Not to approve the budget amendment.

## Respectfully submitted:

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

---

J. Kurvink, Finance Manager

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Area B Untidy and Unsightly Premises Regulatory Control Service  
Establishment Bylaw No. 2516 and Area B Untidy and Unsightly Premises  
Regulatory Control Bylaw No. 2517

---

### Administrative Recommendation:

**THAT the first, second and third readings of Area B Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw 2516, 2010 and Area B Untidy and Unsightly Premises Regulatory Control Bylaw 2517, 2010, be rescinded and the bylaws abandoned.**

### Reference:

Bylaws No. 2516 and 2517, 2010  
March 18, 2010 – 30 day consultation process to residents of Area B  
August 2010 – Electoral Area B (Cawston) Resident Survey

### Background:

At the March 18, 2010 Board meeting, it was recommended that Bylaw(s) 2516, 2010 and 2517, 2010 be given first three readings, and that prior to forwarding the bylaws to the Ministry for approval, staff conduct a thirty day public consultation process.

In August, 2010 the Regional District conducted a Resident Survey, which included the question of 'Are you in favour of implementing a Good Neighbour Bylaw (Untidy/Unsightly Premises Bylaw)?' The results being 75% of the participants that took part in the Survey, 'not in favour' of a Untidy/Unsightly Premises Bylaw. No further action was taken at that time.

### Analysis:

This bylaw is part of the review of pending bylaws. As the results of the 2010 survey indicate, and the Director has confirmed, it is recommended that the Board not proceed at this time with the implementation of these bylaws.

## Alternatives:

- Ø That the Board of Directors proceed with the establishment of an Untidy and Unsightly service in Electoral Area "B".

## Respectfully submitted:

*"Christy Malden"*

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Manager of Legislative Services

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BYLAW NO. 2516, 2010

---

**A bylaw to establish a service for the regulation and control of untidy and unsightly premises.**

---

**WHEREAS** the *Local Government Act* authorizes the Regional District of Okanagan-Similkameen to operate any service that the Board of the Regional District considers desirable or necessary for all or part of the Regional District, including a service in relation to the regulation and control of untidy and unsightly premises.

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen considers it desirable and necessary to operate a service in relation to the regulation and control of untidy and unsightly premises in Electoral Area 'B' of the Regional District;

**AND WHEREAS** approval of the electors of Electoral Area 'B' has been given by consent in writing of the electoral area director in accordance with section 801.5(1)(b) of the *Local Government Act*;

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled, enacts as follows:

### Citation

1. This bylaw shall be cited as the Electoral Area 'B' Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw No. 2516, 2010.

### Establishment of Service

2. The Regional District hereby establishes a service for the regulation and control of untidy and unsightly premises, such service to be known as the "Electoral Area 'B' Untidy and Unsightly Premises Regulatory Control Service".

### Description of the Service

3. The Untidy and Unsightly Premises Regulatory Control Service shall provide for the regulation and control of untidy and unsightly premises and, for that purpose, the Board of the Regional District of Okanagan-Similkameen is empowered and authorized to do all things necessary, including, without limiting the generality of the foregoing, obtaining required permits and licenses, employing staff, purchasing equipment, and entering into contracts, for the purposes of the Untidy and Unsightly Premises Regulatory Control Service.

#### Boundaries of the Service Area

4. The boundaries of the Untidy and Unsightly Premises Regulatory Control Service Area are the boundaries of Electoral Area 'B' of the Regional District of Okanagan-Similkameen and contain the whole of that electoral area.

#### Participating Areas

5. Electoral Area 'B' of the Regional District Okanagan-Similkameen is the sole electoral area of the Regional District that includes a participating area for the Untidy and Unsightly Premises Regulatory Control Service.

#### Cost Recovery Method

6. The annual costs of the Untidy and Unsightly Premises Regulatory Control Service shall be recovered by the requisition of money in the Untidy and Unsightly Premises Regulatory Control Service Area on the basis of a property value tax to be levied and collected in accordance with Division 4.3 of Part 24 of the *Local Government Act*.

READ A FIRST, SECOND AND THIRD TIME this 18<sup>th</sup> day of March, 2010.

CONSENTED to in writing on behalf of the electors of Electoral Area 'B' this 18<sup>th</sup> day of March, 2010.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

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RDOS Board Chair

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Chief Administrative Officer

## REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2517, 2010

---

#### A bylaw to regulate and control untidy and unsightly premises.

---

**WHEREAS** the Board of the Regional District Okanagan-Similkameen has adopted the Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw No. 2516, 2010, to establish a service in Electoral Area 'B' of the regional district for the regulation and control of untidy and unsightly premises.

**AND WHEREAS** the *Local Government Act* authorizes the Regional District of Okanagan-Similkameen to regulate and prohibit, by bylaw, untidy and unsightly premises.

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. In this bylaw:
  - a) "Board" means the Board of the Regional District of Okanagan-Similkameen;
  - b) "Bylaw Enforcement Officer" means the person appointed as such by the Board;
  - c) "Highway" means a highway as defined in the *Highway Act*;
  - d) "Noxious Weeds" means weeds designated as such under the Weed Control Regulation of the *Weed Control Act*; and,
  - e) "Regional District" means the Regional District of Okanagan-Similkameen.
  - f) "Unrelated Complainant" means not related by blood or affinity.
2. No owner or occupier of real property shall cause or permit:
  - a) Refuse, garbage, or other noxious, offensive, or unwholesome material to collect or accumulate on such real property or in any buildings or structures located on such real property;
  - b) Water to collect or accumulate on such real property or in any buildings or structures located on such real property;
  - c) Noxious weeds to grow or accumulate on such real property;

- d) Trees, brush, and other growths on such real property to create a safety hazard;
  - e) Graffiti to be placed on any buildings or structures located on such real property; and,
  - f) Any other unsightly condition to exist on such real property or in any buildings or structures located on such real property.
3. Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property:
- a) All collections or accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
  - b) All collections or accumulations of water;
  - c) All noxious weeds;
  - d) All trees, brush, and other growths that create a safety hazard;
  - e) All graffiti; and,
  - f) All other unsightly conditions.
4. Upon any failure by the owner or occupier of real property to undertake the work necessary to comply with section 3 of this bylaw, and upon the owner or occupier of such real property having been given an opportunity to be heard by the Board in respect of such failure, the Regional District may, by its own forces or those of a contractor, carry out the work necessary to comply with section 3 of this bylaw at the expense of the owner or occupier, and the Regional District may recover the costs of undertaking the work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.
5. The bylaw enforcement officer may at any reasonable time enter on or into any real property to ascertain whether the regulations and requirements of this bylaw are being observed.
6. No person shall obstruct or interfere with the bylaw enforcement officer in the exercise of the powers conferred on the bylaw enforcement officer under this bylaw.
7. Every person who violates any provision of this bylaw, or who permits any act or thing to be done in violation of any provision of this bylaw, is guilty of an offence against this bylaw that is punishable upon summary conviction by a fine of up to \$2000.
8. Each day that a violation of any provision of this bylaw continues to exist is a separate offence against this bylaw.



9. Procedures for regulating and controlling untidy and unsightly premises are outlined in Schedule 'A' attached to an forming part of this bylaw.
10. If any section, subsection, or other portion of this bylaw is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the remainder of this bylaw.
11. This bylaw may be cited as the "Electoral Area 'B' Untidy and Unsightly Premises Regulatory Control Bylaw No. 2517, 2010".

READ A FIRST, SECOND AND THIRD TIME this 18<sup>th</sup> day of March, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
RDOS Board Chair

\_\_\_\_\_  
Chief Administrative Officer

## **SCHEDULE 'A'**

### **PROCEDURES FOR REGULATING & CONTROLLING UNTIDY AND UNSIGHTLY PREMISES**

#### **A. Inspection and Notice**

To initiate an investigation for a subject property, an Untidy and Unsightly Premises Complaint form must be completed and signed by 3 unrelated complainants from within the electoral area of which one must be within the proximity of 30 meters of the subject property. The complainants must be willing to appear as witnesses in the event the matter proceeds to enforcement in the courts.

If a contravention of the bylaw is observed, the Bylaw Enforcement Officer will issue a bylaw notice by registered letter to the property owners or occupants of the property stating:

- a) The civic address of the subject property
- b) The legal description of the subject property
- c) The particulars of the unsightly nature of the property or the contravention to be remedied
- d) That the unsightly or untidy nature of the property or the contravention must be remedied within 30 (thirty) days of the date of delivery of the notice or a lesser period of time set by the Bylaw Enforcement Officer where there appears to be an immediate safety concern.
- e) In the event the bylaw notice is returned unclaimed or refused, the Bylaw Enforcement Officer will attempt to deliver the same bylaw notice by hand and will post a copy of the bylaw notice at the subject property.
- f) If compliance is not met within the stated time period, a recommendation will be forwarded to the Regional District Board to request the owner or occupier of the property to undertake the work necessary to comply with Section 3 of this bylaw, or the Regional District may, by its own forces or those of a contractor, carry out the work necessary to bring the property into compliance at the expense of the owner or occupier. And that if compliance is not met within the time period stated, a recommendation may be forwarded to the Regional District Board to undertake further legal action that is deemed necessary.
- g) The owner or occupier of such real property shall be provided an opportunity to be heard by the Regional District Board in respect of such failure.
- h) The Regional District may recover the costs of undertaking the work either as a debt against the person in default or in the same manner and with the same remedies as property taxes in arrears.

## **B. Procedure**

- a) If no response is made to the non-compliance issues identified in a bylaw notice, a Notice of Hearing is prepared together with the standard Board Report from the Community Services Manager. A new file is opened and the required documentation is forwarded to the property owner by registered mail in sufficient time to allow thirty (30) days notice of the hearing.
- b) The Community Services Manager may provide for a shorter time period for the hearing where there appears to be an immediate safety concern.
- c) In the event the Notice of Hearing is returned unclaimed or refused, if time permits prior to the Board meeting, the Bylaw Enforcement Officer will attempt to deliver the same Notice by hand, and the item will proceed to the Board as scheduled for consideration.
- d) On the day of the meeting, the item shall be announced, and the Chair shall ask if the Owner(s) of the property is present and wishes to make representations. The Board shall listen fairly to the owners as well as to the Bylaw Enforcement Officer. If the Board decides that remedial work will proceed the Board shall pass a resolution.
- e) Regional District of Okanagan-Similkameen staff will initiate a work order, complete with location map, property owner's name and civic address, and photo (if available) and have staff or a contractor conduct the clean up immediately. All lots must be cleaned by the end of the working day on the following Friday to ensure no dispute of work initiated by Regional District of Okanagan-Similkameen and completed by the homeowner over the weekend.
- f) Whenever goods, chattels or things of apparent value are removed from the property by the Regional District, the District may place such goods, chattels or things in storage and give notice to the occupant or such other persons who appear to be the owner of the goods, chattels or things that, unless within one (1) month the occupant or such other persons pays the cost incurred by the District for the removal and storage and takes possession of such goods, chattels or things, the District may dispose of them by public auction or private sale and that all monies received by the District from such disposal shall be applied firstly against payment of the cost of removal, storage and disposal, and secondly, to the credit of the occupant or such person.
- g) If the charges for a lot cleaning remain unpaid on the last day in the year in which the remedial work was done, the charges will be added to and form part of the taxes payable in respect to the said real property as taxes in arrears.

## **C. Offences and Penalties**

In addition to the foregoing direct enforcement against the owner, the Bylaw Enforcement Officer may consider bringing a prosecution against the owner(s) of the property in accordance with Section 7 and 8 of this bylaw.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Bylaw 2059, 2001 Naramata Water System Capital Financing - Abandon

---

### Administrative Recommendation:

**THAT the first, second and third readings of Bylaw 2059, 2001 Naramata Water System Capital Financing, be rescinded and the bylaw be abandoned.**

### Reference:

Bylaw No. 2059, 2001 Attached  
March 15, 2001 – Naramata Water System Upgrade Grant Application for Funding under the Canada/BC Infrastructure Program  
March 22, 2001 Board Meeting Minutes

### Background:

In 2001, Bylaw 2059 received first, second and third reading in preparation of receipt of grant funding. The funding was never received and it was determined at that time, the Board abandon the bylaw.

### Analysis:

Staff have been reviewing outdated bylaws and recommend that Bylaw No. 2059, 2001 be rescinded and abandoned.

### Respectfully submitted:

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2059, 2001**

---

A bylaw to authorize a \$4,581,000.00 loan for the purpose of providing capital financing for services provided by a water system in the Naramata area of Electoral Area 'E'.

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WHEREAS pursuant to Section 831 of the Local Government Act, the Regional District of Okanagan-Similkameen may, by loan authorization bylaw, borrow money for capital purposes;

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen has received a valid Petition for Services pursuant to Section 801 of the Local Government Act to provide capital financing for the services provided by a water system.

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen has by Bylaw No. 1620, 1995 established the Naramata Water System Local Service;

AND WHEREAS the amount of existing outstanding debentures of the Regional District authorized under:

- (a) Section 830 of the Local Government Act in respect of short term capital borrowing is \$0.00;
- (b) Section 831 of the Local Government Act in respect of loan authorization bylaws is \$39,587,464.00;
- (c) Section 835 of the Local Government Act in respect of the financing of municipal undertakings is \$32,050,162.00.

AND WHEREAS the amount of debenture debt that is authorized but not issued under:

- (a) Section 830 of the Local Government Act in respect of short term capital borrowing is \$0.00;
- (b) Section 831 of the Local Government Act in respect of loan authorization bylaws is \$4,999,617.00;
- (c) Section 835 of the Local Government Act in respect of the financing of municipal undertakings is \$0.00.

AND WHEREAS the amount of principal or interest that, as of the date of adoption of this bylaw, is in arrears on debt created under Sections 830, 831 and 835 of the Local Government Act is \$0.00;

AND WHEREAS the authority to borrow under this bylaw expires five (5) years from the date on which this bylaw is adopted;

NOW THEREFORE the Board of Directors of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. LOAN AUTHORIZATION

The Board of Directors of the Regional District of Okanagan-Similkameen is empowered and authorized, for the purpose of the Naramata Water System Local Service under Bylaw No. 1620, 1995 to borrow upon the credit of the Regional District a sum not exceeding \$4,581,000.00.

2. TERM OF DEBENTURE DEBT

The maximum term for which a debenture debt may be issued to secure debt created by this bylaw is twenty (20) years.

3. CITATION

This bylaw may be cited as "Naramata Water System Capital Financing Loan Authorization Bylaw No. 2059, 2001".

**READ A FIRST, SECOND AND THIRD TIME** this 22<sup>nd</sup> day of March, 2001.

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this     day of     , 2001.

**ADOPTED** this     day of     , 2001.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Legislative Services Manager

**FILED WITH THE INSPECTOR OF MUNICIPALITIES** this     day of     , 2001.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** September 5, 2019

**RE:** Naramata Water System Development Cost Charge Amendment Bylaw  
1804.08, 2019

---

### **Administrative Recommendation:**

**THAT Bylaw 1804.07, 2016 Naramata Water System Development Cost Charge Amendment Bylaw be repealed;**

**AND THAT Bylaw 1804.08, 2019 Naramata Water System Development Cost Charge Amendment Bylaw, be read a first, second and third time.**

### **Reference:**

Administrative Report from December 15, 2016 Board Meeting for first, second and third reading of Bylaw 1804.07 which proposed to have the subject lands entered into the Naramata Water System Service Area, and Administrative Report from May 18, 2017 adopting Bylaw 1804.07, 2016.

### **Background:**

Bylaw 1804.07, 2016 was inadvertently adopted prior to Ministry approval, therefore is not legally enforceable.

### **Analysis:**

Staff have prepared a new Bylaw 1804.08, 2019 Naramata Water System Development Cost Charge Amendment and upon third reading of the bylaw, will be forwarded to the Ministry for approval, prior to adoption.

### **Financial Implication:**

There are no financial implications in relation to the adoption of the new bylaw.

### **Communication Strategy:**

The bylaw has been reviewed by the Corporate Officer.



**Alternatives:**

That the Board NOT adopt the bylaw.

**Respectfully submitted:**

*"Christy Malden"*

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Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 1804.08, 2019**

---

A bylaw to amend the Naramata Water System Development Cost Charge Bylaw.

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WHEREAS the owners of the properties described in this bylaw have petitioned the Board of the Regional District to extend the boundaries of the Naramata Water Service Area to include the properties;

AND WHEREAS the Regional District has, pursuant to that request, extended the boundaries of the Naramata Water Service Area to include the properties;

AND WHEREAS the owners have expressly agreed that, in order for the Regional District of Okanagan Similkameen to provide water to the properties, the Regional District must impose development cost charges;

AND WHEREAS the owners have agreed to pay development cost charges;

NOW THEREFORE, the Board of the Regional District of Okanagan Similkameen, in open meeting assembled, ENACTS AS FOLLOWS:

**TITLE**

1. This bylaw may be cited as the "Naramata Water System Development Cost Charge Bylaw Amendment Bylaw No. 1804.08, 2019."

**AMENDMENTS**

2. The Naramata Water System Development Cost Charge Bylaw No. 1804, 1997, is amended by including the properties legally described as:
  - (a) Parcel Identifier No. 007-717-750  
Lot 1, Plan 38207, District Lot 207,  
Land District Similkameen Div of Yale,  
Except Plan KAP72459 KAP84271
  - (b) Parcel Identifier No. 002-906-210  
Lot C, Plan 35028, District Lot 206,  
Land District Similkameen Div of Yale

The Naramata Water System Development Cost Charge Bylaw No. 1804, 1997, is further amended by altering Schedule "B" to that bylaw to include within the area shown as "Zone A" on Schedule "B" to that bylaw that portion of the lands legally described as

- (a) PID: 007-717-750, Lot 1, Plan 38207, District Lot 207, Land District Similkameen Div. of Yale, Except Plan KAP72459 KAP84271; and
- (b) PID: 002-906-210, Lot C, Plan 35028, District Lot 206, Land District Similkameen Div. of Yale,

outlined in heavy black on the plan entitled "Sketch Plan to Accompany Applications for Inclusion into the Naramata Water Service:", a reduced copy of which is attached as Schedule "A" to this bylaw.

READ A FIRST, SECOND AND THIRD TIME this      day of      , 20\_\_.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this      day of      , 20\_\_.

ADOPTED this      day of      , 20\_\_.

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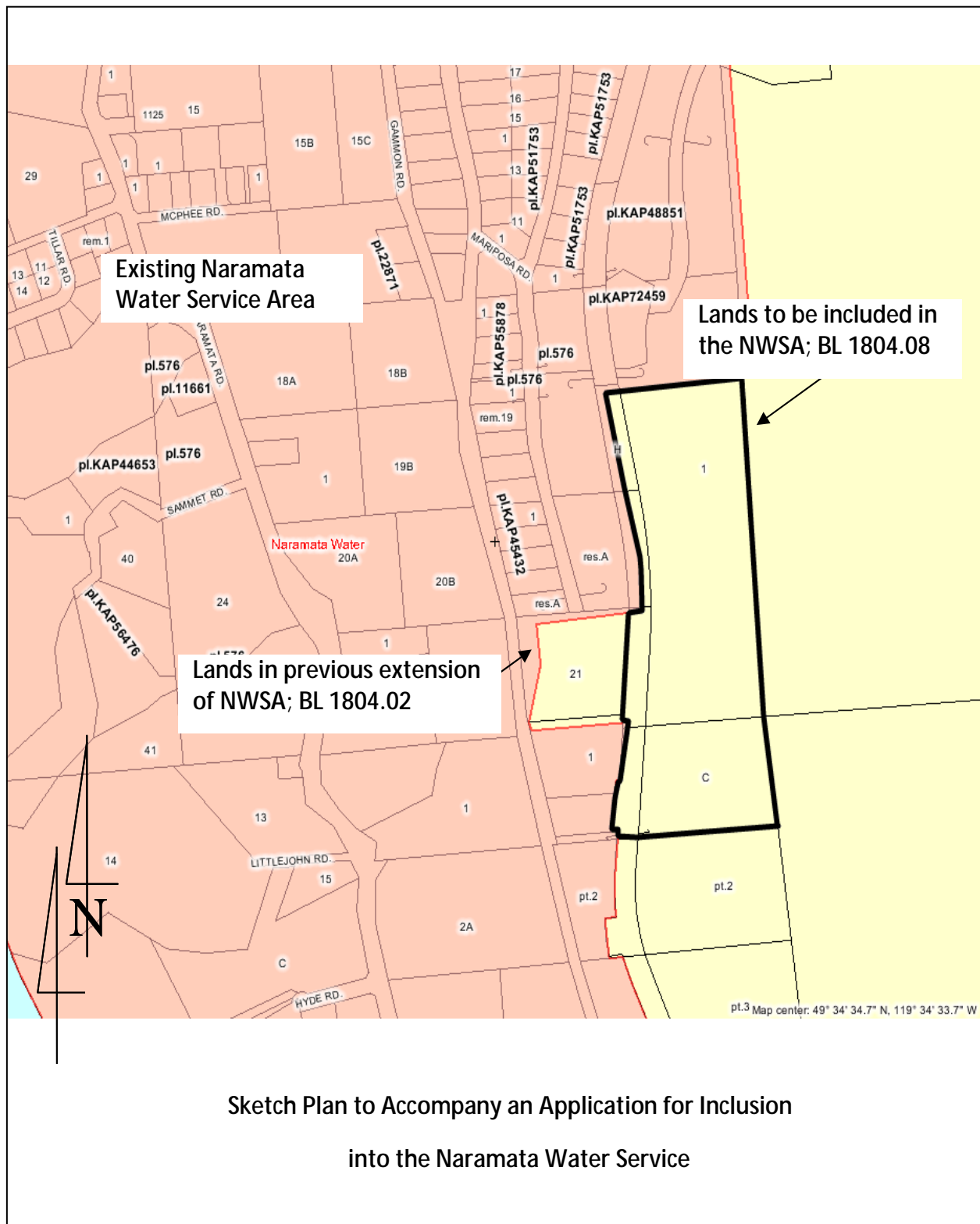
Chair

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Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this      day of      , 20\_\_.

Schedule 'A'



## ADMINISTRATIVE REPORT

**TO:** Corporate Services Committee

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

**DATE:** September 5, 2019

**RE:** Elected Official Compensation Committee Members

---

### Administrative Recommendation:

**THAT the RDOS appoint the following applicants to the Elected Officials Compensation Committee:**

- Lionel Trudel
- Lanny O.C. Smith
- Bill Ross
- Timothy Hodgkinson
- Frank Armitage

### Reference:

Elected Officials Compensation Review Committee Terms of Reference (23 May 2019)

### Background:

Prior to January 1, 2019, honourariums offered to local government elected officials had been 1/3 tax exempt and compensation bylaws have taken that into consideration when setting rates. Changes to the Federal Income Tax Act, effective 1 January 2019, removed that exemption and local government elected representatives have been making less than in previous years. The impact on rural elected officials is estimated to be in the \$3,000/year range.

On March 7, 2019 the RDOS Board of Directors created a citizens committee to review the remuneration of the Board of Directors.

### Alternatives:

1. THAT the Board refer member recruitment back to Administration for further work

### Respectfully submitted:

*"Christy Malden"*

---

C. Malden, Legislative Services Manager



## Elected Officials Compensation Committee Term of Reference

### General

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

### Scope

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

### Membership

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

### Term

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

### Compensation

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

### Resources

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

### Decision Making

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