



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, October 3, 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
9:15 am	-	9:45 am	Planning and Development Committee
9:45 am	-	10:30 am	Community Services Committee
10:30 am	-	11:15 am	Environment and Infrastructure Committee
11:15 am	-	1:00 pm	RDOS Board
1:00 pm	-	1:30 pm	Lunch

*"Karla Kozakevich"*

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Karla Kozakevich  
RDOS Board Chair

### Advance Notice of 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



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, October 3, 2019

9:15 am

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

THAT the Agenda for the Planning and Development Committee Meeting of October 3, 2019 be adopted.

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**B. HOUSING NEEDS REPORTS**

**RECOMMENDATION 2**

THAT the RDOS submit an application to the Province to initiate a Rural Housing Needs Report in 2020; but including the District of Summerland, the Village of Keremeos.

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**C. ADMINISTRATIVE AND INSTITUTIONAL (AI) ZONE REVIEW**

1. Bylaw No. 2873 - Draft

**RECOMMENDATION 3**

THAT Amendment Bylaw No. 2873 (Administrative and Institutional (AI) Zone review) proceed to first reading.

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**D. ADJOURNMENT**

# ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 3, 2019  
**RE:** Housing Needs Reports

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## **Administrative Recommendation:**

**THAT the RDOS submit an application to the Province to initiate a Rural Housing Needs Report in 2020; but including the District of Summerland, the Village of Keremeos.**

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## **Purpose:**

The purpose of this report is to provide an overview of a new provincial requirement to complete Housing Needs Reports by 2022, and to review provincial grant funding available for this project.

## **Background:**

### Reporting Requirements

On April 16, 2019, Bill 18 - 2018 came into effect, which amended the *Local Government Act* to require all local governments in B.C. to complete Housing Needs Reports by April 2022, and every five years thereafter.

To determine current and projected housing needs, local governments are required to collect approximately fifty (50) distinct kinds of data about current and projected population, household income, significant economic sectors, and currently available and anticipated housing units.

The reports must contain statements about key areas of local need, including affordable and rental housing, as well as housing for seniors, families, persons with special needs, and for those at risk of homelessness. They must also include data about households in the "core" and "extreme core" housing need categories, and provide five-year projections (minimum) for housing supply needs.

When the reports are complete, local governments are required to receive the report at a public council or board meeting, and publish the report on the internet.

The province has stated that regional districts must include all of the required content for each Electoral Area, regardless if an Electoral Area has an OCP or a Zoning Bylaw.

### Provincial Grant Program

Currently, the province is providing a three-year funding program for local governments to undertake Housing Needs Reports, which is administered by the Union of BC Municipalities. The next deadline for grant submissions is November 29<sup>th</sup>, 2019. The available grants are scaled to the net population of the planning area as such:

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Table 1: Funding Maximums

Population	Funding Maximum
Under 5,000	\$15,000
5,000 to 14,999	\$20,000
15,000 to 49,999	\$30,000

Alternately, local governments can choose to participate in a more comprehensive region-wide report, with up to \$150,000 in funding available to each Regional District. In this case, the Regional District can coordinate the project on behalf of their members, as long as community-specific information and reporting is provided for each individual Electoral Area and participating municipality.

Under the Province's rules, the RDOS would be the "primary applicant" for the grant, and would be required to submit a Board resolution. Each partnering community outside of the RDOS's jurisdiction would also need to submit a Council resolution that states their approval for the RDOS to apply for, receive and manage the grant funding on their behalf.

**Analysis:**

Through literature review, it seems that a number of regional districts are undertaking a more collaborative approach with their member municipalities to complete a housing needs report. Some of the main reasons provided for this region-wide approach include:

- the Regional District would be one body coordinating a single project, which means increased value for tax dollars through service delivery efficiencies.
- recognizing that the commuter-shed is larger than one individual municipality, and that attainable housing issues cross municipal boundaries into their surrounding areas.
- recognizing that no single community could address the full range of affordable housing needs of the region (nor would likely need to).
- ultimately, supporting a coordinated and consistent response toward regional housing goals, including a solid basis for any future follow-up initiatives.

Presently, it is understood that the District of Summerland and Village of Keremeos are two municipalities that are interested in pursuing a regional-level housing report project for the purpose of meeting the requirement. The City of Penticton has already completed a Housing Needs Report that will meet the provincial requirement, and the Towns of Oliver and Osoyoos preferred to complete their own individual reports.

The Town of Princeton has expressed interest, but only for a sub-regional project scope that would include the Town and Electoral Area H. Given that the Town has already received grant funding for their own individual project, and this unique partnership would entail the mobilizing and monitoring of two separate and housing needs projects, it would make more sense to incorporate Electoral Area H into the larger regional project, while sharing the report and its findings with the Town of Princeton.



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**Alternatives:**

1. THAT a grant application for a regional Housing Needs Report be initiated, with the following participating local governments:
  - a) TBD
2. THAT a regional Housing Needs Report and provincial grant funding application not be initiated at this time.

**Respectfully submitted:**

Cory Labrecque

C. Labrecque, Planner II

**Endorsed by:**



B. Dollevoet, G.M. of Development Services

# ADMINISTRATIVE REPORT



**TO:** Planning and Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 3, 2019  
**RE:** Administrative and Institutional (AI) Zone Review

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## Administrative Recommendation:

**THAT Amendment Bylaw No. 2873 (Administrative and Institutional (AI) Zone review) proceed to first reading.**

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## Purpose:

The purpose of this report is to seek direction with regard to proposed amendments to the Administrative and Institutional (AI) zones as part of on-going work related to the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

## Background:

At its meeting of October 16, 2008, the Board directed staff to investigate the preparation of a single Electoral Area Zoning bylaw. Since that time, work has progressed, but competes with other demands related to current planning (i.e. rezoning and permit applications) and other long-range planning projects (i.e. RGS, OCP & Area Plan reviews).

In anticipation of bringing forward a draft zoning bylaw for consideration to the Board, a series of draft amendments (by zone category) will be presented over the coming months intended to update various zones and facilitate their eventual consolidation in a new bylaw.

## Analysis:

As can be seen in the table provided at Attachment No. 1, the most significant proposed change to the AI Zone will be in relation to the language used to describe permitted uses. It is proposed that more general definitions be used to describe permitted uses in order to improve consistency and reduce duplication and overlap across Electoral Areas:

Proposed Use & Definition:	Current Use (to be replaced):
<b>assembly</b> ; means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall.	charitable, fraternal or philanthropic institution; church; community hall; community recreation services; public facilities.
<b>assisted living facility</b> ; means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living housing usually provides supportive	community care and/or social care facility; congregate care housing; congregate care facility; integrated housing;

services like meals and housekeeping in addition to rental accommodation.	retirement home; group home; nursing homes or other patient care facilities; care centre, minor; care centre, major; care centre, intermediate; special needs housing.
<b>civic facility</b> ; means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station.	fire halls, police stations, ambulance service uses and similar emergency service; local government or administrative offices; government buildings; libraries; administrative, culture and institutional.
<b>cultural facility</b> ; means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums.	museums; art galleries.

It is further being proposed to address an identified deficiency in the AI Zone in Electoral Areas "A", "C", "D", "E" & "F" wherein "child care centre" (i.e. day care) is not listed as a permitted use. This issue was recently brought to our attention in relation to a proposed child care centre use on parcel zoned AI in Okanagan Falls.

Administration considers a "child care centre" to be consistent with the types of "community facilities" that are encouraged by the Administrative, Cultural and Institutional (AI) designation in the various Electoral Area Official Community Plan (OCP) Bylaws and as an appropriate principal use in the AI Zone.

Acceptance of these proposed uses will require amendment to a number of other zones, such as the Okanagan Falls Town Centre (OFTC) and Naramata Village Centre (NVC).

With regard to the development regulations contained within the AI Zone, Administration is proposing that these be made consistent for minimum parcel size and width for subdivision, setbacks, building height and parcel coverage and is provided in Attachment No. 1.

Finally, Administration is proposing to address an existing non-conforming use that exists within the Electoral Area "I" Zoning Bylaw in which an accessory dwelling unit related to a church use occurs on a separate legal parcel. It is proposed, subject to consultation with the property owner, to amend the zoning of this parcel from AI to Residential Single Family Two (RS2).

### Public Consultation

Should this proceed, all affected property owners will be notified and provided an opportunity to submit written correspondence. This will include direct notification in writing as well as advertising on the Regional District's web-site, social media accounts and by inclusion in the "bi-weekly" advertisement in local newspapers prior to consideration of 1<sup>st</sup> reading.

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Administration is not, however, proposing that Amendment Bylaw No. 2873 be considered by the applicable Electoral Area Advisory Planning Commissions (APCs). This is in line with direction provided from the previous Board of Directors in that due to the administrative nature of the Okanagan Zoning Bylaw Consolidation project, it was felt consulting all Okanagan Electoral Area APCs would be too onerous.

**Alternatives:**

1. THAT consideration of Amendment Bylaw No. 2873 be deferred; OR
2. THAT Amendment Bylaw No. 2873 be considered by the Electoral Area "A", "C", "D", "E", "F" & "I" Advisory Planning Commissions prior to Board consideration of first reading.

**Respectfully submitted:**



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C. Garrish, Planning Manager

**Endorsed by:**



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B. Dollevoet, G.M. Development Services

Attachments: No. 1 – AI Zone Comparison  
No. 2 – Draft Amendment Bylaw No. 2873 (annotated version)

Attachment No. 1 – AI Zone Comparison

ELECTORAL AREA "A"	ELECTORAL AREA "C"	ELECTORAL AREA "D"	ELECTORAL AREA "E"	ELECTORAL AREA "F"	ELECTORAL AREA "I"	PROPOSED AI ZONE
<b>Principal Uses:</b> churches; cemeteries; community halls; fire halls, police stations, ambulance service uses and similar emergency services; community care or social care facilities; funeral homes; government buildings; hospitals; libraries, museums, art galleries; educational facilities; multi-dwelling units for special needs and affordable housing; charitable, fraternal or philanthropic institutions;	<b>Principal Uses:</b> churches; cemeteries; community halls; fire halls, police stations, ambulance service uses and similar emergency services; community care or social care facilities; funeral homes; government buildings; hospitals; libraries, museums, art galleries; educational facilities; multi-dwelling units for special needs and affordable housing; charitable, fraternal or philanthropic institutions.	<b>Principal Uses:</b> churches and/or manses; community halls or other public assembly facilities; fire halls, police stations, ambulance service uses and similar emergency services; local government or administrative offices; funeral homes; government buildings; hospitals, nursing homes or other patient care facilities; retirement homes; museums, libraries, art galleries; educational facility;	<b>Principal Uses:</b> churches; cemeteries; community halls; community care or social care facilities; offices; hospitals; libraries, museums, art galleries; educational facilities; multi-dwelling units for special needs and affordable housing; charitable, fraternal or philanthropic institutions.	<b>Principal Uses:</b> churches; cemeteries; community halls; fire halls, police stations, ambulance service uses and similar emergency services; community care or social care facilities; funeral homes; government buildings; hospitals; libraries, museums, art galleries; educational facilities; multi-dwelling units for special needs and affordable housing; charitable, fraternal or philanthropic institutions;	<b>Principal Uses:</b> administrative, culture and institutional; care centres, major, minor and intermediate; community hall; funeral home; educational facility; utility use;.	<b>Principal Uses:</b> assembly; assisted living facility; cemetery; child care centre; civic facility; cultural facility; educational facility; funeral home;
<b>Accessory Uses:</b> accessory buildings/structures; one (1) accessory dwelling for church use only; offices.	<b>Accessory Uses:</b> accessory buildings/structures; one (1) accessory dwelling for church use only.	<b>Accessory Uses:</b> accessory buildings/structures.	<b>Accessory Uses:</b> accessory buildings/structures; one (1) accessory dwelling for church use only.	<b>Accessory Uses:</b> accessory buildings/structures; offices.	<b>Accessory Uses:</b> accessory buildings/structures.	<b>Accessory Uses:</b> accessory buildings/structures.
<b>Minimum Parcel Size:</b> 505 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 505 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 670 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 505 m <sup>2</sup>	<b>Minimum Parcel Size:</b> Not applicable	<b>Minimum Parcel Size:</b> 505 m <sup>2</sup>	<b>Minimum Parcel Size:</b> 500.0 m <sup>2</sup>
<b>Minimum Parcel Width:</b> 30.0 metres	<b>Minimum Parcel Width:</b> 30.0 metres	<b>Minimum Parcel Width:</b> Not less than 25% parcel depth	<b>Minimum Parcel Width:</b> Not less than 25% parcel depth	<b>Minimum Parcel Width:</b> Not applicable	<b>Minimum Parcel Width:</b> 30.0 metres	<b>Minimum Parcel Width:</b> 30.0 metres
<b>Minimum Setbacks:</b> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> Front: 4.5 metres Rear: 5.5 metres Interior side: 4.0 metres Exterior side: 4.0 metres	<b>Minimum Setbacks:</b> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres	<b>Minimum Setbacks:</b> Front: 7.5 metres Rear: 7.5 metres Interior side: 1.5 metres Exterior side: 4.5 metres Where there is no rear lane, no building, structure or part thereof must be located within 4.5 metres of one side parcel line in order to allow vehicles	<b>Minimum Setbacks:</b> Front: 4.5 metres Rear: 5.5 metres Interior side: 4.0 metres Exterior side: 4.0 metres	<b>Minimum Setbacks:</b> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres

ELECTORAL AREA "A"	ELECTORAL AREA "C"	ELECTORAL AREA "D"	ELECTORAL AREA "E"	ELECTORAL AREA "F"	ELECTORAL AREA "I"	PROPOSED AI ZONE
				<p>and equipment to travel to the rear yard of the parcel. Despite Section 15.1.3(a), where a parcel borders any parcel designated RS1, RS2, RM1 or RM2, the setback, where the residentially designated parcel abuts the side parcel line must be a minimum of 4.5 metre</p>		
<p><b>Maximum Height:</b> 15.0 metres</p>	<p><b>Maximum Height:</b> 15.0 metres</p>	<p><b>Maximum Height:</b> 15.0 metres</p>	<p><b>Maximum Height:</b> 10.0 metres</p>	<p><b>Maximum Height:</b> Not applicable</p>	<p><b>Maximum Height:</b> 15.0 metres</p>	<p><b>Maximum Height:</b> 15.0 metres</p>
<p><b>Maximum Parcel Coverage:</b> 40%</p>	<p><b>Maximum Parcel Coverage:</b> 40%</p>	<p><b>Maximum Parcel Coverage:</b> 40%</p>	<p><b>Maximum Parcel Coverage:</b> 40%</p>	<p><b>Maximum Parcel Coverage:</b> 40%</p>	<p><b>Maximum Parcel Coverage:</b> 50%</p>	<p><b>Maximum Parcel Coverage:</b> 40%</p>

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2873, 2019

**A Bylaw to amend the Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws  
and Electoral Area "I" Official Community Plan Bylaw**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update Zoning Amendment Bylaw No. 2873, 2019."

Electoral Area "A"

2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:

- i) deleting the definitions of "charitable, fraternal or philanthropic institution", "community care and/or social care facility", "community hall", "integrated housing", "institutional use" under Section 4.0 (Definitions).

- ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:  
"assembly" means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;

- iii) adding a definition of "assisted living housing" under Section 4.0 (Definitions) to read as follows:

"assisted living facility" means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;

**Commented [CG1]:** To be replaced by new definition of "assembly".

**Commented [CG2]:** To be replaced by new definition of "assisted living housing".

**Commented [CG3]:** To be replaced by new definition of "assembly".

**Commented [CG4]:** Not related to any specific aspect of bylaw.

**Commented [CG5]:** Not related to any specific aspect of bylaw.

**Commented [CG6]:** To replace definition of "charitable, fraternal or philanthropic institution".

**Commented [CG7]:** To replace definition of "community care and/or social care facility".

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

“**church**” means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;

**Commented [CG8]:** Amended definition to address accessory uses such as a dwelling unit.

v) adding a definition of “child care centre” under Section 4.0 (Definitions) to read as follows:

“**child care centre**” means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

**Commented [CG9]:** New definition

vi) adding a definition of “civic facility” under Section 4.0 (Definitions) to read as follows:

“**civic facility**” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

**Commented [CG10]:** New definition

vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“**cultural facility**” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

**Commented [CG11]:** New definition

viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

f) to denote a church use of assembly use on the property on which the sign is located;

**Commented [CG12]:** Replaces reference to “community hall use or building”

ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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**Commented [CG13]:** New vehicle parking requirement

x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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**Commented [CG14]:** Replaces reference to “community care and social case facilities”



- xi) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

**16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)**

**16.1.1 Permitted Uses:**

Principal Uses:

- a) assembly;
- b) assisted living facility;
- c) cemetery;
- d) child care centre;
- e) civic facility;
- f) cultural facility;
- g) educational facility;
- h) funeral home;

**Commented [CG15]:** To replace "charitable, fraternal or philanthropic institution" and "community hall" uses.

**Commented [CG16]:** To replace "community care or social care facilities"

**Commented [CG17]:** New use.

**Commented [CG18]:** To replace "fire halls, police stations, ambulance service uses and similar emergency service", "government buildings" and "libraries".

**Commented [CG19]:** To replace "libraries, museums, art galleries"

Secondary Uses:

- i) accessory buildings and structures, subject to Section 7.13.

**16.1.2 Site Specific Administrative and Institutional (AIs) Provisions:**

- a) see Section 17.14

**16.1.3 Minimum Parcel Size:**

- a) 500.0 m<sup>2</sup>, subject to servicing requirements.

**16.1.4 Minimum Parcel Width:**

- a) 30.0 metres

**16.1.5 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres

**16.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;

**16.1.7 Maximum Parcel Coverage:**

- a) 40%

Electoral Area "C"

3. The "Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:

- i) deleting the definitions of "charitable, fraternal or philanthropic institution", "community care and/or social care facility", "community hall", "integrated housing", "institutional use" under Section 4.0 (Definitions).
- ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:  
"assembly" means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;
- iii) adding a definition of "assisted living housing" under Section 4.0 (Definitions) to read as follows:  
"assisted living facility" means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;
- iv) replacing the definition of "church" under Section 4.0 (Definitions) in its entirety with the following:  
"church" means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;
- v) adding a definition of "child care centre" under Section 4.0 (Definitions) to read as follows:  
"child care centre" means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

**Commented [CG20]:** To be replaced by new definition of "assembly".

**Commented [CG21]:** To be replaced by new definition of "assisted living housing".

**Commented [CG22]:** To be replaced by new definition of "assembly".

**Commented [CG23]:** Not related to any specific aspect of bylaw.

**Commented [CG24]:** Not related to any specific aspect of bylaw.

**Commented [CG25]:** To replace definition of "charitable, fraternal or philanthropic institution"

**Commented [CG26]:** To replace definition of "community care and/or social care facility"

**Commented [CG27]:** Amended definition to address accessory uses such as a dwelling unit.

**Commented [CG28]:** New definition

vi) adding a definition of “civic facility” under Section 4.0 (Definitions) to read as follows:

“civic facility” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

Commented [CG29]: New definition

vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“cultural facility” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

Commented [CG30]: New definition

viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

f) to denote a church use of assembly use on the property on which the sign is located;

Commented [CG31]: Replaces reference to “community hall use or building”

ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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Commented [CG32]: New vehicle parking requirement

x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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Commented [CG33]: Replaces reference to “community care and social case facilities”

xi) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

## 16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

### 16.1.1 Permitted Uses:

#### Principal Uses:

- a) assembly;
- b) assisted living facility;
- c) cemetery;

Commented [CG34]: To replace “charitable, fraternal or philanthropic institution” and “community hall” uses.

Commented [CG35]: To replace “community care or social care facilities”

- d) child care centre;
- e) civic facility;
- f) cultural facility;
- g) educational facility;
- h) funeral home;

**Commented [CG36]:** New use.

**Commented [CG37]:** To replace "fire halls, police stations, ambulance service uses and similar emergency service", "government buildings" and "libraries".

**Commented [CG38]:** To replace "libraries, museums, art galleries"

**Secondary Uses:**

- i) accessory buildings and structures, subject to Section 7.13.

**16.1.2 Site Specific Administrative and Institutional (AIs) Provisions:**

- a) see Section 17.24

**16.1.3 Minimum Parcel Size:**

- a) 500.0 m<sup>2</sup>, subject to servicing requirements.

**16.1.4 Minimum Parcel Width:**

- a) 30.0 metres

**16.1.5 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres

**16.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;

**16.1.7 Maximum Parcel Coverage:**

- a) 40%

**Electoral Area "D"**

- 4. The "Electoral Area "D" Zoning Bylaw No. 2455, 2008" is amended by:

i) deleting the definitions of “charitable, fraternal or philanthropic institution”, “community hall”, “congregate care housing”, “group home”, “integrated housing”, “institutional use” and “retirement home” under Section 4.0 (Definitions).

**Commented [CG39]:** To be replaced by new definition of “assembly”.

**Commented [CG40]:** To be replaced by new definition of “assembly”.

ii) adding a definition of “assembly” under Section 4.0 (Definitions) to read as follows:

**Commented [J41]:** To be replaced by new definition of “assisted living facility”.

“assembly” means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;

**Commented [CG42]:** To be replaced by “assisted living facility”.

**Commented [CG43]:** Not related to any specific aspect of bylaw.

iii) adding a definition of “assisted living housing” under Section 4.0 (Definitions) to read as follows:

**Commented [CG44]:** Not related to any specific aspect of bylaw.

**Commented [J45]:** To be replaced by “assisted living facility”

“assisted living facility” means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;

**Commented [CG46]:** To replace definition of “community halls or other public assembly facilities”

**Commented [CG47]:** To replace definition of “retirement homes”

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

“church” means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;

**Commented [CG48]:** Amended definition to address accessory uses such as a dwelling unit.

v) adding a definition of “child care centre” under Section 4.0 (Definitions) to read as follows:

“child care centre” means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

**Commented [CG49]:** New definition

vi) adding a definition of “civic facility” under Section 4.0 (Definitions) to read as follows:

“civic facility” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

**Commented [CG50]:** New definition

vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“cultural facility” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

**Commented [CG51]:** New definition

viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

- f) to denote a church use of **assembly use** on the property on which the sign is located;

**Commented [CG52]:** Replaces reference to “community hall use or building”

ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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**Commented [CG53]:** New vehicle parking requirement

x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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**Commented [CG54]:** Replaces reference to “community care and social case facilities”

xi) replacing Section 10.1.1(c) (Permitted Uses – Resource Area (RA) Zone) under Section 10.0 (Rural) in its entirety with the following:

- c) ~~deleted.~~

**Commented [J55]:** Proposed to delete “charitable, fraternal or philanthropic institutions” as a permitted use.

xii) replacing Section 13.1.1(a) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:

- a) **assembly.**

**Commented [J56]:** Proposes to delete “art gallery, library, museum” (and replace with “cultural facility”) and in its place introduce “assembly”

xiii) replacing Section 13.1.1(c) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:

- c) **civic facility.**

**Commented [J57]:** Proposes to delete “church” (which is now addressed through “assembly”) and in its place introduce “civic facility”

xiv) replacing Section 13.1.1(d) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:

- d) **cultural facility.**

**Commented [J58]:** Proposes to delete “community hall” (which is now addressed through “assembly”) and in its place introduce “cultural facility facility”

xv) adding a new Section 13.1.1(c) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) to read as follows and renumbering all subsequent sections:

- c) **child care centre.**

**Commented [J59]:** New use.

xvi) replacing Section 14.2.1(a) (Permitted Uses – Okanagan Falls Town Centre Transition (C4) Zone) under Section 14.0 (Commercial) in its entirety with the following:

a) ~~deleted.~~

**Commented [J60]:** Proposed to delete as the C4 Zone is slated for deletion as part of last phase of OK Falls Town Centre Plan implementation and no such uses currently occur on properties zones C4.

xvii) replacing Section 17.1 (Administrative and Institutional Zone (AI)) under Section 17.0 (Administrative and Open Space) in its entirety with the following:

### 17.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

#### 17.1.1 Permitted Uses:

##### Principal Uses:

- a) ~~assembly;~~
- b) ~~assisted living facility;~~
- c) ~~cemetery;~~
- d) ~~child care centre;~~
- e) ~~civic facility;~~
- f) ~~cultural facility;~~
- g) educational facility;
- h) funeral home;

**Commented [CG61]:** New use

**Commented [CG62]:** To replace "nursing homes or other patient care facilities" and "retirement homes"

**Commented [J63]:** New Use

**Commented [CG64]:** New use.

**Commented [CG65]:** To replace "fire halls, police stations, ambulance service uses and similar emergency service", "local government or administrative offices" and "libraries".

**Commented [CG66]:** To replace "libraries, museums, art galleries"

##### Secondary Uses:

- i) accessory buildings and structures, subject to Section 7.13.

#### 17.1.2 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 19.27

#### 17.1.3 Minimum Parcel Size:

- a) ~~500.0 m<sup>2</sup>~~, subject to servicing requirements.

**Commented [CG67]:** Replaces minimum parcel size of 670 m<sup>2</sup>

#### 17.1.4 Minimum Parcel Width:

- a) ~~30.0 metres~~

**Commented [CG68]:** Replaces reference to "not less than 25% of parcel depth"

#### 17.1.5 Minimum Setbacks:

- a) Buildings and structures:
  - i) Front parcel line
  - ii) Rear parcel line
  - iii) Interior side parcel line

~~7.5 metres~~

**Commented [CG69]:** Replaces reference to 4.5 metres

~~7.5 metres~~

**Commented [CG70]:** Replaces reference to 5.5 metres

~~4.5 metres~~

**Commented [CG71]:** Replaces reference to 4.0 metres

iv) Exterior side parcel line

4.5 metres

**Commented [CG72]:** Replaces reference to 4.0 metres

**17.1.6 Maximum Height:**

a) No building or structure shall exceed a height of 15.0 metres;

**17.1.7 Maximum Parcel Coverage:**

a) 40%

xviii) replacing Section 19.4.3(a)(ii) (Site Specific Large Holdings One Regulations) under Section 19.0 (Site Specific Designations) in its entirety with the following:

ii) assembly.

**Commented [J73]:** Proposed to replace reference to “charitable, fraternal or philanthropic institution” – site specific regulation applies to the Upper Carmi neighbourhood.

Electoral Area “E”

5. The “Electoral Area “E” Zoning Bylaw No. 2459, 2008” is amended by:

i) deleting the definitions of “charitable, fraternal or philanthropic institution”, “community care and/or social care facility”, “community hall”, “institutional use” under Section 4.0 (Definitions).

**Commented [CG74]:** To be replaced by new definition of “assembly”.

**Commented [CG75]:** To be replaced by new definition of “assisted living housing”

**Commented [CG76]:** To be replaced by new definition of “assembly”.

**Commented [CG77]:** Not related to any specific aspect of bylaw.

**Commented [CG78]:** To replace definition of “charitable, fraternal or philanthropic institution”

ii) adding a definition of “assembly” under Section 4.0 (Definitions) to read as follows:  
“**assembly**” means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;

iii) adding a definition of “assisted living housing” under Section 4.0 (Definitions) to read as follows:

“**assisted living facility**” means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;

**Commented [CG79]:** To replace definition of “community care and/or social care facility”

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

“**church**” means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;

**Commented [CG80]:** Amended definition to address accessory uses such as a dwelling unit.



v) adding a definition of “child care centre” under Section 4.0 (Definitions) to read as follows:

“**child care centre**” means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

**Commented [CG81]:** New definition

vi) adding a definition of “civic facility” under Section 4.0 (Definitions) to read as follows:

“**civic facility**” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

**Commented [CG82]:** New definition

vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“**cultural facility**” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

**Commented [CG83]:** New definition

viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

f) to denote a church use of assembly use on the property on which the sign is located;

**Commented [CG84]:** Replaces reference to “community hall use or building”

ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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**Commented [CG85]:** New vehicle parking requirement

x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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**Commented [CG86]:** Replaces reference to “community care and social case facilities”

xi) replacing Section 13.1.1(a) (Permitted Uses – Naramata Village Centre (NVC) Zone) under Section 13.0 (Village Centre) in its entirety with the following:

a) **assembly**;

**Commented [J87]:** Proposes to delete “art gallery, library, museum” (and replace with “cultural facility”) and in its place introduce “assembly”

xii) replacing Section 13.1.1(c) (Permitted Uses – Naramata Village Centre (NVC) Zone) under Section 13.0 (Village Centre) in its entirety with the following:

c) civic facility;

**Commented [J88]:** Proposes to delete “church” (which is now addressed through “assembly”) and in its place introduce “civic facility”

xiii) replacing Section 13.1.1(d) (Permitted Uses – Naramata Village Centre (NVC) Zone) under Section 13.0 (Village Centre) in its entirety with the following:

d) cultural facility;

**Commented [J89]:** Proposes to delete “community hall” (which is now addressed through “assembly”) and in its place introduce “cultural facility”

xiv) adding a new Section 13.1.1(c) (Permitted Uses – Naramata Village Centre (NVC) Zone) under Section 13.0 (Village Centre) to read as follows and renumbering all subsequent sections:

c) child care centre;

**Commented [J90]:** New use.

xv) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

## 16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

### 16.1.1 Permitted Uses:

#### Principal Uses:

a) assembly;

**Commented [CG91]:** To replace “charitable, fraternal or philanthropic institution” and “community hall” uses.

b) assisted living facility;

**Commented [CG92]:** To replace “community care or social care facilities”

c) cemetery;

d) child care centre;

**Commented [CG93]:** New use.

e) civic facility;

**Commented [CG94]:** To replace “fire halls, police stations, ambulance service uses and similar emergency service”, “government buildings” and “libraries”.

f) cultural facility;

**Commented [CG95]:** To replace “libraries, museums, art galleries”

g) educational facility;

h) funeral home;

#### Secondary Uses:

i) accessory buildings and structures, subject to Section 7.13.

### 16.1.3 Site Specific Administrative and Institutional (AIs) Provisions:

a) see Section 17.13

### 16.1.3 Minimum Parcel Size:

a) 500.0 m<sup>2</sup>, subject to servicing requirements.

**16.1.4 Minimum Parcel Width:**

- a) 30.0 metres

**16.1.5 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres

**16.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;

**16.1.7 Maximum Parcel Coverage:**

- a) 40%

xvi) replacing Section 16.3.1(e) (Permitted Uses – Parks and Recreation (PR) Zone) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

- e) assembly.

**Commented [J96]:** Proposed to replace reference to "community hall".

**Electoral Area "F"**

6. The "Electoral Area "F" Zoning Bylaw No. 2461, 2008" is amended by:

- i) deleting the definitions of "care centre, minor", "care centre major", "community recreation services", "congregate care facility", "daycare", "place of worship", "public facilities" under Section 4.0 (Definitions).
- ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:  
"assembly" means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;
- iii) adding a definition of "assisted living housing" under Section 4.0 (Definitions) to read as follows:  
"assisted living facility" means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and

**Commented [J97]:** To be replaced by definition of "assisted living facility"

**Commented [J98]:** To be replaced by definition of "assisted living facility"

**Commented [J99]:** To be replaced by definition of "assembly"

**Commented [J100]:** To be replaced by definition of "assisted living facility"

**Commented [J101]:** To be replaced by definition of "child care centre"

**Commented [J102]:** To be replaced by new definition of "church"

**Commented [J103]:** To be replaced by definition of "assembly"

**Commented [CG104]:** To replace definition of "charitable, fraternal or philanthropic institution"

**Commented [CG105]:** To replace definition of "community care and/or social care facility"

recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;

- iv) adding a new definition of “church” under Section 4.0 (Definitions) to read as follows:

“church” means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;

Commented [CG106]: Amended definition to address accessory uses such as a dwelling unit.

- v) adding a definition of “child care centre” under Section 4.0 (Definitions) to read as follows:

“child care centre” means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

Commented [CG107]: New definition

- vi) adding a definition of “civic facility” under Section 4.0 (Definitions) to read as follows:

“civic facility” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

Commented [CG108]: New definition

- vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“cultural facility” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

Commented [CG109]: New definition

- viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

- f) to denote a church use of assembly use on the property on which the sign is located;

Commented [CG110]: Replaces reference to “community hall use or building”

- ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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Commented [CG111]: New vehicle parking requirement

- x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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**Commented [CG112]:** Replaces reference to “community care and social case facilities”

- xi) replacing Section 10.1.1(m) (Permitted Uses – Resource Area (RA) Zone) under Section 10.0 (Rural) in its entirety with the following:

m) church;

**Commented [J113]:** Replaces reference to “place of worship”

- xii) replacing Section 10.4.1(i) (Permitted Uses – Large Holdings One (LH1) Zone) under Section 10.0 (Rural) in its entirety with the following:

i) church;

**Commented [J114]:** Replaces reference to “place of worship”

- xiii) replacing Section 10.5.1(e) (Permitted Uses – Small Holdings Two (SH2) Zone) under Section 10.0 (Rural) in its entirety with the following:

e) ~~deleted~~;

**Commented [J115]:** Proposes to delete reference to “place of worship”

- xiv) replacing Section 17.1.2(b)(xvii) (Site Specific Resource Area (RAs) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:

xvii) church;

**Commented [J116]:** Replaces reference to “place of worship”

- xv) replacing Section 17.1.2(b)(xviii) (Site Specific Resource Area (RAs) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:

xviii) ~~deleted~~;

**Commented [J117]:** Proposes to delete reference to “public facilities”

- xvi) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

## 16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

### 16.1.1 Permitted Uses:

#### Principal Uses:

a) assembly;

**Commented [CG118]:** To replace “charitable, fraternal or philanthropic institution” and “community hall” uses.

b) assisted living facility;

**Commented [CG119]:** To replace “community care or social care facilities”

c) cemetery;

**Commented [CG120]:** New use.

d) child care centre;

**Commented [CG121]:** To replace “fire halls, police stations, ambulance service uses and similar emergency service”, “government buildings” and “libraries”.

e) civic facility;

**Commented [CG122]:** To replace “libraries, museums, art galleries”

f) cultural facility;

- g) educational facility;
- h) funeral home;

Secondary Uses:

- i) accessory buildings and structures, subject to Section 7.13.

**16.1.4 Site Specific Administrative and Institutional (AIs) Provisions:**

- a) see Section 17.20

**16.1.3 Minimum Parcel Size:**

- a) 500.0 m<sup>2</sup>, subject to servicing requirements.

**Commented [J123]:** New regulation – not currently specified in AI Zone

**16.1.4 Minimum Parcel Width:**

- a) 30.0 metres

**Commented [J124]:** New regulation – not currently specified in AI Zone

**16.1.5 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres

**Commented [J125]:** Being amended from 1.5 metres to 4.5 metres

**16.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;

**Commented [J126]:** New regulation – not currently specified in AI Zone

**16.1.7 Maximum Parcel Coverage:**

- a) 40%

xvii) replacing Section 16.2.1(e) (Permitted Uses – Parks and Recreation (PR) Zone) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

- e) assembly.

**Commented [J127]:** Proposed to replace reference to “community hall”.

Electoral Area “I”

7. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by:

- i) changing the land use designation of the land described as Lot 1, Plan KAP44039, District Lot 104S, SDYD, Except Plan KAP57318 (434 Lakehill Road, Kaleden) shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Administrative, Cultural and Institutional (AI) to Low Density Residential (LR).

8. The "Electoral Area "I" Zoning Bylaw No. 2457, 2008" is amended by:

- i) deleting the definitions of "administrative, culture and institutional", "care centre, minor", "care centre major", "care centre intermediate", "community hall" and "special needs housing" under Section 4.0 (Definitions).

- ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:

"assembly" means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;

- iii) adding a definition of "assisted living housing" under Section 4.0 (Definitions) to read as follows:

"assisted living facility" means a care facility that combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Assisted living facilities usually provide supportive services like meals and housekeeping in addition to rental accommodation;

- iv) adding a new definition of "church" under Section 4.0 (Definitions) to read as follows:

"church" means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;

- v) adding a definition of "child care centre" under Section 4.0 (Definitions) to read as follows:

"child care centre" means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;

- vi) adding a definition of "civic facility" under Section 4.0 (Definitions) to read as follows:

**Commented [J128]:** To be replace by "civic facilities" and "cultural facilities"

**Commented [J129]:** To be replaced by definition of "assisted living facility"

**Commented [J130]:** To be replaced by definition of "assisted living facility"

**Commented [J131]:** To be replaced by definition of "assisted living facility"

**Commented [J132]:** To be replaced by new definition of "assembly".

**Commented [J133]:** To be replaced by "assisted living facility"

**Commented [CG134]:** To replace definition of "charitable, fraternal or philanthropic institution"

**Commented [CG135]:** To replace definition of "community care and/or social care facility"

**Commented [CG136]:** Amended definition to address accessory uses such as a dwelling unit.

**Commented [CG137]:** New definition

“civic facility” means a building or structure in which government services are provided to the public including but not limited to a government offices, law court, hospital, fire hall, library, ambulance or police station;

Commented [CG138]: New definition

vii) adding a definition of “cultural facility” under Section 4.0 (Definitions) to read as follows:

“cultural facility” means a building or structure used for artistic performances and the display of art and cultural artefacts, including but not limited to art galleries, community theatres, and museums;

Commented [CG139]: New definition

viii) replacing Section 7.20.1(f) (Signs) under Section 7.0 (General Regulations) in its entirety with the following:

f) to denote a church use of assembly use on the property on which the sign is located;

Commented [CG140]: Replaces reference to “community hall use or building”

ix) adding a new reference to “child care centre” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) to read as follows:

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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Commented [CG141]: New vehicle parking requirement

x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Assisted Living Facility	1 per 2 sleeping units	0
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Commented [CG142]: Replaces reference to “community care and social case facilities”

xi) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

## 16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

### 16.1.1 Permitted Uses:

#### Principal Uses:

- a) assembly;
- b) assisted living facility;
- c) cemetery;
- d) child care centre;
- e) civic facility;

Commented [CG143]: To replace “administrative, culture and institutional”.

Commented [CG144]: To replace “care centres, major, minor and intermediate”

Commented [J145]: New use

Commented [CG146]: New use.

Commented [CG147]: To replace “administrative, culture and institutional”.



f) cultural facility;

g) educational facility;

h) funeral home;

Secondary Uses:

i) accessory buildings and structures, subject to Section 7.13.

**Commented [CG148]:** To replace "administrative, culture and institutional".

**16.1.5 Site Specific Administrative and Institutional (AIs) Provisions:**

a) see Section 17.21

**16.1.3 Minimum Parcel Size:**

a) 500.0 m<sup>2</sup>, subject to servicing requirements.

**16.1.4 Minimum Parcel Width:**

a) 30.0 metres

**16.1.5 Minimum Setbacks:**

a) Buildings and structures:

i) Front parcel line

7.5 metres

**Commented [J149]:** Being amended from 4.5 metres to 7.5 metres

ii) Rear parcel line

7.5 metres

**Commented [J150]:** Being amended from 5.5 metres to 7.5 metres

iii) Interior side parcel line

4.5 metres

**Commented [J151]:** Being amended from 4.0 metres to 4.5 metres

iv) Exterior side parcel line

4.5 metres

**Commented [J152]:** Being amended from 4.0 metres to 4.5 metres

**16.1.6 Maximum Height:**

a) No building or structure shall exceed a height of 15.0 metres;

**Commented [J153]:** New regulation – not currently specified in AI Zone

**16.1.7 Maximum Parcel Coverage:**

a) 40%

**Commented [J154]:** Being amended from 50% to 40%

xii) replacing Section 16.2.1(e) (Permitted Uses – Parks and Recreation (PR) Zone) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

e) assembly;

**Commented [J155]:** Proposed to replace reference to "community hall".

9. The Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended by:

- ii) changing the land use designation of the land described as Lot 1, Plan KAP44039, District Lot 104S, SDYD, Except Plan KAP57318 (434 Lakehill Road, Kaleden) shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Administrative and Institutional (AI) to Residential Single Family Two (RS2).

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

I hereby certify the foregoing to be a true and correct copy of the " Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update Zoning Amendment Bylaw No. 2873, 2019" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_\_, 2019.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

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

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# 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)

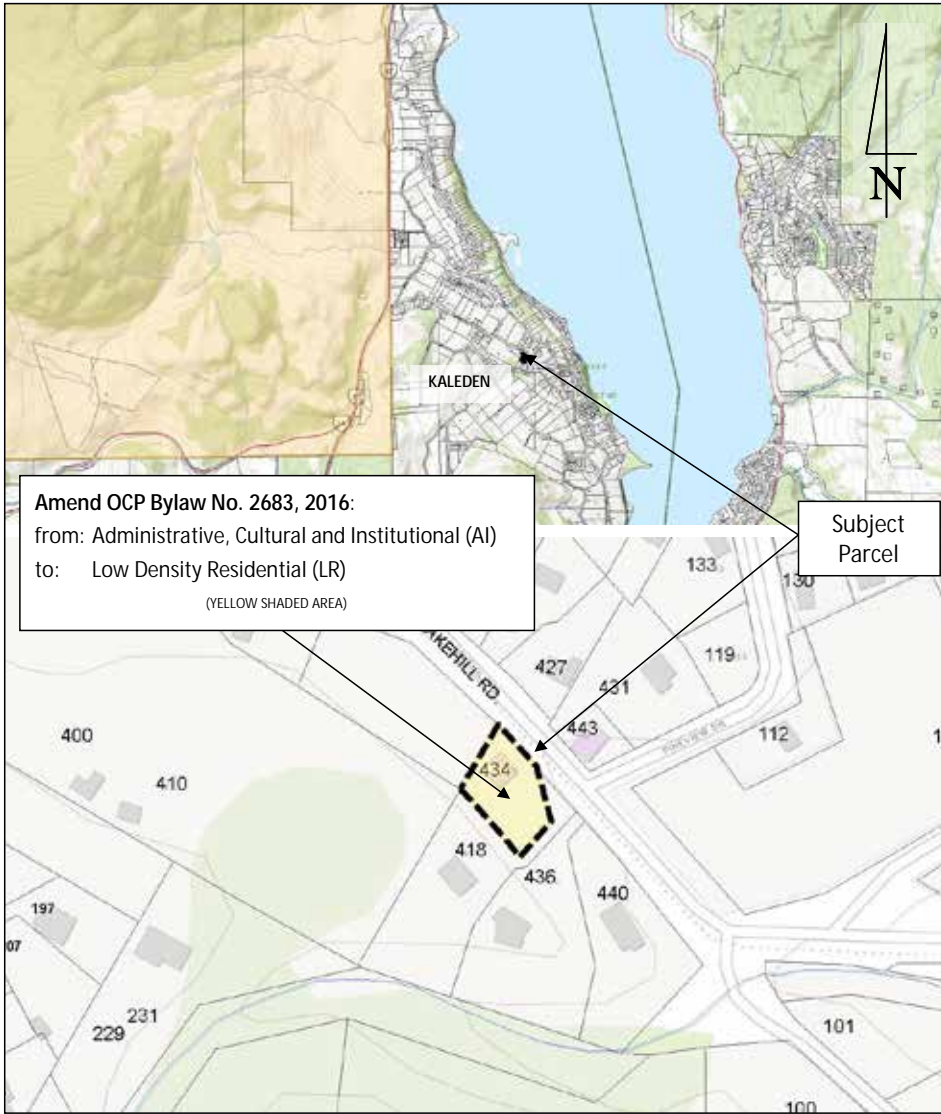


Amendment Bylaw No. 2873, 2019

File No. X2019.015-ZONE

Schedule 'A'

**Commented [CG156]:** Proposes to deal with existing non-conformity when in dwelling associated with church use is situated on a separate legal parcel. Residential zoning will formalise dwelling unit.



Amendment Bylaw No. 2873, 2019  
(X20XX.015-ZONE)  
Page 21 of 22

**DRAFT VERSION — 2019-09-13**

# 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)

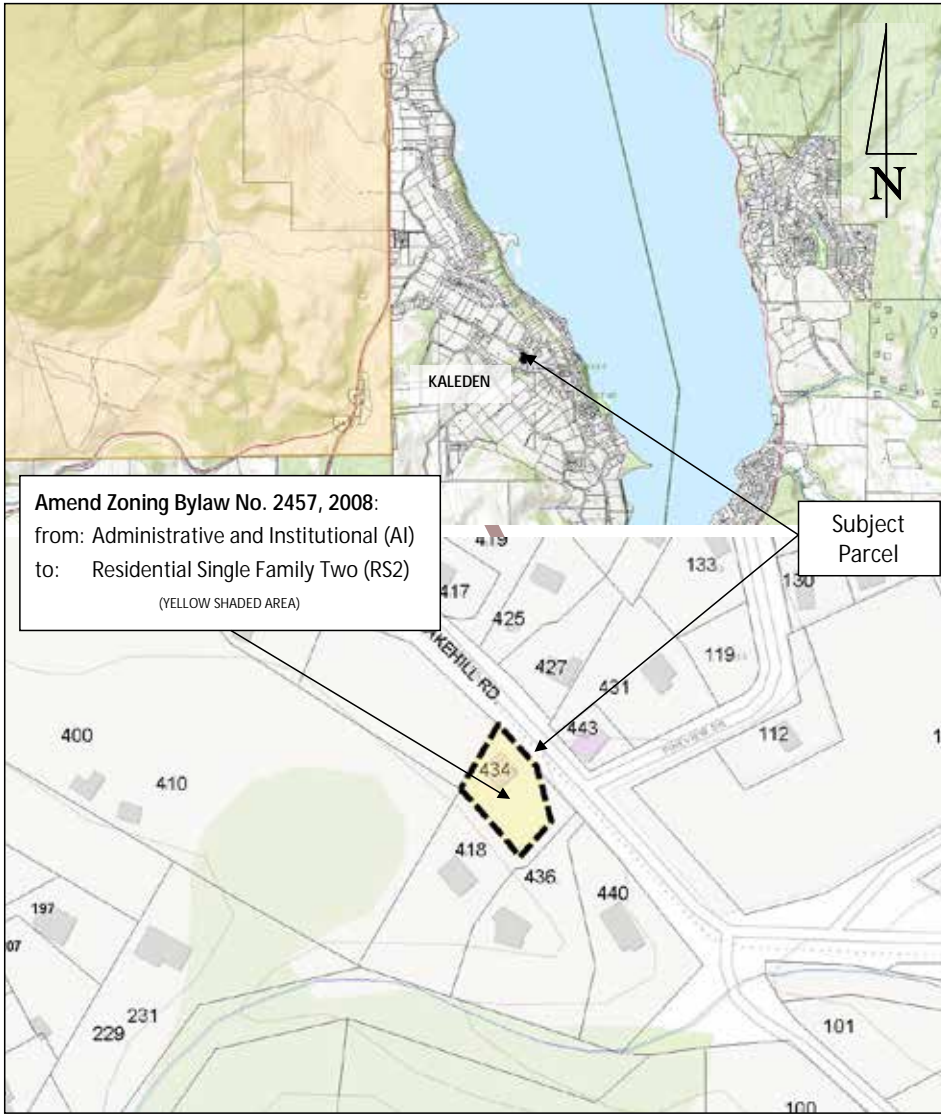


Amendment Bylaw No. 2873, 2019

File No. X2019.015-ZONE

Schedule 'B'

**Commented [CG157]:** Proposes to deal with existing non-conformity when in dwelling associated with church use is situated on a separate legal parcel. Residential zoning will formalise dwelling unit.



Amendment Bylaw No. 2873, 2019  
(X20XX.015-ZONE)  
Page 22 of 22

**DRAFT VERSION — 2019-09-13**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, October 3, 2019

9:45 am

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

**THAT the Agenda for the Community Services Committee Meeting of October 3, 2019 be adopted.**

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**B. DELEGATION – BC Transit**

Chris Fudge, Government Relations Senior Manager at BC Transit will update Committee on Annual Performance Summaries.

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**C. ADJOURNMENT**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, October 3, 2019

10:30 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of October 3, 2019 be adopted.

---

### B. PENTICTON INDIAN BAND REQUEST FOR TIPPING FEE WAIVER

1. Presentation
  - a. Request for Tipping Fee Waiver
  - b. Sperling Hansen Associates Waste Assessment
  - c. Volume Calculation Sketch

#### RECOMMENDATION 2

THAT the Regional District reduce tipping fees from \$700 to \$220/tonne for unassessed demolition and construction wastes for approximately 5000 tonnes of waste materials from Lot 210, Green Mountain Road, Penticton Indian Band (PIB), under the following conditions:

- That hauling not commence before November 15, 2019 and not be hauled between April 1 and June 1 2020.
  - That a deposit be paid prior to receipt of material and maintained during the course of waste hauling.
  - That a Hauling Health and Safety Plan, consistent with the attached Sperling Hansen and Associates report, is developed and provided to the RDOS.
  - That all overtime costs shall be paid by PIB should hauling be required outside of normal operating hours.
  - That PIB is made aware of potential health and safety issues to workers handling the materials.
-

**C. WILDSAFEBC - Zoe Kirk, Public Works Project Coordinator**

1. Presentation

Administration will update Committee on Naramata Bear Smart program.

---

**D. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** October 3, 2019

**RE:** Penticton Indian Band Request for Tipping Fee Waiver

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### Administrative Recommendation:

THAT the Regional District reduce tipping fees from \$700 to \$220/tonne for unassessed demolition and construction wastes for approximately 5000 tonnes of waste materials from Lot 210, Green Mountain Road, Penticton Indian Band (PIB), under the following conditions:

- That hauling not commence before November 15, 2019 and not be hauled between April 1 and June 1 2020.
- That a deposit be paid prior to receipt of material and maintained during the course of waste hauling.
- That a Hauling Health and Safety Plan, consistent with the attached Sperling Hansen and Associates report, is developed and provided to the RDOS.
- That all overtime costs shall be paid by PIB should hauling be required outside of normal operating hours.
- That PIB is made aware of potential health and safety issues to workers handling the materials.

### Purpose:

This report is to address the request from the Penticton Indian Band to waive all tipping fees for approximately 5000 tonnes of waste deposited on Lot 210 Green, Mountain Road, attached.

### Background:

A private waste hauler has set up a sorting/receiving facility site at Lot 210, Green, Mountain Road on Penticton Indian Reserve #1 on a locate parcel. While such a facility is not consistent with the Regional District Solid Waste Management Plan, the RDOS and the Province have no jurisdiction over Band lands. This hauler's business has received a substantial amount of demolition and construction waste at the aforementioned property and has since become insolvent. The Penticton Indian Band is now asking for a waiver of tipping fees in order to dispose of the materials remaining on the property.

While some of the loads received at the aforementioned facility have waste manifests, the vast majority do not and must be assumed to contain asbestos. An assessment of these wastes and a prescription for work safe requirements by a waste management expert has been attached. In addition to the cost of accepting the waste, the RDOS concern would be worker safety.



The RDOS's current tipping fee for unassessed demolition and construction wastes is \$700 per tonne. This fee is punitive and is meant to discourage unassessed loads from coming to the landfill. 5000 tonnes equates to \$3,500,000 in revenue at the \$700 per tonne rate. Actual costs for the RDOS to process these materials is less than the \$700 per tonne fee, but are substantively more than the costs to process regular household waste. Additional costs beyond regular household waste include:

- The preparation of a new area for the deposition of material.
- A new access road
- Additional import of soils required to bury the aforementioned material. These wastes require a higher soils to waste ratio.
- Additional handling/ operating costs.

We estimate a cost of \$1,100,000 will be required to manage approximately 5000 tonnes, or \$220 per tonne.

#### **Analysis:**

While the reduction in tipping fees represents a \$2.4M loss in revenue, it will allow us to recover our costs to receive the requested wastes. An additional household tax, or increase in tipping fees will be required should the Board decide to waive all tipping fees or go less than the prescribed \$220/ tonne fee.

There is very real danger that this type operation could occur again on the various band lands throughout the RDOS. Providing subsidies for the cleanup of these materials will set a precedent. It is in the interest of the RDOS, the Penticton Indian Band, the Federal Government and the Province to work together to prevent these types of facilities being built in the future.

#### **Alternative Recommendations:**

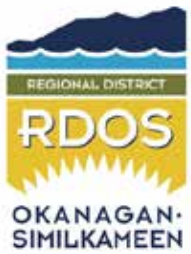
1. THAT the RDOS waive all tipping fees worth \$3,500,000 and increase taxes or Campbell Mountain Landfill tipping fees, to cover the \$1,100,000 in additional costs required to receive approximately 5000 tonnes of unassessed demolition and construction wastes.
2. THAT the RDOS deny the Penticton Indian Band request to waive tipping fees.

**Respectfully submitted:**

---

Andrew Reeder, Manager of Operations

//attached



# Penticton Indian Band Lot 210, Green Mountain Road Request for Tipping Fee Waiver

Andrew Reeder, P.Eng. Manager of Operations

Oct. 3, 2019

# WHY US?

**Removal would seem to be in the  
public interest!**

# Background

- A private waste hauler has set up a receiving, sorting and shipping facility for various materials at Lot 210, Green Lake Road
- This a locatee lot
- A substantial deposit of primarily demolition construction waste has accumulated.
- The private hauler has gone bankrupt
- These materials are primarily unassessed, (i.e may contain asbestos)

# Background



# Background

- Est. 5000 tonnes of material @ \$700 per tonne equates to \$3.5M
- The materials must be removed and deposited in a manner that ensures public and worker safety
- PIB has requested a waiver of tipping fees



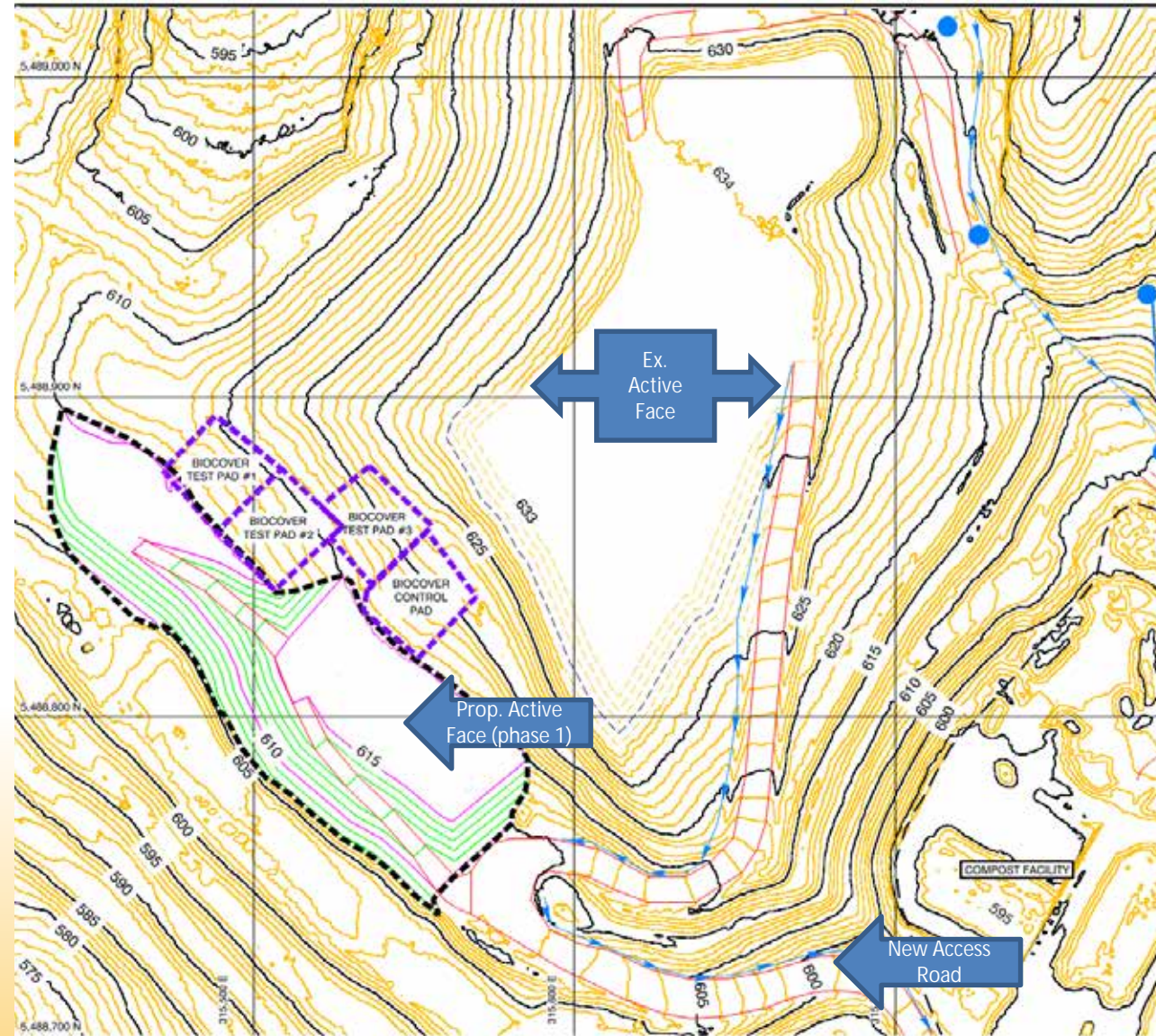
# Background

- A separate active face will need to be created in order to ensure public/worker safety
- Additional costs include:
  - soil import
  - 2<sup>nd</sup> active face to develop and run
  - access road development
- Estimated Cost - \$1.1M or \$220/tonne



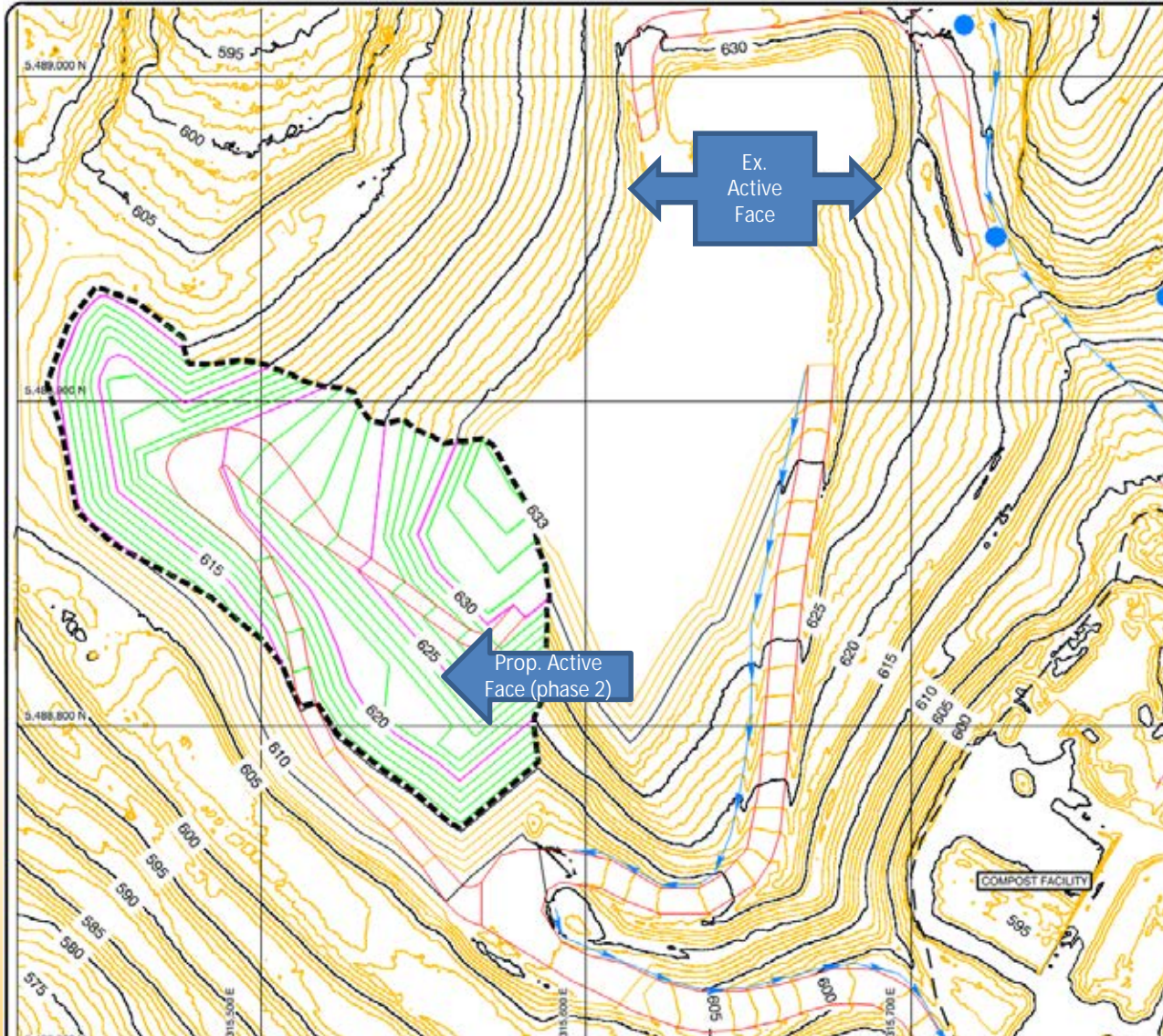
# Background

- New Active Face Required to Separate MSW from PIB Non Assessed DLC Waste





# Background



# Issues

- The receiving/sorting facility is not permitted under our SWMP
- The RDOS and the Province have no jurisdiction on First Nations Lands
- We have no means of preventing this from occurring in the future.
- The materials could have gone to an RDOS facility originally and are a loss of revenue.

# Issues

- The removal of the materials is a public risk due to the possibility of asbestos becoming airborne.
- There is risk to the workers, nearby businesses and residents traveling Green Mountain road during excavation
- The movement of these materials will not be an RDOS responsibility.

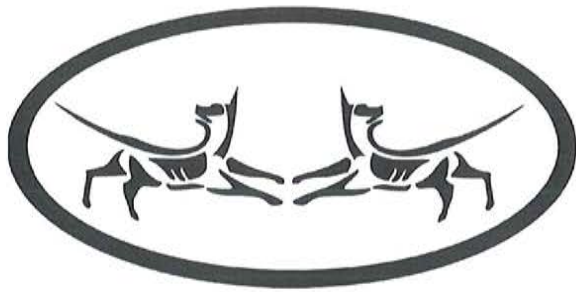


# Background



# Costs

- The \$700/tonne fee is meant to be punitive.
- Actual costs are estimated to be \$220/tonne. Any reductions below \$220/tonne will result in either increases in tipping fees or taxation.
- \$220/tonne tipping fee results in a \$2.4M savings.
- The required timing is meant to allow enough time for the works to be built and to avoid spring rush.



## Penticton Indian Band

841 Westhills Drive  
Penticton, British Columbia  
Canada V2A 0E8

Telephone: 250-493-0048 Fax: 250-493-2882

August 12, 2019

### REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN ("RDOS") CHAIR

101 Main Street  
Penticton, BC  
V2A 5J9

Dear Karla Kozakevich:

#### RE: PENTICTON INDIAN RESERVE NO. 1. – WAIVING OF TIPPING FEES

Please be advised that the Penticton Indian Band is requesting that the RDOS Landfill waive the tipping fees for debris located on a portion of Lot 210, Plan 1771 R.S.B.C., located on Green Mountain Road.

As you may appreciate the Penticton Indian Reserve lands are not owned by the Penticton Indian Band, they are owned by "Her Majesty" set aside for our use and benefit. Unless the lands are leased and properly registered pursuant to Section 58(3) of the *Indian Act*, the Band has no control or say on those lands that are owned through a Certificate of Possession.

Indigenous Service Canada and the Band have been making every effort to prevent the accumulation of waste collected as a consequence of "Appleton Waste", however, there are few legislative options to prevent the dumping. The Band considers this an "illegal" dump site and has made arrangements to have it removed. However, the removal of the waste and tipping fees would be cost prohibitive for the Band.

We are requesting the waiving of the tipping fees to properly clean up the waste left behind by Appleton Waste. Your consideration would be much appreciated.

Sincerely yours

per: 

Chad Eneas  
Chief

cc: Jonathan Baynes, K'ul Group





# SPERLING HANSEN ASSOCIATES

- Landfill Engineering
- Solid Waste Planning
- Environmental Monitoring
- Landfill Fire Risk Control

July 12<sup>th</sup> 2019

PRJ19037

**Andrew Reeder, P.Eng.**

Manager of Operations  
Regional District of Okanagan-Similkameen  
101 Martin Street,  
Penticton BC V2A 5J9

**Re: Excess DLC Disposal Options and Material Handling Requirements**

Dear Mr. Reeder,

Upon request from the Regional District of Okanagan-Similkameen (RDOS), Sperling Hansen Associates (SHA) has prepared the following memorandum regarding material handling requirements and site-specific considerations for suspected asbestos-containing demolition, land clearing and construction material (DLC).

## **1. PROBLEM IDENTIFICATION**

The RDOS has been engaged by the Penticton Indian Band (PIB) to dispose of excess waste materials that have been abandoned on PIB land by a previous lessee. The material was originally accepted by a waste management company who leased the land from the PIB with the intention of sorting and recycling the material into various recyclable components and waste streams. The aforementioned company has since ceased to operate the facility, and as such, the remaining waste and recyclable materials have been abandoned on PIB land. LIDAR survey and GIS mapping completed by the RDOS indicate that there is approximately 10,000m<sup>3</sup> of material that requires disposal.

Although the previous company claims that the material is non-hazardous, the unknown nature of the waste prompts SHA to recommend the material is handled as if it were asbestos-containing unless testing proves otherwise. The Occupational Health and Safety Regulation defines asbestos-containing material as containing 0.5% or more asbestos.

### **1.1 Material Quantity and Value Estimate**

Throughout SHA's experience working in solid waste, we have compiled a list of material density estimates, as summarized in Table 1 below. Photographs of the waste material provided by the RDOS indicate that the waste is composed of a mixture of drywall and insulation, wood waste, carpet, plastic, concrete and general refuse. Additionally, one of the images provided by the RDOS indicates that there is some baled recycling present in the waste pile (as shown below). The diverse range of materials present makes estimating the tonnage of material in place difficult.

**Table 1: Density Estimates for Waste Types**



Material Type	Estimated Density (kg/m <sup>3</sup> )
Drywall	640
Mixed Wood	370
Asphalt Shingles	1,200
Baled Recyclables	1,350
Demolition Waste in End Dump	250
Municipal Solid Waste	230

As shown in Table 1, SHA’s data indicates that loose demolition waste has a density of approximately 250 kg/m<sup>3</sup> (or 0.25 MT/m<sup>3</sup>); this could be considered a low estimate for the waste on PIB lands considering that the waste has likely been consolidated with heavy equipment during the stockpiling onsite. On the high-end, baled recyclables have an estimated density of 1,350 kg/m<sup>3</sup>.

Based on a review of photos of the waste, and the inferred waste composition, SHA estimates that the 10,000m<sup>3</sup> of DLC waste could total approximately 5,000 MT. Based on the RDOS’ fee schedule for “non-assessed demolition and renovation mixed load” and “construction mixed load” the expected tipping fee revenue is upwards of \$ 3,500,000 (based on a tipping fee of \$700/MT). SHA notes that actual revenue may differ depending on actual tonnages received at the landfill.



**Photo 1 – Baled cardboard and paper**



**Photo 2 – Overview of material stockpile**

## **2. REGULATORY CONSIDERATIONS AND BEST PRACTICES**

As indicated on the Province’s webpage titled “Managing Waste Asbestos,” waste asbestos must be transported in compliance with the Transportation of Dangerous Goods Act and Regulations and disposed of in accordance with Part 6, Section 40 of the HWR and any landfill-specific asbestos handling and management policies.

Any person, partnership or company in B.C. that produces and/or stores on-site more than 1,000 kg of waste asbestos at any given time, or within a 30-day period, must register as a generator of hazardous waste and obtain a BC Generator number (BCG#). Receiving sites such as transfer stations, temporary storage sites, recycling sites, and landfills must have an authorization to receive hazardous waste generated off-site through the form of an approval for an Operational Plan etc.

The generator is responsible for: ensuring that the carrier of the waste asbestos has a valid license to transport the material; the receiving site has the authorization to receive hazardous waste; and, Part A of the manifest is completed and copy 1 of the manifest(s) is submitted to the BC government.

Commercially hauled asbestos must be transported by a licensed hauler and must use a manifest issued by the BC government if the material is transported in quantities greater than 5kg per load.

Both the Campbell Mountain Landfill (CMLF) and Okanagan Falls Landfill (OFLF) are authorized by their operational certificates to accept asbestos.

## 2.1 Provincial Regulations and Guidance

### 2.1.1 British Columbia Landfill Criteria for Municipal Solid Waste

The British Columbia Landfill Criteria for Municipal Solid Waste (the Criteria) stipulates that (provided the landfill is approved to dispose of asbestos) the waste asbestos must be managed according to Section 40 of the Hazardous Waste Regulation (HWR). Section 40 of the HWR is outlined in detail below.

The Criteria also indicates that waste asbestos can be deposited into a dedicated asbestos trench excavated into the active face or in a controlled waste trench 2-4 metres deep excavated into native soil within the landfill footprint and in an area where no further excavation will occur.

### 2.1.2 Hazardous Waste Regulation

Part 6, Section 40 of the HWR is as follows:

- 1) For the purposes of the definition of "waste asbestos" in section 1 (1) of this regulation, if the concentration of asbestos in the waste is not determined by weight at the time of manufacture, it must be determined using one of the following:
  - (a) Method 600-R-93-116, as amended from time to time, published by the United States Environmental Protection Agency;
  - (b) NIOSH Method 9002, as amended from time to time, from the *NIOSH Manual of Analytical Methods*, 4th Edition, published by the National Institute for Occupational Safety and Health, United States.
  
- 2) A person must not deposit waste asbestos in a landfill other than a secure landfill unless
  - (a) a permit or an approval has been issued under the Act to operate the landfill, or the landfill is operated under a waste management plan,
  - (b) the waste asbestos is confined during handling, storage and transportation by
    - (i) dry airtight containment techniques such as
      1. packing in 6 mil plastic bags placed within a non-reusable drum and then sealed, or
      2. packing in a 6 mil plastic bag placed within a second 6 mil plastic bag and then sealed, or
    - (ii) wet containment techniques such as saturation with water and containment in non-leaking sealed drums or equivalent, or
    - (iii) approved containment techniques,
  - (c) the waste asbestos is disposed of at the landfill by being immediately buried with a minimum of 0.5 m of cover material,
  - (d) approval of the landfill owner is received before disposal takes place, and
  - (e) the deposit is authorized by a director and carried out in accordance with the director's requirements.

In practice, the most effective means of hauling the material to meet the aforementioned requirements will be to haul in 40 yard bins equipped with sealed bin liners; however, such transport will be costly to implement. In section 2.1.4, an alternative approach is outlined that would be much less costly to



implement if approved by the Ministry of Environment and Climate Change Strategy, Workers Compensation Board (WCB) and the RDOS.

### **2.1.3 WorkSafe BC Safe Work Practices for Handling Asbestos**

Work Safe BC's Safe Work Practices for Handling Asbestos are applicable to employers whose operations may require workers to handle or work in an environment with asbestos or asbestos-containing materials. All asbestos exposures must be kept as low as reasonably achievable (ALARA).

Part 6 of the Occupational Health and Safety Regulation outlines the substance specific requirements for asbestos.

As per Section 6.1 – 6.32 of the Regulation and as outlined in the Safe Work Practices for Handling Asbestos, the employer is responsible for the following to prevent workplace exposure to asbestos:

- Having a qualified person conduct asbestos inventories or surveys
- Having a qualified person conduct risk assessments to determine work exposure and work classifications
- Developing and implementing an exposure control plan if works are or may be exposed to asbestos
- Having a qualified person develop and implement safe work procedures for handling and disposing of asbestos
- Conducting air monitoring if workers are at risk of overexposure to airborne asbestos fibres
- Posting warning signs at the boundaries of work areas where asbestos exposures could occur
- Instructing and training workers who are at risk of exposure to asbestos
- Maintaining records of risk assessments, worker exposures, and worker training.

It is recommended that the RDOS and the PIB (or the designated owner / contractor undertaking the handling and transportation) engage with a Qualified Professional (QP) to develop an asbestos exposure control plan and/or safe work procedures as required.

### **2.1.4 RDOS Guidelines**

The RDOS developed a "Disposal Guide and Acceptance Procedures and Times for Asbestos Containing Materials (ACM)" for the Campbell Mountain Landfill and Oliver Landfill. The guide requires that residential or commercial ACM must be double bagged and fully sealed in plastic bags or wrapping that is a minimum of 6 mil thick for each bag and must be clearly labelled to indicate the presence of asbestos. In cases where asbestos is transported in bulk, primary and secondary containment is required. Primary containment means that the refuse bin that is used to transport ACM must be equipped with a sealed bin liner or bladder that is clearly labelled to indicate the presence of asbestos; the minimum thickness is 6 mil. The secondary containment (shipping container) which the primary waste is enclosed in must be clearly marked to indicate the presence of asbestos waste. Loads of friable asbestos in excess of 1,000 kg must also have a Consignor Generator Identification Number from the Ministry of Environment and display placards.

The maximum container size is 40 cubic yards (30 cubic metres).

Prior to acceptance at the landfill, ACM must be properly contained (as per the aforementioned requirements) and can only be accepted with notification 24 hours in advance; this notification allows the RDOS to identify a delivery time for the ACM. The hours of acceptance for ACM at the CMLF are between 9am to 3pm Tuesday to Friday. Commercial haulers are also required to complete the RDOS ACM Disposal Checklist and submit it to the scale attendant.

### **2.1.5 Alternative Strategy Development**

Although asbestos may be present in the waste material, SHA is of the opinion that the vast majority of the waste pile likely does not contain asbestos at levels exceeding 0.5% that would classify the waste as ACM. SHA recommends that a testing program be undertaken to determine whether or not the majority of the pile is classified as ACM. Should testing indicate that the majority of the waste is clean from asbestos, a practical transportation and waste placement strategy should be developed in consultation with WCB and appropriate QP's. The strategy should ensure workers are protected and that asbestos exposure is well below industry standards.

SHA has completed strategies such as this in the past when potentially asbestos containing waste material was required to be relocated. We believe that sufficient protection could be achieved by a implementing a program which involves hauling waste in dump trucks that are specially tarped, requiring that all operators wear protective (Tyvek) suits, wetting the material during loading and unloading, and strictly controlling access to the worksite. A QP with experience in asbestos clean-up should be engaged to confirm possible alternative handling strategies.

## **2.2 Landfill Specific Handling**

The CMLF Design, Operations and Closure Plan follows the Criteria's recommendations and stipulates that asbestos loads should be deposited into a dedicated asbestos trench excavated into garbage removed from the operating active face, or in a controlled waste trench excavated into native soil within the final landfill footprint and in an area where no further excavation for cover soil or leachate collection works is to take place. The trench should be excavated between 2,000 and 4,000 mm deep. Bags and drums of asbestos should be immediately covered with a minimum 500 mm of cover soil.

For cases where dedicated disposal of controlled waste is authorized, the specific on-site locations where the controlled wastes are deposited shall be recorded to 5 m accuracy (e.g. using a hand-held GPS) to allow for location of the material in the future so that drilling or digging through the materials can be avoided during future works (e.g. drilling or trenching of gas collection wells and horizontals, or excavations during a landfill fire).

SHA expects that the waste to cover ratio required to handle the DLC waste will be 1:1. This means that approximately 10,000 m<sup>3</sup> of soil will be required to effectively manage the 10,000m<sup>3</sup> of waste. Typically, the waste to cover ratio for ordinary municipal solid waste is in the order of 3:1 to 4:1. The RDOS has indicated that they often have to import cover material for landfill operations. If there is not enough clean fill coming into the landfill (from off-site construction projects) the RDOS may have to

purchase additional clean fill to meet the cover requirements described above. Assuming a rate of \$20/m<sup>3</sup> for clean fill, the additional cost associated with covering the DLC is estimated to be \$200,000.

### 3. FURTHER CONSIDERATIONS

SHA has considered two potential disposal sites for the excess DLC material in the RDOS: CMLF and OFLF.

Given that the CMLF is currently operating a very small active face, and it is possible that future landfill gas collection infrastructure may be required, it is not recommended that the DLC material be disposed of in Phase 1 at CMLF. Further, there is only 20,000-30,000 m<sup>3</sup> of airspace remaining in Phase 1 which will need to sustain regular landfilling waste acceptance until Spring 2020 (while Phase 2 is being prepared. There is no additional capacity available in the current filling phase at CMLF for the DLC material at this time. The RDOS has indicated that an alternative location may be available for disposal of the DLC at the CMLF, however, a detailed analysis of available airspace has not yet been completed.

Further, the CMLF is a large landfill which experiences frequent traffic during the day. Given that the maximum allowable container size for ACM at the CMLF (as per the existing RDOS guideline) is 30 m<sup>3</sup>, the disposal of the DLC material would mean over 330 additional trucks at the active face. This would likely create health and safety risks as well as traffic control issues. If the material is to be discharged at CMLF, a dedicated disposal area should be used.

SHA is not familiar with the OFLF final contour plan; however, the site buries less waste per year and is less busy than CMLF. Because of this, and the possible operational and spatial challenges at CMLF, SHA considers OFLF the preferred location for disposal of the DLC under existing filling conditions.

SHA notes that the allowable annual discharge for the OFLF (as per Operational Certificate 15279) is 5,000 tonnes per year. As discussed previously, SHA estimates the total weight of the material to be approximately 5,000MT. The RDOS should engage with the Ministry of Environment to discuss allowing a one-time increase to the allowable annual discharge limit for the OFLF landfill site once a decision is made on the discharge plan for the waste. If a permit amendment would be problematic, then the waste could potentially be relocated over two consecutive years.

As outlined in the Hazardous Waste Regulation, asbestos waste should be contained using either dry or wet containment procedures; it is expected that a detailed safe-work plan for the DLC from the PIB site will be further developed by a QP. Should wet containment techniques be recommended, additional consideration should be given to the tipping fee for the waste that is accepted. Further environmental controls would likely be required to accept wet materials at either landfill site, including some form of leachate interception and engineered containment so that the leachate can be collected and transported off-site for treatment.

#### 4. CONCLUSION & RECOMMENDATIONS

This report is intended to present a high-level overview of regulatory and operational considerations; SHA recommends that the potential disposal site / location is further analyzed by a Qualified Professional if and when the RDOS is prepared to accept the above-mentioned DLC waste.

A series of conclusions and recommendations have been made throughout the report, as summarized below.

- Due to the nature of the waste, the material should be managed as if it were asbestos-containing material unless testing proves otherwise;
- If it is confirmed that the risk of encountering ACM is low, then consideration should be given to developing a practical and risk-managed relocation program.
- Appropriate Safe Work Procedures and/or an Asbestos Control Plan should be generated by a QP (along with any other required plans and approvals) prior to handling the waste.
- Based on space constraints, landfill traffic, and the possibility of future landfill gas extraction wells being required, it is not recommended that the material be disposed at the CMLF in the current Phase 1 filling area. The RDOS should engage with a QP to determine if the material could be discharged effectively at the OFLF or an alternative location at CMLF.
- The overall tonnage of material is difficult to determine; however, it is estimated that the 10,000 m<sup>3</sup> of material is approximately 5,000 MT in weight;
  - Should wet-containment techniques be recommended by a QP the tonnage estimate and associated tipping fee should be revisited.
- Approximately 10,000 m<sup>3</sup> of soil cover material will be required to manage the waste. This material may need to be imported which would have financial implications (estimated at \$200,000);
- Further landfill-specific planning should be completed by a QP to develop a filling plan for the discharge location and identify the environmental control systems that may be required.

## 5. LIMITATIONS

This report has been prepared by Sperling Hansen Associates. (SHA) on behalf of the Regional District of Okanagan-Similkameen in accordance with generally accepted engineering practices to a level of care and skill normally exercised by other members of the engineering and science professions currently practicing under similar conditions in British Columbia.

The report is based on site visits, project experience, and analysis by SHA staff of data compiled during the preparation of this report from a number of sources. Except where specifically stated to the contrary, the information on which this study is based has been obtained from external sources. This external information has not been independently verified or otherwise examined by SHA to determine its accuracy and completeness. SHA has relied in good faith on this information and does not accept responsibility of any deficiency, misstatements or inaccuracies contained in the reports as a result of omissions, misinterpretation and/or fraudulent acts of the persons interviewed or contacted, or errors or omissions in the reviewed documentation.

The report is intended solely for the use of the RDOS. Any use which other parties makes of this report, or any reliance on, or decisions to be made based on it, are the responsibilities of such other parties. SHA does not accept any responsibility for other uses of the material contained herein nor for damages, if any, suffered by any third party because of decisions made or actions based on this report. Copying of this intellectual property for other purposes is not permitted.

The findings and conclusions of this report are valid only as of the date of this report. The interpretations presented in this report and the conclusions and recommendations that are drawn are based on information that was made available to SHA during the course of this project. Should additional new data become available in the future, SHA should be requested to re-evaluate the findings of this report and modify the conclusions and recommendations drawn, as required.

It has been a pleasure working with the RDOS on this project.

Should you have any questions on this report or require further assistance or information, please feel free to contact the undersigned at 778-471-7088 or 604-986-7723.

Kind Regards,

**Sperling Hansen Associates**

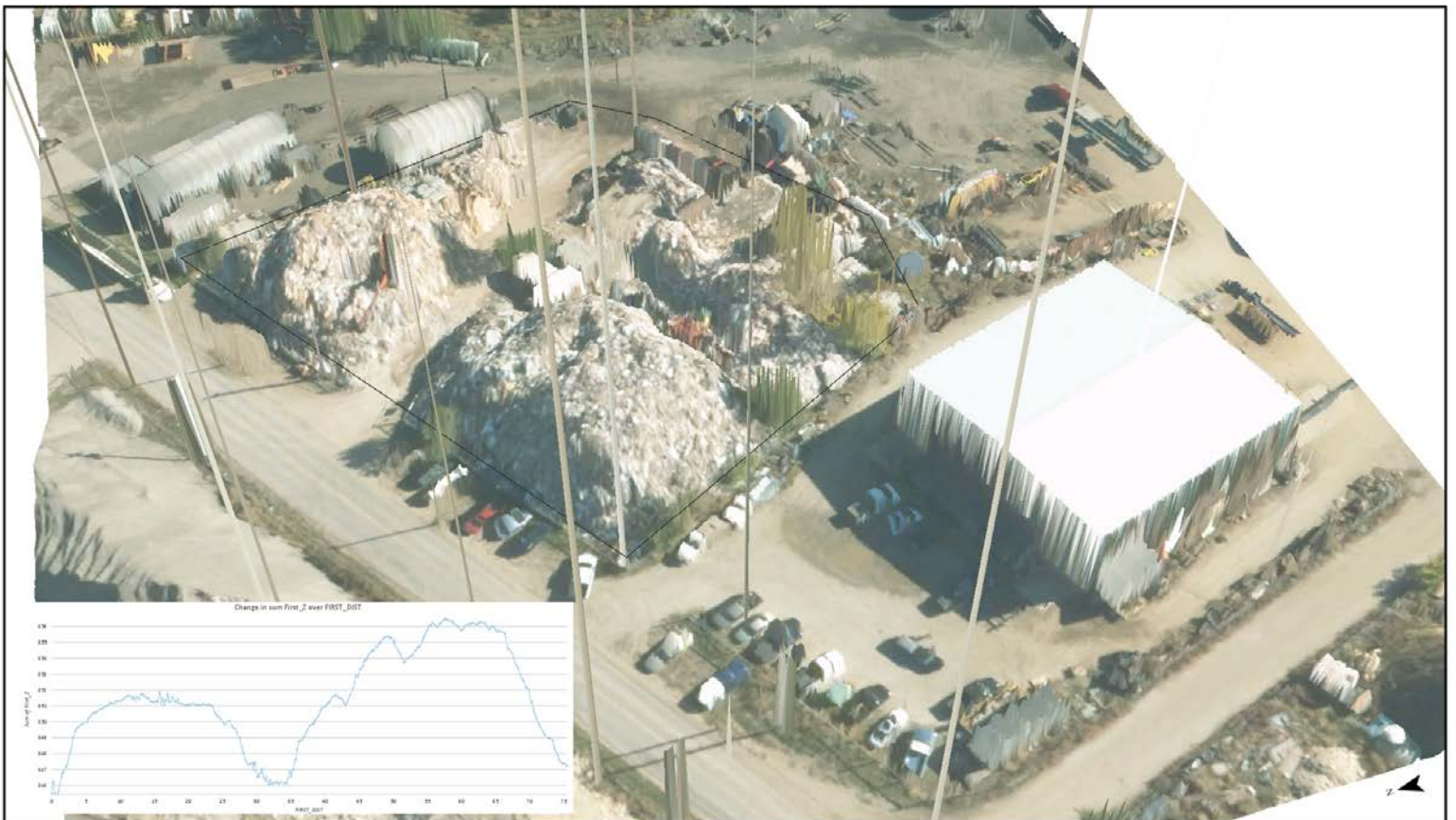


Dr. Tony Sperling, P.Eng  
President and Chief Engineer





APPLETON WASTE SERVICES ON PIB



# RDOS WildSafeBC Update

- RDOS WildSafeBC
  - Naramata Bear Smart
- RDOS WildSafeBC and Enow'kin Centre



Zoe Kirk



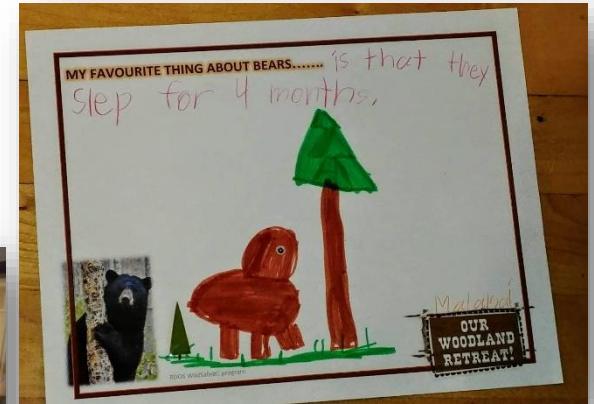
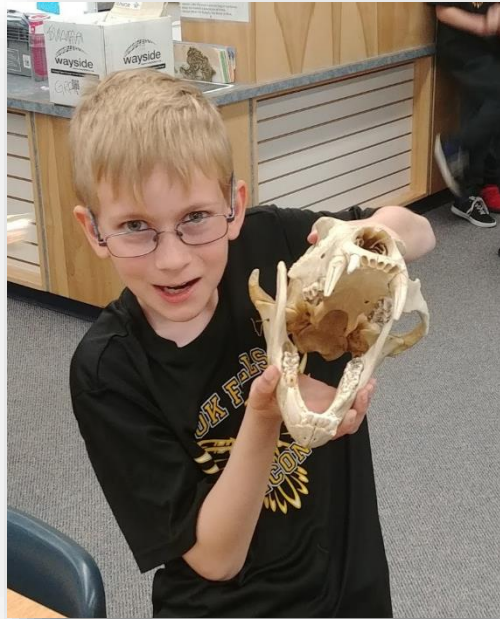


# RDOS WildSafeBC



British Columbia Conservation Foundation

## Education



## Training



## Collaboration



# Naramata Bear Smart

## THE BEAR SMART VISION

- » Focus efforts on addressing the root causes of bear-human conflicts.
- » Reduce the overall number of conflicts.
- » Reduce the number of bears that have to be destroyed due to conflicts.

## THE BEAR SMART COMMUNITY PROGRAM IS BASED ON A SERIES OF ESTABLISHED CRITERIA:

### 1. Prepare a bear hazard assessment.

Review the history and pattern of bear conflicts in the community and identify high-use bear habitat, human-use areas (school yards, playgrounds, etc.) and non-natural attractants such as accessible garbage, fruit trees, bird feeders, compost, etc.

### 2. Prepare a bear/human conflict management plan.

Develop strategies to resolve the hazards identified and reduce the potential for human-bear conflicts.

### 3. Revise planning and decision making documents.

Ensure the community's commitment to the Bear Smart Community Program by incorporating Bear Smart practices into official community documents such as the Official Community Plan and/or Solid Waste Management Plans.

### 4. Implement a continuing education program.

Education is a key component of human-bear conflict reduction and the community must have an ongoing education program that is directed at all sectors of the community and consistent with the WildSafeBC/Ministry standard.

### 5. Develop and maintain a bear proof waste management system.

Ensure that all components of municipal waste management including waste, recycling and composting are managed appropriately and made inaccessible to bears. This may be done through bylaws, the use of bear-resistant containers and/or electric fencing.

### 6. Implement Bear Smart by-laws.

Implement "Bear Smart" bylaws prohibiting the provision of food to bears as a result of intent, neglect, or irresponsible management of attractants. Implement a compliance strategy for these bylaws to ensure that there is full compliance with them.

## BEAR SMART SUCCESSES

We have seen a steady decrease in the number of bears killed annually in response to conflict with people.



## Naramata is a Designated Bear Smart Community

Please manage your garbage & attractants

Report conflicts or aggressive encounters to the Conservation Officer Reporting Line: 1-877-952-7277

Proudly Supported by:

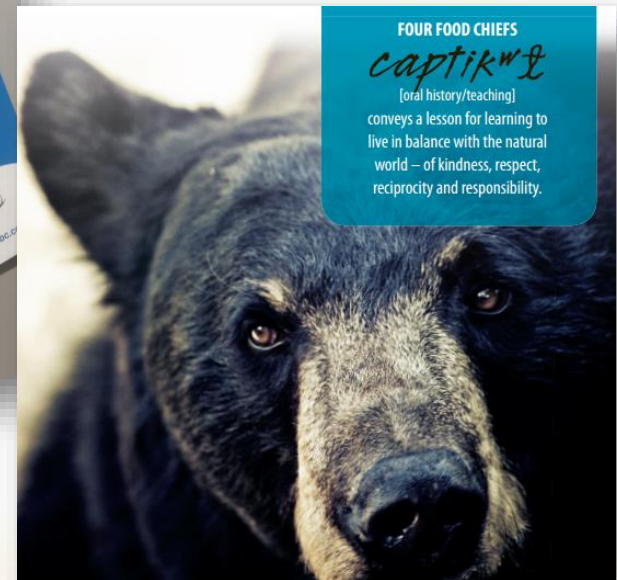




# RDOS WildSafeBC &



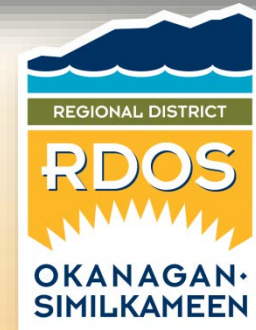
- Collaboration: Adding Syilx perspectives and stories to existing RDOS WildSafeBC outreach materials and programming starting with Black Bear
- Co-presentations and outreach possibilities



Chief Black Bear (skəm'xist)– chief for all creatures on the land – represents self-sacrifice, leadership and giving.



# Thank You - Questions?





# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, October 3, 2019

11:15 am

## REGULAR AGENDA

---

### A. APPROVAL OF AGENDA

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

**THAT** the Agenda for the RDOS Board Meeting of October 3, 2019 be adopted.

#### 1. Consent Agenda – Corporate Issues

##### a. Naramata Water Advisory Committee – July 9, 2019

*THAT the Minutes of the July 9, 2019 Naramata Water Advisory Committee meeting be received.*

##### b. Okanagan Falls Parks and Recreation Commission – July 11, 2019

i. *THAT the Minutes of the July 11, 2019 Okanagan Falls Parks and Recreation Commission meeting be received.*

ii. *That the RDOS Board review the park donation program with a view to make it an inviting program and have staff review best practices from other municipalities.*

##### c. Okanagan Falls Parks and Recreation Commission – September 12, 2019

*THAT the Minutes of the September 12, 2019 Okanagan Falls Parks and Recreation Commission meeting be received.*

##### d. Similkameen Recreation Commission – September 10, 2019

*THAT the Minutes of the September 10, 2019 Similkameen Recreation Commission meeting be received.*

##### e. Kaleden Recreation Commission – September 11, 2019

*THAT the Minutes of the September 11, 2019 Kaleden Recreation Commission meeting be received.*

##### f. Corporate Services Committee – September 19, 2019

*THAT the Minutes of the September 19, 2019 Corporate Services Committee meeting be received.*

**g. Environment and Infrastructure Committee – September 19, 2019**

*THAT the Minutes of the September 19, 2019 Environment and Infrastructure Committee be received.*

*THAT the Board of Directors provide a resolution to join the FCM – ICLEI (Local Governments for Sustainability) Partners for Climate Protection Program*

**h. Planning and Development Committee – September 19, 2019**

*THAT the Minutes of the September 19, 2019 Planning and Development Committee meeting be received.*

*THAT Amendment Bylaw No. 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be brought forward for first reading.*

**i. RDOS Regular Board Meeting – September 19, 2019**

*THAT the minutes of the September 19, 2019 RDOS Regular Board meeting be adopted.*

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

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

---

**2. Consent Agenda – Development Services**

**a. Development Variance Permit Application – 125 Christie Mountain Lane, Electoral Area “D”**

**i. Permit**

*THAT the Board of Directors approve Development Variance Permit No. D2019.022-DVP.*

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

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

---



**B. DEVELOPMENT SERVICES – Building Inspection**

1. **Building Bylaw No. 2333 and 2805 Infraction – 186 Trout Main Forest Service Road, Electoral Area “H”**

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

**THAT** a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot A, Plan KAP56515, District Lot 4171, KDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or No. 2805; and,

**THAT** injunctive action be commenced.

---

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

1. Early Termination of Land Use Contract No. LU-9-D – Electoral Area “I” Bylaw No.
  - a. Bylaw No. 2457.28
  - b. Bylaw No. 2457.29
  - c. Bylaw No. 2683.03
  - d. Representation

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

THAT the following bylaws be read a first and second time and proceed to a public hearing:

- Bylaw No. 2683.03, 2019, Electoral Area “I” Official Community Plan Amendment Bylaw;
- Bylaw No. 2457.28, 2019, Electoral Area “I” Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw;
- Bylaw No. 2457.29, 2019, Electoral Area “I” Land Use Contract LU-9-D Discharge and Zoning Amendment Bylaw; and

THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated October 3, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*; and,

THAT, in accordance with Section 477 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2683.03, 2019, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 7, 2019; and,

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

---

2. **Hillside & Steep Slope Development Permit Area Update – Electoral Area “D”**
  - a. Bylaw No. 2500.03
  - b. Bylaw No. 2603.02
    - i. Bylaw No. 2603.02 Schedule ‘A’
  - c. Representation

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

THAT Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a first and second time; and,

THAT Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a first and second time and proceed to public hearing; and,

THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated October 3, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*; and,

THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2603.02, 2019, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 7, 2019; and,

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

---

3. **Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”**
  - a. Bylaw No. 2497.11
  - b. Bylaw No. 2498.18
  - c. Representation

**RECOMMENDATION 7** (Unweighted Rural Vote – Simple 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, as amended, and adopted.

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**D. PUBLIC WORKS****1. Organics Composting Siting Review**

Although this item was supported at the September 19, 2019 Environment and Infrastructure Committee, this item is not suitable for the Consent Agenda due to the financial voting requirements.

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

**THAT the Regional District pursue an Organics Composting Siting study in order to review the feasibility of an Organic Composting Site at the Campbell Mountain Landfill and the Okanagan Falls Landfill; and,**

**THAT \$50,000 be authorized from the Campbell Mountain Landfill/Okanagan Falls landfill consulting budget in order to undertake an Organics Composting Siting review.**

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**E. COMMUNITY SERVICES****1. Emergency Services 9-1-1 Call Answer Centre Service Agreement**

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

**THAT the Board of Directors authorize a (14) month extension to the Emergency Services Communication agreement with the Regional District of Central Okanagan (RDCO).**

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**2. Similkameen Flood Risk Assessment, Flood mapping & Flood Mitigation Planning Award of Contract**

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

**THAT the Board of Directors award the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning contract to Ecora for \$93,769.98 plus applicable taxes.**

---

**3. BC Transit - Memorandum of Understanding -****a. Route 70 Penticton/Kelowna Transit Service Expansion**

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

**THAT the board endorse signing the Memorandum of Understanding for the service expansion of the Route 70 Penticton/Kelowna transit service for an additional 2000 service hours with a local (RD) cost share of \$95,838, enabling BC Transit to procure provincial funding on behalf of the RDOS.**

---

**b. West Bench Transit Service**

**RECOMMENDATION 12** (Weighted Corporate Vote – Simple Majority)  
THAT the board endorse signing the Memorandum of Understanding for the service implementation of an introductory transit service to West Bench with 400 service hours carrying a local (RD) cost share of \$15,507, enabling BC Transit to procure provincial funding on behalf of the RDOS.

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**F. FINANCE**

1. **Bylaw No. 2871 – Area “H” Community Works Gas Tax Expenditure**
  - a. **Bylaw No. 2871**

**RECOMMENDATION 13** (Weighted Corporate Vote – 2/3 Majority)  
THAT Bylaw No. 2871, 2019, Electoral Area “H” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$40,000 towards the replacements of roofs at the Princeton Museum and Curling Club be given first, second, third reading and adopted.

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2. **Property Tax Exemption Bylaw No. 2872, 2019**
  - a. **Bylaw No. 2872**

**RECOMMENDATION 14** (Weighted Corporate Vote – 2/3 Majority)  
THAT Bylaw No. 2872, 2019 Regional District of Okanagan-Similkameen Property Tax Exemption Bylaw be read a first, second and third time and be adopted.

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**G. LEGISLATIVE SERVICES****1. Willowbrook Fire Truck Acquisition**

- a. Bylaw No. 1388.02
- b. Bylaw No. 2874

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

**THAT Willowbrook Fire Protection Local Service Establishment Amendment Bylaw No. 1388.02, 2019, with consent of the Director for Electoral Area “C”;** be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval, and,

**THAT Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019** be read a first, second and third time and be forwarded to the Inspector of Municipalities for Ministry approval prior to electoral approval; and,

**THAT the Board of Directors authorize that elector approval for the adoption of Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019 be obtained through an assent vote in accordance with Part 4 of the *Local Government Act* to be conducted on Saturday April 25, 2020; and**

**THAT Christy Malden be appointed as Chief Election Officer and Gillian Cramm be appointed as Deputy Chief Election Officer for the Willowbrook Fire Truck Assent Vote in Electoral Area “C”;** and,

**THAT the question on the assent vote ballot be “Are you in favour of the Regional District of Okanagan-Similkameen adopting Bylaw No. 2874, 2019, a bylaw to authorize the long-term borrowing of Five Hundred Thousand dollars (\$500,000) for the acquisition of a fire truck for the Willowbrook Fire Protection Service Area?”**

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**2. Area “F” Transit**

- a. Bylaw No. 1440
- b. Bylaw No. 1440.01

To reactivate the existing transit service bylaw to serve the residents in Electoral Area “F” and to commence a public engagement process to determine whether expansion of the service is supported by the residents.

**RECOMMENDATION 16** (Unweighted Corporate Vote – 2/3 Majority)

**THAT the Board of Directors give three readings and adoption to Electoral Area “F” Transit System Local Service Establishment Amendment Bylaw No. 1440.01, 2019.**

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

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

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**J. CLOSED SESSION**

**RECOMMENDATION 17** (Unweighted Corporate Vote – Simple Majority)  
THAT in accordance with Section 90(1)(e) of the *Community Charter*, the Board close the meeting to the public on the basis of the acquisition, disposition or expropriation of land or improvements, if the Board considers that disclosure could reasonably be expected to harm the interests of the Regional District.

**1. South Okanagan Conservation Fund - Technical Advisory Recommendations for Funding**

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**K. ITEMS COMING OUT OF CLOSED SESSION (if required)**

The following resolution was passed at the September 19, 2019 Corporate Services Committee Closed Session and is before the Board for ratification:

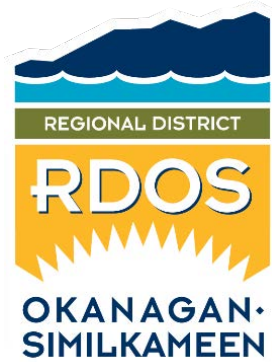
**RECOMMENDATION 18** (Unweighted Corporate Vote – Simple Majority)

1. THAT the Board adopt the 2019 Bargaining Committee Terms of Reference setting out the purpose, authority, appointments, roles, objectives and reporting requirements, attached as Appendix A to the Administrative Report dated September 19, 2019 from B. Newell, CAO; and,
2. THAT the Board appoint Bill Newell, Chief Administrative Officer, as the Bargaining Agent for the Regional District, with authority to enter into a Memorandum of Settlement with British Columbia Government and Service Employees' Union based on terms and concepts within the 2019 Bargaining Strategy approved by the Board; and,
3. THAT the Board adopt the 2019 Bargaining Committee Strategy attached as Appendix B to the Administrative Report dated September 19, 2019 from B. Newell, CAO; and the Bargaining Strategy be kept confidential in accordance with Section 90 (1) of the *Community Charter*.

---

**L. ADJOURNMENT**





# Minutes

Naramata Water Advisory Committee

Meeting of Tuesday, July 9th, 2019 at 7:00 p.m.

OAP Hall, 310 Ritchie Avenue, Naramata, BC

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Present: Peter Graham (Chair), Tim Watts, Richard Roskell, Alan Nixon  
Absent: Eva Antonijevic, Norbert Lacis, Peter Neilans  
Area 'E' Director: Karla Kozakevich (Area 'E' RDOS Director)  
Staff: Andrew Reeder (RDOS Manager of Operations)  
Guests: None  
Recording Secretary: Heather Lemieux

## 1. CALL TO ORDER

The meeting was called to order at 7:03 p.m., Quorum Present

## 2. GUESTS

None

## 3. ADOPTION OF AGENDA

### MOTION

It was Moved and Seconded that the July 9th, 2019 Agenda be adopted as presented.

CARRIED

## 4. APPROVAL OF THE PREVIOUS MEETING MINUTES

Minutes of January 8th, 2019 approved as presented.

## MOTION

It was Moved and Seconded that the Minutes of January 8th, 2019 be approved as presented.

CARRIED

## 5. DIRECTORS REPORT

Karla Kozakevich (Area 'E' RDOS Director) reported on the following:

- a. Drainage Pipe Replacements – The RDOS is looking into the possibility of an excavation cost share with the Ministry of Transportation & Infrastructure (MOTi) who may be replacing corroded drainage pipes and manhole covers in Naramata. The RDOS is looking into the scope of doing some of the water pipe replacements at the same time.

ONGOING

## 6. NEW BUSINESS

- a. Interior Health Authority Update – Andrew Reeder (RDOS Manager of Operations), reported:

A Source Water Assessment and Protection Plan is up for Request for Proposals (RFP). The plan will identify, but not limited to, the following :

- Source water risk assessment
- Source water quality
- Risks affecting viability of source water intake
- Intake location
- Turbidity management
- Cost comparisons
- Filtration deferral or exclusion plan
- Risk mitigation
- Infrastructure management
- Possibility of multiple intakes

The plan is required by Interior Health Authority (IHA) as a standard requirement and will take approximately 8 months to complete depending on duration of water testing.

Discussed flood impacts and frequencies. Emergency planning, protocols, emergency management and the possibility of a new provincial standard being implemented.

New Water Service & Fire Hydrants – Discussed new developments connections to Naramata water service and using reservoirs in lieu of connecting higher-elevation developments directly to the water system.

The RDOS is looking into possible fire flow deficiencies and will be modelling the system for options.

RECCOMENDATION – The Naramata Water Advisory Committee prefers to proceed with reservoirs.

Water Metres – New builds in Naramata require preliminary infrastructure for water metres so that water metres can be installed in the future.

## 7. ADJOURNMENT

Meeting adjourned at 7:48 p.m.

## NEXT MEETING

Tentative – September 10th, 2019, 7:00 p.m., at the RDOS Field Office

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Minutes Approved by  
Naramata Water Advisory Committee Chair



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Heather Lemieux, Recording Secretary



# Minutes

## Regular Meeting

### Okanagan Falls Parks and Recreation Commission

Thursday, July 11, 2019  
Kenyon House

**Members:** Alf Hartviksen, Matt Taylor, Kelvin Hall, Barbara Shanks, Doug Lychak, Daniela Fehr, Jim Lamond  
**Regrets:** Carole Barker, David Del Rizzo  
**Guests:** None  
**Area Director:** Ron Obirek  
**Staff:** Sue Gibbons

#### CALL TO ORDER

The Meeting was called to order at 6:35 pm.

#### 1. ADOPTION OF AGENDA

##### **RECOMMENDATION**

##### **IT WAS MOVED AND SECONDED**

**That the Agenda for July 11, 2019 be adopted. CARRIED**

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

##### **RECOMMENDATION**

##### **IT WAS MOVED AND SECONDED**

**That the Minutes for Okanagan Falls Parks and Recreation Commission of June 13, 2019 be approved. CARRIED**

#### 3. BUSINESS ARISING FROM PREVIOUS MINUTES

##### 3.1 Questions regarding the Boat Launch / Temporary Dock

Trademark is being contemplated for the wharf (pile driven).

Concerns regarding problems with some pile driven docks on the lake.

Engineering monitoring should be done when piles are driven to make sure piles are placed appropriately and at the proper depth.

It is recommended that the RDOS also require a Bond through the Engineer.

#### 4. CORRESPONDENCE/DELEGATIONS

4.1 Dave Del Rizzo has resigned from the commission.

4.2 Letter received from Bob Daly re. vandalism – Chair responded to Mr. Daly.

#### 5. NEW BUSINESS



# Minutes

## Regular Meeting

### Okanagan Falls Parks and Recreation Commission

Thursday, July 11, 2019  
Kenyon House

5.1 Retaining wall in Lion's Park needs to be rebuilt. It will be started the Tuesday after the September long weekend. Require acknowledgement from RDOS that it will be okay to have a tracked bobcat trespass across Lion's Park.

#### 6. COMMISSION REPORTS

6.1 Chair update – no report.

6.2 Treasurer update – report was distributed and everything in order.

Grants not received – Gas Funding & Grant revenue

6.3 Heritage Hills Park Committee – D. Lychak met with D. Reeves Wed. July 10.

Lighting is estimated at \$79,000 – installation by September.

Applied for Grants from Fortis.

Playground, looking for a second company – in by Sept / Oct.

Washrooms – in by October – will they be heated?

Pond – Mosquito & forest crew – study to be done – nothing until next year.

Winter skating?

Do we have a quote from the Environmental person for the environmental review?

D. reeves doing a great job.

The hydrologist working on the water flow in Heritage Hills – storm water management plan for the MOTI.

6.4 Master Plan for Parks – scope

M. Taylor handed out a draft Master Plan proposal for Okanagan Falls waterfront parks system

Discussion

KVR trestle bridge and pathway – how does it tie in as we don't own it?

Peachland Promenade example.

How often is the beach combed?

Dogs on beach – Peachland signage – they have multiple signs.

Maybe move the dog park?

#### **RECOMMENDATION**

#### **IT WAS MOVED AND SECONDED**

**That the Commission recommend to the RDOS Board that they engage a consulting firm to work with the Okanagan Falls Parks and Recreation Commission on developing a master plan for the Okanagan Falls waterfront park system. The Commission has determined that up to \$20,000 is available in the 2019 budget for this purpose. CARRIED**

6.5 Aster Committee



**Minutes**  
**Regular Meeting**  
**Okanagan Falls Parks and Recreation Commission**  
Thursday, July 11, 2019  
Kenyon House

M. Taylor – Save the Aster, Save the Beach Society is in place. Grant application has been applied for and first formal meeting soon.

Objective is to reclaim the beach making sure everyone's interest are considered.

Article in Skaha Matters – there are free spaces for articles.

Budget of \$5000.00 – we could double that budget by having RDOS accept donations for garden and forest reclamation. (tax deductions would be available) as stated in the park donation program – Schedule B.

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Commission receive the information from the Save the Aster Save the Beach Society and request the Society come back with an action plan. CARRIED**

7. RDOS STAFF REPORTS

7.1 Park Coordinator - J. Shuttleworth distributed a report yesterday

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Okanagan Falls Parks and Recreation Commission receive the RDOS Staff report from J. Shuttleworth. CARRIED**

7.2 Recreation Coordinator - Report received from J. Black

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Okanagan Falls Parks and Recreation Commission receive the Recreation Coordinator's report. CARRIED**

**\*\* By consensus at 8:15 pm, the meeting was closed to the public as per Community Charter Section 90.1.C. The Meeting was reopened at 8:35 pm (Sue Gibbons returned).**

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the Okanagan Falls Parks and Recreation Commission recommend the RDOS Board to review the park donation program with a view to make it an inviting program and have staff review best practices from other municipalities. CARRIED**





**Minutes**  
**Regular Meeting**  
**Okanagan Falls Parks and Recreation Commission**  
Thursday, July 11, 2019  
Kenyon House

8. RDOS DIRECTOR REPORT  
Provided update on Electoral Area “D” meetings and matters.
  
9. NEW BUSINESS ARISING FROM THIS MEETING
  
10. PLANNING (PARK AND PLAY) – STRATEGIC PROJECTS
  
11. ADJOURNMENT

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That the meeting be adjourned at 8:53 pm.                      CARRIED**

---

Chair, Parks and Recreation Commission

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Recording Secretary



# Minutes

## Regular Meeting

### Okanagan Falls Parks and Recreation Commission

Thursday, September 12, 2019  
Okanagan Falls Community Centre

**Members:** Alf Hartviksen, Matt Taylor, Kelvin Hall, Barbara Shanks, Daniela Fehr, Carole Barker  
**Regrets:** Doug Lychak, Jim Lamond,  
**Guests:** None  
**Area Director:** Ron Obirek  
**Staff:** Bill Newell, CAO, Justin Shuttleworth, Manager of Parks & Facilities  
Sue Gibbons

#### CALL TO ORDER

The Meeting was called to order at 6:32 pm

#### 1. ADOPTION OF AGENDA

##### **RECOMMENDATION**

##### **IT WAS MOVED AND SECONDED**

**That the Agenda for September 12, 2019 be adopted. CARRIED**

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

##### **RECOMMENDATION**

##### **IT WAS MOVED AND SECONDED**

**That the Minutes for Okanagan Falls Parks and Recreation Commission of July 11 and August 8, 2019 be approved. CARRIED**

#### 3. CORRESPONDENCE/DELEGATIONS

None

#### 4. RDOS STAFF REPORTS

##### 4.1 RDOS Process & Business Planning

B. Newell presented to the group an Introduction to the RDOS

##### 4.2 Parks Projects Updates – J. Shuttleworth

RDOS Staff Report submitted by J. Shuttleworth & forwarded to the Commission

An update has been provided on;

Lions Park Fountain

Heritage Hills Park

Boat Launch

KVR Trestle

Keogan Park Sport Field



# Minutes

## Regular Meeting

### Okanagan Falls Parks and Recreation Commission

Thursday, September 12, 2019  
Okanagan Falls Community Centre

Lamb Property Path  
Operation Notes  
2020 Budget

J. Shuttleworth is accepting suggestions from the Commission for tree plantings.

#### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

**That the RDOS proceed with the lions park aerator and fountain.**

**CARRIED**

#### 4.3 2020 Budget (draft) & Project Prioritization

J. Shuttleworth reviewed the Draft 2020 Budget & Project Prioritization

#### 4.4 Recreation Report

Recreation Report submitted by J. Black & forwarded to the Commission

#### 5. COMMISSION REPORTS

5.1 Tabled until next meeting

#### 6. RDOS DIRECTOR REPORT

6.1 Tabled until next meeting

#### 7. BUSINESS ARISING FROM PREVIOUS MINUTES

7.1 Concerns regarding the piles being driven

RDOS has an engineer standard that must be met

7.2 Review the Park Donation program to make it inviting.

7.3 This committee will review the current Park donation policy to add some wording prior to it going to the board. J. Shuttleworth will include some examples of local ones for the next meeting.

7.4 Email received from a member of the public regarding a new latch for the trestle gate

J. Shuttleworth is working on a solution



# Minutes

## Regular Meeting

### Okanagan Falls Parks and Recreation Commission

Thursday, September 12, 2019  
Okanagan Falls Community Centre

D. Lychak is suggesting a legal agreement needs to be entered into between the RDOS and the sewer utility to provide legal access across the park and an appropriate fee should be implemented

J. Shuttleworth provided an update on the Access Agreement

#### 8. NEW BUSINESS ARISING FROM THIS MEETING

It was suggested that one stall (all user) heated washroom or a composting toilet be installed at Christie Park

It was suggested that a shower and foot wash be installed at Christie Park

M. Taylor asked regarding the Park Master Plan, whether we could show constituents what as already been completed and then ask what they think about it.

It was suggested to ask J. Black about the covered picnic area – was it missed?

It was reported that the NW corner of Lions Park is not being irrigated. Discussion around grass cutting schedule for Okanagan Falls parks.

#### 9. OPEN DISCUSSION – PARK & PLAY

9.1 Tabled until next meeting

#### 10. ADJOURNMENT

#### **RECOMMENDATION**

#### **IT WAS MOVED AND SECONDED**

**That the meeting be adjourned at 9:16 pm.**

**CARRIED**

---

Chair, Parks and Recreation Commission

---

Recording Secretary



# MINUTES

## Similkameen Recreation Commission

September 10 2019 @ 6:30pm

Keremeos Recreation Centre

**Members Present:** Tom Robins, Jennifer Roe, Duncan Baynes, Tim Austin, Dave Cursons, Selena Despres

**Absent:**

**Area Representatives** Tim Roberts(Area G), George Bush(Area B), Arden Holley(Keremeos)

**Staff:** Justin Shuttleworth

**Recording Secretary:** Justin Shuttleworth

**Guests:**

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### 1. Approval of Agenda

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

That the Agenda for the Similkameen Recreation Meeting of September 10, 2019 be adopted and all presentations and reports be accepted.

**– CARRIED**

Opposed:

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### 2. Approval of Last Meeting Minutes

NONE

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### 3. Correspondence/Delegations/Public Questions

3.1. Letter from Judy Ackley regarding expanded pool programs received

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### 4. RDOS Staff Report

4.1. Facilities Updates – J. Shuttleworth

4.1.1 Pool season end update

4.1.2 Similkameen Recreation Manager

4.1.3 Interim staffing and contacts

4.1.1 Continuation of current programs to remain Status Quo.

4.1.5 Request to consider online and/ or credit card payments



# MINUTES

## Similkameen Recreation Commission

September 10 2019 @ 6:30pm  
Keremeos Recreation Centre

4.1.6 Rec Center – Gym access and security issues. Current gym access and systems are antiquated and staff have been unable to secure new gym access cards. Staff is recommending that both systems be replaced with and updated single system that has the capacity for expansion of electronic access and monitored areas.

### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

That up to \$15,000 of the Similkameen Recreation 2019 Capital funds be used to replace gym access and security systems.

– **CARRIED**

Opposed:

#### 4.2. 2020 Strategic and Capital Planning

##### 4.2.1 Review of 2020 Draft Budgets

##### 4.2.2 Prioritization of Capital Projects

##### 4.2.3 Considerations in 2020 pool budget for expanded season and program

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#### 5. Commission Member Reports

5.1. The Chair (T.Robins) notes he is at the end of 1 per September 2018 meeting. Will remain as chair until, 2020 Similkameen Recreation Commission AGM.

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#### 6. RDOS Director Reports

##### 6.1. Village of Keremeos

No report presented

##### 6.2. Electoral Area B

No report presented

##### 6.3. Electoral Area G

No report presented

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#### 7. Business Arising

7.1. NONE

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# MINUTES

## Similkameen Recreation Commission

September 10 2019 @ 6:30pm

Keremeos Recreation Centre

### 8. Adjournment

#### RECOMMENDATION

#### IT WAS MOVED AND SECONDED

That the September 10, 2019 Similkameen Recreation Commission meeting be adjourned.

– CARRIED

Opposed:

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NEXT MEETING: October 1<sup>st</sup>, 2019 @ 6:30pm

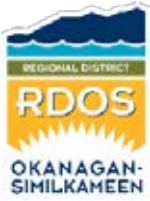
Similkameen Recreation Centre

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Recreation Commission Chair

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Recording Secretary



# MINUTES

## Kaleden Recreation Commission

Wednesday, September 11, 2019

Kaleden Community Hall

**Members Present:** Doug King (Chair), Jaynie Malloy, Randy Cranston, Jen Charlish, Wendy Busch, Gail Jeffery, Wayne Lee, Dave Gill, Margie O'Brien  
**Absent:** Neal Dockendorf  
**Director:** Subrina Monteith  
**Staff:** Justin Shuttleworth  
**Recording:** Margie O'Brien

Call to Order: 6:49 pm

### 1. APPROVAL OF AGENDA

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

That the Agenda for the Kaleden Parks and Recreation Meeting of September 11, 2019 be adopted as revised.

**CARRIED**

---

### 2. APPROVAL OF MEETING MINUTES

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

That the minutes for the Kaleden Parks & Recreation Meeting of August 14, 2019 be adopted. **CARRIED**

---

### 3. CORRESPONDENCE/DELEGATIONS

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### 4. RDOS STAFF REPORTS

4.1 Recreation Report – Janet Black (report sent with the Agenda)

4.2 Park Projects Update – Justin Shuttleworth

Justin was asked to report on the Pioneer Park capital project

- income and expenses to date
- projected income and expenses for the remainder of the project.

4.3 2020 Budget (draft) & Project Prioritization

- discussion and questions about the draft budget



# MINUTES

## Kaleden Recreation Commission

Wednesday, September 11, 2019

Kaleden Community Hall

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5. COMMISSION MEMBER REPORTS

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6. RDOS DIRECTOR REPORT

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7. BUSINESS ARISING

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8. ADJOURNMENT

Hearing no objections, the Chair declared the meeting adjourned at 8:41

**Budget Committee Meeting:**

Tuesday, September 17, 2019 at 6:30 pm  
Kaleden Community Hall

**NEXT REGULAR MEETING:**

Wednesday, October 9, 2019  
Kaleden Community Hall



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Corporate Services Committee

Thursday, September 19, 2019

9:02 am

## MINUTES

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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 T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"  
Director D. Holmes, District of Summerland  
Director J. Kimberley, City of Penticton

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

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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#### A. APPROVAL OF AGENDA

##### **RECOMMENDATION 1**

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

THAT the Agenda for the Corporate Services Committee Meeting of September 19, 2019 be adopted. - **CARRIED**

---

#### B. BARGAINING INSTRUCTIONS

##### **RECOMMENDATION 2**

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

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

The meeting was closed to the public at 9:03 a.m.

The meeting was opened to the public at 10:04 a.m.

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**C. ADJOURNMENT**

By consensus, the Corporate Services Committee meeting adjourned at 10:04 a.m.

APPROVED:

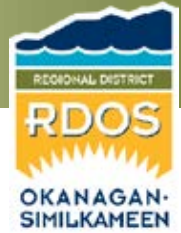
CERTIFIED CORRECT:

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K. Kozakevich  
Committee Chair

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B. Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, September 19, 2019  
10:06 am

## MINUTES

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

### STAFF PRESENT:

B. Newell, Chief Administrative Officer	A. Reeder, Manager of Operations
C. Malden, Manager of Legislative Services	L. Bloomfield, Manager of Engineering
	Z. Kirk, Public Works Coordinator

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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 September 19, 2019 be adopted. - **CARRIED**

---

### B. REPRESENTATIVE – Okanagan-Kootenay Sterile Insect Release, Melissa Tesche

#### 1. [Presentation](#)

Melissa Tesche updated the Committee regarding program changes and technological changes.

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- C. **MOSQUITO CONTROL – Zoe Kirk, Public Works Project Coordinator and Cindy Boehm, Pest Control Assistant**
1. [Presentation](#)

Administration provided the Committee with a mosquito control update.

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1. **ORGANICS COMPOSTING SITING REVIEW**

To review the feasibility of the Okanagan Falls Landfill and the Campbell Mountain Landfill as suitable Organics Composting sites based on a triple bottom line review, (social impacts, environmental and economic).

**RECOMMENDATION 2**

**It was MOVED and SECONDED**

THAT the Regional District pursue an Organics Composting Siting study in order to review the feasibility of an Organic Composting Site at the Campbell Mountain Landfill and the Okanagan Falls Landfill;

AND THAT \$50,000 be authorized from the Campbell Mountain Landfill/Okanagan Falls landfill consulting budget in order to undertake an Organics Composting Siting review.

**CARRIED**

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2. **FCM PARTNERS FOR CLIMATE PROTECTION PROGRAM**

1. Board resolution to join the PCP
2. [Presentation](#)

To seek the Regional Board's interest in becoming a member of the FCM – ICLEI (Local Governments for Sustainability) Partners for Climate Protection Program.

**RECOMMENDATION 3**

**It was MOVED and SECONDED**

THAT the Board of Directors provide a resolution to join the FCM – ICLEI (Local Governments for Sustainability) Partners for Climate Protection Program (Attachment No. 1). - **CARRIED**

---

**3. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting adjourned at 11:23 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

## Planning and Development Committee

Thursday, September 19, 2019

11:33 am

## Minutes

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### MEMBERS PRESENT:

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

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

### MEMBERS ABSENT:

### STAFF PRESENT:

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

B. Dollevoet, General Manager of Development Services

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## A. APPROVAL OF AGENDA

### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of September 19, 2019 be adopted. - **CARRIED**

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- B. HILLSIDE & STEEP SLOPE DEVELOPMENT PERMIT AREA UPDATE – ELECTORAL AREA “D”**
1. Draft Bylaw No. 2603.02
  2. Draft Bylaw No.2500.03
  3. Schedule ‘A’ of No. 2603.02

To provide an update regarding the review of the Hillside and Steep Slope Development Permit (HSSDP) Area designation so that it is only applied to subdivisions and not building permits. These changes will require amendments to the Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013, and Regional District Development Procedures Bylaw No. 2500, 2011.

**RECOMMENDATION 2**

**It was MOVED and SECONDED**

THAT Amendment Bylaw No. 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be brought forward for first reading. - **CARRIED**

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**C. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting adjourned at 11:46 am.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
Committee Chair

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B. Newell  
Chief Administrative Officer



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

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:45 pm. Thursday, September 19, 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 T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"  
Director D. Holmes, District of Summerland  
Director J. Kimberley, City of Penticton

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

### MEMBERS ABSENT:

### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services  
M. Woods, General Manager of Community Services  
J. Kurvink, Manager of Finance  
M. Woods, General Manager of Community Services  
A. Reeder, Manager of Operations

B. Dollevoet, Gen. Manager of Development Services  
L. Miller, Building & Enforcement Services Manager  
L. Bloomfield, Manager of Engineering  
C. Baughen, Solid Waste Management Coordinator  
J. Peachey, Planner  
C. Labrecque, Planner

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### A. APPROVAL OF AGENDA

**RECOMMENDATION 1 (Unweighted Corporate Vote – 2/3 Majority)**

**It was MOVED and SECONDED**

THAT outgoing Penticton Police Superintendent, Ted De Jager address the RDOS Board - **CARRIED**

**It was MOVED and SECONDED**

THAT the [Agenda](#) for the RDOS Board Meeting of September 19, 2019 be adopted as amended to include a presentation by Superintendent Ted De Jager. - **CARRIED**

## 1. Consent Agenda – Corporate Issues

- a. Kaleden Recreation Commission – August 14, 2019  
*THAT the Minutes of the August 14, 2019 Kaleden Recreation Committee meeting be received.*
- b. Electoral Area “H” Advisory Planning Commission – August 20, 2019  
*THAT the Minutes of the August 20, 2019 Electoral Area “H” Advisory Planning Commission be received.*
- c. Naramata Parks & Recreation Commission – August 26, 2019  
*THAT the Minutes of the August 26, 2019 Naramata Parks & Recreation Commission meeting be received.*
- d. Community Services Committee – September 5, 2019  
*THAT the Minutes of the September 5, 2019 Community Services Committee meeting be received.*
- e. Environment and Infrastructure Committee – September 5, 2019  
*THAT the Minutes of the September 5, 2019 Environment and Infrastructure Committee meeting be received.*
- f. Protective Services Committee – September 5, 2019  
*THAT the Minutes of the September 5, 2019 Protective Services Committee meeting be received.*  
  
*THAT administration be directed to review and revise the emergency management program and bylaw.*
- g. RDOS Regular Board Meeting – September 5, 2019  
*THAT the minutes of the September 5, 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**

---



## 2. Consent Agenda – Development Services

### a. Agricultural Land Commission Referral (ALR Exclusion) – Electoral Area “A”

To exclude a 2.35 ha portion of a 4.4 ha parcel from the Agricultural Land Reserve (ALR).

*THAT the RDOS Board “authorize” the application to exclude a 2.35 ha portion of the property at 401 2nd Avenue (Part of Lot 640, on Plan KAP1950, DL 2450s, SDYD) to proceed to the Agricultural Land Commission.*

### b. Agricultural Land Commission Referral — “Non-Adhering Residential” Use Electoral Area “E”

To allow for an “accessory dwelling” in the Agricultural Land Reserve.

*THAT the RDOS “authorize” the application for a “non-adhering residential use – additional residence for farm use” at 2430 Naramata Road (Lot 2, Plan 4868, District Lot 206, SDYD, Except Plan H17800) in Electoral Area “E” 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**

---

## 3. Penticton Police Superintendent, Ted De Jager

Outgoing Superintendent De Jager provided an update on the Community Active Support Table (CAST) and took the opportunity to say farewell to the Board.

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**B. DEVELOPMENT SERVICES – Building Inspection**

1. Building Bylaw 2333 and No. 2805 Infraction - 8555 Road 22 Area "A"
  - a. [Submission](#) from property owner

Property owner addressed the Board regarding infraction.

The Board of Directors discussed the matter and determined that injunctive action not be considered, but that a notice be placed on title.

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

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 3, Plan KAP51250, District Lot 2450S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or Bylaw No. 2805.

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

That the property owner be brought back for further questions. - **CARRIED**

**It was MOVED and SECONDED**

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 3, Plan KAP51250, District Lot 2450S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or Bylaw No. 2805. – **CARRIED**

Opposed: Directors S. Coyne, Boot, Bush

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2. Building Bylaw No. 2333 and No. 2805 Infraction – 137 Taggart Crescent Area “I”

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

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

**It was MOVED and SECONDED**

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 2, Plan KAP29328, District Lot 411, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or Bylaw No. 2805; and

THAT injunctive action be commenced.

**CARRIED**

---

3. Building Bylaw No. 2333 and No. 2805 Infraction – 449 Sagewood Lane Area “I”

Representative of the property owner addressed the Board.

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

**It was MOVED and SECONDED**

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 8 Plan KAP11043, District Lot 280 SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or Bylaw 2805; and

THAT injunctive action be commenced.

**It was MOVED and SECONDED**

THAT the matter of building bylaw infraction at 449 Sagewood Lane be postponed until a future board meeting, to allow staff time to produce better photos. -

**CARRIED**

---

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

1. Agricultural Land Commission Referral (ALR Exclusion) – Electoral Area “A”
  - a. Responses Received
  - b. [Overview Plan](#)

To exclude a 690 m<sup>2</sup> portion of a 4.2 ha parcel from the Agricultural Land Reserve (ALR).

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

THAT the RDOS Board “authorize” the application to allow exclusion of land from the Agricultural Land Reserve at 8111 148th Avenue to proceed to the Agricultural Land Commission. - **CARRIED**

---

2. Town of Osoyoos Boundary Expansion Referral

The Town of Osoyoos has received a municipal boundary extension request involving the properties at 5017, 5037, & 5221 45<sup>th</sup> Street.

**RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Regional District advise the Town of Osoyoos that they have no objection to the annexation of 5017, 5037 and 5221 45<sup>th</sup> Street into the Town of Osoyoos. - **CARRIED**

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**D. PUBLIC WORKS**

1. Landfill Commercial Recycling Award

To authorize the award of a four year Services Agreement to collect, transport and recycle commercial cardboard and glass materials at Regional District administered Landfills.

**RECOMMENDATION 9 (Weighted Corporate Vote – Majority)****It was MOVED and SECONDED**

THAT the Board of Directors award the contract for the provision of Landfill Commercial Cardboard & Glass Recycling Services to Waste Connections of Canada for an annual base cost of up to \$72,036 plus GST. - **CARRIED**

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2. Apex Waste Transfer Station Waste Management Award

To approve the award of hauling services for the Apex Mountain Waste Transfer Station.

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

**It was MOVED and SECONDED**

THAT the Board of Directors award the contract to haul garbage and recycling from the Apex Mountain Waste Transfer Station to EZ Bins (2018) Ltd. for \$750 and \$850 per haul for garbage and recycling respectively, estimated to be \$16,900 per Annum. - **CARRIED**

---

3. Award of Compaction Equipment and Bins for Apex Mountain Waste Transfer Station

To purchase a compactor and roll off container system for refuse and recycling at the Apex Mountain Waste Transfer Station.

**RECOMMENDATION 11 (Weighted Corporate Vote –Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors award the purchase and installation of two stationary compaction units and four contained roll off bins to Reaction Distributing Inc. for up to \$102,000 excluding applicable taxes. - **CARRIED**

---

**E. COMMUNITY SERVICES**

1. Licence of Occupation Renewal – Okanagan Falls Trestle  
a. Map

To renew tenure over the Crown Trestle (Plan A775, DL 397s together with those parts of DL 195s and Plan A753, DL 2193) that serves as a part of the Kettle Valley Rail Trail for a duration of ten years.

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

**It was MOVED and SECONDED**

THAT the Board of Directors endorse an application to the Province of British Columbia for a License of Occupation renewal over a Crown Trestle (Plan A775, DL 397s together with those parts of DL 195s and Plan A753, DL 2193) in Okanagan Falls for a period of ten (10) years. - **CARRIED**

---

**F. FINANCE**

1. Electoral Area "I" Community Works Program Reserve Fund Expenditure Bylaw
  - a. Bylaw No. 2870

To fund ongoing upgrade work at Pioneer Park in Kaleden.

**RECOMMENDATION 13 (Weighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No.2870, 2019, Electoral Area "I" Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$115,000 towards the completion of the Pioneer Park project be read a first, second and third time and be adopted as amended to accurately reflect the recipient as being Pioneer Park. - **CARRIED**

---

**G. LEGISLATIVE SERVICES**

1. Naramata Water System Development Cost Charge Amendment Bylaw 1804.08, 2019
  - a. Bylaw No. 1804.08

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

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

---

2. Requests for Support
  - a. Thompson Nicola Regional District
    - i. Draft letter from the Thompson-Nicola Regional District

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

THAT the Regional District support the Thompson Nicola Regional District request to the Minister of Environment to include Industrial, Commercial, and Institutional (ICI) Recycling in the Recycling Regulation. - **CARRIED**

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- b. District of Summerland
  - i. Letter from District of Summerland

To support the District of Summerland's request to the Ministers of Education, Health, Municipal Affairs and State for Child Care at the 2019 UBCM Conference.

**RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)**  
**It was MOVED and SECONDED**

THAT the Regional District issue a letter of support for the District of Summerland/School District #67 engagement process for the development of a Summerland Community Health and Wellness Center. - **CARRIED**

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- c. CleanBC Plastics Action Plan
  - i. Cover Letter
  - ii. Draft Collaborative Response to Province

**RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)**  
**It was MOVED and SECONDED**

THAT the Regional District co-sign the collaborative local government response to the Province of British Columbia consultation on the CleanBC Plastics Action Plan. - **CARRIED**

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**3. South Okanagan Conservation Fund - Technical Advisory Committee Appointments**

To appoint or re-appoint volunteer members to the South Okanagan Conservation Fund Technical Advisory Committee (TAC) to provide expertise in the review and recommendation to the Board of Directors regarding the selection of projects or recipients of the South Okanagan Conservation Funds.

**RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)**  
**It was MOVED and SECONDED**

THAT the Board of Directors re-appoint the following as volunteer members of the South Okanagan Conservation Fund Technical Advisory Committee:

One year term ending December 31 2020

- Adam Ford
- Eva Durance

THAT the Board of Directors appoint the following as a volunteer member of the South Okanagan Conservation Fund Technical Advisory Committee:

Three year term ending December 31, 2022

- Ellen Simmons

**CARRIED**

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## H. CAO REPORTS

### 1. Verbal Update

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## I. OTHER BUSINESS

### 1. Chair's Report

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### 2. 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 Indigenous 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 Regional Library – *Kozakevich, Roberts (Alternate)*
  - i. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
  - j. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
  - k. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
  - l. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
  - m. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
- 

### 3. Directors Motions

Director Obirek requested that the board consider an urgent presentation from the family who recently lost their home to fire in Okanagan Falls to raise concerns about enforcement issues.

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

THAT the Board of Directors waive the RDOS Procedure Bylaw and Delegation Policy to enable the family impacted by the recent fire in Okanagan Falls be permitted to speak on enforcement concerns. – **DEFEATED**

Opposed: Bush, Knodel, Kozakevich, Gettens, B. Coyne, Vassilaki, Kimberley, Boot, Holmes, Veintimilla, McKortoff, Bauer

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4. Board Members Verbal Update

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J. **ADJOURNMENT**

By consensus, the meeting adjourned at 2:39 pm.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
K. Kozakevich  
RDOS Board Chair

\_\_\_\_\_  
B. Newell  
Corporate Officer

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 3, 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. D2019.022-DVP.**

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Purpose: To allow for the construction of an attached garage to a single detached dwelling.

Owners: B. Ferguson & B. MacGillivray      Agent: N/A      Folio: D-06800.810

Civic: 125 Christie Mountain Lane      Legal: Lot 7, Plan KAP51283, District Lot 2710, SDYD

OCP: Small Holdings (SH)      Zone: Site Specific Small Holdings Five (SH5s)

VarianceRequest: To reduce the minimum front parcel setback from 7.5 metres to 5.57 metres.

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## Proposed Development:

This application is seeking a variance to the front parcel setback that applies to the subject property in order to facilitate the construction of an attached garage.

Specifically, it is being proposed to vary the minimum front parcel setback from 7.5 metres to 5.57 metres.

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

- *The majority of the garage frontage is substantially inside the setback.*
- *Our unique set of circumstances involve a massive 12-foot-high granite outcropping beside the proposed garage ... I would modestly estimate +\$35,000 to remove enough rock to shift the garage over to the northeast to avoid the 7.5m setback.*
- *This variance does not affect the site characteristics or environmental qualities as the motorhome has been parked there for the last four years. No blasting or roadwork needed.*

## Site Context:

The subject property is approximately 2,027 m<sup>2</sup> in area and is situated on the west side of Christie Mountain Lane. The property is currently developed and contains a single detached dwelling. The surrounding pattern of development is characterised by low density residential use.

## Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on January 17, 1994, while available Regional District records indicate that Building Permits

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have previously been issued for a single family dwelling (2001), swimming pool (2004), garage (2017), gazebo (2018), and wood stove (2018).

Under Electoral Area "D" Official Community Plan No. 2603, 2013, the subject property is designated as Small Holdings (SH) and is the subject of a Hillside and Steep Slope Development Permit (HSSDP) Area designation.

Under the Electoral Area "D" Zoning Bylaw No. 2455, 2008, the property is zoned as Site Specific Small Holdings Five (SH5s), which lists "single detached dwellings" as a principal permitted use.

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

**Public Process:**

At its meeting of September 10, 2019, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board of Directors that the subject development application be approved.

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:**

When assessing variance requests a number of factors are generally taken into account. These include the intent of the zoning; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

The intent behind the Zoning Bylaw's use of setbacks is varied, however, in the context of a residential front setback it is generally to provide a physical separation between the road and residential dwellings; to improve traffic and pedestrian safety and to maintain an attractive streetscape by ensuring a uniform building line and discouraging encroachments.

In this instance, the use of property adjacent to the subject property is used for residential purposes and a reduced front setback for an attached garage is unlikely to adversely affect this use. Administration also notes that the proposed garage will mostly hidden from view from the street as the front yard contains a very large granite outcropping.

Finally, Administration recognizes that due to the diagonal shape of the front parcel line, the requested variance is only for the most south east corner of the proposed garage; as such, the requested variance is relatively minor in nature and is unlikely to adversely affect the use of adjoining lands.

For these reasons, Administration supports the requested variance and is recommending approval.

**Alternative:**

That the Board deny Development Variance Permit No. D2019.022-DVP.

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Respectfully submitted

Jeff Thompson

J. Thompson, Planning Tech

Endorsed by:



C. Garrish, Planning Manager

Attachments:

No. 1 – Site Photo (Google Streetview)

No. 2 – Site Photo

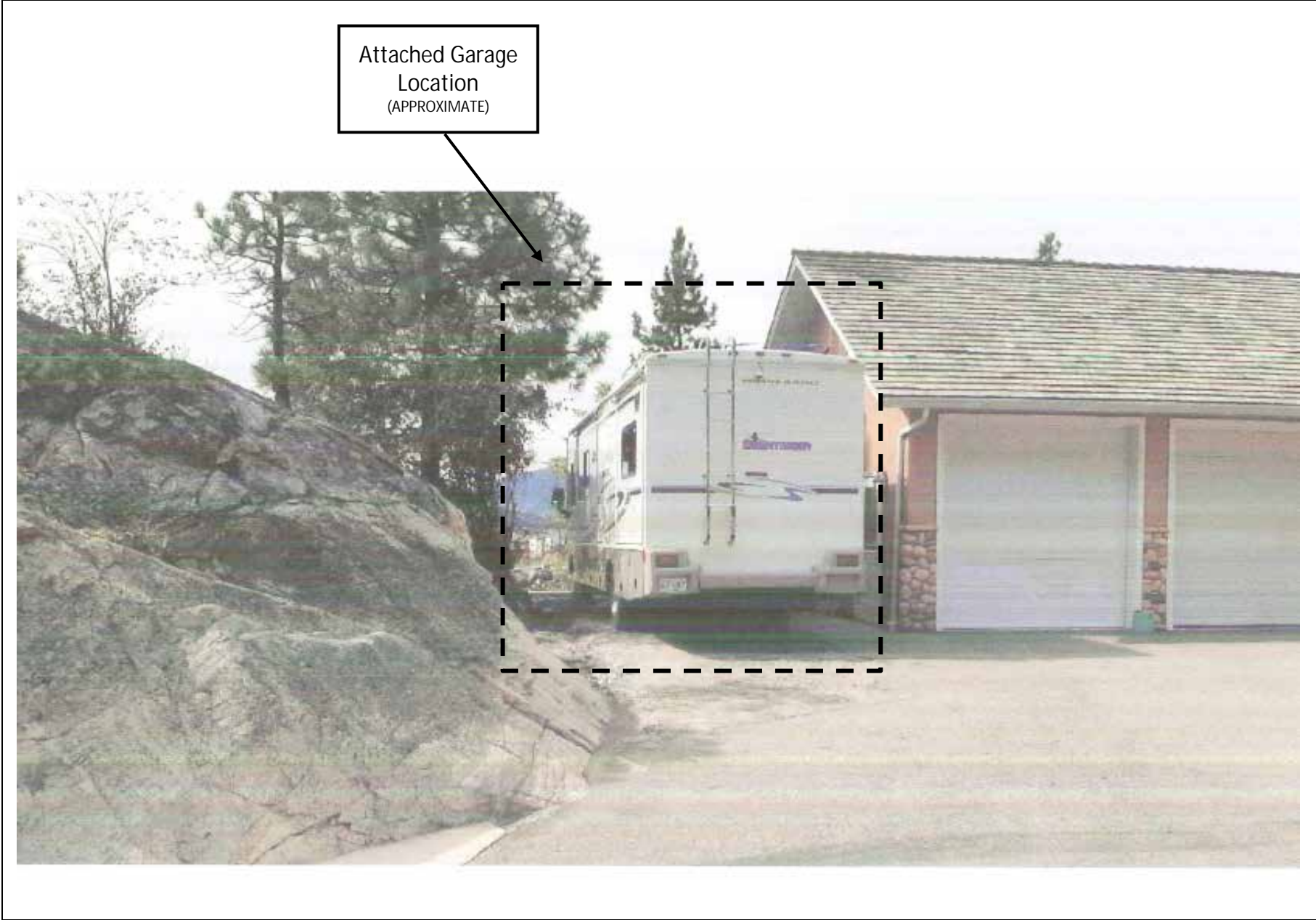
No. 3 – Site Photo

Attachment No. 1 – Site Photo (Google Streetview)



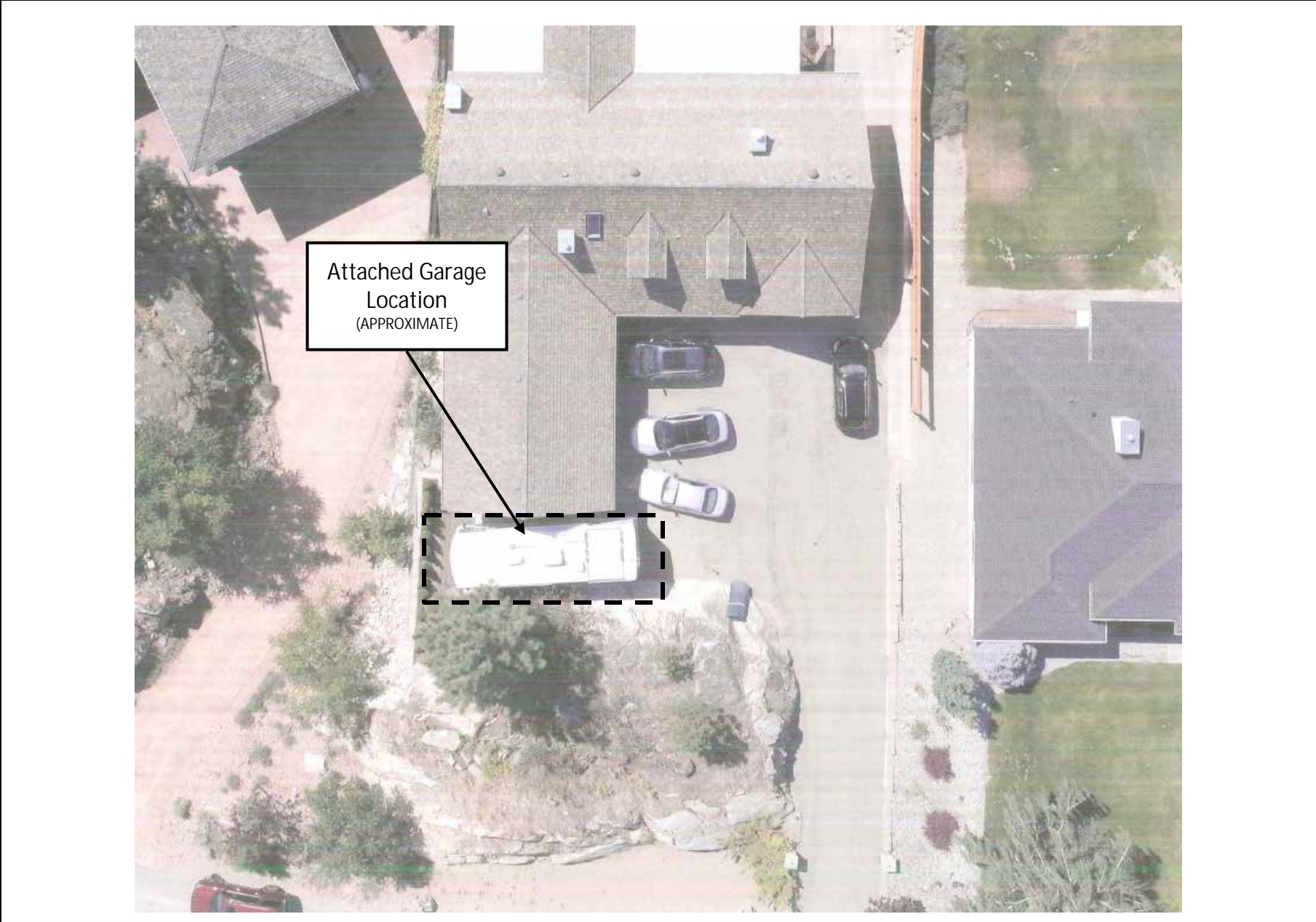


Attachment No. 2 – Site Photo



Attached Garage  
Location  
(APPROXIMATE)

Attachment No. 3 – Site Photo





# Development Variance Permit

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FILE NO.: D2019.022-DVP

Owner: Brett Ferguson & Beverley  
MacGillivray  
125 Christie Mountain Lane  
Okanagan Falls, BC, V0H 1R0

Agent: NA

## 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 7, Plan KAP51283, District Lot 2710, SDYD

Civic Address: 125 Christie Mountain Lane

Parcel Identifier (PID): 018-569-439 Folio: D-06800.810

## 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 minimum front parcel line setback for a principal building in the Small Holdings Five (SH5) Zone, as prescribed in Section 10.10.6(a)(i), is varied:
    - i) from: 7.5 metres

to: 5.57 metres to the outermost projection as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

a) Not Applicable

8. **SECURITY REQUIREMENTS**

a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

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

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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

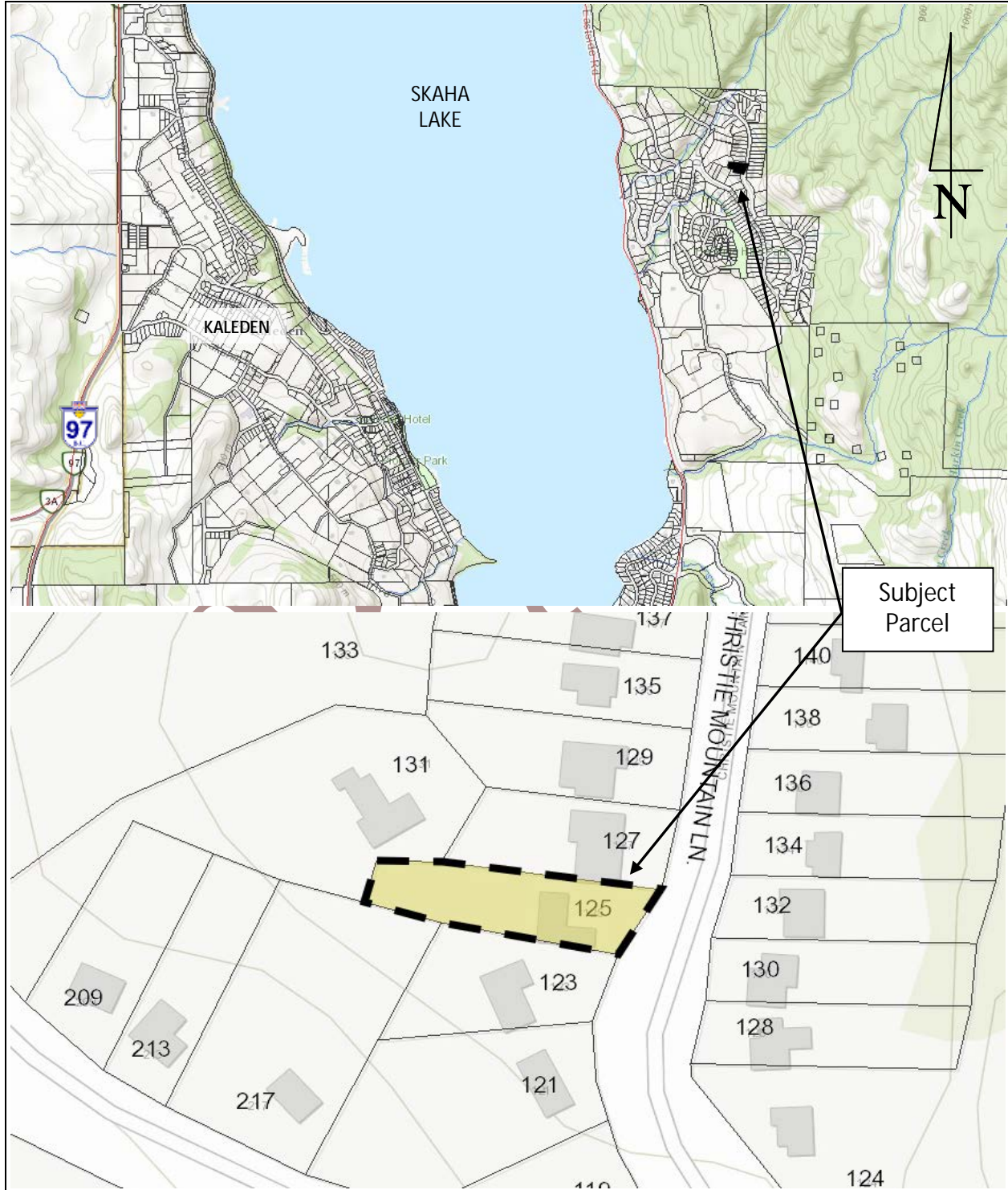
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. D2019.022-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

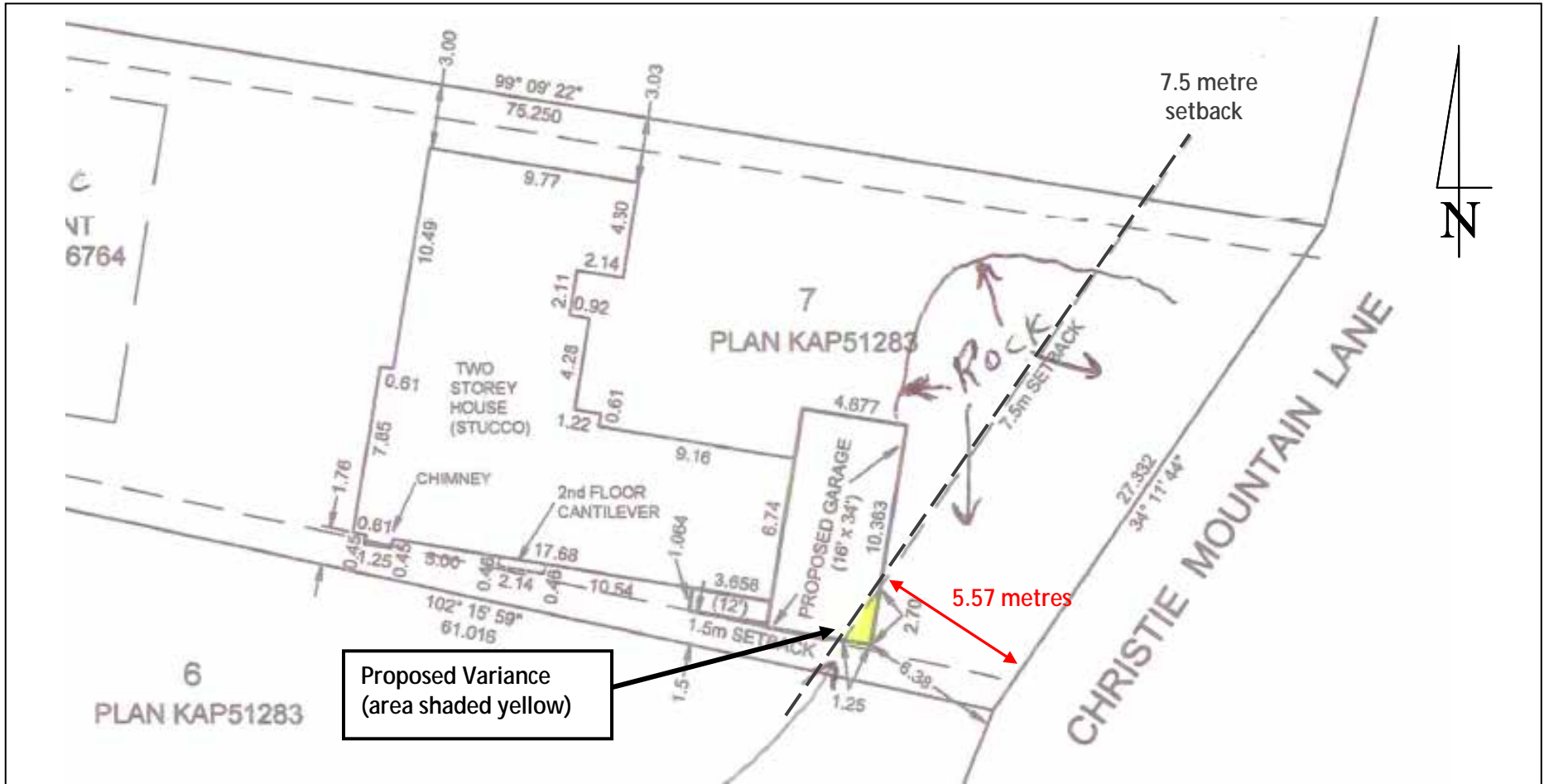
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. D2019.022-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

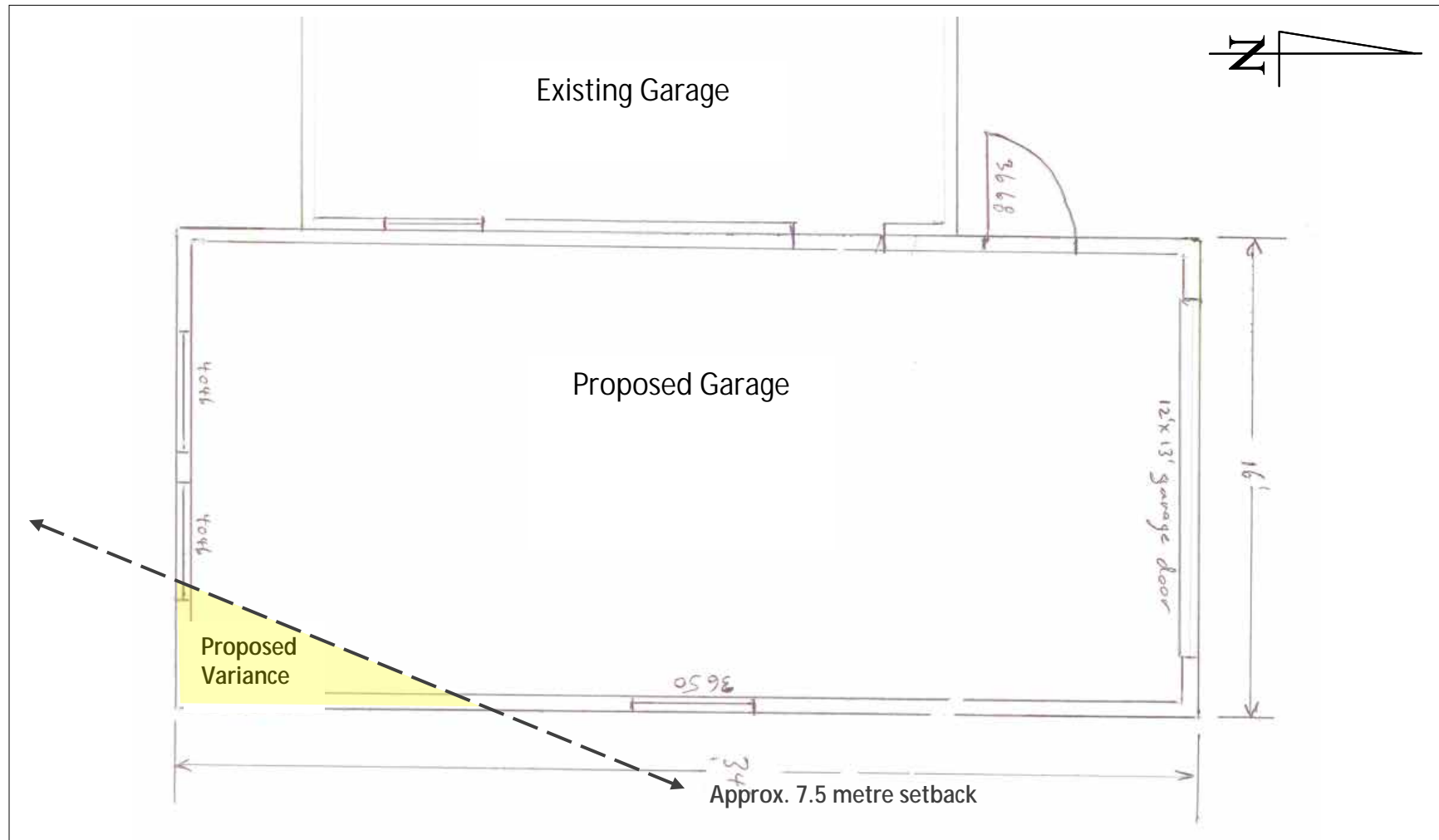
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. D2019.022-DVP

Schedule 'C'





# Regional District of Okanagan-Similkameen

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

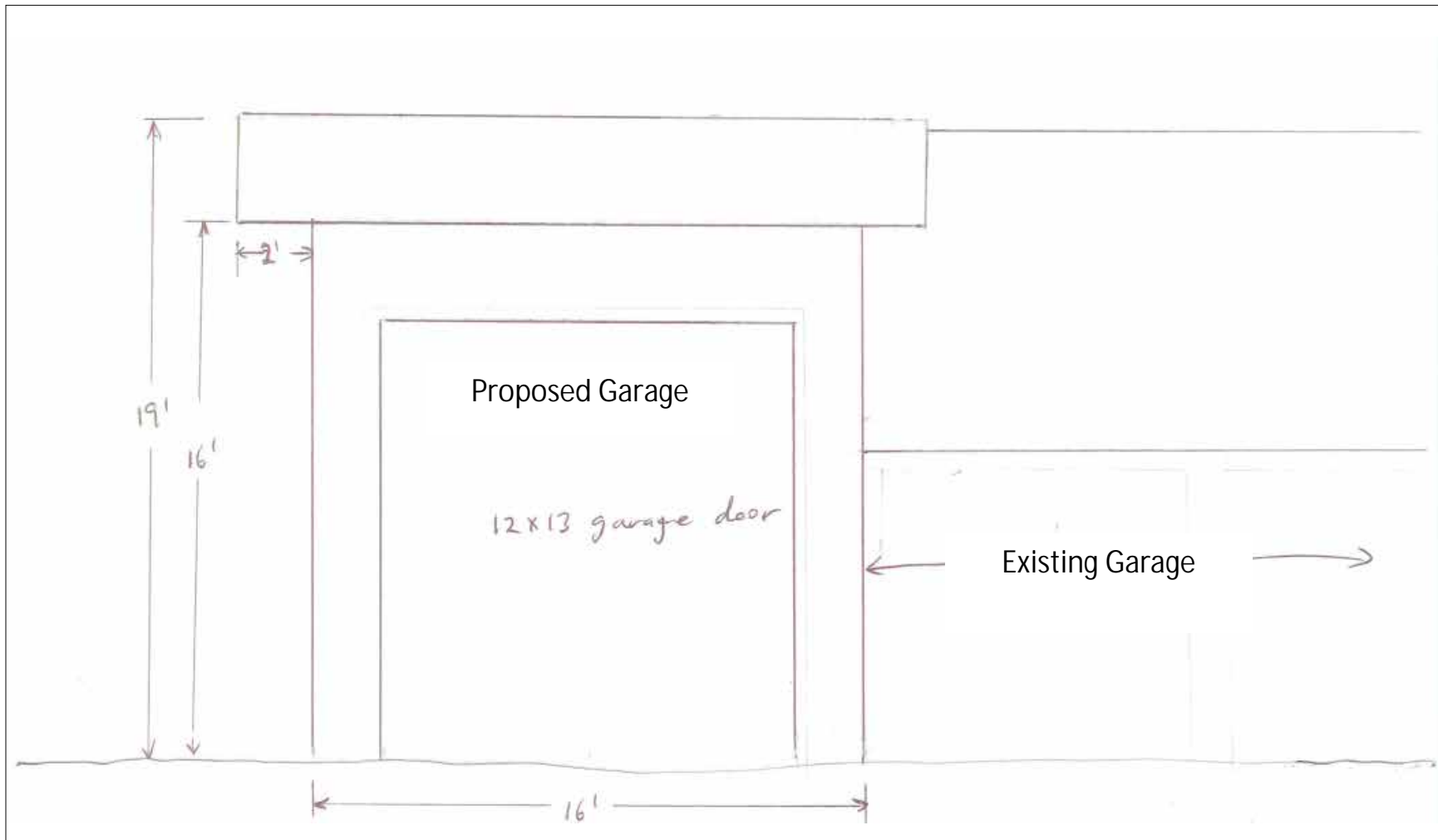
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. D2019.022-DVP

## Schedule 'D'



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Building Bylaw Infraction  
Folio: H5-01362.200 Lot: A Plan: KAP56415 DL: 4171  
PID: 023-338-814  
Civic Address: 186 TROUT MAIN FOREST SERVICE ROAD (Permit #19370)

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### Administrative Recommendation:

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot A, Plan KAP56515, District Lot 4171, KDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and/or No. 2805; and

THAT injunctive action be commenced.

### Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and/or Bylaw No.2805.

### History:

The Contravention of Building Regulations Report dated January 9, 2019 from the Building Official indicates that a building permit for a dwelling has expired and the required inspections have not been completed.

Permit #19370 was issued on August 20, 2015 and expired on August 20, 2018. This permit was issued to complete the previous permit #17732 for a single family dwelling which was issued in August 2011.

The most recent inspection was insulation & vapour barrier, on November 17, 2011 where it was noted that sealing of windows, doors, electrical and plumbing penetrations was required. No further inspections have been conducted

### History con't:

The permit has expired without required inspections. It is unknown whether there are health & safety related deficiencies.

On September 25, 2019, Permit #21522 was issued for a 6 month term, to complete the work remaining. In order to close the enforcement file, a final occupancy inspection must be completed and approved.

This Building Bylaw infraction is considered to be Category 3.

A map showing the location of this property is attached. No photographs are available as the house is on a large rural property with a locked gate.

### Analysis:

Seeking a court injunction has a legal cost and the Board may wish to choose this option for enforcement of significant health or safety issues. As there are potential construction and health and safety deficiencies on this property, a Section 302 Notice on Title and injunctive action are recommended by staff. The Notice on Title advises the current and future owners of the deficiency and injunctive action will require that the deficiencies be remedied and the property be brought into compliance with RDOS bylaws.

### Alternatives:

In July 2009 the Board adopted a Policy (Resolution B354/09) to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations. This policy provides the Board with three categories of infractions and the recommended action for each.

**Category 1** (Minor Deficiencies) – Place notice of deficiencies on folio file.

**Category 2** (Major Deficiencies) – Place Section 302 Notice on title.

**Category 3** (Health & Safety Deficiencies/Building without Permit) – Place Section 302 Notice on title and seek compliance through injunctive action.

### Respectfully submitted:

*"L. Miller"*

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Laura Miller, Building Inspection Services Supervisor

Endorsed by:

*"B. Dollevoet"*

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



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Early Termination of Land Use Contract No. LU-9-D – Electoral Area “I”

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### Administrative Recommendation:

**THAT the following bylaws be read a first and second time and proceed to a public hearing:**

- **Bylaw No. 2683.03, 2019, Electoral Area “I” Official Community Plan Amendment Bylaw;**
- **Bylaw No. 2457.28, 2019, Electoral Area “I” Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw; and**
- **Bylaw No. 2457.29, 2019, Electoral Area “I” Land Use Contract LU-9-D Discharge and Zoning Amendment Bylaw.**

**AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated October 3, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;**

**AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2683.03, 2019, in conjunction with its Financial and applicable Waste Management Plans;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 7, 2019;**

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

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### Purpose:

It is being proposed that the Regional District initiate a “Voluntary Discharge” & “Early Termination” of part of Land Use Contract No. LU-9-D (being Bylaw No. 206) that applies to the properties that comprise the western part of the former “Twin Lakes Resort”.

Specifically, it is being proposed that LUC No. LU-9-D be “voluntarily discharged” from the property at 176 Twin Lakes Road and be replaced with a Small Holdings Five (SH5) Zone.

It is further proposed that an “early termination” of the LUC No. LU-9-D be applied to seven (7) other parcels and be replaced with the following zoning:

- a Small Holdings Five (SH5) Zone for the properties at 162, 166, 168, 170, 172, 178 Twin Lakes Road; and
- a new Twin Lake Acres Comprehensive Development (CD4) Zone for the property at 158-160 Twin Lakes Road.

Due to an occurrence of seven (7) detached dwelling units on the property at 160 Twin Lakes Road as well as its designation as Agricultural Land Reserve (ALR), it is being further proposed to amend the

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OCP designation of the property from Agriculture (AG) to Small Holdings (SH) but to include a policy statement related to any future subdivision of this property being dependent upon infrastructure servicing (i.e. community sewer) and exclusion from the ALR.

**Site Context:**

The subject properties area situated south of Twin Lakes Road and are bounded by Nipit Lake along their southern boundary and represent a land area of approximately 6.5 hectares (ha).

**Statutory Requirements:**

In 2014, the provincial government amended the *Local Government Act* in order that all remaining land use contracts will automatically be terminated, and shall be deemed to be discharged from the title of the applicable parcel by June 30, 2024.

Section (547) of the Act allows the Regional District to terminate, by bylaw, a Land Use Contract prior to 2024 provided it does so by June 30, 2022, and in accordance with the standard procedures for amending a land use bylaw (i.e. public hearing).

Importantly, the provisions of any new zoning applied to a property as a result of an “Early Termination” of an LUC will not come into effect for one (1) year and a day following adoption of the amending bylaw.

**Background:**

At its meeting of May 30, 1974, the Regional District Board adopted Bylaw No. 206, which authorised Land Use Contract No. LU-9-D, the purpose of which was to facilitate the development of the “Twin Lakes Guest Ranch & Resort Limited” (being an “all season resort” with “lodge cabins on the lake”).

The Guest Ranch & Resort concept called for the development of a lodge facility and up to 19 cabins along with such amenities as a “horse corral”. The principal use of the site was to be “open-land recreation” (i.e. guest ranch) with permitted accessory uses allowing dining facilities, dwelling units and accessory buildings & utilities.

Since its adoption, LU-9-D has been amended on three separate occasions, including:

- increasing density by two (2) additional dwellings, allowing the subdivision of six (6) parcels and to deleting a requirement that septic fields be located no closer than 400 feet to Nipit Lake (1986);
- Increasing density by two (2) units and allowing the subdivision of three (3) parcels (1994); and
- discharging LU-9-D from the property at 174 Twin Lakes Road in order to formalize an illegal secondary suite (2013).

Under the Electoral Area “1” OCP Bylaw No. 2683, 2016, the subject properties are designated part Agriculture (AG) and part Small Holdings (SH), is subject to a Watercourse Development Permit (WDP) Area designation and are also affected by the floodplain associated with Nipit Lake.

The property at 158-160 Twin Lakes Road is within the Agricultural Land Reserve (ALR) and, despite being governed by a Land Use Contract, is still subject to the provisions of the *Agricultural Land Commission (ALC) Act & ALR Use Regulations* (i.e. one residential dwelling per parcel).



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Despite the intent of the LUC being for tourist commercial uses, all of the subject properties are currently classified as “Residential” (Class 01) by BC Assessment.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal is situated beyond 800.0 metres of a controlled area (i.e. Highway 3A).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

**Public Process:**

On November 28, 2018, a Public Information Meeting (PIM) was held with affected property owners at the Twin Lakes Golf Course and was attended by approximately 12 members of the public.

On July 12, 2019, the property owners of 160 Twin Lakes Road were provided with revised copies of the amendment bylaws that incorporated changes based upon feedback received at the PIM.

On September 18, 2019, a Public Information Meeting (PIM) for the public was held at Kaleden Hall and was attended by approximately 10 members of the public.

At its meeting of September 18, 2019, the Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed discharge and termination of part of LUC No. LU-9-D be approved.

Administration recommends that the proposed consideration by the APC, the public information meeting as well as formal referral to the agencies listed at Attachment No.1 should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, this process is seen to be sufficiently early and does not need to be further ongoing consultation.

All comments received to date on these amendment bylaws are included as a separate item on the Board Agenda.

**Analysis:**

Administration considers that the principal challenge associated with the termination of a Land Use Contract is going to be the transition of a parcel into the zoning bylaw, given its use under the provisions of the LUC may be completely incongruous with available zonings.

In resolving this, two options are seen to be available and these include:

1. recreating the provisions of the LUC in the form of a new zone; or
2. applying an existing zone, which may result in the use of the land becoming lawfully nonconforming use under Section 528 of the *Local Government Act*.

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In this instance, Administration considers that the properties at 162, 166, 168, 170, 172, 178 Twin Lakes Road can best be accommodated through the introduction of a Small Holdings Five (SH5) Zone as this generally reflects how the properties are currently being used (i.e. for rural-residential purposes).

With regard to the property at 158-160 Twin Lakes Road, this question is complicated by the current development of the property, which is seen to be in the form of a "share lot" in which multiple single detached dwellings exist on a single legal parcel.

Compounding this situation is the designation of this same property as Agricultural Land Reserve (ALR) and the limitations on residential dwelling units that this carries (i.e. not more than one, with subsequent dwelling units requiring the discretionary approval of the Agricultural Land Commission).

In order to address this, Administration is proposing the introduction of a new comprehensive development zone that would accommodate the existence of the seven (7) dwelling units on the subject property. The Regional District has previously applied CD zones to similar "share lots" at North Beach Estates (Electoral Area "F") and Sunset Acres (Electoral Area "E") in order to formalise multiple detached dwelling units.

In order to address the designation of the land as ALR, it is being proposed that a new policy statement be included in the OCP Bylaw that speaks to any future of this parcel. Specifically, that any rezoning to allow for subdivision be dependent upon the land being excluded from the ALR and appropriate infrastructure (i.e. community water & sewer) being in-place.

As an aside, given recent changes to the ALC Act, property owners will no longer be able to apply for the exclusion of land from the ALR and the Commission will only except such requests from the applicable local government.

For reference purposes, a summary comparison of LU-9-D versus the proposed SH5 and CD4 Zones is included at Attachment No. 2 & 3.

**Alternative:**

- .1 THAT the following bylaws be read a first and second time and proceed to a public hearing:
  - . Bylaw No. 2683.03, 2019, Electoral Area "I" Official Community Plan Amendment Bylaw;
  - . Bylaw No. 2457.28, 2019, Electoral Area "I" Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw; and
  - . Bylaw No. 2457.29, 2019, Electoral Area "I" Land Use Contract LU-9-D Discharge and Zoning Amendment Bylaw.

AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated August 15, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2683.03, 2019, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be delegated to Director Montieth, or delegate;

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AND THAT staff schedule the date, time and place of the public hearing with Director Montieth, or delegate;

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

OR

.2 THAT consideration of the following bylaws be deferred:

- . Bylaw No. 2683.03, 2019, Electoral Area "I" Official Community Plan Amendment Bylaw;
- . Bylaw No. 2457.28, 2019, Electoral Area "I" Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw; and
- . Bylaw No. 2457.29, 2019, Electoral Area "I" Land Use Contract LU-9-D Discharge and Zoning Amendment Bylaw.

**Respectfully submitted:**



C. Garrish, Planning Manager

**Endorsed by:**



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Agency Referral List

No. 2 – Summary comparison of LU-9-D & Proposed SH5 Zone

No. 3 – Summary comparison of LU-9-D & Proposed CD4 Zone

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, regarding Amendment Bylaw No. 2683.03:

<b>p</b>	Agricultural Land Commission (ALC)	<input type="radio"/>	Fortis
<b>p</b>	Interior Health Authority (IHA)	<input type="radio"/>	City of Penticton
<b>p</b>	Ministry of Agriculture	<input type="radio"/>	District of Summerland
<input type="radio"/>	Ministry of Energy & Mines	<input type="radio"/>	Town of Oliver
<input type="radio"/>	Ministry of Community, Sport and Cultural Development	<input type="radio"/>	Town of Osoyoos
<b>p</b>	Ministry of Environment	<input type="radio"/>	Town of Princeton
<input type="radio"/>	Ministry of Forest, Lands & Natural Resource Operations (Arch. Branch)	<input type="radio"/>	Village of Keremeos
<input type="radio"/>	Ministry of Jobs, Tourism and Innovation	<input type="radio"/>	Okanagan Nation Alliance (ONA)
<b>p</b>	Ministry of Transportation and Infrastructure	<b>p</b>	Penticton Indian Band (PIB)
<input type="radio"/>	Integrated Land Management Bureau	<input type="radio"/>	Osoyoos Indian Band (OIB)
<input type="radio"/>	BC Parks	<input type="radio"/>	Upper Similkameen Indian Bands (USIB)
<input type="radio"/>	School District 53 (Okanagan Similkameen)	<input type="radio"/>	Lower Similkameen Indian Bands (LSIB)
<input type="radio"/>	School District 58 (Nicola Similkameen)	<input type="radio"/>	Environment Canada
<b>p</b>	School District 67 (Okanagan Skaha)	<input type="radio"/>	Fisheries and Oceans Canada
<input type="radio"/>	Central Okanagan Regional District	<input type="radio"/>	Archaeology Branch
<input type="radio"/>	Kootenay Boundary Regional District	<input type="radio"/>	Dominion Radio Astrophysical Observatory
<input type="radio"/>	Thompson Nicola Regional District	<input type="radio"/>	Canadian Wildlife Services
<input type="radio"/>	Fraser Valley Regional District	<b>p</b>	Lower Nipit Irrigation District
<input type="radio"/>	Okanagan Falls Volunteer Fire Dep't	<input type="radio"/>	Okanagan Falls Irrigation District

Attachment No. 2 – Summary Comparison of LU-9-D vs. SH5 Zone

Land Use Contract No. LU-9-D	SH5 Zone
<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      a) agriculture;                      b) forestry;                      c) grazing;                      d) open land recreation and institutional uses;  <u>Secondary uses:</u>                      e) dining facilities;                      f) single family dwellings and mobile homes;                      g) public service or utility buildings and structures;                      h) accessory buildings and structures.</p>	<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      a) single detached dwelling;  <u>Secondary uses:</u>                      b) agriculture;                      c) bed and breakfast operation;                      d) home occupation;                      e) secondary suite;                      f) accessory buildings and structures.</p>
<p><b>Minimum Parcel Size:</b>                      Not applicable</p>	<p><b>Minimum Parcel Size:</b>                      2,000 m<sup>2</sup></p>
<p><b>Minimum Parcel Width:</b>                      Not applicable</p>	<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>
<p><b>Maximum Number of Dwellings per Parcel:</b>                      7 dwelling units (Lot 20);                      4 dwelling units (Lot 19 - west); and                      10 dwelling units &amp; lodge (Lot 19 –east).</p>	<p><b>Maximum Number of Dwellings per Parcel:</b>                      one (1) dwelling per parcel; and                      one (1) secondary suite.</p>
<p><b>Minimum Setbacks:</b>                      10 feet above the high water mark of Twin Lake.</p>	<p><b>Minimum Setbacks:</b>                      Buildings and structures:                      i) Front parcel line: 7.5 m                      ii) Rear parcel line: 7.5 m                      iii) Interior side parcel line: 1.5 m                      iv) Exterior side parcel line: 4.5 m                      Accessory buildings and structures:                      i) Front parcel line: 7.5 m                      ii) Rear parcel line: 1.5 m                      iii) Interior side parcel line: 1.5 m                      iv) Exterior side parcel line: 4.5 m</p>
<p><b>Maximum Height:</b>                      Not applicable</p>	<p><b>Maximum Height:</b>                      No building or structure shall exceed a height of 10.0 metres;                      No accessory building or structure shall exceed a height of 4.5 metres</p>
<p><b>Maximum Parcel Coverage:</b>                      Not applicable</p>	<p><b>Maximum Parcel Coverage:</b>                      35%</p>

Attachment No. 3 – Summary Comparison of LU-9-D vs. CD4 Zone

Land Use Contract No. LU-9-D	CD4 Zone
<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      i) agriculture;                      j) forestry;                      k) grazing;                      l) open land recreation and institutional uses;  <u>Secondary uses:</u>                      m) dining facilities;                      n) single family dwellings and mobile homes;                      o) public service or utility buildings and structures;                      p) accessory buildings and structures.</p>	<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      g) single detached dwelling;  <u>Secondary uses:</u>                      h) agriculture;                      i) bed and breakfast operation;                      j) home occupation;                      k) accessory buildings and structures.</p>
<p><b>Minimum Parcel Size:</b>                      Not applicable</p>	<p><b>Minimum Parcel Size:</b>                      4.0 ha</p>
<p><b>Minimum Parcel Width:</b>                      Not applicable</p>	<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>
<p><b>Maximum Number of Dwellings Per Parcel:</b>                      7 dwelling units (Lot 20).</p>	<p><b>Maximum Number of Dwellings Per Parcel:</b>                      7 principal dwelling units.</p>
<p><b>Minimum Setbacks:</b>                      10 feet above the high water mark of Twin Lake.</p>	<p><b>Minimum Setbacks:</b>                      Principal buildings:                      v) Front parcel line: 7.5 m                      vi) Rear parcel line: 7.5 m                      vii) Interior side parcel line: 1.5 m                      viii) Exterior side parcel line: 4.5 m                      Accessory buildings:                      i) Front parcel line: 7.5 m                      ii) Rear parcel line: 1.5 m                      iii) Interior side parcel line: 1.5 m                      iv) Exterior side parcel line: 4.5 m</p>
<p><b>Maximum Height:</b>                      Not applicable</p>	<p><b>Maximum Height:</b>                      10.0 metres (principal buildings &amp; structures);                      4.5 metres (accessory buildings &amp; structures)</p>
<p><b>Maximum Parcel Coverage:</b>                      Not applicable</p>	<p><b>Maximum Parcel Coverage:</b>                      35%</p>
<p><b>Minimum Building Width:</b>                      Not applicable</p>	<p><b>Minimum Building Width:</b>                      Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.</p>



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2457.28, 2019**

---

**A Bylaw to terminate Land Use Contract No. LU-9-D and to amend the  
Electoral Area "I" Zoning Bylaw No. 2457, 2008**

---

WHEREAS pursuant to s. 548 of the *Local Government Act*, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government;

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 "I" Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw No. 2457.28, 2019."
2. The Land Use Contract No. LU-9-D, registered in the Kamloops Land Title Office under charge number M42703 against title to the land described as:
  - Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD;
  - Lots 1-2, Plan KAP58497, District Lot 2169, SDYD;
  - Lots 1 & 4-5, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD; and
  - Lot 6, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD, Except Plan KAP58497.

and shown shaded yellow on the attached Schedules 'A' & 'B' (which forms part of this Bylaw), is terminated.

3. The "Electoral Area "I" Zoning Bylaw No. 2457, 2008" is amended by:
  - i) adding a reference to "Small Holdings Five Zone SH5" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones).
  - ii) adding a reference to "Small Holdings Four Zone SH4" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones).

- iii) adding a reference to “Comprehensive Development Zones” at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

**Comprehensive Development Zones**

Twin Lake Acres Comprehensive Development Zone                      CD4

- iv) adding a new Section 10.9 (Small Holdings Five Zone) under Section 10.0 (Rural Zones) to read as follows:

**10.9 SMALL HOLDINGS FIVE ZONE (SH5)**

**10.9.1 Permitted Uses:**

Principal uses:

- a) single detached dwelling;

Secondary uses:

- b) agriculture, subject to Section 7.23;  
c) bed and breakfast operation, subject to Section 7.19;  
d) home occupation, subject to Section 7.17;  
e) secondary suite, subject to Section 7.12; and  
f) accessory buildings and structures, subject to Section 7.13.

**10.9.2 Site Specific Small Holdings Four (SH5s) Provisions:**

- a) see Section 18.28

**10.9.3 Minimum Parcel Size:**

- a) 2,000 m<sup>2</sup>, subject to servicing requirements.

**10.9.4 Minimum Parcel Width:**

- a) Not less than 25% of the parcel depth.

**10.9.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and  
b) one (1) secondary suite.

#### 10.9.6 Minimum Setbacks:

- a) Buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 7.5 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 1.5 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 4.5 metres
- c) Despite Section 10.9.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:
  - i) Front parcel line: 15.0 metres
  - ii) Rear parcel line: 15.0 metres
  - iii) Interior side parcel line: 15.0 metres
  - iv) Exterior side parcel line: 15.0 metres
- d) Despite Section 10.9.6(a) and (b), incinerator or compost facility:
  - i) Front parcel line: 30.0 metres
  - ii) Rear parcel line: 30.0 metres
  - iii) Interior side parcel line: 30.0 metres
  - iv) Exterior side parcel line: 30.0 metres

#### 10.9.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

#### 10.9.8 Maximum Parcel Coverage:

- a) 35%

### 10.9.9 Minimum Building Width:

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- v) adding a new Section 17.0 (Comprehensive Development Zones) to read as follows and renumbering all subsequent sub-sections:

## 17.0 COMPREHENSIVE DEVELOPMENT ZONES

---

### 17.1 TWIN LAKE ACRES COMPREHENSIVE DEVELOPMENT (CD4) ZONE

#### 17.1.1 Purpose

The purpose of the Twin Lake Acres Comprehensive Development Zone is to create comprehensive, site-specific land use regulations for the parcel located at 160 Twin Lakes Road, which is legally described as Lot 20, Plan KAP17461, District Lot 2169, Section 36, Township 89, SDYD, in order to reconcile the historical land use pattern on the lands with the regulations of the Zoning Bylaw.

#### 17.1.2 Location

The property is situated at Twin Lakes with a frontage to Nipit Lake.



#### 17.1.3 Background:

At its meeting of May 30, 1974, the Regional District Board adopted Amendment Bylaw No. 206, which authorised Land Use Contract (LUC) No. LU-9-D, the purpose of which was to facilitate the development of the "Twin Lakes Guest Ranch & Resort Limited" (being an "all season resort").

The LUC permitted the development of seven (7) accessory "single family dwellings and mobile homes" on the subject property, subject to their use being related to the Resort (i.e. "dude ranch and stables").

The first building permit for the development of a dwelling unit (mobile home) on the property was issued on May 14, 1975, with subsequent permits for the remaining dwelling units issued throughout the 1970s and 1980s.

In 2018, the Regional District initiated the "Early Termination" of LUC No. LU-9-D. Due to the "share-lot" nature of development at 160 Twin Lakes Road, and the cessation of the resort use at some previous point, a comprehensive development zone formalising the residential use of the property was created to replace the LUC.

This zone limits density to that which was previously permitted under the LUC (i.e. 7 dwelling units, and no accessory dwelling units such as secondary suites or carriage houses) due to the "share-lot" nature of the property. Similarly, the zone does not contemplate subdivision due to the absence of a community sewer system at Twin Lakes as well as the property being in the Agricultural Land Reserve (ALR).

#### **17.1.4 Permitted Uses:**

##### Principal Uses:

- a) single detached dwelling;

##### Accessory Uses:

- b) agriculture, subject to Section 7.23;
- c) bed and breakfast operation, subject to Section 7.19;
- d) home occupation, subject to Section 7.17; and
- e) accessory buildings and structures, subject to Section 7.13.

#### **17.1.5 Minimum Parcel Size for Subdivision:**

- a) 4.0 ha

#### **17.1.6 Minimum Parcel Width for Subdivision:**

- a) Not less than 25% of parcel depth

**17.1.7 Maximum Number of Dwellings Permitted Per Parcel:**

- a) seven (7) principal dwelling units.

**17.1.8 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 7.5 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 1.5 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 4.5 metres
- c) Despite Section 17.1.8(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:
  - i) Front parcel line: 15.0 metres
  - ii) Rear parcel line: 15.0 metres
  - iii) Interior side parcel line: 15.0 metres
  - iv) Exterior side parcel line: 15.0 metres
- d) Despite Section 17.1.8(a) and (b), incinerator or compost facility:
  - i) Front parcel line: 30.0 metres
  - ii) Rear parcel line: 30.0 metres
  - iii) Interior side parcel line: 30.0 metres
  - iv) Exterior side parcel line: 30.0 metres

**17.1.9 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

**17.1.10 Maximum Parcel Coverage:**

- a) 35%

**17.1.11 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
  
- vi) adding a new Section 17.28 (Site Specific Small Holdings Five (SH5s) Provisions) under Section 16.0 (Site Specific Designation) to read as follows:

**17.28 Site Specific Small Holdings Five (SH5s) Provisions:**

- .1 blank.

- 4. The land described as Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD, and shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw) is zoned Twin Lake Acres Comprehensive Development (CD4) in the Regional District of Okanagan-Similkameen, Electoral Area "I" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended accordingly.
  
- 5. The land described as Lots 1-2, Plan KAP58497, District Lot 2169, SDYD, Lots 1 & 4-5, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD, and Lot 6, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD, Except Plan KAP58497, and shown shaded yellow on the attached Schedule 'B' (which forms part of this Bylaw) is zoned Small Holdings Five (SH5) in the Regional District of Okanagan-Similkameen, Electoral Area "I" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended accordingly.
  
- 6. Sections 2, 4 & 5 of this Bylaw shall come into force on the day that is one year and one day after the date this Bylaw is adopted.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer



# Regional District of Okanagan-Similkameen

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

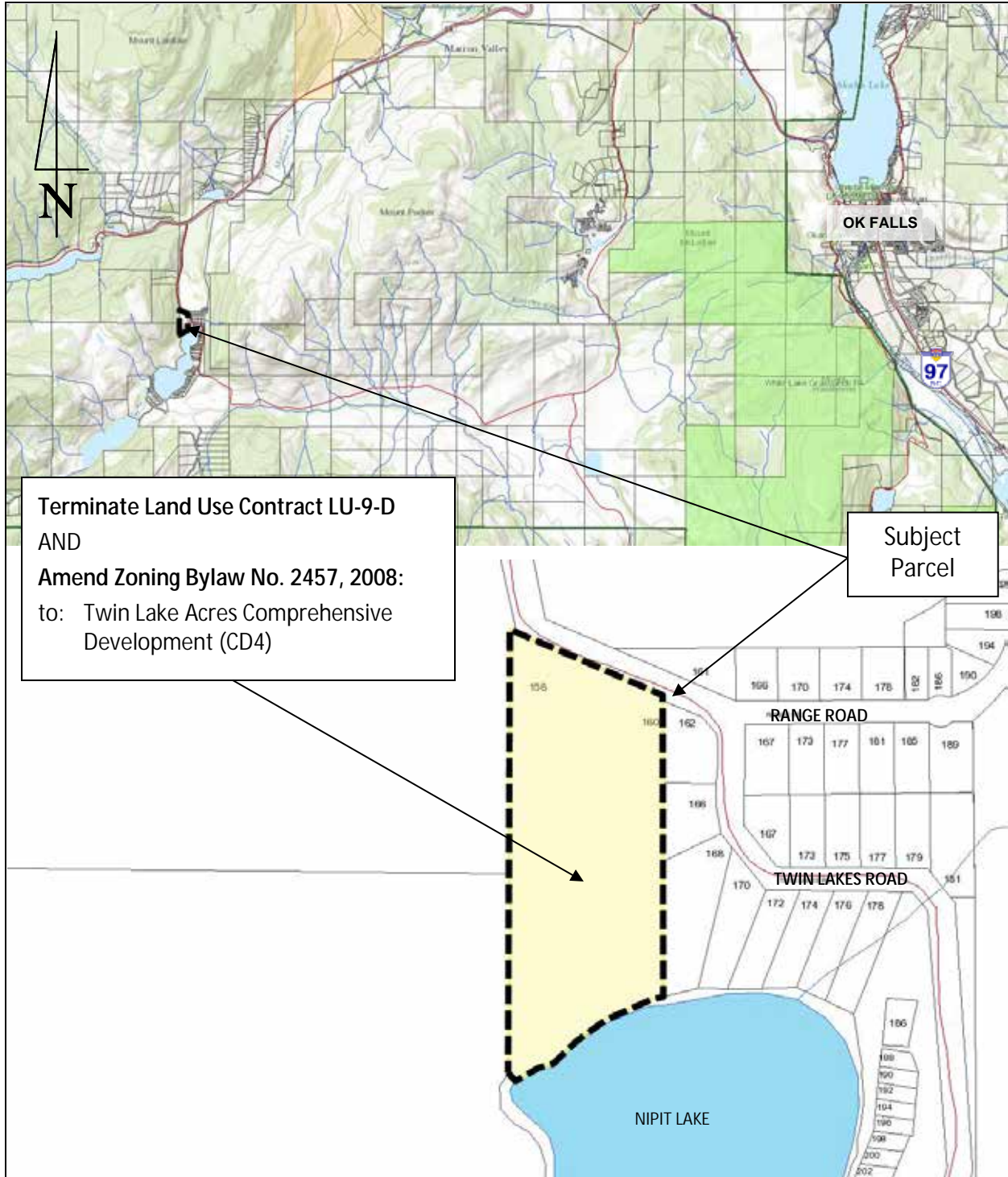
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2457.28, 2019

File No. I2018.174-ZONE

## Schedule 'A'



# Regional District of Okanagan-Similkameen

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

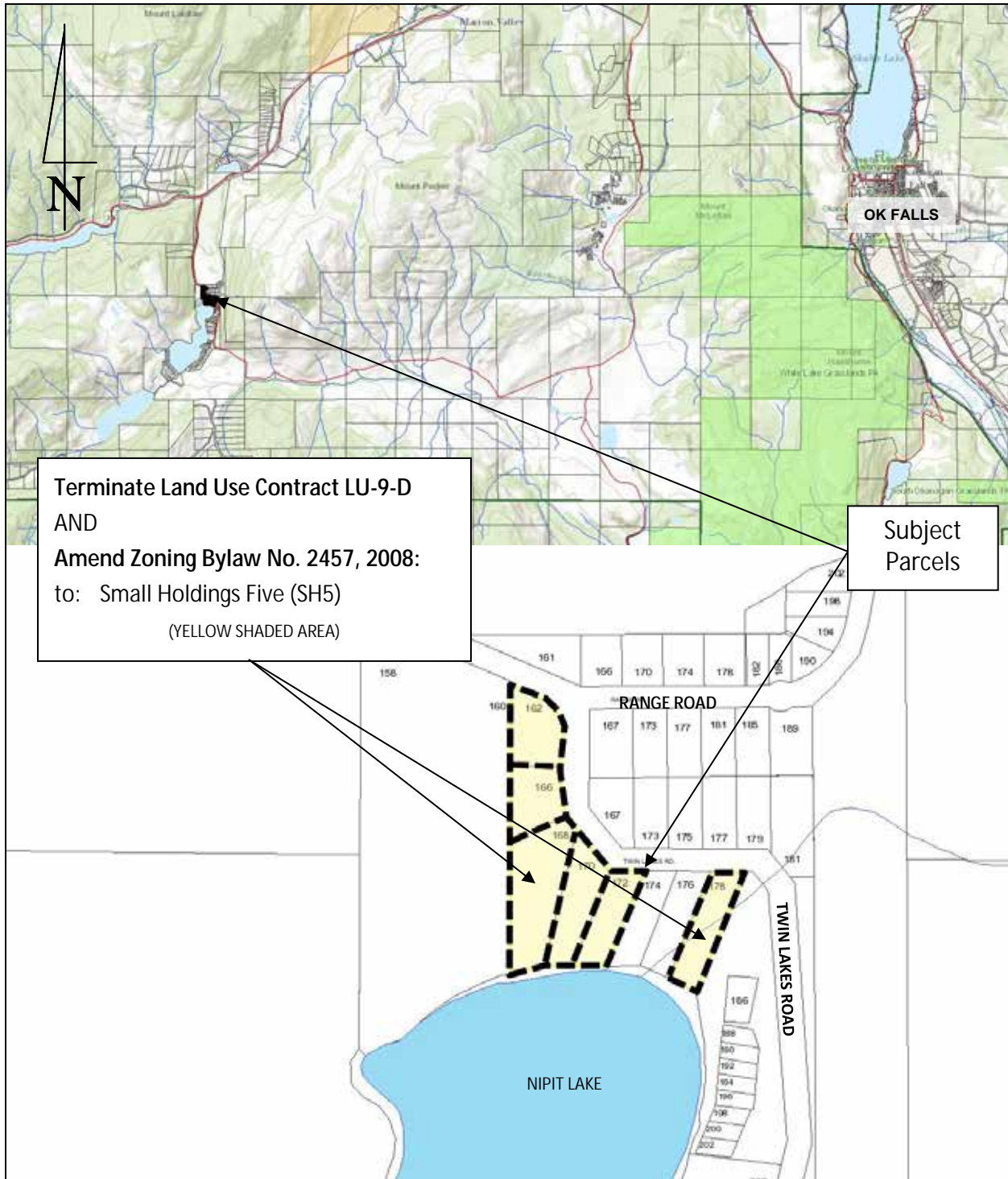
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2457.28, 2019

File No. I2018.174-ZONE

## Schedule 'B'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2457.29, 2019**

---

**A Bylaw to partially discharge Land Use Contract No. LU-9-D and  
to amend the Electoral Area "I" Zoning Bylaw No. 2457, 2008**

---

WHEREAS pursuant to s. 546 of the *Local Government Act*, a local government may, by bylaw, discharge a land use contract that applies to land within the jurisdiction of the local government; and

WHEREAS the registered owner of the lands described in sections 2 of this bylaw has agreed to the discharge of the land use contract that applies to their respective lands;

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 "I" Land Use Contract No. LU-9-D Discharge and Zoning Amendment Bylaw No. 2457.29, 2019".
2. The Land Use Contract No. LU-9-D, registered in the Kamloops Land Title Office under charge number M42703 against title to the land described as Lot 2, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD, and shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw), is discharged in respect of that land and the authorized signatories of the Regional District may execute the discharge agreement attached to this bylaw as Schedule 'B'.
3. The land described in section 2 is zoned Small Holdings Five (SH5) in Regional District of Okanagan-Similkameen, Electoral Area "I" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended accordingly.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer



# Regional District of Okanagan-Similkameen

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

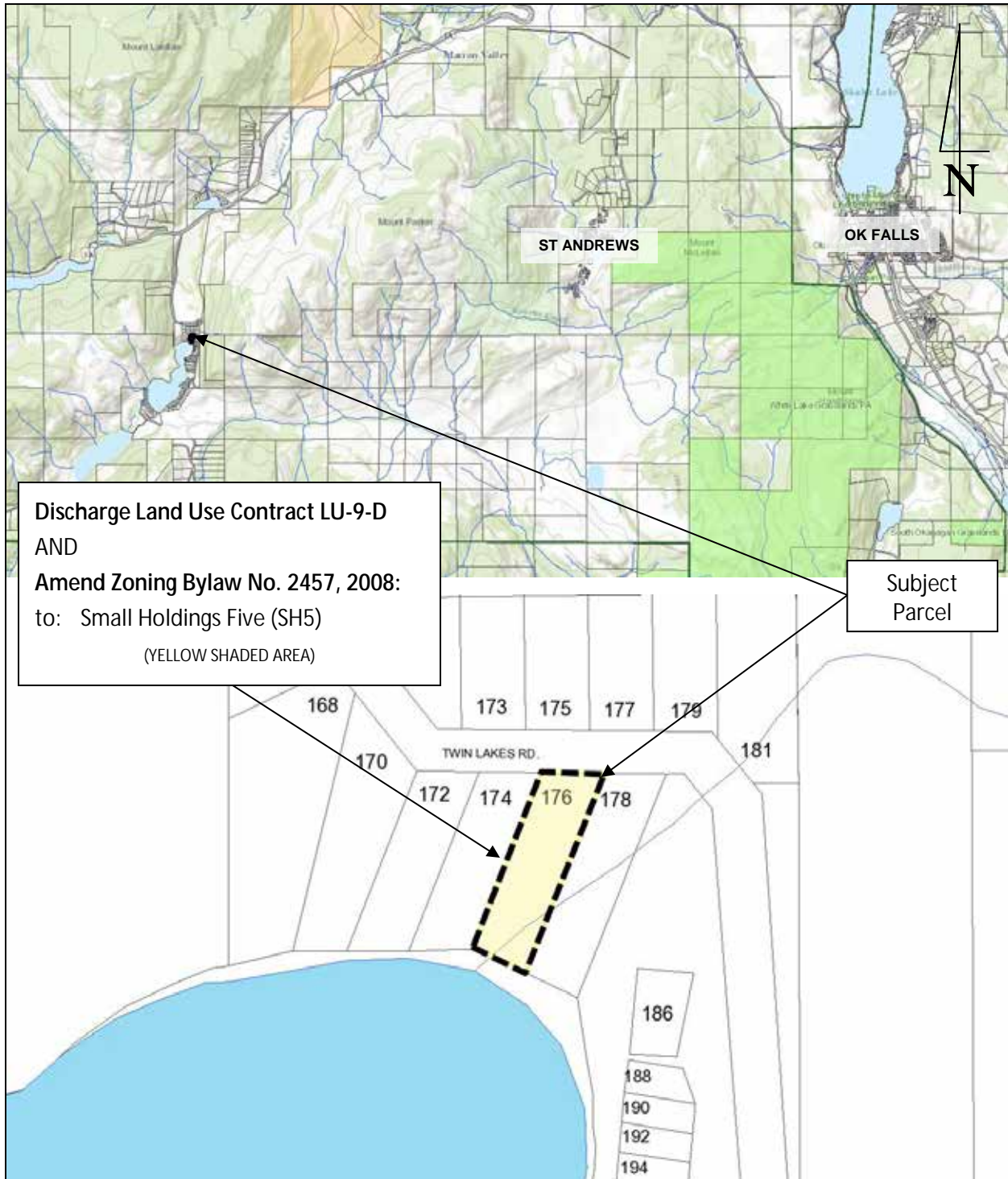
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2457.29, 2019

File No. I2018.174-ZONE

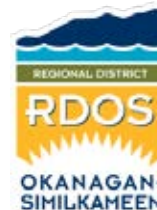
## Schedule 'A'



# 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)



Amendment Bylaw No. 2457.29, 2019

File No. I2018.174-ZONE

## Schedule 'B'

### LAND USE CONTRACT DISCHARGE AGREEMENT

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN



WHEREAS on February 15, 1974, the Regional District of Okanagan-Similkameen entered into a land use contract with Twin Lakes Guest Ranch and Resort Limited and Douglas & Jean Hadley in respect of Lots 19 & 20, District Lot 2169, and of Section 36, Township 89, SDYD, Plan 17461 (the "Land"), which land use contract was authorized by Electoral Area 'D' Zoning Bylaw No. 100 Amendment Bylaw No. 206, 1974, and registered in the Kamloops Land Title Office under No. J49963 (the "Land Use Contract"); and

WHEREAS the Land was subsequently subdivided by Plan KAP38989 deposited in the Kamloops Land Title Office on December 9, 1987; and

WHEREAS on December 29, 2011, Carolyn Jager & Harvey Jager (the "Owners") became the owners in fee simple of Lot 2, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD ("Lot 2"); and

WHEREAS the Regional District and the Owner wish to discharge the Land Use Contract in respect of Lot 2; and

WHEREAS under Section 546 of the *Local Government Act* a land use contract that is registered in a land title office may be discharged by bylaw, with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment; and

WHEREAS the Regional District has held a public hearing in accordance with Sections 464 to 470 of the *Local Government Act* and has authorized the execution of this Agreement by Electoral Area "I" Land Use Contract Discharge and Zoning Amendment Bylaw No. 2457.28, 2019;

THIS AGREEMENT is evidence that, in consideration of the premises and the sum of one dollar paid to the Regional District by the Owner, the receipt and sufficiency of which are acknowledged by the Regional District, the Owner and the Regional District agree that the Land Use Contract is discharged in relation to Lot 2.

Carolyn Jager & Harvey Jager

  
Authorized Signatory:

  
Authorized Signatory:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

By its authorized signatories:

\_\_\_\_\_  
Board Chair:

\_\_\_\_\_  
Corporate Officer:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2683.03, 2019**

---

**A Bylaw to amend the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016**

---

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 "I" Official Community Plan Amendment Bylaw No. 2683.03, 2019."
2. The Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by:
  - i) adding a new sub-section 4 under Section 10.5 (Policies – Small Holdings) to read as follows:
    - .4 Requires that any proposal seeking to rezone the parcel described as Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD (160 Twin Lakes Road) in order to facilitate subdivision demonstrate the ability to connect to a community water and sewer system, and that the land is no longer designated, in accordance with the *Agricultural Land Commission Act*, as being within the Agricultural Land Reserve (ALR).
3. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by changing the land use designation of the land described as Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture (AG) to Small Holdings (SH).



READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

\_\_\_\_\_  
Board Chair

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

# Regional District of Okanagan-Similkameen

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

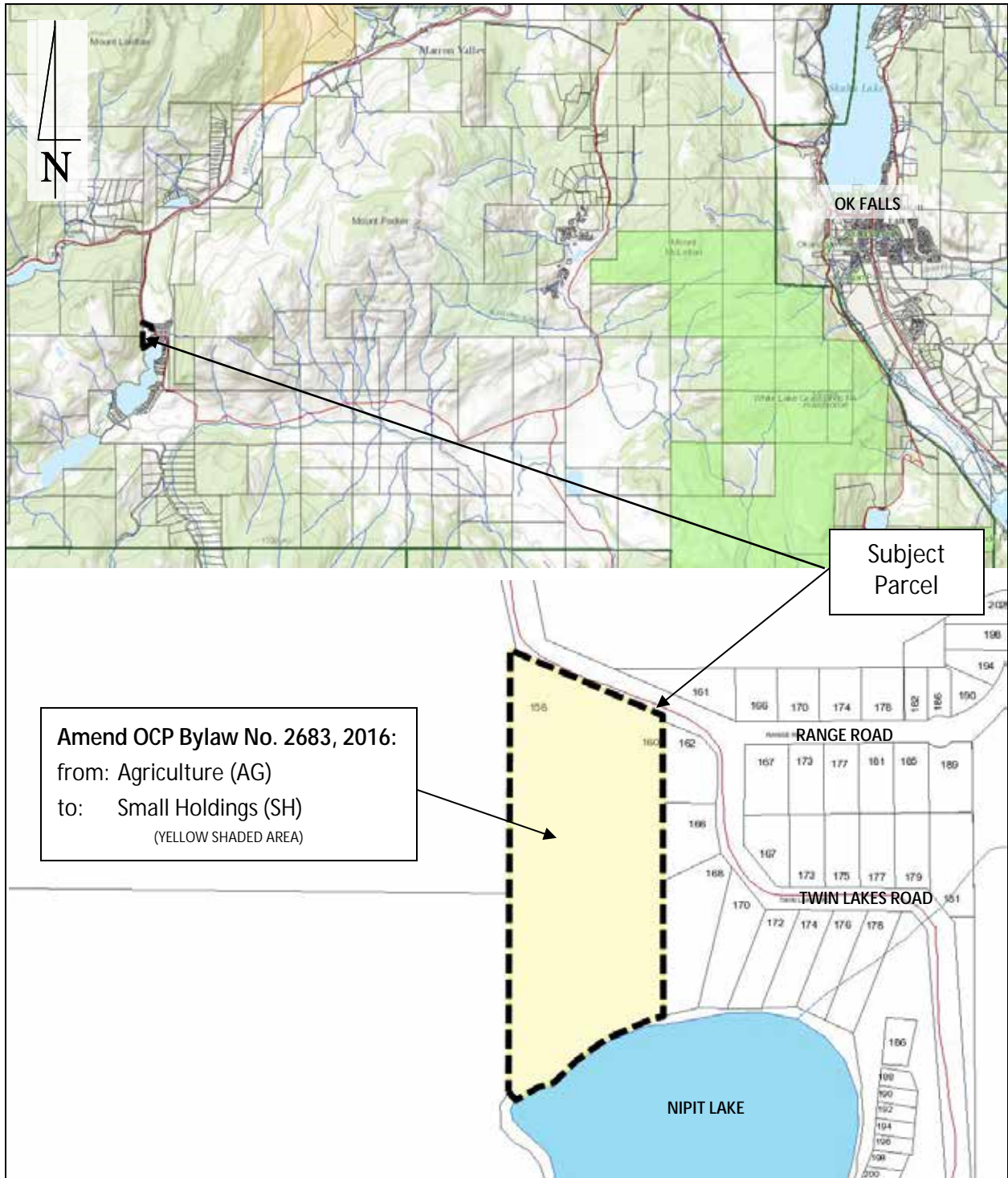
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2019

Project No: I2018.174-ZONE

## Schedule 'A'



Amendment Bylaw No. 2683.03, 2019

(I2018.174-ZONE)

Page 3 of 3



# Feedback Form

Regional District of Okanagan Similkameen

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

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

TO: Regional District of Okanagan Similkameen FILE NO.: I2018.174-ZONE

FROM: Name: Aiken S Ranches Ltd.  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

RE: "Early Termination" of Land Use Contract (LUC) No. LU-9-9

My comments / concerns are:

- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D
- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D subject to the comments listed below.
- I do not support the proposed "Early Termination" of Land Use Contract No. LU-9-D.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw Nos. 2683.03 & 2457.28.

We suggest the name of this CD4 zone should be Twin Lake Acres CD4

AIKEN S RANCHES LTD

(Sec/Treas)  
(PRESIDENT)

Feedback Forms must be completed and returned to the Regional District no later than Monday September 23, 2019

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



**Lauri Feindell**

---

**Subject:** FW: Feedback Form file 12018.174-Zone

**Sent:** September 19, 2019 9:01 PM

**To:** Planning <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)>

**Cc:** Subrina Monteith <[smonteith@rdos.bc.ca](mailto:smonteith@rdos.bc.ca)>

**Subject:** Feedback Form file 12018.174-Zone

To the RDOS Planning Department,

Aiken S Ranches LTD are responding to the Early Termination of Land Use Contract No.LU-9-D with the attached form.

We support the proposal with a name change to Twin Lake Acres CD4.  
We thank you for your consideration and time spent.

Regards,  
Coral Brown, shareholder of ASR Ltd.



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## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2683.03 & 2457.28/ .29

- |   |   |
|---|---|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below  | <input type="checkbox"/> Interests Unaffected by Bylaw                          |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

Thank you for requesting our comments on an amendment to the proposed LU-9-D to be replaced with a new Comprehensive Development Zone.

In review of the proposal, the amendment is due to the share lot ownership structure of the property and the 7 dwelling units. We noted in the draft amendments, a statement that no further development should occur until there is sustainable community servicing (water and sewerage).

We agree that servicing be part of the draft proposal since the parcel is in proximity to surface water which could create health, environmental and developmental concerns

Since the zoning and OCP amendment is to maintain the present land use characteristics, I am questioning why the proposal is to remove land from the ALR. Parcels within the ALR may remain agricultural and therefore would have the potential to support local food production.

Signature:  \_\_\_\_\_

Signed By: Clare Audet

Agency: Interior Health

Title: EHO – Health Communities

Date: February 13, 2019

## Lauri Feindell

---

**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** January 22, 2019 11:45 AM  
**To:** Lauri Feindell  
**Subject:** Response - ALC

Lauri

This is to advise that the ALC does not believe that the rezoning of Lot 20, KAP17461 as Twin Lakes Resort Comprehensive Development (CD4) Zone is consistent with the purposes of the ALC Act. While appreciating that seven homes exist on the Property, the ALC notes that the property has been in the ALR for more than 45 years, and that it appears no permission was provided to construct additional dwellings on the property from the ALC, and that any additional dwellings beyond a single dwelling could only be for farm help (as per Section 18 of the ALC Act) .

As long as the property lies within the ALR the ALC is unable to support the proposed designation.

Regards

Martin Collins  
Director of Policy and Planning  
Agricultural Land Commission  
#201, 4940 Canada Way, Burnaby, BC V5G 4K6  
Phone: 604-660-2554  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)





Feb 10, 2019

File No: I2018.174-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: LUC No. LU-9-D, I2018.174-ZONE Referral

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed zoning bylaw and Official Community Plan (OCP) land use re-designation amendments for the early termination of Land Use Contract (LUC) No. LU-9-D. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- Ministry staff have concerns with this proposal. The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use; farming is supported and non-agricultural uses are restricted.
- The proposed OCP land use re-designation from Agriculture (AG) to Small Holding (SH) and early termination of LU-9-D to Comprehensive Development (CD4) zone for the specific parcel (Lot 20, 160 Twin Lakes Road) located on the ALR does not appear to have a positive benefit for agriculture.
- While the extended history of seven residential homes on the parcel is recognized, bylaw consistency with the *Agricultural Land Commission Act* (ALC Act) and ALR Use, Subdivision and Procedures (ALR USP) Regulation is strongly encouraged. Please refer to ALC Policy L-08 which includes specific information on ALC Act Section 18 and ALR USP Regulation Section 3(1)(b).

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: ALC Regional Planner, [ALCBurnaby@Victoria1.gov.bc.ca](mailto:ALCBurnaby@Victoria1.gov.bc.ca)







February 14, 2019

File: 2019003  
Your File: I2018.174-ZONE

Regional District of Okanagan-Similkameen  
101 Martin Street,  
Penticton BC V2A 5J9

Attention: Chris Garrish

Re: Early termination of LUC LU-9-D and replacement with Twin Lakes Resort Comprehensive Development (CD4) Zone and SH5 Zone for 160 Twin Lakes Road and adjacent properties as listed in the Bylaw Referral, located in Electoral Area I, Kaleden, B.C.

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations & Rural Development has reviewed the above noted referral. We understand that the application is for early termination of LU-9-D and replacement with Twin Lakes Resort Comprehensive Development (CD4) Zone and Small Holdings 5 (SH5) Zone under the Electoral Area "I" Zoning Bylaw No. 2547, 2008.

According to our records, the proposed development area contains the following sensitive features:

- Critical habitat for Lewis's woodpecker
- Critical habitat for Western rattlesnake
- Critical habitat for blotched tiger salamander
- Critical habitat for Long-leaved phlox
- Red-listed ecological community: Baltic rush – common silverweed
- Ungulate Winter Range for mule deer
- Blue-listed Nuttall's Cottontail
- Proximity to known snake habitat
- Very high conservation ranking

As such, we have assessed this referral to be a known and potential risk to wildlife, fish or their habitats based on the information available. It appears more likely that the amount and type of development allowed in the proposed CD4 zoning for 160 Twin Lakes Road poses more harm to the sensitive environmental values at the site than the originally proposed AG1 Zone. For this reason we do not support the current zoning



proposal.

We appreciate the opportunity to contribute to this application as part of the Ministry's One Land Manager model. Please contact the undersigned if you cannot follow the recommendations provided in this referral response. It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the *Water Sustainability Act* and the *Wildlife Act*. The undersigned may be reached at [Jamie.Leathem@gov.bc.ca](mailto:Jamie.Leathem@gov.bc.ca) or 250-490-8294 if you have further questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Leathem', written in a cursive style.

Jamie Leathem, M.Sc.  
Ecosystems Biologist  
For the Referral Committee

JL/jl



## Penticton Indian Band

*Natural Resources Department*  
841 Westhills Drive | R.R. #2, Site 80, Comp.19  
Penticton, B.C. CAN  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION**

January 16, 2019

Regional District of Okanagan Similkameen  
101 Martin Street  
PentictonBC V2A 5J9

**RTS ID:** 3602

**Referral Date:** January 14, 2019

**Referral ID:** I2018.174-ZONE

**Reference ID:** Bylaw: 2683.03; and 2457.28/29

**Summary:** Early termination of contract (LUC) No. LU-9-D and to replace it with a new Twin Lakes Resort CD4 and SH5 Zones. To amend the land use designation of 160 Twin Lakes Road from AG to SH.

**Attention: Christopher Garrish**

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on January 16, 2019. This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 days from the existing timeline.

Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economical from those uses.

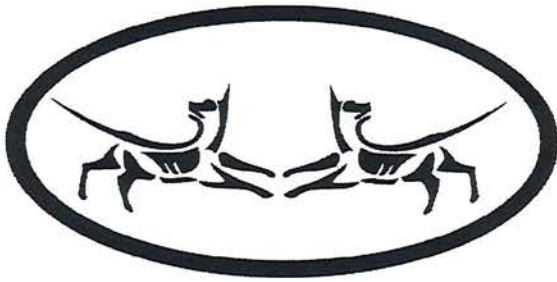
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlæmt,  
Natasha Slack  
Referrals Administrator

RTS ID: 3602 CC: Osoyoos Indian Band (Referrals@oib.ca), ONA (nrmanager@syilx.org)





## Penticton Indian Band

Natural Resources Department  
841 Westhills Drive | R.R. #2, Site 80, Comp.19  
Penticton, B.C. CAN  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION**

January 16, 2019

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

**RTS ID:** 3602

**Referral Date:** January 14, 2019

**Referral ID:** I2018.174-ZONE

**Reference ID:** Bylaw: 2683.03; and 2457.28/29

**Summary:** Early termination of contract (LUC) No. LU-9-D and to replace it with a new Twin Lakes Resort CD4 and SH5 Zones. To amend the land use designation of 160 Twin Lakes Road from AG to SH.

**Attention: Christopher Garrish**

The Penticton Indian Band acknowledges receipt of your referral dated January 14, 2019. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Clear PDF of proposed project area  
Corresponding .kml or .kml location files

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

If you require further information or clarification, please do not hesitate to contact me.

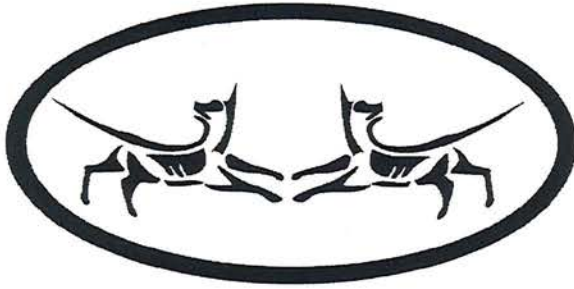
Limlëmt,

Natasha Slack  
Referrals Administrator

RTS ID: 3602 CC: Osoyoos Indian Band (Referrals@oib.ca),ONA (nrmanager@syilx.org)







## Penticton Indian Band

Natural Resources Department  
841 Westhills Drive | R.R. #2, Site 80, Comp.19  
Penticton, B.C. CAN  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411 Fax: 250-493-2882

January 16, 2019

**WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION**

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

**RTS ID:** 3602

**Referral ID:** I2018.174-ZONE

**Referral Date:** January 14, 2019

**Reference ID:** Bylaw: 2683.03; and 2457.28/ 29

**Summary:** Early termination of contract (LUC) No. LU-9-D and to replace it with a new Twin Lakes Resort CD4 and SH5 Zones. To amend the land use designation of 160 Twin Lakes Road from AG to SH.

**ATTENTION: Christopher Garrish**

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory and the PIB Area of Responsibility. All lands and resources within the vicinity of this referral are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

Penticton Indian Band has specific referral processing requirements for both government and proponents which are integral to the exercise of our Rights to manage our lands and resources and to ensuring that the Crown can meet its duty to consult and accommodate our Rights, including our Aboriginal Title and management Rights. There is a cost associated with PIB referral processing and engagement. In accordance with PIB policy, proponents are required to pay a processing fee for each referral.

This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be fully reviewed.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982





If the proposed activity requires a more in-depth review, Penticton Indian Band will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

**Invoice Number: 1239**

	SubTotal	Tax	Total
Referral Processing	\$ 500.00	\$ 0.00	\$ 500.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

**INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00**

Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #3602

limlæmt,

Natasha Slack  
Referrals Administrator  
P: 250-492-0411  
Referrals@pib.ca

RTS ID: 3602 CC: Osoyoos Indian Band (Referrals@oib.ca),ONA (nrmanager@syilx.org)



## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2457.28

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide a health perspective to the proposed change from LU-9-D to Small Holdings Five (SD5) and Agricultural (AG1) to meet the zoning needs of the parcels.

The servicing of these lots and whether the size, location and existing/ future potential development can accomodate onsite sewerage disposal systems that can be shown to be sustainable would be recommended.

The zoning change is on parcels adjacent to surface water and this would place restraints on all aspects of development for residential and agricultural zoning.

We would encourage safeguards to protect sufficient area to enable sustainable infrastructure for the designated lots.

Healthy Community Development endorses and recommends the design, quality and affordability of housing options which supports healthy living by protecting residents form health risks inside and near the home.

Signature:  \_\_\_\_\_

Signed By: Clare Audet

Agency: Interior Health

Title: Environmental Health Officer- HCD

Date: December 7, 2018

## Lauri Feindell

---

**From:** Christopher Garrish  
**Sent:** December 14, 2018 12:05 PM  
**To:** Lauri Feindell  
**Subject:** FW: Resoponse : LU-9-D Twin Lakes Road  
**Attachments:** LU-9-D Twin Lakes.pdf

Attached for EDMS.

---

**From:** Audet, Clare <Clare.Audet@interiorhealth.ca>  
**Sent:** December 7, 2018 11:05 AM  
**To:** Christopher Garrish <cgarrish@rdos.bc.ca>  
**Subject:** Resoponse : LU-9-D Twin Lakes Road

I have attached the response form with some comments.

Thank you for the additional information on these parcels. I agree that this zoning is the best fit for the changes that must be carried out through legislation.

The healthy community development program was designed to provide health information that could create initiatives within communities which translate into health, social and environmental benefits.

Clare Audet  
Environmental Health Officer  
Healthy Built Environment – Healty Community Development, Population Health

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---

**From:** Christopher Garrish [<mailto:cgarrish@rdos.bc.ca>]  
**Sent:** Friday, December 07, 2018 8:57 AM  
**To:** Audet, Clare  
**Subject:** RE: LU-9-D Twin Lakes Road

**CAUTION:** This email originated from outside of Interior Health. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Clare,

The properties were all developed between the 1970 and 1990s and the proposed zoning is simply dealing with the fact that the Land Use Contract is going to cease to exist in 2024. We are trying to re-create the provisions of the LUC as best as we can without increasing density in this area. We have concerns about water quality of the lake as well as

quantity as this area has been prone to significant flooding the past two years. The decision to remove the 400 metre setback for septic's from the lake was made in 1986.

Any comments that you think would be beneficial would certainly be appreciated.

Sincerely,

Chris.



**Christopher Garrish MA, MSS, MCIP, RPP** • Planning Supervisor

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250.490.4101 | tf. 1.877.610.3737 | f. 250.492.0063

[www.rdos.bc.ca](http://www.rdos.bc.ca) | [cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca) | [FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)

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---

**From:** Audet, Clare <[Clare.Audet@interiorhealth.ca](mailto:Clare.Audet@interiorhealth.ca)>

**Sent:** December 6, 2018 4:33 PM

**To:** Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>

**Subject:** LU-9-D Twin Lakes Road

Interior Health is concerned with property zoning in proximity to a surface water and with no specific information on servicing potential within the development area. It was noted that in one of the LUC that onsite sewerage setback was amended from a distance of 400 feet. Having servicing bylaws that will ensure sustainable infrastructure for both the residential and agricultural zoning could protect this watershed.

The change in zoning will not alter the pre-existing development within this area, it will safeguard the sustainability of the proposed zoning.

Could you please let me know whether our comments are still of value to this referral?

**Clare Audet** Environmental Health Officer

Healthy Built Environment, Healthy Community Development, Population Health

519 Columbia Street,

Kamloops, BC V2C 2T8

office 250 851 7347 Fax 250 851-7341

1-855 744-6328 (option 4)

[HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)

**Lauri Feindell**

---

**Subject:** FW: Response - MFLNRO

---

**From:** Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>

**Sent:** December 4, 2018 1:26 PM

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

**Cc:** Christopher Garrish <cgarrish@rdos.bc.ca>

**Subject:** Response - MFLNRO

Hi,

The Ecosystems Section of the Ministry of Forest Lands Natural Resource Operations and Rural Development has reviewed the above noted referral and has no concerns.

Thank you.

Cathy Lacey  
Admin Support  
MFLNRO Penticton







December 3, 2018

File No: I2018.174-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: LUC No.LU-9-D Replacement Referral. File No. I2018.174-ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed zoning bylaw for the early termination of Land Use Contract (LUC) No. LU-9-D. I have reviewed the documents you have provided. From an agricultural perspective I can provide the following comments for your consideration:

- The Ministry's Strengthening Farming Program encourages local governments' support of agriculture.
- The termination of LU-9-D can have a positive impact on agriculture given that the parcels will now be zoned AG1 or SH5, which are supportive of agriculture.

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: ALC Regional Planner, [ALCBurnaby@Victoria1.gov.bc.ca](mailto:ALCBurnaby@Victoria1.gov.bc.ca)



# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2457.28

- |   |   |
|---|---|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below  | <input type="checkbox"/> Interests Unaffected by Bylaw                          |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

This is to advise that the ALC has no objection to the proposed bylaw amendment affecting the above referenced properties.

Signature: 

Signed By: Martin Collins

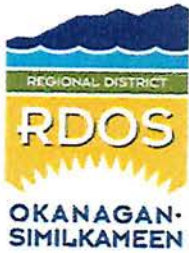
Agency: ALC

Title: Director of Policy and Planning

Date: November 28, 2018







# Feedback Form

RECEIVED  
Regional District

DEC -7 2018

Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: I2018.174-ZONE

FROM: Name: AIKEN S RANCHES LTD.  
(please print)

Street Address: 158 TWIN LAKES ROAD

Tel/Email: \_\_\_\_\_

RE: "Early Termination" of Land Use Contract (LUC) No. LU-9-D  
Electoral Area "I" Zoning Amendment Bylaw No. 2457.28

My comments / concerns are:

- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D
- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D subject to the comments listed below.
- I do not support the proposed "Early Termination" of Land Use Contract No. LU-9-D.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2457.28.

AIKEN S RANCHES LTD. DO NOT SUPPORT  
EARLY TERMINATION AS PROPOSED

OF LOT 20  
- Natural Grassland Ranch

DEC 11/18

TRISH WELLS, Vice President  
AIKEN S RANCHES LTD.

Feedback Forms must be completed and returned to the Regional District  
no later than Monday **December 12, 2018**

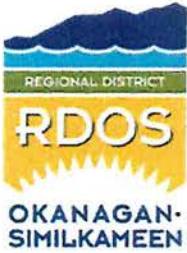
Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



RECEIVED  
Regional District

DEC 11 2018

101 Martin Street  
Penticton BC V2A 5J9



# Feedback Form

Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: I2018.174-ZONE

FROM: Name: HELENA TOL  
(please print)

Street Address:

Tel/Email:

RE: "Early Termination" of Land Use Contract (LUC) No. LU-9-D  
Electoral Area "I" Zoning Amendment Bylaw No. 2457.28

My comments / concerns are:

- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D
- I do support the proposed "Early Termination" of Land Use Contract No. LU-9-D subject to the comments listed below.
- I do not support the proposed "Early Termination" of Land Use Contract No. LU-9-D.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2457.28.

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Feedback Forms must be completed and returned to the Regional District  
no later than Monday **December 12, 2018**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



# ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Hillside & Steep Slope Development Permit Area Update – Electoral Area “D”

---

## **Administrative Recommendation:**

**THAT Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a first and second time;**

**AND THAT Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a first and second time and proceed to public hearing;**

**AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated October 3, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;**

**AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2603.02, 2019, in conjunction with its Financial and applicable Waste Management Plans;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 7, 2019;**

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

---

## **Purpose:**

The proposed amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, are intended to update the Hillside Development Permit (HDP) Area designation so that it is only applied to subdivisions and not building permits and so that the supporting guidelines reflect this proposed focus on subdivisions.

The proposed amendments to the Regional District’s Development Procedures Bylaw No. 2500, 2011, are related to the proposed changes to the OCP Bylaw and address application requirements and appeals of a delegated decision.

## **Background:**

At its meeting of March 6, 2014, the Board adopted the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013. Amongst other things, this bylaw introduced the Hillside and Steep Slope Development Permit Area designation. The objectives of the Hillside DP are to:

- achieve environmentally sound and livable hillside neighbourhoods which are aesthetically well integrated into the hillside;
  - minimize the risk of erosion, landslip or rockfall on development in steep slope areas;
  - preserve native vegetation and ecosystems in steep slope areas;
-

- 
- preserve significant natural features and landscapes that contribute to the positive image and identity of the community (eg. rock outcroppings, ravines, hilltops and ridgelines); and
  - enhance the desirability and marketability of hillside developments, allowing flexibility and innovation in design while recognizing the importance of preserving natural features and hillside character.

At its meeting of September 19, 2019, the P&D Committee of the Board resolved that Amendment Bylaw No. 2603.02, 2019, Electoral Area "D" OCP Amendment Bylaw and Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be brought forward for first reading.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments do not involve the zoning of lands.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural lands. Both the ALC and the Ministry of Agriculture have been made aware of this proposal.

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 & 67 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment will be reviewed by the Public Works Department and Finance Department, to ensure it is consistent with RDOS's current waste management plan and financial plan.

All agency comments that have been received are included as a separate item on the Board Agenda.

**Public Process:**

At its meeting of July 9, 2019, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed amendments to the Hillside & Steep Slope Development Permit Area Update be approved.

The APC further expressed support for the regulation of storm water management and the development of blasting regulations as related projects (these were presented to the P&D Committee at its meeting of September 19, 2019).

Administration recommends the consideration by the Electoral Area "D" APC as well as formal referral to the agencies listed at Attachment No.1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, this process is seen to be sufficiently early and does not require further ongoing consultation.

**Analysis:**

Further to the direction provided by the P&D Committee of the Board at its meeting of September 19, 2017, Administration is proposing the following amendments to the Hillside DP Area:



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### Designation under the *Local Government Act*:

At present, the current Hillside DP Area is designated under Section 488(a) & (b) of the *Local Government Act*, which are related to “the protection of the natural environment, its ecosystems and biological diversity” (b) and “protection of development from hazardous conditions” (a).

Of the permits issued between 2014 and 2017, few (if any) were supported by an assessment from a qualified environmental professional (QEP) regarding impacts on the natural environment, ecosystems or biological diversity. In addition, the Regional District completed an update of its Environmentally Sensitive Development Permit (ESDP) Area in 2017.

For these reasons, Administration is proposing to have the revised Hillside DP Area be designated under Section 488(a) only, and to rely on ESDP’s to address environmental impacts from proposed subdivisions.

### Development Requiring a Permit:

At present, the requirement for a Hillside DP is triggered by subdivision, construction and the clearing or altering of land. Administration is proposing to amend this so that only subdivision triggers the need for a permit.

### Guidelines:

Administration is proposing to streamline the current guidelines by removing requirements related to the design of retaining walls (as this has subsequently been incorporated within the Zoning Bylaw) as well as references to environmentally sensitive lands.

The requirement to provide a suitable “useable area” on each proposed parcel at the DP stage is also being introduced and linked to a similar provision that now exists in the Zoning Bylaw (i.e. a 200 m<sup>2</sup> useable area must be provided on each proposed parcel at the time of subdivision).

### Exemptions:

At present, activities such as quarrying, farm uses and buildings, construction that does not require a permit, short-term special events, and fencing are exempt from the need for a Hillside DP.

With the Hillside DP Area only applying to subdivisions, Administration is proposing to revise this list of exemptions to only apply to boundary adjustments and parcel consolidations.

### Application Requirements:

At present, application requirements for a Hillside DP are contained within the OCP Bylaw, whereas application requirements for most other types of DP’s are contained within the Regional District’s Development Procedures Bylaw No. 2500, 2011.

To ensure consistency, Administration is proposing to transfer all application requirements for a Hillside DP — such as the need for a geotechnical report from a qualified professional engineer — into a new section of the Development Procedures Bylaw.

### Mapping:

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When the current Electoral Area “D” OCP Bylaw was adopted in 2013, Schedule ‘F’ (Hillside DP Area) of the bylaw included a superseded version of the hillside mapping.

Administration is proposing to address this by replacing Schedule ‘F’ in its entirety with the version that was supposed to have been considered at 1<sup>st</sup> reading of the OCP Bylaw.

A principal outcome of this change will be to remove the Okanagan Falls townsite as well as large sections of the surrounding area from the Hillside DP Area. For reference purposes, a comparison of the current and proposed Hillside DP Area mapping for this particular part of the Electoral Area is presented at Attachment Nos. 1 & 2.

Appeal of a Delegated Decision:

Under the Section 3.46 of the Regional District’s CAO Delegation Bylaw No. 2793, 2018, Hillside DP’s have been delegated to staff to “approve, issue, sign, amend and cancel”.

Section 232(2) of the Act requires that when such decisions have been delegated to staff, “the board must, by bylaw, establish procedures for such a reconsideration, including how a person may apply for the reconsideration.”

To address this, Administration is proposing to include wording at Section 3.6 (Permits – Issuance and Refusal) of the Development Procedures Bylaw outlining how a delegated decision may be reconsidered by the Board. These procedures are included at Attachment No. 4.

**Alternatives:**

- .1 THAT Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a first and second time;  
AND THAT Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a first and second time and proceed to public hearing;  
AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated October 3, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;  
AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2683.03, 2019, in conjunction with its Financial and applicable Waste Management Plans;  
AND THAT the holding of a public hearing be delegated to Director Obirek, or delegate;  
AND THAT staff schedule the date, time and place of the public hearing with Director Obirek, or delegate;  
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

OR

- .2 THAT consideration of bylaws be Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw deferred.



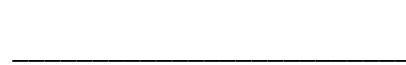
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Respectfully submitted:



C. Garrish, Planning Manager

Endorsed By:



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaws No. 2603.02, 2019:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input checked="" type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input checked="" type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Archaeology Branch
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	Dominion Radio Astrophysical Observatory
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Lakeshore Highlands Water System
<input checked="" type="checkbox"/>	Okanagan Falls Irrigation District	<input checked="" type="checkbox"/>	OK Falls Volunteer Fire Department

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2500.03, 2019**

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**A Bylaw to amend the Regional District of Okanagan-Similkameen  
Development Procedures Bylaw 2500, 2011**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.03, 2019."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
  - (i) replacing all references to "Manager of Development Services" with "General Manager of Development Services".
  - (ii) replacing all references to "Development Services Manager" with "General Manager of Development Services".
  - (iii) adding a new sub-section 2 under Section 3.6 (Permits – Issuance and Refusal) at Section 3.0 (General Provisions) to read as follows:
    - .2 When the Chief Administrative Officer (CAO) has been delegated authority under the Regional District's *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, to approve or refuse a permit, the following applies to any such decision:
      - (a) any owner of property that is subject to a decision under the *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, who is dissatisfied with the decision is entitled to have the decision reconsidered by the Regional District Board in accordance with this section.
      - (b) An owner who wishes to have a decision reconsidered by the Regional District Board must apply for reconsideration by delivering, to the CAO, or their delegate, within 30 days after the decision is communicated in writing to:
        - (i) the date and the nature of the decision;

- (ii) the reason why the owner wishes the decision to be reconsidered by the Regional District Board;
  - (iii) the decision the owner requests be made by the Board, with brief reasons in support of the requested decision; and
  - (iv) a copy of any materials considered by the owner to be relevant to the reconsideration by the Board.
- (c) A reconsideration application will be considered by the Regional District Board at a regular meeting of the Regional District Board.
- (d) The CAO, or their delegate, must:
- (i) place each reconsideration application on the agenda for a regular meeting of the Regional District Board in accordance with section 3(c);
  - (ii) give notice of each reconsideration by the Regional District Board in accordance with any notice requirements in respect of the original application that are set out in this bylaw; and
  - (iii) before each reconsideration by the Regional District Board, deliver to each Director a copy of the material that was considered by the delegate in making the decision that is to be reconsidered.
- (e) In reconsidering a decision, the Regional District Board must consider the material that was considered by the delegate in making the decision.
- (f) At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by the Regional District Board.
- (g) The Regional District Board is entitled to postpone reconsideration of a decision.
- (h) After having reconsidered a decision, the Board may either confirm the decision or may set aside the decision and substitute the decision of the Regional District Board.
- (iv) adding a new sub-section (d) under Section 1 (Application Requirements) of Schedule 3 (Application for a Development Permit) to read as follows:

**(d) Hillside Development Permit Application Requirements**

- .1 In addition to the application requirements listed in Section 1(a), the following is also required for Hillside Development Permit Applications:
- a) a Geotechnical Report prepared by a qualified professional that is a Registered Professional Engineer in British Columbia (P.Eng) or team that shall include a P.Eng under contract to the development applicant and that includes:
    - i) A statement that each professional and/or technical staff that contributed to the preparation of the Geotechnical Report is a

professional engineer or geoscientist and is appropriately knowledgeable to provide the Geotechnical Report and is a member in "good standing" with the Association of Professional Engineers and Geoscientists of the Province of British Columbia (APEGBC). A signature and seal/number must also be included.

- ii) Cross sections of the property in sufficient numbers to demonstrate terrain conditions prior to the proposed development and intended terrain conditions post-development.
- iii) A topographic survey indicating natural slope contours and proposed slope contours post-development that includes the following:
  - .1 natural slope contours:
    - a) in 0.5 metre contour intervals on parcels less than 2,000 m<sup>2</sup> in area; and
    - b) in 2.0 metre contour intervals on parcels greater than 2,000 m<sup>2</sup> in area.
  - .2 spot elevations;
  - .3 swales;
  - .4 knolls;
  - .5 ridgelines;
  - .6 bedrock outcrops;
  - .7 cliffs and slope transitions;
  - .8 seasonal and permanent watercourse drainage routes;
  - .9 top of bank and break lines; and
  - .10 current and proposed road and site grading.
- iv) A written assessment outlining adherence to the Engineers & Geoscientists BC *Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC* if the subject property is proposed for residential development. The professional completing the report shall also complete Appendix D: *Landslide Assessment Assurance Statement*.
- v) An identification of potential hazards to the land proposed for development as well as surrounding properties as a result of the proposed development.
- vi) An identification of surface and subsurface conditions and recommendations for managing storm water and groundwater seepage related to the proposed development.

- vii) Confirmation that there will be no net decrease in overall slope stability (including seismic and static stabilities) resulting from the proposed development, and that off-site slope instabilities will be mitigated to provide for safe occupation and use of nearby lands.
  - viii) A professional opinion by the P.Eng. that, in the event of any land slip, landslide, rock fall, mud flow, debris flow, debris torrent, erosion, slumping, settling, groundwater seepage, surface water accumulation, or other such occurrence, which occurs after the proposed development is completed, the extent of the property damage and damage to life and limb which occurs is not likely to be in any way any greater than the damage or harm which would occur prior to the development taking place.
- (v) replacing Section 3.8 under Section 3 (Processing Procedure – Watercourse Development Permit (WDP)) at Schedule 3 (Application for a Development Permit) in its entirety with the following:
- .8 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.
- (vi) replacing Section 4.8 under Section 3 (Processing Procedure – Environmentally Sensitive Development Permit (ESDP)) at Schedule 3 (Application for a Development Permit) in its entirety with the following:
- .8 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.
- (vii) replacing Section 5.7 under Section 5 (Processing Procedure – Protection of Farming Permit) at Schedule 3 (Application for a Development Permit) in its entirety with the following:
- .7 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.
- (viii) adding a new section after Section 3.5 under Schedule 3 (Application for a Development Permit) to read as follows:
- 6. Processing Procedure – Hillside Development Permit (HDP)**
- A Development Permit application submitted in accordance with this bylaw will be processed as follows:
- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.



- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
- .4 Development Services staff will refer the application to all applicable Regional District departments or committees, as applicable. The referral comments and/or recommendations may then be incorporated into a staff memo to the CAO, and/or the Development Permit, as applicable.
- .5 When all relevant conditions and guidelines have been satisfied, the staff memo and drafted Development Permit will be considered for approval by the CAO, or their delegate.
- .6 If approval of the permit is granted by the CAO, the General Manager of Development Services will execute the Development Permit.
- .7 Development Services staff will register the Notice of Permit against the title of the property(s) at the Land Title Office.
- .8 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.
- .9 The CAO may use discretion to forward development permits to the Board for decision and not use the delegated authority. A decision by the Board is considered final.
- .10 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

(ix) replacing Section 2.10 under Section 2 (Processing Procedure) at Schedule 6 (Application for a Strata Title Conversion) in its entirety with the following:

- .10 An owner of property may request a reconsideration of a decision by the CAO as outlined at Section 3.6.2 of this bylaw. A decision by the Board is considered final.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2603.02, 2019**

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**A Bylaw to amend the Electoral Area "D"  
Official Community Plan Bylaw No. 2603, 2013**

---

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 "D" Official Community Plan Amendment Bylaw No. 2603.02, 2019."
2. The Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by:
  - i) replacing Section 24.6 (Hillside / Steep Slope Development Permit Area) under Section 24.0 (Development Permit Areas) in its entirety with the following:

**24.6 Hillside Development Permit (HDP) Area**

**24.6.1 Category**

The Hillside Development Permit (HDP) Area is designated pursuant to Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

**24.6.2 Area**

The lands shown as Hillside Development Permit Area on Schedule 'F' are designated as a Hillside Development Permit Area.

**24.6.3 Justification**

To regulate development activities within hillside areas in order to minimize the risk of erosion, landslip or rockfall on development in steep slope areas.

**24.6.4 Development requiring a permit**

- .1 A development permit is required, except where exempt under Section 24.6.7 (Exemptions), for subdivision on lands within the HDP area.

### 24.6.5 Guidelines

- .1 A Development Permit is required for development within an HDP Area, and shall be in accordance with the following guidelines:
  - a) A Geotechnical Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified professional that is a Registered Professional Engineer in British Columbia (P.Eng) or team that shall include a P.Eng under contract to the development applicant.
  - b) Parcels to be created by subdivision shall indicate a useable area of not less than 200 m<sup>2</sup> capable of accommodating the dwelling type(s) permitted by the zoning of the land with the plan of subdivision indicating the developable area on each parcel.
  - c) Useable areas should be created as part of parcel grading so that the subsequent use of retaining walls or extensive cut and fill are avoided.
  - d) The use of panhandle parcels should be used to minimize cut and fill and provide access to developable areas not readily accessible by a public or strata road.
  - e) Roads should be aligned to follow natural site contours, conforming to topographic conditions rather than cutting across contours.
  - f) The grading or alteration of key topographic features (e.g., knolls, ridgelines, talus slopes, bedrock outcrops, cliffs, ravines, etc.) should be avoided.
  - g) The use of sharp cuts and long or wide slopes with a uniform grade should be avoided.
  - h) Areas with slopes greater than 50% should be retained in a natural state.
  - i) Storm drainage should follow natural flow paths and on-site retention and detention is encouraged.
- .2 If an area of land is subject to a Development Permit Area designation under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

**24.6.6 Expedited Development Permit**

- .1 Despite sub-section 24.6.5, the Regional District may issue a development permit where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or other appropriate professional clearly indicating that the parcel to be subdivided does not comprise slopes with grades in excess of 30%.

**24.6.7 Exemptions**

A development permit is not required for development within land in the HDP area for:

- .1 subdivisions that propose to:
  - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
  - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.
  
- 3. The Hillside and Steep Slope Development Permit Area Map, being Schedule 'F' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is replaced in its entirety with the attached Schedule 'A' (Hillside Development Permit Area Map), which forms part of this Bylaw.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

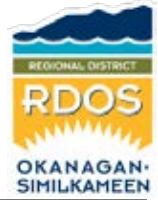
\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

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

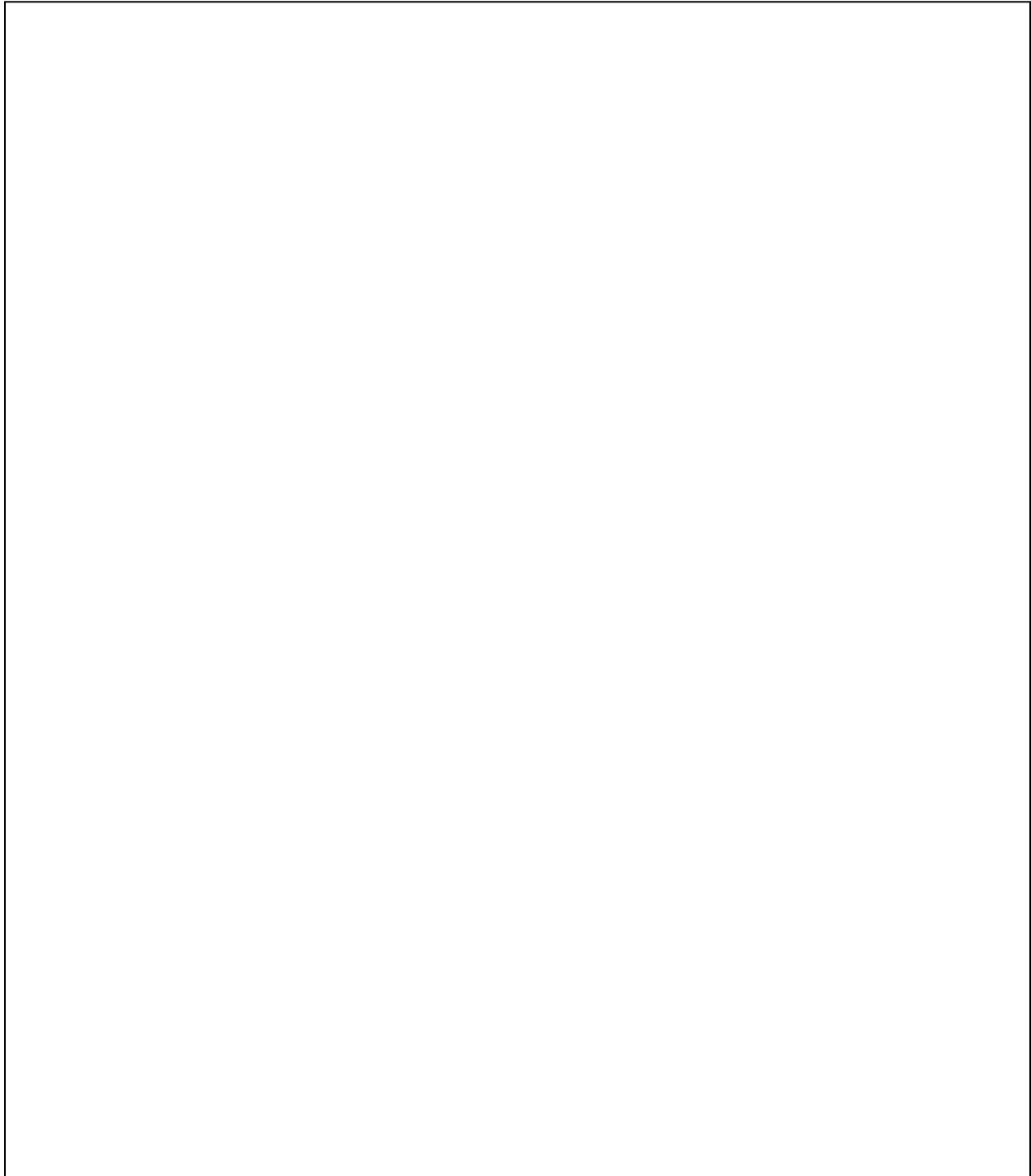
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



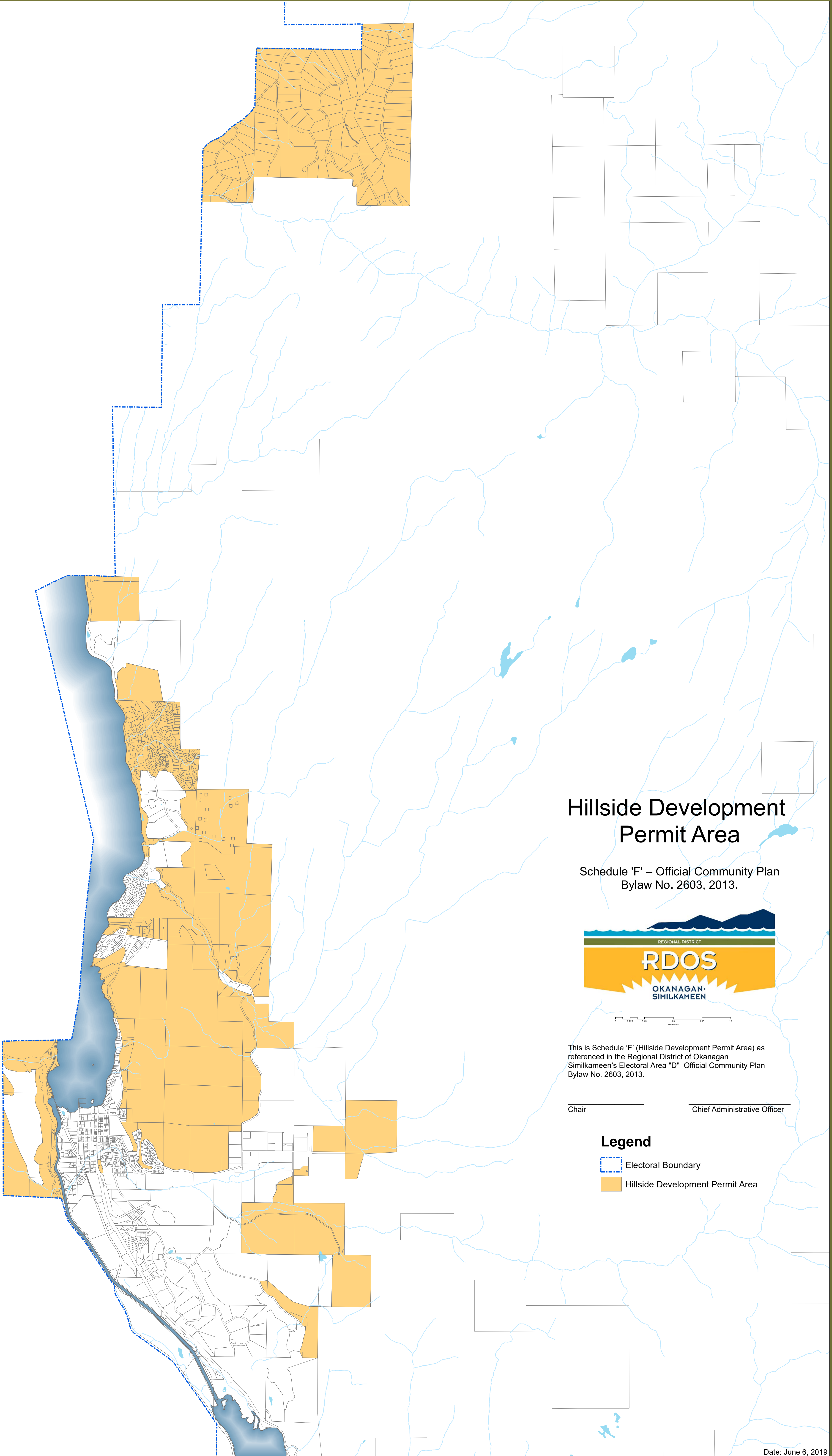
Amendment Bylaw No. 2603.02, 2019

Project No: D2014.135-ZONE

## Schedule 'A'







# Hillside Development Permit Area

Schedule 'F' – Official Community Plan  
Bylaw No. 2603, 2013.





This is Schedule 'F' (Hillside Development Permit Area) as referenced in the Regional District of Okanagan Similkameen's Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013.

Chair \_\_\_\_\_

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

## Legend

-  Electoral Boundary
-  Hillside Development Permit Area



**From:** [Forbes, Christina D.AGRI:EX](#)  
**To:** [Planning](#)  
**Subject:** FW: Bylaw Referral - 2014.135-ZONE (Hillside and Steep Slope Development Permit Area)  
**Date:** June 18, 2019 2:15:43 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Bylaw Referral Sheet \(HDP Update\) 2019-06-07.pdf](#)

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Hello,

The Ministry of Agriculture has no comments on this Bylaw Referral.

Thank you,  
Christina

**Christina Forbes** BSc, P.Ag | Regional Agrologist | Kelowna  
p: 250-861-7201 | c: 250-309-2478  
Email: [Christina.Forbes@gov.bc.ca](mailto:Christina.Forbes@gov.bc.ca)

Generic Email: [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2603.02

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Signature: \_\_\_\_\_

*P. S. Subramanian*

Agency: \_\_\_\_\_

SD # 53

Date: \_\_\_\_\_

24<sup>th</sup> JUNE 2019

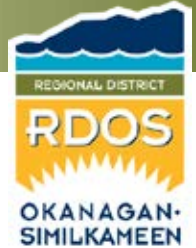
Signed By: \_\_\_\_\_

*SUBRA PALIAPPA*

Title: \_\_\_\_\_

SECRETARY TREASURER

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 3, 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, as amended, 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

**Legal:** Lot 2, Plan 29927, DL 395, YDYD, Except Plans E17889, KAP76716, KAP80874, KAP87688 & KAP90238

**OCP:** Agriculture (AG)      **Proposed OCP:** Large Holdings      **Civic:** 336 Tulameen River Rd

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

---

## 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 Agriculture Three Zone (AG3) to Large Holdings Two Zone (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.

A public hearing was held on September 5, 2019. However, due to an error in notification, a second public hearing was scheduled for October 3, 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.

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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 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.

With regard to the proposed re-reading of the amendment bylaws at third reading, this is being proposed in order to address an error in the legal description of the subject property in which the following excluded parcels were not referenced; E17889, KAP52208, KAP76716, KAP80874, KAP87688 and KAP90238.

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:**



C. Garrish, Planning Manager

**Endorsed By:**



B. Dollevoet, G.M. of Dev. Services

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

<p><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 &amp; storage of farm &amp; off-farm products;                      single detached dwelling or mobile home;                      veterinary establishments;</p>	<p><b>Permitted Uses:</b>  <u>Principal Uses:</u>                      agriculture;                      cemeteries;                      equestrian centre;                      open land recreation;                      packing, processing &amp; storage of farm &amp; off-farm products;                      single detached dwelling, mobile home or RV;                      veterinary establishments;</p>
<p><u>Accessory Uses:</u>                      accessory dwellings;                      agri-tourism accommodation;                      bed and breakfast operations;                      home industry;                      home occupation;                      retail sale of farm &amp; off-farm products;                      secondary suite;                      accessory buildings and structures.</p>	<p><u>Accessory Uses:</u>                      accessory dwellings;                      bed and breakfast operations;                      carriage house;                      home industry;                      home occupation;                      retail sale of farm &amp; off-farm products;                      secondary suite;                      accessory buildings and structures.</p>
<p><b>Minimum Parcel Size:</b>                      20.0 ha</p>	<p><b>Minimum Parcel Size:</b>                      8.0 ha</p>
<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>	<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>
<p><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).</p>	<p><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</p>
<p><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</p>	<p><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</p>
<p><b>Maximum Height:</b>                      10.0 metres</p>	<p><b>Maximum Height:</b>                      10.0 metres</p>
<p><b>Maximum Parcel Coverage:</b>                      5% / 75% for greenhouse uses</p>	<p><b>Maximum Parcel Coverage:</b>                      5% / 75% for greenhouse uses</p>

**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**

---

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 of an approximately 8.6 ha part of the land described as Lot 2, Plan 29927, District Lot 395, YDYD, Except Plans E17889, KAP52208, KAP76716, KAP80874, KAP87688 and KAP90238, 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.

SECOND PUBLIC HEARING held on this 3<sup>rd</sup> day of October, 2019.

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

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

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Board Chair

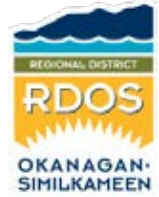
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Corporate Officer



# Regional District of Okanagan-Similkameen

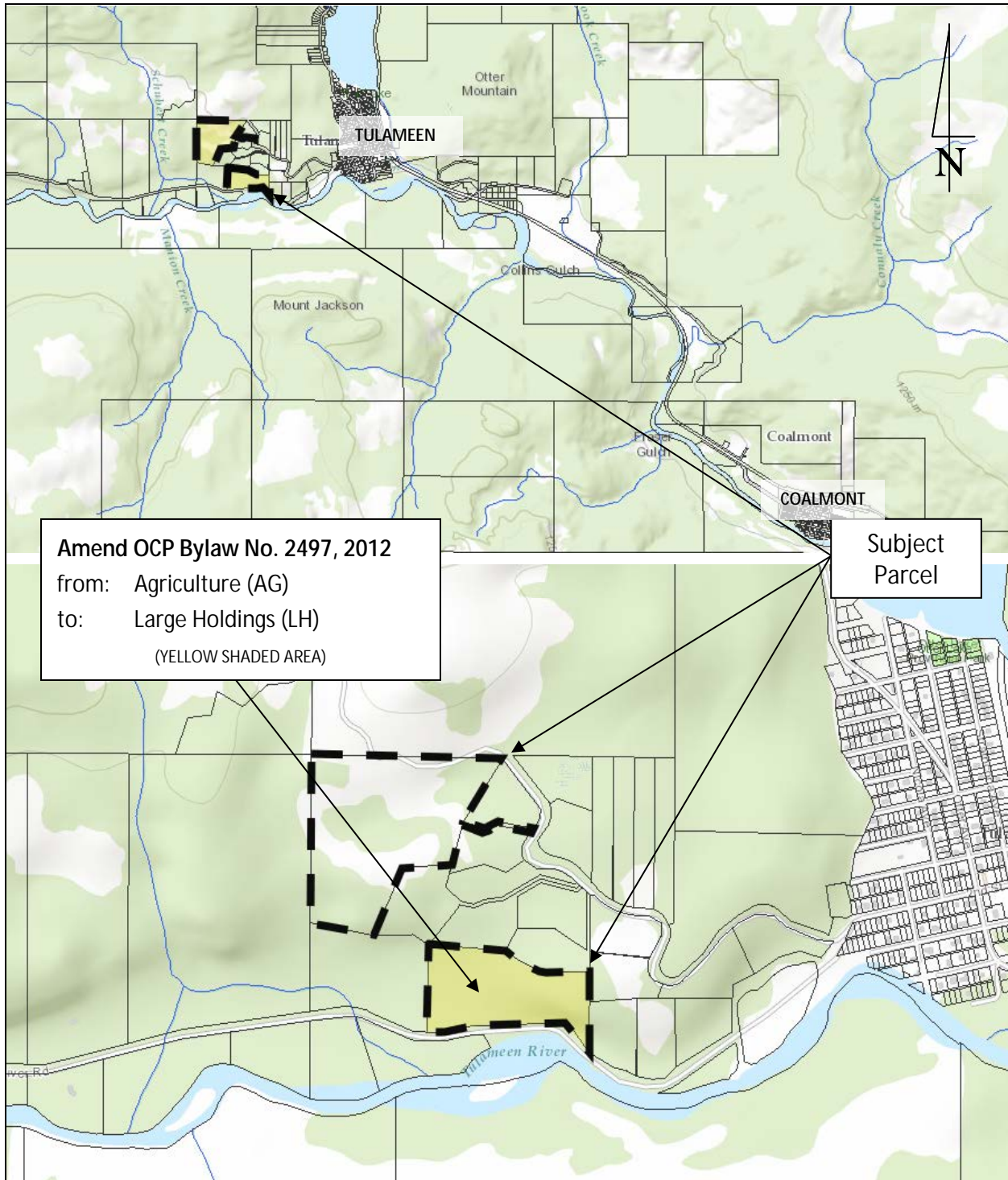
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



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**

---

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 of an approximately 8.6 ha part of the land described as Lot 2, Plan 29927, District Lot 395, YDYD, Except Plans E17889, KAP52208, KAP76716, KAP80874, KAP87688 and KAP90238 and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture Three Zone (AG3) to Large Holdings Two Zone (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.

SECOND PUBLIC HEARING held on this 3<sup>rd</sup> day of October, 2019.

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

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

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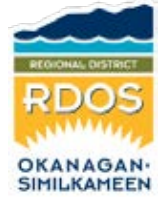
Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

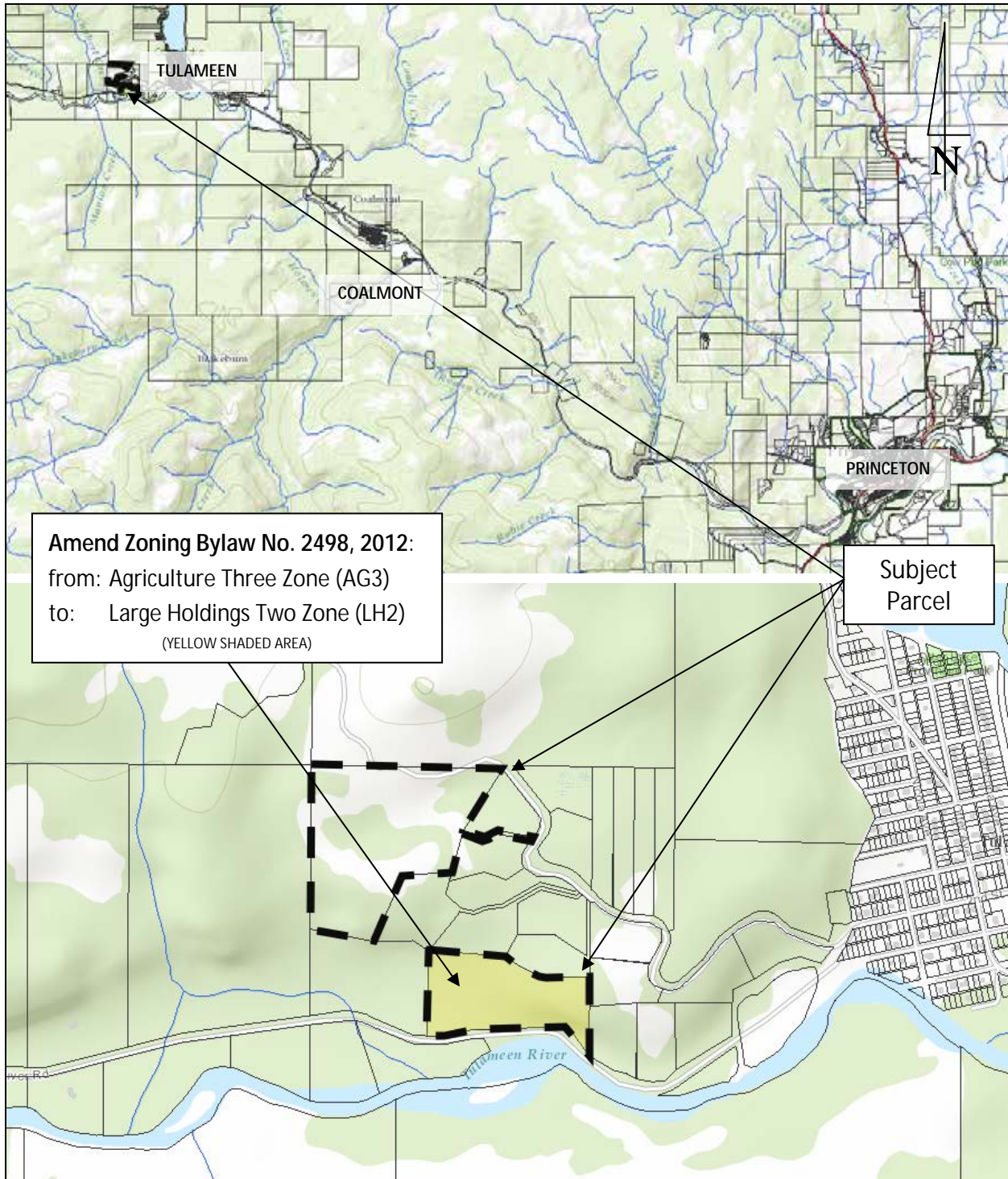
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



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







**TO:** Regional Board of Directors

**FROM:** Chair Karla Kozakevich

**DATE:** September 5, 2019

**RE:** Public Hearing Report - Amendment Bylaw Nos. 2497.11 and 2498.18, 2019

---

**Purpose of Bylaws:**

The proposed amendments to the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, and Zoning Bylaw No. 2498, 2012, in order to allow for the creation of an 8.6 ha parcel.

**Public Hearing Overview:**

The Public Hearing for Bylaw No. 2497.11 and 2498.18, 2019 was convened on Thursday, September 5, 2019 at 9:01 am, at the RDOS Board Room, 101 Martin Street.

Present

Chair Karla Kozakevich  
 Vice Chair M. Bauer  
 Director Spencer Coyne  
 Director Ron Obirek  
 Director Subrina Monteith  
 Director Susan McKortoff  
 Director Tony Boot  
 Director Doug Holmes  
 Director Mark Pendergraft  
 Director John Vassilaki  
 Director Tim Roberts  
 Director Frank Regehr  
 Director Riley Gettens  
 Director Bob Coyne  
 Director Rick Knodel  
 Director Petra Veintimilla

Representing

RDOS, Electoral Area “E”  
 RDOS, Village of Keremeos  
 RDOS, Town of Princeton  
 RDOS, Electoral Area “D”  
 RDOS, Electoral Area “I”  
 RDOS, Town of Osoyoos  
 RDOS, District of Summerland  
 RDOS, District of Summerland  
 RDOS, Electoral Area “A”  
 RDOS, City of Penticton  
 RDOS, Electoral Area “G”  
 RDOS, City of Penticton  
 RDOS, Electoral Area “F”  
 RDOS, Electoral Area “H”  
 RDOS, Electoral Area “C”  
 RDOS, Town of Oliver

Members of the Regional District staff present were:

- Bill Newell, Chief Administrative Officer
- Christy Malden, Director of Legislative Services
- JoAnn Peachey , Planner I, Development Services

- 
- Jeff Thompson, Planning Technician, Development Services

There were four (4) members of the public present.

Chair Kozakevich called the Public Hearing to order at 9:01 a.m. at the Regional District of Okanagan Similkameen Board Room, 101 Martin Street, Penticton, pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Bylaw No.2497.11 and 2498.18, 2019.

In accordance with Section 466, the time and place of the public hearing was advertised in the August 21 and 28th editions of the Similkameen Spotlight.

Copies of reports and correspondence received related to Bylaw No. 2497.11 and 2498.18, 2019 were available for viewing at the Regional District office during the required posting period.

**Summary of Representations:**

There were no written briefs submitted at the public hearing.

**Chair Kozakevich** called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

**J. Peachey, Planner I**, outlined the proposed Bylaw.

**Chair Kozakevich** asked if anyone wished to speak to the proposed bylaw.

**Chair Kozakevich** asked a second time if there was anyone who wished to speak further to the proposed bylaw.

**Jesse Coster**, stated that if anyone had questions on regarding the Amendment Bylaw he could address them.

**Chair Kozakevich** asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 9:08 am.

Recorded by:

Jeff Thompson

Jeff Thompson

Recording Secretary

JoAnn Peachey

JoAnn Peachey

Planner II

Confirmed:

Karla Kozakevich

Karla Kozakevich

Chair

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** September 19, 2019

**RE:** Organics Composting Siting Review

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### Administrative Recommendation:

**THAT** the Regional District pursue an Organics Composting Siting study in order to review the feasibility of an Organic Composting Site at the Campbell Mountain Landfill and the Okanagan Falls Landfill;

**AND THAT** \$50,000 be authorized from the Campbell Mountain Landfill/Okanagan Falls landfill consulting budget in order to undertake an Organics Composting Siting review.

### Purpose:

To review the feasibility of the Okanagan Falls Landfill and the Campbell Mountain Landfill as suitable Organics Composting sites based on a triple bottom line review, (social impacts, environmental and economic)

### Reference:

2010 – Regional Organic Management Strategy  
2011 - Solid Waste Management Plan

### Background:

The RDOS conducted an Organic Management Facilities Feasibility Study to determine the best way to divert organic materials from landfills. Food waste and other organic materials accounts for approximately 40% of waste going to landfills in the RDOS. The study reviewed capital costs, transportation cost, overall greenhouse gas emissions (GHG) and the sale of finished products.

The study found significant benefits of diverting food waste including extending the life of landfills, reducing GHG emissions by limiting methane production and creating food waste based compost for agricultural production.



The study showed that one Regional facility located within 30 minutes drive of Penticton would be the lowest overall cost for the Region. This Regional facility would be capable of composting food waste, yard waste and waste water treatment sludge from all jurisdictions within the RDOS.

The study compared this with a scenario of sub-Regional sites, dealing with waste water sludge and potentially residential food waste in Summerland, Oliver, Osoyoos and Princeton. This scenario would still require one Regional site for composting commercial food waste and the food and yard waste from the Campbell Mountain Landfill service area. The Campbell Mountain Landfill service area comprises Penticton, Keremeos and Electoral Areas 'B', 'D', 'E', 'F', 'G', and 'I'. As there was reduced trucking, this scenario had lower GHG emissions.

Two sites for an organics composting facility were reviewed with the public, Marion Valley and the District of Summerland landfill. Both of these sites were rejected, but interest in an organic composting facility remains.

The City of Penticton has recently undertaken a Biosolids management study in order to determine the most cost effective manner to manage their Biosolid. Composting was prescribed as the most beneficial and cost effective solution for the City.

### **Analysis:**

The composting of food waste and biosolids requires an organic amendment such as wood fiber or yardwaste, both materials found at our landfills.

The Campbell Mountain Landfill Biosolids facility currently does not have odour control and will impact neighbouring properties without the creation of an enclosed system with odour treatment. The creation of an enclosed composting facility at the Campbell Mountain Landfill should be acceptable to the public as there will be a substantial reduction of odour nuisances. Further, the existing biosolids facility currently does not meet Provincial regulation for leachate management. If there is excess leachate generated from such a facility it is possible to combine this with the landfill leachate system. Because of the topography, a land purchase may be required with this option.

The Okanagan Falls Landfill site is small, is not as efficient as the Campbell Mountain Landfill and has a limited life expectancy. This site could meet some public resistance as this would be a change in the site's current use. Some infrastructure is already in place that could assist with composting, (i.e. Power, scale house). Other infrastructure such as water could be more challenging. Also, it is not clear whether the organic amendment could continue to be received and processed at this site, or if materials would need to be imported. Should a facility be located at this site, the landfill itself may be required to be closed in order to accommodate this option.

Currently there is access to grant funding for food waste composting, while there is none for biosolids composting. The combination of food waste and biosolids composting will have economies of scale by sharing land, operations and infrastructure.

Should the Board approve the aforementioned study, the RDOS will work with the City of Penticton to create a scope that investigates the triple bottom line for each option, (social impacts, cost and the environment). Time is of the essence as the City of Penticton will need move forward with its own biosolids composting facility should a combined facility fail.

While the focus will be on the organic composting in the Campbell Mountain Landfill service area, it is expected that other areas could access the site in the future if desired.

If neither site proves to be feasible then Staff will review with the Board whether or not further site reviews are warranted.

**Respectfully submitted:**

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Andrew Reeder, Manager of Operations

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Emergency Services 9-1-1 Call Answer Centre Service Agreement

---

### **Administrative Recommendation:**

**THAT the Board of Directors authorize a (14) month extension to the Emergency Services Communication agreement with the Regional District of Central Okanagan (RDCO).**

### **Purpose:**

To extend the existing Emergency Services Communication 9-1-1 agreement for 14 months while the Central Okanagan Regional District (RDCO) negotiates a new 5 year 9-1-1 Call Answer Centre Service Agreement with E-COMM 9-1-1.

### **Background:**

The Regional District of Okanagan-Similkameen and eight Regional Districts (Central Kootenay, Kootenay Boundary, Central Okanagan, North Okanagan, Columbia Shuswap, East Kootenay, Squamish – Lillooet and Thompson-Nicola) share the costs of the E-COMM 9-1-1 Call Answer Service contract managed by RDCO. The RDCO and RDOS have entered into a 911 Call Answer Centre Service Agreement (reference number A14-146) dated July 1, 2014 to November 18, 2019.

RDCO as contract administrator was unable to negotiate a contract renewal for the 9-1-1 Call Answer Services with E-COMM 9-1-1 over the 12 month renewal period. RDCO has identified that they were unable to ascertain the technological costs associated with the NextGen 9-1-1 rollout over the next couple of years. As a result RDCO was unable to offer any firm costs for the next 5 years.

### **Analysis:**

As a temporary measure, RDCO has negotiated a fourteen (14) month Emergency Services Communication (9-1-1) agreement extension to enable RDCO to solidify a five year contract price. If approved by the Board, the contract will commence November 18, 2019 and expire on December, 31, 2020 with a new 5 year contract commencing on December 31, 2020.

### **Funding:**

Funding of the Emergency Services Communication (9-1-1) agreement will follow the same terms and conditions (including costs) as the current Emergency Services Communication (9-1-1) contract for

2019. Funding of the service is provided through the Regional 9-1-1 Emergency Telephone Service Bylaw No. 1095, 1989.

**Alternatives:**

Not to extend the 9-1-1 Emergency Communication Agreement with Central Okanagan Regional District. If this alternative were to be selected, the RDOS would be required to solicit its own 9-1-1 Call answer service provider contract.

**Respectfully submitted:**

*“Sean Vaisler”*

---

S. Vaisler, Emergency Services Manager

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Similkameen Flood Risk Assessment, Flood mapping & Flood Mitigation Planning Award of Contract

---

### Administrative Recommendation:

**THAT the Board of Directors award the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning contract to Ecora for \$93,769.98 plus applicable taxes.**

### Purpose:

To award the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning contract to better position the RDOS for future flood emergency planning and response.

### Background:

The Similkameen River flows through Electoral Areas H, G and B and the communities of Princeton, Hedley, Keremeos, Cawston and the Lower Similkameen Indian Band's (LSIB) and Upper Similkameen Indian Band's (USIB) land. In 2018, flooding of several areas, land erosion, and near failure of the dike highlighted risk to these communities. A regional approach was selected to provide a complete risk assessment to identify vulnerabilities and provide planners with an accurate assessment of social, economic and environmental impacts. This approach will determine how best to allocate resources to manage flood risk and adapt to climate change.

### Analysis:

A Request for Proposals (RFP) was released, three submissions were received under the RFP process in Q3. A Project Manager from Watershed Engineering Inc. was contracted to develop the RFP and coordinate the collection of the completed proposals to the evaluation team. An evaluation team was developed to select the top consultant, Watershed Engineering Inc. was not included in the evaluation process nor had influence on the decision of the award. All three consultants submitted proposals by the closing time.

Due to the scope of work required, the RDOS, Town of Princeton, and Village of Keremeos agreed upon using a single contractor to complete the works within the Similkameen region. The Three separate CEPF applications were successful and awarded \$138,957.00 to the RDOS, 149,940.00 to the Town of Princeton and 149,982.00 to the Village of Keremeos (total of \$438,879.00).

Due to the complexity and scope of this project, the evaluation team took 3 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. 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 identified project budget of \$350,000.00, comprised of funding from our community partners, was provided in the RFP for the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning contract. All the proposals addressed the core requirements with knowledgeable and experienced team members, while some presented significant value added components. Ecora scored the highest of the three consultants and is recommended for the contract work for the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning contract. Ecora's RFP was very strong and clear, detailing various challenges and providing discussion and methodology regarding how each issue and opportunity would be addressed. Overall, this proposal presents the best value for the RDOS.

Proponent (in alphabetical order)	Total Points from evaluation	Total Proposal Price for contract (excluding GST)
Associated Engineering	65	\$349,754.00
Ecora	89	\$333,165.00
Northwest Hydraulic Consultants	86	\$332,285.00

**Funding:**

The Community Emergency Preparedness Fund CEPF Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning grant will fund 100% of this work.

The RDOS, Town of Princeton and Town of Keremeos have signed a Memorandum of Understanding to layout each local government cost contribution for the tasks as specified in the Community Emergency Preparedness Fund agreement. Table 1 below outlines the costs to each local government for the proposed work outlined in the RFP. Table 2 outlines the total CEPF grant award cost breakdown.

**Table 1 - Grant Award Cost Breakdown by Community**

Total Grant Award	RDOS	Princeton	Keremeos	Total Amount (\$)
	\$138,957	\$149,940	\$149,982	\$438,879



**Table 2 - RFP Award Cost Breakdown by Community**

<i>RFP Phase</i>	<i>RDOS</i>	<i>Keremeos</i>	<i>Princeton</i>	<i>Sub-Total Amount (\$)</i>
1.0 Similkameen Regional Risk Assessment	\$33,096.66	\$33,096.66	\$33,096.66	\$99,290.00
2.0 Flood mapping	\$49,006.66	\$49,006.66	\$49,006.66	\$147,020.00
3.0 Flood Mitigation Plan	*	\$24,037.50	\$24,037.50	\$48,075.00
LiDAR – 12ppm	\$11,666.66	\$11,666.66	\$11,666.66	\$35,000.00
Ecora Project Management	\$1,260.00	\$1,260.00	\$1,260.00	\$3,780.00
<b>Total</b>	<b>\$93,769.98</b>	<b>\$117,807.48</b>	<b>\$117,807.48</b>	<b>\$333,165.00</b>

\* The RDOS is not contributing to the Flood Mitigation Planning portion of the project.

**Alternatives:**

Not support the award of the Similkameen Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning project to Ecora. If not supported, the other partner agencies will need to re-examine their scope of work.

**Respectfully submitted:**

*“Sean Vaisler”*

---

S. Vaisler, Emergency Services Manager



May 24, 2019

Attn: Apollo Figueiredo  
Planner, Community Services – Transit & Parks  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

**Re: 3 Year Expansion Initiatives**

Dear Apollo,

As your transit system has service initiatives requiring expansion funding, we have attached a Memorandum of Understanding (MOU) to formalize the process of securing provincial funding on your behalf. This MOU summarizes specific initiatives for the subsequent three operating years of 2020-2021 through to 2022-2023. These initiatives are derived from recommendations outlined in the most recent service plan(s) received by your council/board and validated in collaboration with local government staff.

Expansion initiatives are an important component to sustaining and growing a successful transit system. This investment in your transit system comes with several considerations. To support council/board decision making, we have provided updated order-of-magnitude costing for each Conventional and Custom Transit initiative. These are based on either the estimated annual increase to revenue service hours or, where appropriate, the estimated increase to the Taxi Supplement budget for Custom Transit initiatives as written into the description.

There are a few key considerations when reviewing your initiatives. It is important to realize that where proposed expansion is dependent on other infrastructure investment, this dependency will be noted in the proposed expansion initiatives table. Similarly, if your expansion requires additional vehicles, this is also identified and is factored into your estimated total costs. Please keep in mind that should fleet be procured to support your initiative following agreement to the MOU and a determination is made that expansion is no longer desired by the local government, the lease fees related to the new vehicles will still be added to your operating budget for a minimum of a one-year period. Finally, in the event expansion requests exceed the available funding, it is important to note a prioritization process is used to determine which projects receive funding.

By communicating proposed expansion initiatives as far in advance as possible we are trying to achieve three important goals:

1. Ensure 3 year expansion initiatives are aligned with the expectations of local governments.
2. Attain a commitment from local governments that allow BC Transit to proceed with the procurement and management of resources necessary to implement transit service expansions.
3. Provide local government partners with enhanced 3 year forecasts that identify longer term funding requirements.

Upon confirmation of your council/board's commitment to the expansion initiatives, we will include your request in BC Transit's draft Service Plan to the Province to seek the matching funding required for operating and capital costs. If your proposed expansion requires additional vehicles in 2020-2021, a commitment from your council/board is required by June 28<sup>th</sup>, 2019 to ensure sufficient time for BC Transit to include your requirements in our procurement process.

Following confirmation of the provincial budget, I will confirm with you if sufficient funding was secured and initiate an implementation plan, including the development of more detailed costing based on routing and schedules. I look forward to working with you on the continued improvement of your transit service and encourage you to contact me if you have any questions regarding these proposed expansion initiatives.

Yours truly,



Chris Fudge  
Senior Manager, Government Relations  
BC Transit

## Expansion Memorandum of Understanding

<b>Date</b>	May 24, 2019
<b>Expiry</b>	August 30 <sup>th</sup> , 2019
<b>System</b>	South Okanagan-Similkameen

### Expansion Initiatives Agreement

The following outlines expansion initiatives identified for your transit system along with a high level annual costing based on the hourly rates of your system. Please confirm these initiatives are aligned with the expectations of your local government. Upon confirmation of your local government's intent to commit to the expansion and budget, we will proceed with the request to secure funding from the Province on your behalf.

PROPOSED EXPANSION INITIATIVES						
AOA Period	In Service Date	Annual Hours	Vehicle Requirements	Estimated Annual Revenue	Estimated Annual Total Costs	Estimated Annual Net Municipal Share
2020/21	Aug-20	<b>2,000</b>	<b>0</b>	<b>\$11,264</b>	<b>\$200,903</b>	<b>\$95,838</b>
		<b>Description</b>	For the Penticton-Kelowna Connector, introduce two new round trips that operate in the midday on weekdays. These trips are designed to connect with the Route 40 (and possibly the Route 50) to allow customers to transfer and improve regional connectivity.			
2020/21	Sep-20	<b>400</b>	<b>0</b>	<b>\$2,288</b>	<b>\$33,381</b>	<b>\$15,507</b>
		<b>Description</b>	Introductory level service to Westbench			
2021/22	Sep-21	<b>2,000</b>	<b>1</b>	<b>\$11,264</b>	<b>\$230,258</b>	<b>\$129,528</b>
		<b>Description</b>	Penticton-Kelowna Connector service gets expanded further (possibly evenings or weekends).			
2021/22	Sep-21	<b>3,000</b>	<b>2</b>	<b>\$29,413</b>	<b>\$342,913</b>	<b>\$152,183</b>
		<b>Description</b>	New local service in Oliver is introduced that connects with Osoyoos. This new service would also provide local service in Osoyoos and integrate into the Route 40/41. In collaboration with the new local service to Oliver, expand service on the Route 40 operating between Osoyoos and Penticton. Possibly two new round trips that operate later in the evening.			

## Approval

On behalf of the Regional District of Okanagan-Similkameen, I am confirming to BC Transit to proceed with the request for funding to the province on our behalf for the 2020/21 fiscal year, and that we are committed to budget accordingly for the 3 year expansion but will review and confirm on an annual basis as per the advice provided and with the knowledge a more detailed budget will follow as service details are confirmed.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

On behalf of BC Transit, prepared by



Signature:

Date: May 24, 2019

Name: **Chris Fudge**

Position: **Senior Manager, Government Relations**

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Memorandum of Understanding – Route 70 Penticton/Kelowna Transit Service Expansion

---

### Administrative Recommendation:

**THAT the board endorse signing the Memorandum of Understanding for the service expansion of the Route 70 Penticton/Kelowna transit service for an additional 2000 service hours with a local (RD) cost share of \$95,838, enabling BC Transit to procure provincial funding on behalf of the RDOS.**

### Purpose:

The memorandum of understanding (MOU) lists specific transit expansion initiatives for the following three years, being used by BC Transit to procure funding on behalf of the RDOS from the Province for the following calendar year. Transit service expansion initiatives outlined in the MOU are aligned with the 2015 Transit Future Plan.

### Reference:

Service Plan - Memorandum of Understanding

### Business Plan Objective:

Goal 2.2 To meet public needs through the continuous improvement of key services

Objective 2.2.2 By implementing the 2019 phase of the regional transit future plan

2.2.2.1 Implement the Penticton – Kelowna Service

### Background:

On an annual basis BC Transit in partnership with the RDOS review transit initiatives for the following three calendar years, committing to transit initiatives for the following calendar year in the form of an MOU. Once signed this agreement is used by BC Transit to procure funding for transit services from the Province of British Columbia on behalf of the RDOS. These initiatives are informed by the 25 year transit action plan, the 2015 Transit Future Plan.

### Analysis:

A signed MOU does not commit the RDOS to the expansion initiatives with the exception of when there is a requirement to procure a new vehicle for the transit service. The lease fees associated



with the procurement of the new vehicle will still be added to the RDOS operating budget if the expansion initiative is no longer deemed viable. This is not applicable for the 2020 calendar year as the designated expansion will make use of existing vehicles within the fleet.

The MOU lists the expansion of the Route 70 Penticton/Kelowna service for the 2020/2021 Annual Operating Agreement period. The expansion of Route 70 Penticton/Kelowna has been slated for approximately 2000 expanded service hours that would introduce two new round trips that operate midday on weekdays. This service expansion would come into effect in August 2020. Increasing service hours for the Route Penticton-Kelowna service will allow for improved connectivity between other regional routes and increased accessibility to Kelowna throughout the week.

Route 70 was implemented on September 3<sup>rd</sup>, 2019 operating primarily as a commuter service providing two trips to and from Kelowna daily with the exception of Monday which offers four trips. The expanded service hours will provide consistency amongst the schedule offering four round trips to/from Kelowna Monday – Friday.

**Alternatives:**

That the Board does not endorse the Route 70 Penticton/Kelowna expansion, outlined in the Memorandum of Understanding, for an additional 2000 service hours with a local (RD) cost share of \$95,838.

**Respectfully submitted:**

*Apollo Figueiredo*

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A. Figueiredo, Planner

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Memorandum of Understanding – West Bench Transit Service

---

### Administrative Recommendation:

**THAT the board endorse signing the Memorandum of Understanding for the service implementation of an introductory transit service to West Bench with 400 service hours carrying a local (RD) cost share of \$15,507, enabling BC Transit to procure provincial funding on behalf of the RDOS.**

### Purpose:

The memorandum of understanding (MOU) lists specific transit expansion initiatives for the following three years, being used by BC Transit to procure funding on behalf of the RDOS from the Province for the following calendar year. Transit service expansion initiatives outlined in the MOU are aligned with the 2015 Transit Future Plan.

### Reference:

Service Plan - Memorandum of Understanding

### Business Plan Objective:

Goal 2.2 To meet public needs through the continuous improvement of key services  
Objective 2.2.2 By implementing the 2019 phase of the regional transit future plan  
2.2.2.2 Review and revise the West Bench Service

### Background:

On an annual basis BC Transit in partnership with the RDOS review transit initiatives for the following three calendar years, committing to transit initiatives for the following calendar year in the form of an MOU. Once signed this agreement is used by BC Transit to procure funding for transit services from the Province of British Columbia on behalf of the RDOS. The MOU has identified introductory service to the West Bench as a transit service aligned with the Transit Future Plan proposed for implementation in September 2020.

West Bench transit service originally operated in conjunction with the Naramata service, both of them having been implemented in 1993. After a few years, service to West Bench was discontinued.

**Analysis:**

A signed MOU does not commit the RDOS to the expansion initiatives with the exception of if there is a requirement to procure a new vehicle for the transit service. The lease fees associated with the procurement of the new vehicle will still be added to the RDOS operating budget if the expansion initiative is no longer deemed viable. This is not applicable for the 2020 calendar year as the new service will make use of existing vehicles within the fleet for service provision. This service would provide between 2 to 3 trips each weekday depending on the finalized routing. Logistics of the new service will be confirmed through the implementation planning process in partnership with BC Transit.

The proposed service does not require a new vehicle because it will utilize the route 40 vehicle (Osoyoos – Penticton) during its layover time in Penticton, and possibly one of the vehicles providing service on the route 10 (Naramata) or route 20 (Okanagan Falls) to squeeze in an additional midday trip if there are sufficient hours budgeted.

**Alternatives:**

That the Board does not endorse the implementation of introductory service into the community of West Bench costing the RDOS approximately \$15,507 for 400 service hours as outlined in the Memorandum of Understanding.

**Respectfully submitted:**

*Apollo Figueiredo*

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A. Figueiredo, Planner

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Bylaw 2871 – Area H Community Works Gas Tax Expenditure

---

### Administrative Recommendation:

**THAT Bylaw No. 2871, 2019, Electoral Area “H” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$40,000 towards the replacements of roofs at the Princeton Museum and Curling Club be given first, second, third reading and adopted.**

### Reference:

Bylaw 2407, 2006 - Regional District Okanagan Similkameen Electoral Area “H” Community Works (Gas Tax) Reserve Fund Establishment Bylaw.

Bylaw 2871, 2019 – Electoral Area “H” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw

### Background:

In 2006, the RDOS Board created the Electoral Area “H” Community Facilities Capital Reserve Fund for the purpose of expenditures for or in respect of capital projects within Electoral Area “H” meeting the eligibility criteria for the Community Works Gas Tax Program.

The roofs at the Princeton Museum and the Princeton Curling Club require replacement. The estimated cost for the two roofs is \$40,000.00.

### Analysis:

This project meets the criteria as set out for the Community Works Gas Tax Program.

After deducting the expenditures already committed in 2019, the balance in the Area H Community Facilities Reserve Fund is \$547,031.05.

### Alternatives:

Status Quo – Expenditure does not take place

**Respectfully submitted:**

*“John Kurvink, Manager of Finance/CFO”*

---

J. Kurvink, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2871, 2019**

---

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Works Program Reserve Fund to provide \$40,000 towards the replacement of roofs at the Princeton Museum and Curling Club.

**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'H' Community Works Program Reserve Funds' have sufficient monies available for community capital projects;

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

**1 Citation**

1.1 This Bylaw shall be cited as the "Electoral Area 'H' Community Works Program Reserve Fund Expenditure Bylaw No. 2871, 2019"

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2. The expenditure of up to \$40,000 from the Electoral Area 'H' Community Works Program Reserve Funds are hereby authorized towards replacement of roofs at the Princeton Museum and Curling Club.

---

**READ A FIRST, SECOND, AND THIRD TIME** this \_\_\_ day of \_\_\_, 2019

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

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RDOS Board Chair

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Corporate Officer



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Property Tax Exemption Bylaw No. 2872, 2019

---

### Administrative Recommendation:

**THAT Bylaw No. 2872, 2019 Regional District of Okanagan-Similkameen Property Tax Exemption Bylaw be read a first, second and third time and be adopted.**

### Reference:

Local Government Act Section 391

### Background:

The Board , at its discretion, may grant an exemption to eligible organizations from taxes payable to the RDOS for the upcoming tax year. Organizations within a member municipality's taxing jurisdiction make application for property tax exemption directly to the member municipality.

Annually, the RDOS invites qualifying non-profit organizations to apply for a Property Tax Exemption. Notifications of the exemption application process and July 31 deadline are advertised in local area newspapers in early June and again in early July.

### Analysis:

There are two new applicants for the 2020 exemption. Estimated 2020 taxes are based on 2019 assessment data and tax rates.

All exemptions whether statutory or permissive are reviewed by BC Assessment who make the final determination.

Area	2019	2020		2020
	RDOS Est taxes Exemption	RDOS Est. Taxes Based on 2019 Assessments Without	With exemption	RDOS Est taxes Difference exemption
<b>Previous Exemptions:</b>				
Keremeos-Cawston Sportsmen Association	G	\$2,084	\$2,224	\$2,224
South Okanagan Sportsmen Association	C	\$167	\$180	\$180
South Okanagan Sportsmen Association	C	\$1,081	\$1,144	\$1,144
Fairview Mountain Golf Club Society	C	\$11,526	\$15,044	\$13,388
OK Falls Heritage & Museum Society	D	\$3,503	\$3,836	\$3,836
City of Penticton - golf course	I	\$686	\$1,046	\$1,046
Nickel Plate X-Country Ski Club	G	\$385	\$419	\$419
Princeton Golf Club	H	\$4,173	\$6,131	\$5,982
Hedley Sports Association	G	\$502	\$445	\$445
Keremeos Elks Lodge	G	\$1,470	\$1,530	\$1,530
Okanagan Falls United Church	D	\$742	\$787	\$787
Naramata Museum Society (RDOS Ownership)	E	\$1,845	\$1,989	\$1,989
Penticton Shooting Sports Association	F	\$841	\$866	\$866
The Natures Trust	C	\$571	\$614	\$614
<b>New Exemptions:</b>				
South Skaha Housing Society *	D	\$0	\$3,398	\$3,398
Kaleden Community (Baptist) Church	I	\$0	\$568	\$568
		<b>\$29,576</b>	<b>\$50,148</b>	<b>\$1,805</b>
				<b>\$43,543</b>

- **BC Assessment disallowed the exemption for 2019 since the project was still under construction**

The above table is the approximate amount of property taxes foregone by exemption.

Historically the Board has relied upon the amount of demonstrative benefits each exempted group provides to the community. For example, due to the vast amount of land that a cross-country ski club uses, the amount of taxes on the land would make the fees for cross-country skiing too expensive for everyone wishing to participate in this activity. The golf courses are partial exemptions to offset the public access portions of the fees.

Respectfully submitted:

*“John Kurvink, Manager of Finance/CFO”*

J. Kurvink, Finance Manager

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BYLAW NO. 2872, 2019

---

A bylaw to exempt property tax assessments

---

**WHEREAS** the Board of the Regional District of Okanagan-Similkameen is empowered by the Local Government Act to exempt certain land and improvements;

**AND WHEREAS** it is deemed desirable and expedient to exempt specific properties from property taxation;

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

### 1 Citation

1.1 This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Property Tax Exemption Bylaw No. 2872, 2019".

2.1 Pursuant to Section 391 (1) of the Local Government Act, the following parcels of land shall be exempt from taxation with respect to land and improvements for the year 2020;

**Owners Name**

**Legal Description**

Naramata Museum Society

Parcel A, BI 3, DL 210 SDYD  
PI 519 715-00565.105

2.2 Pursuant to Section 391 (4) of the Local Government Act, the following parcels of land shall be exempt from taxation with respect to land and improvements for the year 2020;

**Owners Name**

**Legal Description**

Keremeos-Cawston Sportsmen Association

Parcel A, PI B6949, DL 319, SDYD 716-2752.000

South Okanagan Sportsmen Association

Lot 3, PI 4041, DL 2450S, SDYD Portion L 727  
714-6485.000 **and** Lot 1, PI 13268, DL 2450S,  
SDYD Portion L 727 714-6485.100

Fairview Mountain Golf Club Society  
(to the extent of an 80% exemption for  
improvements for clubhouse excluding  
residential portion of facility)

Lot 1, PI KAP62023, DL 2450S SDYD  
714-6476.020

OK Falls Heritage & Museum Society

Lot 9, PI 34520, DL 374, SDYD 714-796.090

City of Penticton (leased to golf course)

Lot A, PI 40972, DL 2 366 367, ODYD (Portion  
outside Municipal Boundary) 715-2713.010

Nickel Plate X-Country Ski Club	SDYD, SUP 11350 716-10308.000
Princeton Golf Club (to the extent of an 80% exemption for improvements for clubhouse facility)	Block B, DL 1091, SDYD 717-895.600, except Plan KAP75166
Hedley Sports Association	Lot 13-15, Block 8, PI 2565, DL 2482, SDYD 716-09035.000, 716-09035.002
Keremeos Elks Lodge	Parcel A, PI DD143573, DL 0457 , SDYD 716-02837.000
Okanagan Falls United Church	Block 8, Parcel Y, PI 1280, DL 0374 , SDYD 714-00819.081
Penticton Shooting Sports Association	ODYD, DL 2499 Except Plan H397 41847, For Mobile Folio C/REF 89000.100 777-09000.100
The Natures Trust	Lot B, PL 89970, DL 2450S 714-05353.070
Kaleden Community Church	Lot 2, Plan KAP11142, District Lot 104S, Similkameen Div of Yale Land District

2.3 Pursuant to Section 15 (1) (p) of the Rural Tax Act, the following parcels of land should be exempt from taxation with respect to land and improvements for the year 2020;

South Skaha Housing Association	Lot 1, KAP 12558, District Lot 374, Similkameen Div of Yale Land District, Okanagan Falls Townsite
---------------------------------	--

**READ A FIRST, SECOND, AND THIRD TIME** this \_\_\_ day of \_\_\_\_, 20\_\_

**ADOPTED** this \_\_\_ day of \_\_\_\_, 20\_\_

\_\_\_\_\_  
RDOS Board Chair

\_\_\_\_\_  
Corporate Officer

## ADMINISTRATIVE REPORT

TO: Board of Directors  
FROM: B. Newell, Chief Administrative Officer  
DATE: October 3, 2019  
RE: Willowbrook Fire Truck Acquisition Loan Authorization Bylaw

---



### Administrative Recommendation:

THAT Willowbrook Fire Protection Local Service Establishment Amendment Bylaw No. 1388.02, 2019, with consent of the Director for Electoral Area "C"; be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval, AND

THAT Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019 be read a first, second and third time and be forwarded to the Inspector of Municipalities for Ministry approval prior to electoral approval; AND,

THAT the Board of Directors authorize that elector approval for the adoption of Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019 be obtained through an assent vote in accordance with Part 4 of the *Local Government Act* to be conducted on Saturday April 25, 2020 AND

THAT Christy Malden be appointed as Chief Election Officer and Gillian Cramm be appointed as Deputy Chief Election Officer for the Willowbrook Fire Truck Assent Vote in Electoral Area "C"; and,

THAT the question on the assent vote ballot be "Are you in favour of the Regional District of Okanagan-Similkameen adopting Bylaw No. 2874, 2019, a bylaw to authorize the long-term borrowing of Five Hundred Thousand dollars (\$500,000) for the acquisition of a fire truck for the Willowbrook Fire Protection Service Area?"

### Reference:

Willowbrook Fire Protection Local Service Establishment Bylaw No. 1388, 1993  
Local Government Act / Community Charter

### History:

In 1993, Bylaw No. 1388 was adopted to convert the function of providing and operating fire protection facilities for the specified area in the community of Willowbrook within Electoral Area "C".

The residents of this area have enjoyed reduced insurance premiums with Fire Underwriters recognition of the Willowbrook Fire Department as a fire protection provider. The criteria for this discount are primarily (but not limited to) based on factors such as: available water supply for firefighting purposes, availability of trained staff and personnel, availability of reliable fire apparatus



and its water pumping capacity. The current in-service Fire Truck is reaching its maximum recognized serviceability by the Fire Underwriters.

**Analysis:**

The Willowbrook Fire Department would like to purchase a new fire truck to stay in compliance with Fire Underwriters requirements. The cost of the Fire Truck is approximately \$500,000 and the department has \$27,520 in their reserves for the purchase.

The borrowing amount of \$500,000 is recommended, to ensure that a reasonable contingency is included, to allow for any unanticipated costs or higher quote amounts which may arise during the RFQ process. This borrowing amount would be amortized over 15 years.

[Section 84](#) of the *Community Charter* contains the provisions for elector approval. If elector approval is required under the *Community Charter* or *Local Government Act* in relation to a particular matter, that approval may be obtained either by assent of the electors (i.e., a referendum vote), or by alternative approval process (AAP). An AAP may only be used when the maximum amount to be requisitioned is equivalent to 50 cents for each \$1,000 of net taxable value of land and improvements in the service area. That amount is exceeded in this instance, therefore, electoral approval is to be through an assent vote, which will be held on Saturday, April 25, 2020.

The debt servicing cost of \$500,000 over a 15 year term at 2.45% is \$39,133 which equates to \$0.5331 per thousand of assessed value for properties in the Fire Service area which is not within the service's current requisition limit of \$3.45 per thousand of the net taxable value of land and improvements within the service area.

If the Loan Authorization bylaw receives assent of the electorate, the service establishment bylaw must be amended to reflect the debt amount in it's maximum requisition. Increasing the limit of the service establishment bylaw may be done with Director consent, but must also receive Inspector approval in conjunction with the loan authorization bylaw.

**Alternatives:**

That Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019 not be supported.

**Respectfully submitted,**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN  
BYLAW NO. 1388.02, 2019**

---

**A bylaw to amend the Willowbrook Fire Protection Local Service Establishment Bylaw**

---

WHEREAS the Board of Directors of the Regional District Okanagan-Similkameen wishes to proceed under the *Local Government Act*, to amend **Willowbrook Fire Protection Local Service Establishment Bylaw No. 1388, 1993**;

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

**1.0     CITATION**

1.1     This bylaw may be cited for all purposes as the “**Willowbrook Fire Protection Local Service Establishment Amendment Bylaw No. 1388.02, 2019**”.

**2.0     AMENDMENT OF SERVICE**

2.1     Section 5 of Bylaw No. 1388 is hereby repealed and replaced with:

The annual maximum amount that may be requisitioned for the cost of the service shall not exceed \$3.67 per \$1,000 of the net taxable value of land and improvements within the service area.

READ A FIRST, SECOND AND THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

DIRECTOR CONSENT OBTAINED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2874, 2019

---

A bylaw to authorize the long-term borrowing for the acquisition of a Fire Truck for the Willowbrook Fire Protection Local Service Area.

---

**WHEREAS** pursuant to Section 406 of the Local Government Act and Section 179 of the Community Charter, the Regional District of Okanagan-Similkameen may, by loan authorization bylaw, borrow money for capital purposes;

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen has established by Bylaw No.1388, 1993, a service for the purpose of providing fire prevention and fire suppression in and for the Willowbrook Fire Protection Service Area;

**AND WHEREAS** the authority to borrow under this bylaw expires five (5) years from the date on which this bylaw is adopted;

**AND WHEREAS** the Regional Board of the Regional District of Okanagan-Similkameen has obtained the approval of electors in accordance with the *Local Government Act*,

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

#### 1. AUTHORIZATION OF PURCHASE

The Regional Board is hereby empowered and authorized, under Bylaw No. 1388, 1993, to provide fire prevention and suppression services in and for the Willowbrook Fire Protection Service Area and to do all things necessary in connection therewith and without limiting the generality of the foregoing:

#### 2. LOAN AUTHORIZATION

- a) To borrow upon the credit of the Regional District a sum not more than the greater of five hundred thousand dollars (\$ 500,000).
- b) To acquire and have installed all such materials as may be requisite or desirable in connections with the purchase of a fire truck in and for the Willowbrook Fire Protection Local Service.

#### 3. TERM OF DEBENTURE

The maximum term for which debentures may be issued to secure debt created by this bylaw is fifteen (15) years.

**4. CITATION**

This bylaw may be cited as Willowbrook Fire Truck Acquisition Loan Authorization Bylaw No. 2874, 2019.

**READ A FIRST, SECOND, AND THIRD TIME** this xxx day of xxx, 2019

**APPROVED** by the Inspector of Municipalities this xxx day of xxx, 2019

**RECEIVED APPROVED BY THE ELECTORS IN THE WILLOWBROOK FIRE PROTECTION SERVICE AREA THROUGH ASSENT** this XXX day of XXX, 20\_\_

**ADOPTED** this XXX day of XXX, 20\_\_

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RDOS Board Chair

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Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 3, 2019

**RE:** Area "F" Transit

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### Administrative Recommendation:

**THAT the Board of Directors give three readings and adoption to Electoral Area "F" Transit System Local Service Establishment Amendment Bylaw No. 1440.01, 2019.**

### Purpose:

To reactivate the existing transit service bylaw to serve the residents in Electoral Area "F" and to commence a public engagement process to determine whether expansion of the service is supported by the residents.

### Reference:

Bylaw 1440, 1993

[Regional District Establishing Bylaw Approval Exemption Regulation](#)

### Business Plan Objective:

KSD 1 – To be an effective, fiscally responsible organization

KSD 2 – To meet public needs through the continuous improvement of key services

KSD 3 – To develop an environmentally sustainable region

### Background:

In 1993, Bylaw 1440 was adopted to offer transit services to the citizens of a portion of Electoral Area "F" and Naramata. By-law 1587 provided a revision in 1995 to empower the RDOS to impose and levy a parcel tax to meet the cost of works and services. West Best transit service was later cancelled while Naramata's transit service has remained active. Reactivating the Area "F" transit service has long been discussed within the community with past public consultation occurring in 2008, 2011, and 2015 as part of the 2015 Transit Future Plan. Introduction of Area "F" public transit services was identified as a short-term implementation initiative (within 0-5 years) in the 2015 Transit Future Plan. The RDOS in collaboration with BC Transit has proposed the reimplementation of the Area "F" local transit service for September 2020.

### Analysis:

In 2015 a Transit Future Plan was completed which identified West Bench as an area that would benefit from transit expansion. Once the Transit Future Plan was completed, the Area "F" Local

Transit Service was able to be put into the queue for expanded services, and is now ready to proceed in 2020.

Since the service has been inactive for some time, it has been determined that public consultation with the citizens of the service area will help to ensure that a transit service in the service area is desired.

The cost of operating a transit system can reasonably be expected to increase over time; therefore the requisition amount included in the service bylaw must change to reflect that increase. A requisition limit may be increased by an amount less than or equal to 25% of its baseline value under the Regional District Establishing Bylaw Approval Exemption Regulation without Inspector approval. The current requisition amount is \$13,000 per annum, and is requisitioned through a parcel tax, meaning all properties within the service area pay the same amount. The requisition amount, with a 25% increase would equal \$16,250 which is slightly more than the \$15,507 required for the 2019 requisition amount to operate the proposed service.

**Public Consultation Strategy:**

The communications team worked with Area “F” director Riley Gettens to host a public meeting at West Bench Elementary School on September 18, 2019. RDOS Transit Planner, Area Director and Information Officer presented maps and service details, answered questions and gathered feedback. A questionnaire was also circulated. Residents were invited to share feedback via email or an online survey which ran from September 18-25<sup>th</sup>.

RDOS staff collected data through a questionnaire both online and during the transit open house meeting on September 18<sup>th</sup>, 2019. Of all respondents approximately 68% voted in favour of implementing a public transit service based on the finances detailed above. A follow-up information release will be distributed after the October 3 board meeting. It will include an overview of the feedback received and potential next steps.

**Future Actions:**

Implementation planning with BC Transit will include further open house meetings and discussions with the community on routing and schedule planning.

**Alternatives:**

That the Board does not endorse the reading and adoption of Bylaw No. 1440.01, 2019

**Respectfully submitted:**

*“Christy Malden”*

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C. Malden, Manager of Legislative Services



## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **BYLAW NO. 1440, 1993**

**A bylaw to establish and operate a transit system local service in a portion of Electoral Area 'F' .**

**WHEREAS** the Regional District of Okanagan-Similkameen by B.C. Reg. 128/92 dated April 9, 1992 was granted the additional power to provide Transit Systems as local services;

**AND WHEREAS** the Regional Board of the Regional District of Okanagan-Similkameen is desirous of proceeding under Section 794 of the Municipal Act, to establish a transit service in a portion of Electoral Area 'F' as outlined on Schedule 'A';

**AND WHEREAS** the assent of the Electors in Electoral Area 'F' was obtained pursuant to Section 796 (1)(b) of the Municipal Act by a majority of the votes cast by valid ballot in the proposed local service area;

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

#### **1. TRANSIT SYSTEM LOCAL SERVICE**

The Regional Board of the Regional District of Okanagan-Similkameen, is empowered and authorized to undertake and carry out, or cause to be undertaken and carried out, provisions of the Transit System Local Service, and without limiting the generality of the foregoing:

- (a) to acquire all such licenses, rights or authorities as may be required or desirable for or in connection with the provision of the said Electoral Area 'F' Transit System Local Service, and
- (b) to enter into contracts with such authorities and companies as may be necessary or appropriate to implement the said Electoral Area 'F' Transit System Local Service.

**2. BOUNDARIES OF THE SERVICE AREA**

The boundaries of the Transit System Local Service Area are a portion of Electoral Area 'F' as outlined on attached Schedule 'A' .

**3. PARTICIPATING AREA**

The Electoral Area 'F' Transit System Local Service Area is located entirely within the boundaries of Electoral Area 'F'.

**4. COST RECOVERY METHOD**

The annual costs for the Electoral Area 'F' Transit System Local Service shall be recovered by the requisition of money in a portion of Electoral Area 'F' under Section 804(1)(b) of the Municipal Act, to be collected by a parcel tax within the participating area to be levied and collected pursuant to Section 810.1(2).

**5. LIMIT**

The maximum amount that may be requisitioned under Section 804(1)(b) of the Municipal Act for the service shall not exceed \$ 13,000.00 per annum.

**6. CITATION**

This bylaw may be cited as the "**Electoral Area 'F' Transit System Local Service Establishment Bylaw No. 1440, 1993.**"

**READ A FIRST TIME**                    this    16th day of September, 1993.  
**READ A SECOND TIME**                this    16th day of September, 1993.  
**REREAD A THIRD TIME**              this    21st day of October, 1993.

I hereby certify that the foregoing is a true and correct copy of the "**Electoral Area 'F' Transit System Local Service Establishment Bylaw No. 1440, 1993**" as reread a third time by the Regional Board on the 21st day of October, 1993.

Dated at Penticton, B.C. this 21st day of October, 1993.

\_\_\_\_\_  
Administrator/Secretary

**APPROVED BY** the Inspector of Municipalities  
this 9th day of November, 1993.

**THE ASSENT OF THE ELECTORATE** within a portion of Electoral Area 'F' as outlined on Schedule 'A' was obtained this 20th day of November, 1993.

**RECONSIDERED, PASSED AND FINALLY ADOPTED**  
this 16th day of December, 1993.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Administrator/Secretary

**FILED WITH THE INSPECTOR OF MUNICIPALITIES**  
this 20th day of December, 1993.

Reviewed by: \_\_\_\_\_  
dgw/BY 1440.DOC  
27 September, 2019 12:33 PM

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN  
BYLAW NO. 1440.01, 2019**

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**A bylaw to amend the service to establish and operate a transit system local service in a portion of Electoral Area "F"**

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WHEREAS the Board of Directors of the Regional District Okanagan-Similkameen wishes to proceed under the *Local Government Act*, to amend the "Electoral Area "F" Transit System Local Service Establishment Bylaw No. 1440, 1993 to increase the requisition limit in accordance with the *Regional District Establishing Bylaw Approval Exemption Regulation*

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

**CITATION**

1. This bylaw may be cited for all purposes as the "Electoral Area "F" Transit System Local Service Establishment Amendment Bylaw No. 1440.01, 2019"

**AMENDMENT OF SERVICE**

2. Electoral Area "F" Transit System Local Service Establishment Bylaw No. 1440, 1993 is amended by:

- 2.1 replacing Section 5 Limit with the following:

The maximum amount that may be requisitioned for the service shall not exceed \$ 16,250.00 per annum.

READ A FIRST, SECOND AND THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

DIRECTOR CONSENT OBTAINED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_,

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

Commented [GC1]: If required

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.