



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, November 21, 2019
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

9:00 am	-	9:15 am	Public Hearing regarding Cannabis Bylaw No. 2849 Public Hearing regarding LU-9-D Public Hearing regarding Hillside Development Permit Public Hearing regarding Workman Place	
9:15 am	-	10:15 am		Corporate Services Committee
10:15 am	-	11:15 am		Environment and Infrastructure Committee
11:15 am	-	12:00 pm		Planning and Development Committee
12:00 pm	-	12:30 pm	Lunch	
12:30 pm	-	4:00 pm	RDOS Board	

The Okanagan-Similkameen Regional Hospital Board (OSRHD) meeting of November 21, 2019 has been cancelled. The next scheduled meeting is December 19, 2019.

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

December 5, 2019 RDOS Board/Committee Meetings

December 19, 2019 RDOS Board/OSRHD Board/Committee Meetings



NOTICE OF PUBLIC HEARINGS

Amendment Bylaw No. 2849, 2019

Home Industry, Home Occupation & Cannabis Production Facility Regulations Update

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Regional District of Okanagan-Similkameen Electoral Area Official Community Plan & Zoning Amendment Bylaw No. 2849, 2019**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at public hearings to be held on:

Dates:	Wednesday, November 6, 2019	Thursday, November 21, 2019
Times:	7:00 p.m.	9:00 a.m.
Locations:	460 Ellis Street, Naramata (Naramata Centre)	101 Martin Street, Penticton (RDOS Board Room)

The Regional District is proposing a series of textual amendments to the Electoral Area Official Community Plan Bylaws and Zoning Bylaws in order to update the regulations applied to “home industry” and “home occupation” uses and introduce new regulations related to cannabis production facilities.

The proposed amendments to “home industry” regulations involve, amongst other things, the standardization of regulations across Electoral Areas, including:

- an updated definition of “home industry”;
- a home industry shall not be permitted on a parcel less than 2.0 hectares in size;
- the maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m²;
- only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel; and
- prohibit cannabis production as a type of home industry.

The proposed amendments to “home occupation” regulations involve, amongst other things, the standardization of regulations across Electoral Areas, including:

- an updated definition of “home occupation”;
- a home occupation not occupying more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m²;
- a home occupation not involving the outdoor storage of materials and equipment associated with a contractor, trade or mobile service; and
- prohibit cannabis production as a type of home occupation.

The proposed amendments involving regulations related to cannabis production facilities involve, amongst other things, the following:

- the introduction of new policy statements into the Electoral Area OCP Bylaws related to directing large-scale, industrial style production facilities to industrial zoned land;
- introducing new and updated definitions for “agriculture”, “cannabis production, indoor”, “cannabis production, outdoor” and “manufacturing” in the Electoral Area Zoning Bylaws;
- introducing regulations related to cannabis production facilities with soil-based floor systems;
- allowing “cannabis production, outdoor” in those zones in which “agriculture” is a listed permitted use; and
- listing “cannabis production, indoor” as a permitted use in the General Industrial (I1) and Heavy Industrial (I2) Zones.

These amendments will be applied to the:

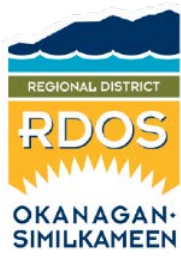
- Electoral Area “A” OCP Bylaw No. 2450, 2008, and Zoning Bylaw No. 2451, 2008;
- Electoral Area “C” OCP Bylaw No. 2452, 2008, and Zoning Bylaw No. 2453, 2008;
- Electoral Area “D” OCP Bylaw No. 2603, 2012, and Zoning Bylaw No. 2455, 2008;
- Electoral Area “E” OCP Bylaw No. 2458, 2008, and Zoning Bylaw No. 2459, 2008;
- Electoral Area “F” OCP Bylaw No. 2790, 2018, and Zoning Bylaw No. 2461, 2008;
- Electoral Area “G” Zoning Bylaw No. 2781, 2017;
- Electoral Area “H” OCP Bylaw No. 2497, 2012, and Zoning Bylaw No. 2498, 2012; and
- Electoral Area “I” OCP Bylaw No. 2683, 2016, and Zoning Bylaw No. 2457, 2008.

For further information about the content of **Amendment Bylaw No. 2849, 2019**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Strategic Projects → Home Industry/Occupation & Cannabis Production Update).

Anyone who considers themselves affected by **Amendment Bylaw No. 2849, 2019**, can present written information to the Regional District prior to or at the public hearings and may also speak at the public hearings. No letter, report or representation from the public will be received after the conclusion of the public hearings.

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



NOTICE OF PUBLIC HEARING

Electoral Area “I” Official Community Plan

Bylaw and Zoning Bylaw Amendments

158-160, 162, 166, 168, 170, 172, 176 & 178 Twin Lakes Road

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.03, 2019, Electoral Area “I” Zoning Amendment Bylaw 2457.28, 2019, or Electoral Area “I” Zoning Amendment Bylaw 2457.29, 2019**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

- Date:** Thursday, November 21, 2019
- Time:** 9:00 a.m.
- Location:** 101 Martin Street, Penticton, BC (RDOS Board room)

The proposed amendments to the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, and Zoning Bylaw No. 2457, 2008, are related to an “Early Termination” and “Voluntary Discharge” of Land Use Contract No. LU-9-D in accordance with Section 548 of the *Local Government Act*, and which will affect the following lands:

- Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD;
- Lots 1-2, Plan KAP58497, District Lot 2169, SDYD;
- Lots 1-2 & 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.

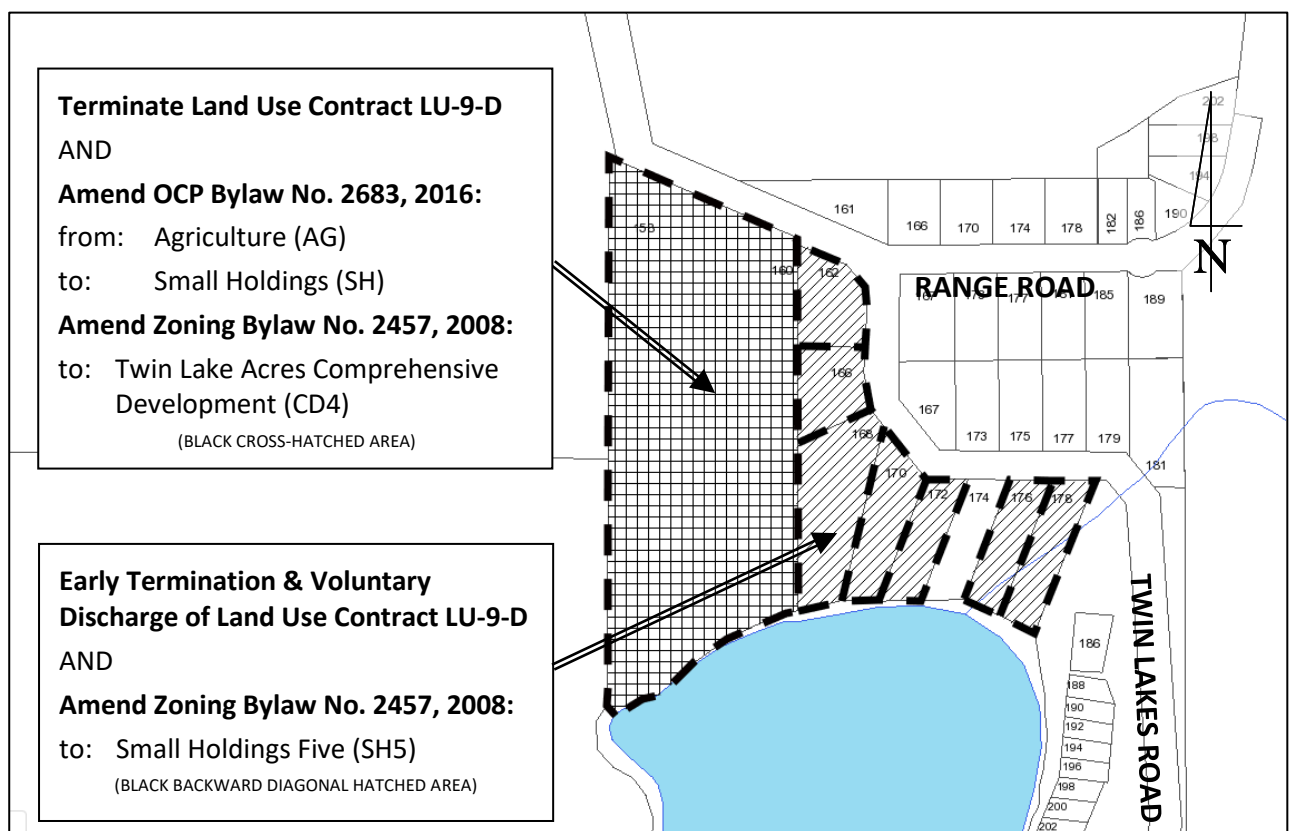
More specifically:

Amendment Bylaw No. 2683.03, 2019, proposes to amend Schedule ‘A’ (OCP Bylaw) of the Electoral Area “I” OCP Bylaw No. 2683, 2016, by introducing a new policy requiring 158, 160, 162, 166, 168, 170, 172, 176 & 178 Twin Lakes Road be connected to a community water and sewer system if the land is to be subdivided.

Amendment Bylaw No. 2457.28, 2019, proposes to terminate Land Use Contract No. LU-9-D and to amend the Electoral Area “I” Zoning Bylaw No. 2457, 2008, as follows:

- by introducing a new Twin Lake Acres Comprehensive Development (CD4) and Small Holdings Five (SH5) Zones into Schedule ‘1’ (Zoning Text);
- by applying the Twin Lake Acres Comprehensive Development (CD4) Zone to 158-160 Twin Lakes Road at Schedule ‘2’ (Zoning Map); and
- by applying the Small Holdings Five (SH5) Zone to 162, 166, 168, 170, 172 & 178 Twin Lakes Road at Schedule ‘2’ (Zoning Map).

Amendment Bylaw No. 2457.29, 2019, proposes a “Voluntary Discharge” of Land Use Contract No. LU-9-D from the property at 176 Twin Lakes Road and to amend the Electoral Area “I” Zoning Bylaw No. 2457, 2008, in order to apply the SH5 Zone to this property.



For further information about the content of **Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.03, 2019, Electoral Area “I” Zoning Amendment Bylaw 2457.28, 2019, or Electoral Area “I” Zoning Amendment Bylaw 2457.29, 2019**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Strategic Projects → Early Termination of Land Use Contracts → Land Use Contract No. LU-9-D).

Anyone who considers themselves affected by **Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.03, 2019, Electoral Area “I” Zoning Amendment Bylaw 2457.28, 2019, or Electoral Area “I” Zoning Amendment Bylaw 2457.29, 2019**, can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

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NOTICE OF PUBLIC HEARING

Electoral Area “D” Official Community Plan Amendment Bylaw No. 2603.02 Hillside Development Permit Area Update

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “D” Official Community Plan Amendment Bylaw 2603.02, 2019**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

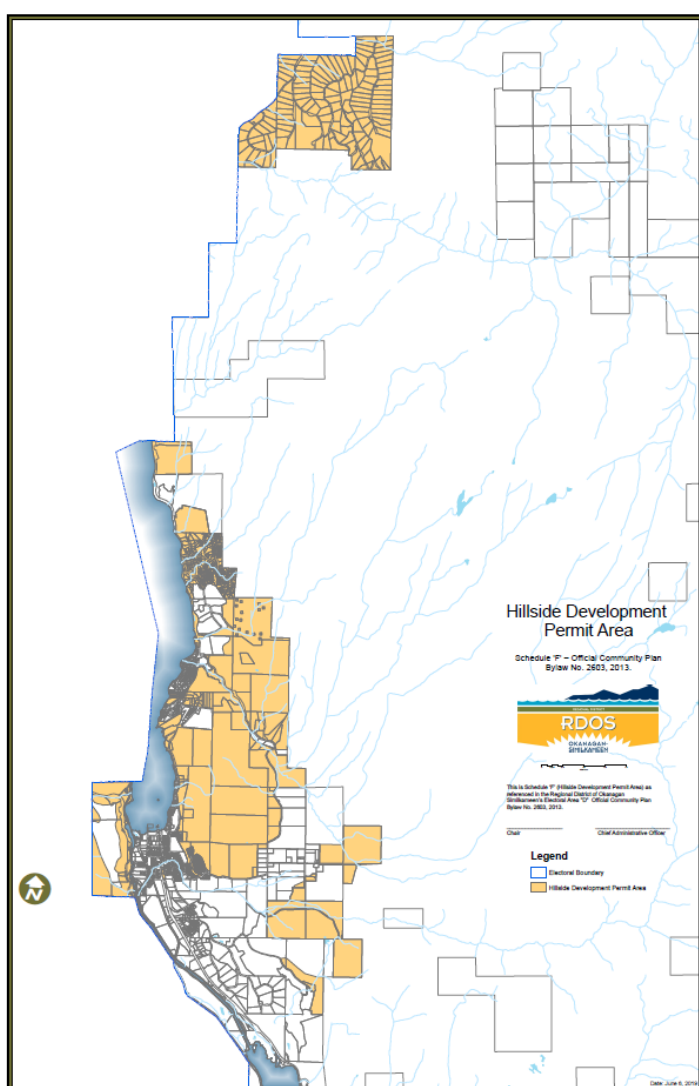
Date: Thursday, November 21, 2019

Time: 9:00 a.m.

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

The purpose of the proposed amendments are to update the Hillside Development Permit (HDP) Area designation. More specifically, **Amendment Bylaw No. 2603.02, 2019**, proposes, amongst other things, the following amendments to the Electoral Area “D” OCP Bylaw No. 2603, 2013:

- replace Section 24.6 (Hillside / Steep Slope Development Permit Area) in its entirety with a new Section 24.6 (Hillside Development Permit Area). This will result in the following changes:
 - a development permit being required only for subdivision applications;
 - new guidelines related to subdivision design criteria; and
 - revisions to provide exemptions for subdivision proposals that only adjust boundaries or consolidate parcels.
- replace Schedule ‘F’ (Hillside and Steep Slope Development Permit Areas) in its entirety with a new Schedule ‘F’ (Hillside Development Permit Areas).



For further information about the content of **Amendment Bylaw No. 2603.02, 2019**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

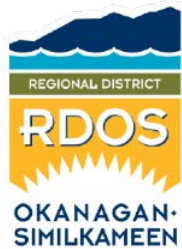
Basic information related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Current Applications → Electoral Area “D” → D2019.135-ZONE).

Anyone who considers themselves affected by **Amendment Bylaw No. 2603.02, 2019**, can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

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seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA.

Postal: 101 Martin St, Penticton, BC, V2A-5J9 | **Tel:** 250-490-4101 | **Email:** planning@rdos.bc.ca



NOTICE OF PUBLIC HEARING

Electoral Area “E” Zoning Bylaw Amendment

Workman Place, Naramata

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “E” Zoning Amendment Bylaw No. 2459.36, 2019**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

Date: Thursday, November 21, 2019

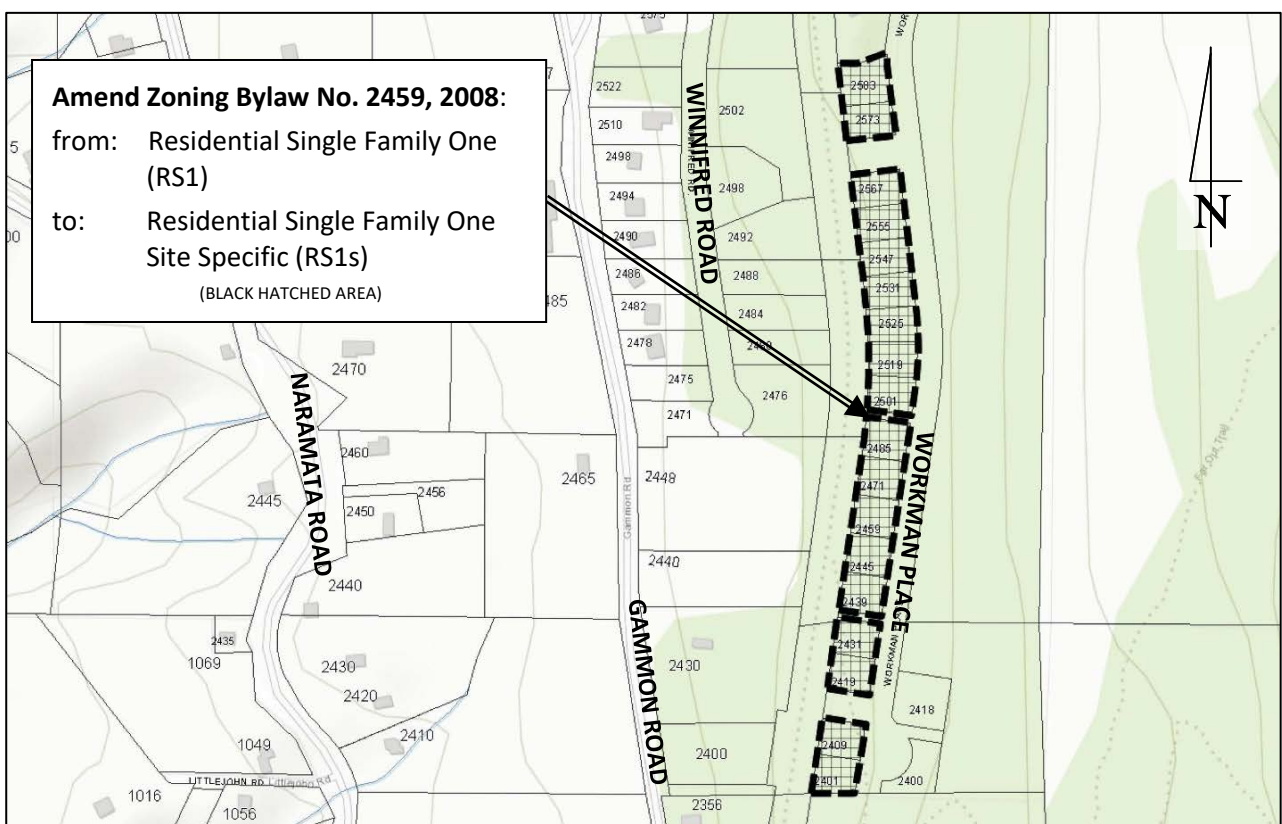
Time: 9:00 a.m.

Location: 101 Martin Street, Penticton, BC (RDOS Board room)

The purpose of the proposed amendment is to adjust the front and rear setbacks applied to 18 parcels situated on the west side of Workman Place in Naramata. More specifically:

Amendment Bylaw No. 2459.36, 2019, proposes the following amendments to the Electoral Area “E” Zoning Bylaw No. 2459, 2008:

- amend Schedule ‘1’ (Zoning Text) by introducing a new Residential Single Family One Site Specific regulation to be applied to the lands legally described as Lots 1-18, Plan EPP71589, District Lot 207, SDYD, to:
 - reduce the front parcel line setbacks for buildings and structures from 7.5 metres to 4.5 metres; and
 - increase the rear parcel line setback for buildings and structures from 7.5 metres to 10.5 metres.
- amend Schedule ‘2’ (Zoning Map) by changing the zoning of the lands legally described as Lots 3, 4, 10-14, 16-18, Plan EPP71589, District Lot 206, SDYD and Lots 1, 2, 5-9, 15, Plan EPP71589, District Lot 207, SDYD, from Residential Single Family One (RS1) to Residential Single Family One Site Specific (RS1s).



For further information about the content of **Amendment Bylaw No. 2459.36, 2019**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Current Applications → Electoral Area “E” → E2019.012-ZONE).

Anyone who considers themselves affected by **Amendment Bylaw No. 2459.36, 2019**, can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

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Postal: 101 Martin St, Penticton, BC, V2A-5J9 | **Tel:** 250-490-4101 | **Email:** planning@rdos.bc.ca



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, November 21, 2019

9:15 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of November 21, 2019 be adopted.

B. Closed Session – Labour Relations

RECOMMENDATION 2

THAT in accordance with Section 90(1)(c) and (i), the Committee close the meeting to the public on the basis of labour relations or other employee relations; and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, November 21, 2019

10:15 am

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of November 21, 2019 be adopted.

B. CLOSED SESSION

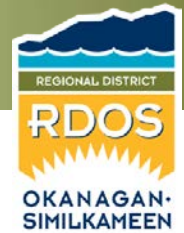
RECOMMENDATION 2

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.

C. MINISTRY OF TRANSPORTATION – Jeff Wiseman, Operations Manager

Jeff Wiseman will provide an update to the Committee regarding ongoing projects.

D. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, November 21, 2019

11:15

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of November 21, 2019 be adopted.

B. PARK LAND DEDICATION POLICY

1. Policy Draft
2. APC Comments
3. Current Park Land Dedication Policy - current

RECOMMENDATION 2

THAT the draft Park Land Dedication Policy be forwarded to the Board for adoption.

C. CAO Delegation Bylaw and Development Procedures Bylaw Update

1. CAO Delegation Amendment Bylaw No. 2793.01
2. Development Procedures Bylaw No. 2500.12

RECOMMENDATION 3

THAT Bylaw No. 2793.01, 2019, Regional District of Okanagan-Similkameen CAO Delegation Amendment Bylaw and Bylaw No. 2500.12, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be brought forward for consideration of first reading.

D. Provincial Riparian Areas Protection Regulation (RAPR) - Watercourse Development Permit (WDP) Area Update

1. Draft Bylaw No. 2876
2. Draft Bylaw No. 2500.13

RECOMMENDATION 4

THAT Bylaw No. 2876 and Bylaw No. 2500.13, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be brought forward for consideration of first reading.

E. ADJOURNMENT

TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Park Land Dedication Policy

Administrative Recommendation:

THAT the draft Park Land Dedication Policy be forwarded to the Board for adoption.

Purpose:

To present a revised and updated Park Land Dedication policy for the Board's consideration.

References:

- [Local Government Act Section 510: Requirement for provision of park land or payment for park purposes.](#)
- [Parkland Acquisition Best Practices Guide](#), Spring 2006, Development Finance Review Committee, Ministry of Community Services, Province of B.C.

Background:

Section 510 of the *Local Government Act* requires an owner of land that is being subdivided to either:

- (a) provide, without compensation, park land of an amount and location acceptable to the local government; or
- (b) pay the local government an amount equal to the market value of the land that may be required for park land purposes.

At its meeting of July 8, 2010, the Regional District adopted a "Park Land Dedication Policy", which establishes the administrative procedures to be followed by Regional District when dealing with park land dedication proposals.

Approaching the 10 year mark of a Board policy is a prudent time to review the policy for any inconsistencies, any changes required due to legislation change and to determine if the policy still meets the policy intention of the Board.

Administration has reviewed the previous Park Land Dedication policy and is recommending that the Board consider a new Park Land Dedication Policy (provided for in draft form in Attachment No. 1) for consideration and adoption.

At the Board's Planning and Development Committee meeting of July 18, 2019, the Board provided the following resolution:

"THAT the Parkland Dedication policy be referred to the Advisory Planning Commissions for comment."

Administration has now concluded engaging with all the Advisory Planning Commissions (APC) for comment. Attachment No. 2 provides a summary of comments received from each respective APC. In general, all APCs were in favour of the proposed policy and recommended that the Board move forward with adoption.

Analysis:

In the review of the current Park Land Dedication Policy (Attachment No. 3), Committee should note that policies and principles included are more procedural in nature, which is not typical of most of the Board’s other corporate policies. For example, some of the step-by-step responsibilities of staff and principles under the heading “Acquisition of Park Land” may be more conducive for inclusion in an Administrative Procedure as to how the Park Land Dedication process will be carried out.

In addition, Administration feels discretionary policy decisions have been omitted or left vacant by the current policy. Examples of these gaps includes:

- The consideration of Official Community Plan policy prior to acceptance of land for Park Land Dedication purposes.
- Preference for land adjacent to a body of water (i.e. lake) for Park Land purposes.
- The option for the Regional District to retain a second opinion, at the applicant’s expense, on the full narrative appraisal to determine the value of land for cash-in-lieu purposes.
- A dispute process if there is a discrepancy between the valuation provided by the developer’s appraisal and the Regional District’s appraisal.
- The requirement to retain cash-in-lieu monies within a reserve dedicated to the applicable park service area only for the future development of parks within that service area.

The proposed Park Land Dedication policy (Attachment No. 1) addresses the above items. In addition, the updated policy reiterates legislation for the public and developer’s benefit on topics such as the disposal of park land, the Provincial Approval Officer’s authority to take additional public lands, exemptions from the park land dedication requirement (*LGA S. 510.3*), and the Regional District retaining the option to require land or cash-in-lieu when there exists policy with respect to parks in an Official Community Plan (*LGA S. 510.2.b*).

Alternatives:

1. Make proposed revisions to the draft Park Land Dedication policy and provide back to Administration to complete and provide back to Committee for discussion.
2. Do not adopt a new Park Land Dedication policy and retain the current Park Land Dedication policy (adopted July 8, 2010) in its current form.

Communication Strategy:

If a new Park Land Dedication policy is adopted by the Board, the updated policy will be uploaded to the Regional District’s website and included in the policy master index with Legislative Services.

Respectfully submitted:



B. Dollevoet, General Manager, Development Services

Attachments: No. 1 - Draft Park Land Dedication Policy

No. 2 – Advisory Planning Commission Comments

No. 3 - Park Land Dedication Policy (adopted July 8, 2010)

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

BOARD POLICY

POLICY: PARK LAND DEDICATION POLICY

PURPOSE: To establish conditions for the dedication of lands for park land set out in Section 510, of the *Local Government Act* for the subdivision process which will advance the orderly development of land in accordance with sound planning principles and in tandem with the provision and availability of local government services.

WHEREAS section 510 of the *Local Government Act (2015)* provides the legislated framework for local government to acquire park land from an owner of land being subdivided without compensation.

NOW THEREFORE, the Board of Directors for the Regional District of Okanagan Similkameen hereby establishes the following policy and procedures in respect to Park Land Dedication in the Regional District:

POLICY STATEMENT

1. It shall be the Policy of the Regional District of Okanagan Similkameen to exercise their right to require the full five percent (5%) of land proposed for subdivision for Park Land Dedication, or payment in lieu thereof, within the constraints of the enabling legislation.

DEFINITIONS

2. "Park Land Dedication" means that land, or payment in lieu of land, taken by the Regional District during subdivision of land in accordance with section 510 of the *Local Government Act (2015)*.
3. "Full Narrative Appraisal" means a report completed by an accredited appraiser and is an in depth report which typically consists of a letter of transmittal; summary of important conclusions, regional and neighborhood analysis; description of the site and any improvements; highest and best use analysis; zoning analysis; tax analysis; statement of ownership; property rights appraised; scope of the appraisal; cost approach; income approach; direct sales comparison approach utilizing comparable sales on the comparison grid; reconciliation; description of the appraisal process, definition of market value; certification; contingent & limiting conditions; photos of the subject property; photos of all comparable sales used; comparable sales location map; sketch of subject property showing layout; flood map if in print and qualifications of the appraiser and reviewer.

REFERENCES

4. [*Parkland Acquisition Best Practices Guide*](#), Spring 2006, Development Finance Review Committee, Ministry of Community Services

BACKGROUND

5. In the Regional District, subdivision approval is a responsibility of the Province of British Columbia, administered by the Ministry of Transportation and Infrastructure (MoTI). The Regional District of Okanagan Similkameen uses the subdivision approval process as an instrument for regulating the detailed land use requirements established by bylaw, and determining levels of infrastructure services standards for parcels proposed to be subdivided.
6. The Regional District serves as a referral agency to MoTI for subdivision applications within the RDOS. An important part of the subdivision process is the determination of the location and amount of land to be conveyed for park land purposes. Land dedication is typically reflective of the need for parks, recreation opportunities, service infrastructure, and protection of environmental features. The *Parkland Acquisition Best Practices Guide* speaks to principles of fairness and equity in the development of best practices. These principles speak to the need for consistency in how parkland acquisition is applied, for openness and transparency, and for predictability in actions. These principles are fundamental to the development of good relationships involving local governments, land owners and developers. The kind of development that benefits communities and helps them to achieve their economic, social and environmental goals.

EXEMPTIONS

7. This policy's Parkland Dedication requirements shall not apply to subdivision applications identified in section 510 (3) of the *Local Government Act* :
 - a) a subdivision by which fewer than 3 additional lots would be created unless the parcel proposed for subdivision was created within the previous five years;
 - b) a subdivision by which the smallest lot being created is larger than 2 hectares;
 - c) a consolidation of existing parcels.

PROCEDURE FOR PARK LAND DEDICATION

8. Each applicant proposing a subdivision of land for any use is required to dedicate five percent (5%) of the total land under subdivision, or cash in lieu of land, for park land purposes, without compensation. Any environmentally sensitive land that is considered non-useable (i.e. non-developable) or non-accessible to the public will be excluded from the calculation of the 5% land. The Regional District prefers that any

non-useable environmentally sensitive land be donated to the Regional District, in addition to the 5% parkland dedication requirement, for the purposes of conservation.

9. The location and suitability of land within the proposed subdivision to be dedicated to park land is subject to RDOS approval (LGA S. 510 (1)(a)). In this regard, the land dedicated should be free from structures (unless agreed upon by RDOS), maintained in a safe and well-kept and/or in its natural state prior to dedication.
10. The *Local Government Act* section 510.1 provides that the owner of land being subdivided has the option to provide land or cash in lieu of land. However, despite S.510.1:
 - (a) if there is no park service in the Electoral Area where the subdivision is located then land dedication is the only option (LGA S. 510 (2)(a)).
 - (b) if the RDOS has policies and designations respecting the location and type of future parks contained in the Official Community Plan, the RDOS may determine whether the owner must provide land or an equivalent cash in lieu amount (LGA S. 510 (2)(b)).

LANDS THE REGIONAL DISTRICT MAY REQUIRE TO BE INCLUDED

11. The Regional District may require that the following lands be included in the five percent land dedication:
 - (a) Any part of land being subdivided as deemed appropriate by the Board of Directors.
 - (b) The Regional District will consider all relevant policies within an Official Community Plan specific to Parks and Parkland Dedication, and any other relating park bylaws or Park Master plans, prior to the acceptance of an identified land parcel.
 - (c) Where land adjacent to surface water or any other body of water is to be subdivided for purposes other than public recreational uses, the following dedication of park land may be required:
 - i. A parcel of land, of such width as may be determined by the Regional District, lying between the bank of the land containing water and the land to be retained by the owner, for the preservation of the bank and the protection of the land retained by the owner against flooding and to provide public access to the water, unless the land being proposed for subdivision is intended for public recreational uses.
 - ii. In recognition that these lands requested by the Regional District for park purposes may be of higher appraised value than the average value of all land associated with a proposed subdivision, the amount of land taken in this regard shall be based on the principle of it being equal in value to that required for cash-in-lieu purposes.

ADDITIONAL LANDS THAT MAY BE TAKEN

12. The Provincial Approving Officer (PAO) has legislated authority to attain additional land for various reasons: roads, access to bodies of water and land not suitable for public use or access. Park land dedication is excluded for the PAO's authority but both authorities may work cooperatively for a mutual public park benefit.

CASH IN LIEU OF LAND DEDICATION

13. Section 510 of the *Local Government Act* provides the option to the owner of property proposed for subdivision to provide cash-in-lieu of land dedication. All monies received in lieu of land dedication will be deposited into park reserve and expended only for the acquisition of lands for Park purposes (LGA S. 510.14) within the Electoral Area or the established park service area of which the subdivision is proposed.
14. When cash is determined to be provided in lieu of land, it is to be provided in either of following manners (LGA S. 510.6):
 - (a) if the Board and the owner agree on a value for the land, the value on which they have agreed, or
 - (b) the average fair market value of all the land in the proposed subdivision identified for the purpose of calculating the parkland dedication requirement.
15. The average fair market value of a parcel of land shall be determined on the basis of a "Full Narrative Appraisal" completed by an accredited appraiser provided by the developer.
16. The Regional District retains the right to hire its own accredited appraiser in the event that the average fair market value determined by the developers' appraiser is perceived to be insufficient. In the event of a discrepancy in the developer's appraisal and the Regional District's appraisal, the following process of mediation shall occur:
 - (a) If the developer's appraisal falls within 10% of the Regional District's appraisal, the two parties agree to split the difference;
 - (b) If the values vary by more than 10%, the two parties agree to obtain a third appraisal, cost-shared by both parties, and the third appraisal will be binding on both parties.
17. In cases where the identified dedication of land for park purposes do not total 5% of the subdivision land area, the remaining percentage difference shall be required in a cash-in-lieu payment to the Regional District. The cash-in-lieu payment shall be determined in a manner similar to section 14 of this policy for the percentage difference remaining.
18. Cash-in-lieu payments shall be deposited in a reserve account for the specific Electoral Area in which the subdivision occurred and shall be used only for purchase or development of park land. Further, if a subdivision occurs within a specific park service area, the cash-in-lieu monies collected from that subdivision should only be used for purchase or development of park land within that specific park service area.

DISPOSAL OF PARK LAND

19. Local governments have the authority to acquire and dispose of real property. However, due to the significance of parks to community values, there are two limitations on local governments' ability to dispose of park land:
- (a) Disposal of park land dedicated on subdivision: Elector approval is required for disposal of these parklands. All proceeds from sale must be placed in a park land acquisition reserve fund.
 - (b) Removing park land dedicated by bylaw: Elector approval is required to remove the dedication. Once a dedication is removed, the local government can dispose of the property under regular land disposal rules.

REPLACEMENT OF PREVIOUS POLICY

20. This Policy Statement shall replace the previous "Park Land Dedication Policy" adopted by Board of Directors on July 8, 2010 by Resolution No. B319/10.

Attachment No. 2: Parkland Dedication Policy – APC Comments

Area “E” APC:

- Section 19 “Disposal of Parkland”: Happy to see the inclusion of the disposal of parkland process included in the policy, and that Elector approval is required prior to disposal of these parcels.
- Would like to see Section 19 expanded to include policy on the “changing of use” of park areas (example provided of recent City of Penticton, Skaha Park proposed change of use to a public marina). A long-term lease would not necessarily be considered a “disposal” of park land, and therefore a future Board of Directors would not be bound from considering a change of use. Prefer policy to be included to ensure the public consultation/Elector approval is granted before a “change of use” of Park land to be grant by the Regional Board.
- Proposed park land areas as part of subdivision application should be presented to both the Area Planning Commission and Parks and Recreation Commission for comment (current policy just indicates APC).

Area “D” APC:

- Recommends the Regional Board adopts a policy/bylaw to take Development Cost Charges (DCCs) OR 5% cash-in-lieu of Parkland Dedication. It was discussed that the Parkland Acquisition Best Practices Guide provides that local governments in good faith, should not be ‘double-dipping’ with requiring both 5% Cash-in-lieu AND DCCs for parkland purposes. However, the APC felt there are some cases where the mechanism to collect DCCs or 5% cash-in-lieu made be preferable based on the context. An example would be a new large apartment building in the Town Centre area, which would not be subject to 5% cash-in-lieu, but could be subject to a parkland DCC.
- Administration mentioned that to determine a DCC bylaw for parkland purposes, a Parks Master Plan would be required and then future costs would need to be calculated to determine an appropriate and justifiable charge. APC members were in support of the development of Parks Master Plan and indicated that this is currently being discussed at the Okanagan Falls Parks & Recreation Commission.
- The APC provided a formal recommendation to consider a DCC Bylaw in its minutes to the Regional Board.
- The APC was in favour of the added elements and changes in the proposed draft policy.

Area “A” APC:

- There was discussion about when the cash in lieu option was/wasn’t available, with the comment that under 10(a) “no park service” was vague.
- There was a comment that the Board should have the discretion to decide on whether it wants cash in lieu or parkland dedication for each application.
- There was confusion around the 11(c)ii and asked that the provision be clarified. There was a suggestion to re-work the wording to make it more clear what the intent was.
- There was concern about parkland dedication applying on larger parcels.
- There was comment that there are many areas where environmentally sensitive lands cover the property and if excluded from the calculation it doesn’t leave much land.

Area "I" APC:

- Suggests that the RDOS Board adopts a policy to have a preference for taking land for park purposes for larger subdivisions instead of cash-in-lieu.
- No other concerns with the proposed policy.

Area "C" APC:

- Cash-in-lieu that is taken from the park land dedication process should stay in the Electoral Area of where the subdivision occurred, and also in the Park service area of where the subdivision was located (i.e. it was mentioned that Willowbrook has a park, and cash-in-lieu taken from that community should stay there).
- Concerns over low water in aquifers in upland areas where future subdivisions are being proposed.

Area "H" APC:

- The "park service" requirement (LGA S. 510(2)(a)) was discussed. If there is no park service for the Electoral Area, then only land can be provided as park land dedication. The land has to be acceptable to the Electoral Area Director and the Regional Board.

Area "F" APC:

- The funds collected within an Electoral Area should be used within that Electoral Area.
- Supportive of the changes to the process for getting a second opinion on the full narrative market appraisal and the process for dispute of appraisals.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD POLICY

POLICY: PARK LAND DEDICATION POLICY

AUTHORITY: Board Resolution No. B319/10 dated July 8, 2010

POLICY STATEMENT

It shall be the Policy of the Regional District Board to exercise the right to require either up to 5% land dedication for park, up to 5% payment in lieu thereof, or a combination of land and payment, for each subdivision referral received as defined in Section 941 of the *Local Government Act* for parkland acquisition purposes.

PURPOSE

To establish conditions for the dedication of park lands within the process of a subdivision of land which will advance the orderly development of land in accordance with sound planning principles and in tandem with the provision and availability of regional services.

DEFINITIONS

“Park Land Dedication” means that land, or cash payment in lieu of land, taken by the Regional District during subdivision of land in accordance with section 941 of the Local Government Act.

“Full Narrative Appraisal” means a report completed by an accredited appraiser and is an in depth report which typically consists of a letter of transmittal; summary of important conclusions, regional and neighborhood analysis; description of the site and any improvements; highest and best use analysis; zoning analysis; tax analysis; statement of ownership; property rights appraised; scope of the appraisal; cost approach; income approach; direct sales comparison approach utilizing comparable sales on the comparison grid; reconciliation; description of the appraisal process, definition of market value; certification; contingent & limiting conditions; photos of the subject property; photos of all comparable sales used; comparable sales location map; sketch of subject property showing layout; flood map if in print and qualifications of the appraiser and reviewer.

RESPONSIBILITIES

Board of Directors shall:

1. Adopt the Park Land Dedication policy and any amendments thereto.
2. Review the Staff report brought forward with recommendation toward park land dedication or payment in lieu of land.
3. Adopts a recommendation for the park land dedication requirement for proposed subdivision.

The Chief Administrative Officer shall:

1. Review reports being prepared for an agenda and ensure that they present fairly the spectrum of information necessary for the Board to make a decision.

The Staff shall:

1. Determine requirements for park dedication under the *Local Government Act*, Section 941 for proposed subdivision.
2. Inform MoTI and Applicant of park land requirement within the subdivision referral response ('Letter of Requirement').
3. Review background information from :
 - a. Review of Official Community Plans;
 - b. Development Cost Charge Bylaws; and,
 - c. Electoral Area Park Plans
 - d. *Parkland Acquisition Best Practices Guide*, Ministry of Community and Rural Development.
4. Refer park land requirements internally to:
 - a. Planning Services
 - b. Community Services
 - c. Electoral Area Director – may forward it onto recreation commission
5. Compile responses from internal referrals and determine a course of action (park land dedication or cash in lieu). Inform applicant of the direction set by the RDOS. Contact the Applicant and allow an opportunity to formulate a solution.
6. Draft a report to the Electoral Area Advisory Planning Commission (APC) with recommendation. Applicant is invited to the APC meeting and given the option to present a proposal for park land. This STEP may be waived in writing by the Electoral Area Director if the cash in option is used rather than accepting land.
7. Incorporate any APC recommendation into a Staff report to be brought forward to the Board.
8. Give recommendation for either park land dedication or cash in lieu option to the Regional Board.
9. Follow-up the RDOS Board resolution and complete the subdivision requirement of park land dedication.
 - a. If cash in lieu is required then a 'Full Narrative' appraisal needs to be completed to assess the value of the subdivided land. This appraisal may be undertaken by the RDOS Staff on behalf of the subdivision applicant and the applicant will pay full cost of the appraisal. An estimate to complete the appraisal will be obtained and 120% of the estimate will be held as security from the subdivision applicant prior to commencement of the appraisal.
 - b. If park land is required then RDOS Staff will acquire the land as part of the process to complete the proposed subdivision.

PRINCIPLES

Acquisition of Park Land

1. Any Electoral Area that does not have a 'Community Parks Service' does not have the option for cash in lieu and therefore can only accept land as dedication. As of January 2010 Electoral Areas 'B' and 'G' do not have Park Services and the cash in lieu is not available at this time.
2. Subject to the requirements set out in the *Local Government Act S.941*, each applicant proposing a subdivision of land for any use is required to dedicate up to 5% of the total land to be subdivided or cash in-lieu equivalency of up to 5% land.
3. General guidelines for park land acquisition will be set out in an Electoral Area Official Community Plan.
4. Electoral Area parks plans adopted by the Board shall be considered when determining specific properties for park land.

5. Lands considered for active parks (e.g. playing/sports fields) shall be generally flat with slopes of no more than 5% and in locations useable for the general public without any encumbrances on the land.
6. Land considered for passive parks (e.g. walking trails) is permitted to have slopes greater than 5% but must be accessible to the general public.
7. When a subdivision's required parkland contribution (up to 5% of the proposed subdivision area) is calculated, environmentally sensitive areas not intended for public access should be excluded from the equation. If trails or other public features are planned for environmentally sensitive lands, these areas effectively represent passive parks; at least a portion should therefore be included in the total subdivision area for purposes of calculating the required 5% park dedication. Publicly accessed environmental areas should also be accepted by Regional District toward the required 5% dedication.
8. Any environmentally sensitive land that is considered non-useable or non-accessible to the public will be excluded from the calculation of the 5% land. The Regional District will approve any exclusion prior to calculating the park land.
9. The location and dimension of proposed park land dedication must be shown a sketch plan of the proposed subdivision and labeled as 'park'.
10. The location and suitability of park land within the proposed subdivision to be dedicated to the public use is subject to the approval of Regional Board.
11. The approved park land will be properly identified on the final survey plan prior to signing of the plan by the Provincial Approving Officer.

Cash In-Lieu of Land Dedication

1. In cases where it has been identified that land dedication is not acceptable then the option for cash in lieu payment to the pertaining Electoral Area will be required.
2. In cases where the identified dedications of land do not total up to 5% of the total subdivision land area, the remaining difference may be required in a cash-in lieu payment to the pertaining Electoral Area.
3. The cash in lieu of land dedication shall be provided at a rate equivalent to the fair market value of the subdivided land(s) at the date of whichever is closer to finalizing the subdivision:
 - a. the Preliminary Layout Approval issued by the Ministry of Transportation and Infrastructure; or,
 - b. if the subdivision process is delayed then 90 days prior to the Provincial Approving Officer signing the legal survey plan.
4. The value of the land shall be determined on the basis of a "Full Narrative Appraisal" completed by an accredited appraiser.
5. Upon RDOS approval of the appraisal, up to 5% of the appraised value of the subject lands shall be paid to the Regional District prior to approval of the subdivision referral.
6. Cash-in-lieu payments shall be deposited in a reserve account and shall be used only for purchase of park land or capital development of the particular purchased park land.

Waiving of Park Land Dedication Requirements

1. The requirement for park land dedication shall be waived for lot-line adjustments between parcels and where there is no creation of additional parcels.
2. The *Local Government Act* allows the acquisition to either up to 5% land or up to 5% equivalency in the form of money or combination of both. Therefore this process is a negotiation of what is an acceptable requirement. In certain cases the waiving or accepting 0% of the may be deemed suitable option. This waiving of park land dedication should only be used in extraordinary circumstances.

Use of Cash In-Lieu Funds

1. The use of park land dedication funds shall be set out generally in the Official Community Plan as to the general areas in the community(s) in which park land is desirable.
2. Given that some Electoral Areas within the Regional District are quite large, it is recommended that the acquired park land funding be used in the general area in which it has been generated. In so far that any specific community or area generating the park land funds shall benefit from the acquisition of park land.
3. Funding generated for park land dedication is meant for the acquisition of park land. Some of the funding can be used for capital works to make the acquired park land useable for public use.
4. Funding generated for park land dedication is not intended for the cost of operating or maintaining park land.

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: CAO Delegation Bylaw and Development Procedures Bylaw Update
Delegation of Development Permits – Approvals, Amendments, Cancellation

Administrative Recommendation:

THAT Amendment Bylaw No. 2793.01, 2019, Regional District of Okanagan-Similkameen CAO Delegation Bylaw and Amendment Bylaw No. 2500.12, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw, be brought forward for consideration of 1st reading.

Purpose:

The purpose of this report is to seek direction from the Board regarding the delegation of form & character and the protection of farming development permits in accordance with Section 490 of the *Local Government Act*.

Background:

Under Section 488(1) of the Act, a local government may designate development permit areas for purposes such as:

- *protection of the natural environment, its ecosystems and biological diversity;*
- *protection of development from hazardous conditions;*
- *protection of farming; and*
- *establishment of objectives for the form and character of commercial, industrial or multi-family residential development.*

Through the various Electoral Area OCP Bylaws, the Regional District has, to date, implemented 10 different development permit areas in accordance with Section 488(1), including:

- Environmentally Sensitive;
- Okanagan Falls Commercial;
- Okanagan Falls Town Centre;
- Gallagher Lake Commercial;
- Okanagan Falls Industrial;
- Protection of Farming; and
- Hillside;
- Okanagan Falls Multiple Family;
- Watercourse.
- Naramata Village Centre;

Under Section 490(5) of the Act, a local government may delegate the power to issue a development permit. Through the Regional District's *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, this authority has been delegated to the CAO in relation to Environmentally Sensitive, Hillside and Watercourse development permits.

The CAO Delegation Bylaw has further empowered the CAO to amend all types of development permits, regardless if the initial authority to approve the permit has been retained by the Board, or delegated.

Analysis:

At the time that the current Development Procedures Bylaw was being drafted in 2010-11, it was Administration's understanding that "form & character" development permits could not be delegated to staff and had to be considered by the Board. Accordingly, the authority to issue these types of permits was not pursued at that time.

All types of development permits, however, may be delegated and, as with those types that have previously been delegated by the Board (i.e. WDP, ESDP & HDP), Administration considers there to be efficiencies in processing times that can be realized through delegation.

For instances, non-delegated DPs such as the Okanagan Falls Industrial and Naramata Village Centre must be considered by the applicable Advisory Planning Commission (APC) prior to consideration by the Board – which may add between 2-4 weeks to the processing time.

Similar to a Development Variance permit (which can not be delegated), often these permits are found to be required when applicants come in to apply for a building permit. The Regional District maintains an administrative policy to not intake any building permits if it requires an associated non-delegated (i.e. discretionary) approval by the Board. As such, the requirement for a non-delegated development permit may add up to an additional 6-8 weeks of commonly unforeseen processing time prior to a building permit being allowed to be submitted.

Administration further considers that the delegation of all development permit types will further assist with efficiency by streamlining the implementation of this development permit type into the new Development Services software program (planned for implementation go-live by July 2020) to be used corporately with functionality for Building Inspection, Planning, Bylaw Enforcement.

Importantly, delegation would not compel the Chief Administrative Officer (CAO) to make a decision regarding a development permit and current wording within the Regional District's Development Procedures Bylaw already states that:

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.

It is proposed to maintain this allowance for the CAO to refer any delegated development permit to the Board for consideration.

Administration has also reviewed the practices of the member municipalities in relation to the delegation of DPs and can advise that:

- the City of Penticton has delegated all of its environmental DPs, and minor additions to buildings that are the subject of a "form & character" DP;
- the District of Summerland has delegated authority for environmental as well as its Downtown "form & character" DP for minor developments less than \$50,000 in value;
- the Town of Osoyoos has delegated all "form & character" DPs (unless associated with a rezoning application) as well as all environmental, hazard lands and protection of farming DPs; and
- the Town of Oliver has not delegated authority to approve "form & character" DPs.

Alternatives:

THAT Amendment Bylaw No. 2793.01, 2019, Regional District of Okanagan-Similkameen CAO Delegation Bylaw and Amendment Bylaw No. 2500.12, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw, not be brought forward for first reading.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Draft Amendment Bylaw No. 2500.12 (annotated version)
No. 2 – Draft Amendment Bylaw No. 2793.01

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2793.01, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Chief Administrative Officer Delegation Bylaw No. 2793, 2018**

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 Chief Administrative Officer Delegation Amendment Bylaw No. 2793.01, 2019."
2. The "Regional District of Okanagan-Similkameen Chief Administrative Officer Delegation Bylaw No. 2793, 2018" is amended by:
 - (i) replacing Section 3.45 under the sub-heading of "Contract and Agreements" in its entirety with the following:

3.45 shall be delegated authority to issue, amend and cancel the following types of development permits under Section 490 of the *Local Government Act*:

- .1 Environmentally Sensitive Development Permit (ESDP);
- .2 Gallagher Lake Commercial Development Permit (GLCDP);
- .3 Hillside Development Permit (HDP);
- .4 Industrial Development Permit (IDP);
- .5 Multiple Family Development Permit (MFDP);
- .6 Naramata Village Centre Development Permit (NVDP);
- .7 Okanagan Falls Commercial Development Permit (OFCDP);
- .8 Okanagan Falls Town Centre Development Permit (OFTCDP);
- .9 Protection of Farming Development Permit (PFDP);
- .10 Watercourse Development Permit (WDP).

- (ii) replacing Section 3.46 under the sub-heading of "Contract and Agreements" in its entirety with the following:

Commented [CG1]: Not currently delegated.

Commented [CG2]: Currently delegated, but references new name of DP

Commented [CG3]: Form & Character DP – not currently delegated

Commented [CG4]: Form & Character DP – not currently delegated

Commented [CG5]: Form & Character DP – not currently delegated

Commented [CG6]: Form & Character DP – not currently delegated

Commented [CG7]: Form & Character DP – not currently delegated

Commented [CG8]: Not currently delegated, despite Development Procedures Bylaw including processing procedures to suggest that it is delegated.

3.46 ~~deleted.~~

Commented [CG9]: Former section dealing with ESDPs

(iii) replacing Section 3.47 under the sub-heading of “Contract and Agreements” in its entirety with the following:

3.47 ~~deleted.~~

Commented [CG10]: Former section dealing with amending any DP. Will not be required if all DP types, including form & character, are included in Section 3.45.

(iv) replacing Section 3.48 under the sub-heading of “Contract and Agreements” in its entirety with the following:

3.48 ~~deleted.~~

Commented [CG11]: Former section dealing with HSSDPs.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 2019.

ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

DRAFT

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.12, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

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. 2500.12, 2019."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) replacing Section 3 (Processing Procedure – Form and Character Development Permit) under Schedule 3 (Application for a Development Permit) in its entirety with the following:

3. Processing Procedure – Non-Delegated Development Permits

A Development Permit application submitted in accordance with this bylaw for a type of development permit that has not been delegated to the CAO under the *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, 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, committees and the appropriate Advisory Planning Commission (APC).
- .5 The referral comments and/or recommendation may then be incorporated into a technical report to the Board.
- .6 The recommendation to the Board may identify as a condition of the issuance of a permit, that the applicant for the permit provide a security by an irrevocable letter of credit or other means in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the terms of the permit; a covenant; or other legal documents.
- .7 The applicant is invited to attend the Board meeting at which the variance application will be considered.
- .8 The Board will consider the technical report and may grant the requested permit, or may refer, table, direct back to the APC or deny the application.
- .9 Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
- .10 If a development permit is granted, a Notice of Permit will be signed and sealed by the CAO and registered against the title of the property(s) at the Land Title Office.
- .11 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required.
- .12 Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.
- .13 For development permits designated for the “protection of the natural environment, its ecosystems and biological diversity”, monitoring and reporting by a Qualified Environmental Professional (as defined in the applicable RDOS Bylaw) on the behalf of the permit holder may be a requirement of the permit.

- (ii) replacing Section 3 (Processing Procedure – Watercourse Development Permit) under Schedule 3 (Application for a Development Permit) in its entirety with the following:

3. Processing Procedure – Delegated Development Permits

A Development Permit application submitted in accordance with this bylaw for a type of development permit that has been delegated to the CAO under the *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, 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, or their delegate, 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. If a development permit is forwarded to the Board for decision, it shall be processed in accordance with Section 2 (Processing Procedures – Non-Delegated Development Permits) of this Schedule. 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.
- .11 Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.
- .12 For development permits designated for the “protection of the natural environment, its ecosystems and biological diversity”, monitoring and reporting by a Qualified Environmental Professional (as defined in the applicable RDOS Bylaw) on the behalf of the permit holder may be a requirement of the permit.

(iii) replacing Section 4 (Processing Procedure – Environmentally Sensitive Development Permit) under Schedule 3 (Application for a Development Permit) in its entirety with the following:

.4 *deleted.*

(iv) replacing Section 5 (Processing Procedure – Protection of Farming Development Permit) under Schedule 3 (Application for a Development Permit) in its entirety with the following:

.5 *deleted.*

(v) replacing Section 6 (Processing Procedure – Hillside Development Permit) under Schedule 3 (Application for a Development Permit) in its entirety with the following:

.6 *deleted.*

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

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Provincial *Riparian Areas Protection Regulation* (RAPR)
Watercourse Development Permit (WDP) Area Update

Administrative Recommendation:

THAT Bylaw No. 2876 and Amendment Bylaw No. 2500.13, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw Updated, be brought forward for consideration of 1st reading.

Purpose:

The purpose of this report is to seek direction from the Regional District Board with regard to proposed amendments to the Watercourse Development Permit (WDP) Area designations in the Electoral Area Official Community Plan (OCP) Bylaws in order to maintain consistency with the recently implemented provincial *Riparian Area Protection Regulation* (RAPR).

Administration is seeking further direction in relation to supporting amendments to the application requirements and processing procedures for WDPs found in the Regional District's Development Procedures Bylaw No. 2500, 2011.

Background:

On March 31, 2005, the provincial *Riparian Areas Regulation* (RAR) came into effect with the purpose of establishing "directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes."

The *Regulation* applies to riparian fish habitat affected by new residential, commercial and industrial development on land under local government jurisdiction. A riparian area is generally considered to be the areas adjacent to ditches, streams, lakes and wetlands that support a mixture of vegetation that directly influences and provides important fish habitat, builds and stabilizes stream banks and channels, provides cool water through shade, and provides shelter for fish.

At Section 3 of the *Regulation*, the provincial government listed 14 regional districts — including the Regional District of Okanagan-Similkameen — that were required to implement RAR through their land use bylaws.

At its meeting of June 8, 2006, the Regional District Board adopted Amendment Bylaw No. 2337, 2006, which introduced Watercourse Development Permit (WDP) Area designations into the Electoral Area "A", "C", "D", "E", "F", "H" & "I" OCP Bylaws. NOTE: the Regional District has previously been advised that the absence of riparian protections in Electoral Areas "B" & "G" is inconsistent with the Regulation.

The WDP Area designation established a 30.0 metre wide setback area on either side of a “watercourse” with any residential, commercial or industrial development occurring within this setback area triggering the need for a development permit from the Regional District. Authority to issue, amend and cancel a WDP has previously been delegated to the Chief Administrative Officer (CAO).

In administering the WDP Area, the Regional District relies on the “professional reliance” model wherein a “qualified environmental professional” (QEP) prepares an assessment report based on “prescriptive, repeatable assessment methodology” established by the provincial government, and that this report forms the basis of a permit.

In 2014 the provincial Ombudsperson undertook a review of the provincial RAR and determined that “there has been a lack of oversight, training, information and reporting of the [RAR] program by the provincial government”. In response, the Ombudsperson made 25 recommendations, including:

allow the ministry to postpone notification to local governments until its reviews of assessment reports are complete and any required amendments to reports to ensure compliance with the RAR assessment methods have been made.

In 2018, the Province completed a *Professional Reliance Review* that made a number of recommendations in relation to RAR, including:

Provide provincial authority to reject riparian assessments that do not follow the prescribed methodology, are carried out by unqualified individuals, or where the professional’s opinion concerning the streamside protection and enhancement area is not supported by the facts or adequately justified.

In response, a new *Riparian Area Protection Regulation* (RAPR) came into effect on November 1, 2019, and, amongst other things, introduced the following changes:

- notification to local government of an assessment report complying with RAPR may be withheld until any deficiencies in an assessment report are rectified;
- “undue hardship” is now defined and addressed directly by the regulation (was previously addressed through a protocol that did not have any regulatory force); and
- all QEPs are now to undertake approved training courses.

Analysis:

The most consequential change for the Regional District resulting from the implementation of the *Riparian Area Protection Regulation* (RAPR) will be the inability to issue a WDP until such time as the relevant Minister has forwarded a copy of a QEP’s assessment report to the Regional District.

Prior to the implementation of RAPR, the province had no ability to postpone the issuance of a permit by a local government and could merely provide comment — and the Regional District’s bylaws are currently structured to reflect this.

In light of the new legislative framework, Administration is proposing that the WDP Area “Guidelines” — which is the part of the DP Area designation that provides guidance to applicants on submission requirements — be amended to require the following:

An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial Riparian Area Protection Regulation, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

In support of this, and to prevent the Regional District from having to manage applications that are still being assessed by the provincial government, it is further proposed that the Development Procedures Bylaw be amended to require the following as an application submission requirement:

an assessment report, provided to the Regional District by the responsible provincial minister under Section 6 of the Riparian Areas Protection Regulation in relation to the development, and which is not expired under Section 7 of the Regulation.

Prior to the introduction of the RAPR, the province had committed to provide comment to the Regional District within 10 working days of a QEP uploading a report to a provincial on-line registry.

It is unknown at this time if the province will continue to meet this timeframe given its new responsibility of working directly with QEPs to bring deficient reports into compliance with the requirements of the Regulation.

Administration is anticipating that this new work regime *may* add a delay to the provincial processing of compliant reports, whereas non-compliant reports may never receive support from the province.

In cases where provincial support is never provided and the proposal relates to the formalization of development within a riparian area, Administration is further anticipating that this new regime will shift the burden of enforcement to the Building Department as a building permit cannot be issued unless a WDP has already been approved.

Expedited Development Permit Process:

In 2013, the Regional District implemented an “Expedited” permitting process for WDP applications which allows for the issuance of a permit without requiring an assessment report from a QEP if certain criteria are met.

For instance, in the case of a proposed boundary adjustment between two parcels of land which are the subject of a WDP Area designation, an “Expedited” permit may be issued if a suitable building envelope that does not affect a riparian assessment area can be shown on each of the resultant parcels.

To ensure the continuing validity of this permitting option in light of the new requirements contained within the RAPR, Administration is recommending that the Board consider a resolution to the effect that:

The Regional District Board considers, in accordance with Section 12(4)(b) of the Riparian Areas Protection Act, that the requirements for an Expedited Watercourse Development Permit provides a level of protection that is comparable to or exceeds that established by the Riparian Areas Protection Regulation.

This resolution has been vetted by the District’s lawyer to ensure that our current Expedited WDP process will sufficiently hold up to an equal level of protection as the new RAPR regulation.

Other Proposed Changes:

Administration is also proposing a number of other amendments, such as:

-
- updating the list of activities that constitute “development”, which is currently based on the (now rescinded) *Riparian Area Regulation* (RAR), to those used in other DP Areas (i.e. ESDP triggers);
 - placing development permit triggers (i.e. building, subdivision, land disturbance) in their own sub-section as is done with other DP Area designations (currently, the triggers are comprised within the “Guidelines” section);
 - removing the section related to the requirement for monitoring reports as the Regional District does not have the legal authority to require these; and
 - introducing new exemptions for in-stream works approved under the *Water Sustainability Act* and for works undertaken in relation to an emergency event (i.e. emergency flood or protection works).

Riparian Area Protection Regulation Compliance:

Section 4(2) of the Regulation states that “a local government **must** [emphasis added] have in force zoning or land use bylaws that ensure that a riparian development is subject to” a scheme that prohibits the development from proceeding unless the local government approves the development in accordance with the recommendation contained in an assessment report.

The Regional District is not currently in compliance with the regulation due to the absence of zoning or land use bylaws in Electoral Areas “B” & “G”.

Alternatives:

- .1 THAT Bylaw No. 2876 and Amendment Bylaw No. 2500.13, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw Updated not be initiated; OR
- .2 THAT consideration of Bylaw No. 2876 and Amendment Bylaw No. 2500.13, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw Updated be deferred.

Respectfully submitted:

Endorsed by:



C. Garrish, Planning Manager

B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Draft Amendment Bylaw No. 2876
No. 2 – Draft Amendment Bylaw No. 2500.13

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.13, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

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. 2500.13, 2019."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) replacing Section 1(b)(1)(a) (Watercourse Development Permit Application Requirements) under Schedule 3.0 (Application for a Development Permit) to read as follows:
 - a) an assessment report, provided to the Regional District by the responsible provincial minister under Section 6 of the *Riparian Areas Protection Regulation* in relation to the development, and which is not expired under Section 7 of the Regulation.

READ A FIRST TIME on the __ day of ____, 2019.

READ A SECOND TIME on the __ day of ____, 2019.

READ A THIRD TIME on the __ day of ____, 2019.

ADOPTED on the __ day of ____, 2019.

Board Chair

Corporate Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2876, 2019

**A Bylaw to amend the Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” and “I”
Official Community Plan Bylaws**

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 Watercourse Development Permit Area Update Amendment Bylaw No. 2876, 2019."

Electoral Area “A”

2. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Official Community Plan Bylaw No. 2450, 2008” is amended by:
 - i) replacing Section 18.3 (Watercourse Development Permit (WDP) Area) under Section 18.0 (Development Permit Areas) in its entirety with the following:

18.3 Watercourse Development Permit (WDP) Area

18.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

18.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

18.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

18.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 18.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

18.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

18.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

18.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;

- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

18.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.

- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “C”

3. The “Regional District of Okanagan-Similkameen, Electoral Area “C” Official Community Plan Bylaw No. 2452, 2008” is amended by:

- i) replacing Section 21.3 (Watercourse Development Permit (WDP) Area) under Section 21.0 (Development Permit Areas) in its entirety with the following:

21.3 Watercourse Development Permit (WDP) Area

21.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

21.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

21.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

21.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 21.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

21.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:

- d) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

21.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

21.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;

- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

21.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and

- shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
 - .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Ac.*
 - .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “D”

- 4. The “Regional District of Okanagan-Similkameen, Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013” is amended by:
 - i) replacing Section 24.3 (Watercourse Development Permit (WDP) Area) under Section 24.0 (Development Permit Areas) in its entirety with the following:

24.3 Watercourse Development Permit (WDP) Area

24.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

24.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

24.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

24.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 24.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

24.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

24.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

24.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the

- development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
 - .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
 - .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
 - .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
 - .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

24.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in

the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.

- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Ac.*
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has

passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “E”

5. The “Regional District of Okanagan-Similkameen, Electoral Area “E” Official Community Plan Bylaw No. 2458, 2008” is amended by:

- i) replacing Section 23.3 (Watercourse Development Permit (WDP) Area) under Section 23.0 (Development Permit Areas) in its entirety with the following:

23.3 Watercourse Development Permit (WDP) Area

23.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

23.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

23.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

23.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 23.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

23.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

23.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

23.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by

- means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
 - .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

23.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Ac.*
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “F”

6. The “Regional District of Okanagan-Similkameen, Electoral Area “F” Official Community Plan Bylaw No. 2790, 2018” is amended by:
 - i) replacing Section 23.3 (Watercourse Development Permit (WDP) Area) under Section 23.0 (Development Permit Areas) in its entirety with the following:

23.3 Watercourse Development Permit (WDP) Area

23.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

23.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or

- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

23.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

23.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 23.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

23.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

23.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

23.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the

Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;

- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

23.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.

- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “H”

7. The “Regional District of Okanagan-Similkameen, Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012” is amended by:
- i) replacing Section 22.3 (Watercourse Development Permit (WDP) Area) under Section 22.0 (Development Permit Areas) in its entirety with the following:

22.3 Watercourse Development Permit (WDP) Area

22.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

22.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule ‘D’; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

22.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

22.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 22.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and

- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

22.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

22.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

22.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.

- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

22.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping,

Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

Electoral Area “I”

- 8. The “Regional District of Okanagan-Similkameen, Electoral Area “I” Official Community Plan Bylaw No. 2683, 2016” is amended by:
 - i) replacing Section 23.3 (Watercourse Development Permit (WDP) Area) under Section 23.0 (Development Permit Areas) in its entirety with the following:

23.3 Watercourse Development Permit (WDP) Area

23.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

23.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule 'D'; or
- .2 within 30.0 metres of a stream; or
- .3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

23.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

23.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 23.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

23.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

23.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

23.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

23.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.

- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;

- c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

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

DRAFT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, November 21, 2019
12:30 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of November 21, 2019 be adopted.

1. Consent Agenda – Corporate Issues

- a. Electoral Area “F” Advisory Planning Commission – September 30, 2019
THAT the Minutes of the September 30, 2019 Electoral Area “F” Advisory Planning Commission meeting be received.
- b. Electoral Area “F” Parks and Recreation Commission – October 1, 2019
THAT the Minutes of the October 1, 2019 Electoral Area “F” Parks and Recreation Commission meeting be received.
- c. Electoral Area “D” Advisory Planning Commission – October 8, 2019
THAT the Minutes of the October 8, 2019 Electoral Area “D” Advisory Planning Commission meeting be received.
- d. Kaleden Recreation Commission – October 10, 2019
THAT the Minutes of the October 10, 2019 Kaleden Recreation Commission meeting be received.
- e. Electoral Area “C” Advisory Planning Commission – October 15, 2019
THAT the Minutes of the October 15, 2019 Electoral Area “C” Advisory Planning Commission meeting be received.
- f. Electoral Area “E” Advisory Planning Commission – October 15, 2019
THAT the Minutes of the October 8, 2019 Electoral Area “E” Advisory Planning Commission meeting be received.
- g. Electoral Area “I” Advisory Planning Commission – October 16, 2019
THAT the Minutes of the October 16, 2019 Electoral Area “I” Advisory Planning Commission meeting be received.
- h. Electoral Area “F” Advisory Planning Commission – October 28, 2019
THAT the Minutes of the October 28, 2019 Electoral Area “F” Advisory Planning Commission meeting be received.

- i. Community Services Committee – October 17, 2019
THAT the Minutes of the October 17, 2019 Community Services Committee meeting be received.

THAT the matter of restoration of the Kaleden Hotel be referred to staff to investigate costs.
- j. Corporate Services Committee – October 17, 2019 and October 31, 2019
THAT the Minutes of the October 17, 2019 and October 31, 2019 Corporate Services Committee meeting be received.
- k. Environment and Infrastructure Committee – October 17, 2019
THAT the Minutes of the October 17, 2019 Environment and Infrastructure Committee meeting be received.
- l. Planning and Development Committee – October 17, 2019
THAT the Minutes of the October 17, 2019 Planning and Development Committee meeting be received.
- m. Protective Services Committee – October 17, 2019
THAT the Minutes of the October 17, 2019 Protective Services Committee meeting be received.
- n. RDOS Regular Board Meeting – October 17, 2019
THAT the minutes of the October 17, 2019 RDOS Regular Board meeting be adopted.
- o. RDOS Inaugural Board Meeting – November 7, 2019
THAT the minutes of the November 7, 2019 RDOS Inaugural Board meeting be adopted.
- p. Select Committees and External Agency Appointments
THAT the appointments to select committees and external agencies remain status quo for 2020.
- q. Destination Osoyoos Appointment
THAT the Board of Directors appoint Joanne Muirhead to the Destination Osoyoos Board as the representative for Electoral Area “A”, for the term expiring November 2021..

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 — 8360 Gallagher Lake Frontage Road, Electoral Area “C”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Development Variance Permit No. C2019.030-DVP.*

- b. Temporary Use Permit Application — 3985 1st Street , Electoral Area “E”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Temporary Use Permit No. E2019.009-TUP.*

- c. Development Variance Permit Application — 420 Robinson Ave, Electoral Area “E”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Development Variance Permit No. E2019.026-DVP.*

- d. Development Variance Permit Application — 2685 Noyes Road , Electoral Area “E”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Development Variance Permit No. E2019.027-DVP.*

- e. Temporary Use Permit Renewal Application – 1146 &1066 Highway 3, Electoral Area “I”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Temporary Use Permit No. I2019.008-TUP.*

- f. Development Variance Permit Application — 4090 4th Street, Naramata, Electoral Area “E”
 - i. Permit
 - ii. Representations*THAT the Board of Directors approve Development Variance Permit No. E2019.008-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 - 415 Robinson Avenue, Electoral Area "E"

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 2, District Lot 210, Plan KAP24780, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805; and

THAT injunctive action be commenced.

2. Building Bylaw No. 2333 and 2805 Infraction – 147 Airstrip Road, Electoral Area "H"

RECOMMENDATION 5 (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 1, District Lot 902, Plan KAP20249, YDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805.

3. Building Bylaw No. 2333 and 2805 Infraction – 449 Sagewood Lane, Electoral Area "I" (Deck)

RECOMMENDATION 6 (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 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.

4. Building Bylaw No. 2333 and 2805 Infraction – 449 Sagewood Lane, Electoral Area “I” (Greenhouse)

RECOMMENDATION 7 (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 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.

5. Building Bylaw No. 2333 and 2805 Infraction – 268 Resolute Road, Electoral Area “I”

RECOMMENDATION 8 (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 12, District Lot 411, Plan KAP92537, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805; and

THAT injunctive action be commenced.

C. DEVELOPMENT SERVICES – Untidy/Unsightly Bylaw Enforcement

1. Untidy and Unsightly Property Contravention - 525 Dagur Way, Electoral Area “H”

RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)
THAT the RDOS commence the process to bring Lot 12, District Lot 3528, SDYD, Plan KAP56749 (525 Dagur Way) into compliance with the Regional District of Okanagan-Similkameens’s Untidy and Unsightly Premises Regulatory Control Bylaw No. 2637, 2013.

D. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Proposed OCP Amendment/Rezoning – 1750 Highway 3 East, Electoral Area “A” Consistency with South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017
 - a. Bylaw No. 2450.14
 - b. Bylaw No. 2451.27
 - c. Representations

To seek direction from the Board regarding the consistency of a proposed rezoning application with the South Okanagan Regional Growth Strategy (RGS).

RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)
THAT the proposed rezoning of Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322 in order to facilitate a 6-lot subdivision (5 residential lots and 1 conservation lot) be deemed inconsistent with the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017;

AND THAT Bylaw No. 2450.14, 2019, Electoral Area “A” Official Community Plan Amendment Bylaw and Bylaw No. 2451.24, 2019, Electoral Area “A” Zoning Amendment Bylaw be denied.

2. Official Community Plan (OCP) & Zoning Bylaw Amendment – 730 Golden Currant Road , Electoral Area “C”
 - a. Bylaw No. 2452.22
 - b. Bylaw No. 2453.37
 - c. Representations

To facilitate a subdivision (boundary adjustment) that will result in the creation of a 0.37 ha parcel

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2452.22, 2019, Electoral Area “C” Official Community Plan Amendment Bylaw and Bylaw No. 2453.37, 2019, Electoral Area “C” Zoning Amendment Bylaw be denied.

3. Liquor and Cannabis Regulation Branch Referral – 5212 9th Avenue, Okanagan Falls , Electoral Area “D”
 - a. Representations

To obtain a Non-Medical Cannabis Retail Store licence

RECOMMENDATION 12 (Unweighted Rural Vote – Simple Majority)
THAT the RDOS forward the following recommendation to the Liquor & Cannabis Regulation Branch (LCRB);

THAT in accordance with Section 33(1) of the Cannabis Control and Licencing Act, the RDOS Board of Directors recommends support of an application from Green Light Cannabis Inc. for a proposed non-medical retail cannabis location at 5212 9th Avenue, Okanagan Falls (Lot A, Plan 16980, District Lot 374, SDYD), for a Non-medical Cannabis Retail Licence with operating hours from 9:00 am to 11:00 pm seven days a week.

AND FURTHER THAT the RDOS Board of Directors comments are as follows:

- i) The property is located in the Okanagan Falls Town Centre (OFTC) and the use is permitted in the OFTC zone.
 - ii) No significant negative impact on the community is anticipated if the application is approved.
 - iii) The Board provided opportunity for residents to provide their views on the licence application. Public notice indicating that the Board would accept written comments on the application until October 8, 2019 was published in the Penticton Western News on September 13, 2019 and September 19, 2019, published on Castanet from September 17 to September 19, 2019, posted on the municipal web site from September 5, 2019, were mailed to owners and tenants within 100 metres of the subject parcel on September 10, 2019. Further, a notification sign was posted on the store front at 5212 9th Avenue from August 27, 2019 until the Board considered the application on November 21, 2019.
 - iv) The views of the residents were considered by the Board and attached to the agenda of November 21, 2019 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published.
-

4. Zoning Bylaw Amendment – 3440 & 3690 Arawana Road and an unaddressed property, Electoral Area “E”
 - a. Bylaw No. 2459.35
 - b. Representations

To allow for “campground” as a principal permitted use

RECOMMENDATION 13 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2459.35, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be delegated to Director Kozakevich, or delegate;

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

5. Official Community Plan Bylaw and Zoning Bylaw Amendments
Electoral Areas "A", "C", "D", "E", "F", "G", "H" & "I"
Home Industries, Home Occupations & Cannabis Production Facilities
- a. Bylaw No. 2849
 - b. Responses Received

To update the policies and regulations related to home industry and home occupation and cannabis production facility uses in the Electoral Area Official Community Plan Bylaws and Zoning Bylaws.

RECOMMENDATION 14 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2849, 2019, Electoral Area Official Community Plan and Zoning Amendment Bylaw be read a third time.

6. Hillside Development Permit Area Update – Electoral Area "D"
- a. Bylaw No. 2603.02
 - b. Bylaw No. 2603.02 Schedule A
 - c. Bylaw No. 2500.03
 - d. Representations

To update the Hillside Development Permit (HDP) Area designation so that it is only applied to subdivisions and not building permits.

RECOMMENDATION 15 (Unweighted Rural Vote – 2/3 Majority)
THAT Amendment Bylaw 2603.02, 2019, Electoral Area "D" Official Community Plan Amendment Bylaw be read a third time and adopted;

AND THAT Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a third time and adopted.

7. Zoning Bylaw Amendment – Workman Place, Naramata, Electoral Area "E"
- a. Bylaw No. 2459.36
 - b. Representations

To amend the front and rear parcel line setbacks for 18 parcels on the west side of Workman Place

RECOMMENDATION 16 (Unweighted Rural Vote – 2/3 Majority)
THAT Bylaw No. 2459.36, 2019, Electoral Area "E" Zoning Amendment Bylaw be read a third time, as amended, and adopted.

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

To 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”.

RECOMMENDATION 17 (Unweighted Rural Vote – 2/3 Majority)

THAT the following bylaws be read a third time and adopted:

- **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.**
-

9. Development Procedures Bylaw Updated – Subdivision Referrals
 - a. Bylaw No. 2500.11

To introduce application requirements and processing procedures related to subdivision proposals referred by the Ministry of Transportation and Infrastructure (MoTI) to the Regional District for review against applicable bylaws.

RECOMMENDATION 18 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2500.11, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a first, second and third time and adopted.

10. Housing Needs Report Grant Application

To seek direction to apply for a provincial grant for a Housing Needs Report that includes all of the RDOS Electoral Areas, City of Penticton, District of Summerland and the Village of Keremeos.

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

THAT the Regional District submit a provincial grant application and provide overall grant management for undertaking a Housing Needs Report for Electoral Areas ‘A’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’, and ‘I’, the City of Penticton, the District of Summerland, and the Village of Keremeos

E. PUBLIC WORKS

1. Pre-purchase of Sludge Dewatering Centrifuge Equipment for Okanagan Falls Wastewater Treatment Plant Solids Processing

RECOMMENDATION 20 (Weighted Corporate Vote – Majority)

THAT the Regional District award the prepurchase of the centrifuge equipment, related appurtances and services for the Okanagan Falls Wastewater Treatment Plant Solids Processing project to Archer Separation Inc. (Haus Centrifuge Technologies) in the amount of up to \$150,580 + applicable taxes.

F. COMMUNITY SERVICES

1. 2020 UBCM Community Resiliency Investment Grant Program

RECOMMENDATION 21 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors support the grant application for the 2020 UBCM Community Resiliency Investment Program and, should the grant application be successful, be willing to provide overall grant management.

2. Coalmont Park Naming
 - a. Coalmont Community Association letter – December 12, 2018

RECOMMENDATION 22 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors endorse the name “Coalmont Station Park” for a public park within Coalmont located on Lots 1 & 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD (PID: 004-470-508 & 004-470-541).

3. Pioneer Park Upgrades – Award of Phase 2 (Boat Launch Replacement)

RECOMMENDATION 23 (Weighted Corporate Vote – Majority)

THAT the Board of Directors award the Pioneer Park boat launch replacement project to TwinCon Enterprises Ltd. for the amount of \$74,694.19 exclusive of GST.

4. Agricultural Land Commission (ALC) Application – Keogan Sports Park
 - a. ALC letter - November 23, 2004
 - b. ALC letter - September 25, 2019
 - c. Location Parcel Map
 - d. Keogan Park Concept Plan

To continue to include baseball at Keogan Sports Park by completing a “non-farm” use application the Agricultural Land Commission.

RECOMMENDATION 24 (Unweighted Corporate Vote – Simple Majority)
THAT the Board endorse a non-farm use application to the Agricultural Land Commission for the Centennial and Weyerhaeuser Baseball Fields located in Keogan Sports Park (Lot 1, DL 10, Similkameen Division of Yale District, Plan 34575, Except Plan KAP45138).

5. Award of Okanagan Falls Boat Launch Replacement Project

RECOMMENDATION 25 (Weighted Corporate Vote – Majority)
THAT the Board of Directors award the Okanagan Falls boat launch replacement project to TwinCon Enterprises Ltd. for an amount up to \$76,120.35 exclusive of GST.

G. FINANCE

1. Keremeos & District Volunteer Fire Department Fire Truck Purchase

To allow the Keremeos & District Volunteer Fire Department to replace an aging Fire Truck and maintain a favorable status with the Fire Insurance Underwriters Survey (FUS).

RECOMMENDATION 26 (Weighted Corporate Vote – Majority)
THAT the Board of Directors award the Keremeos Fire Truck purchase to HUB Fire Engines in the amount of \$545,957.59 including applicable taxes for a new 2020 Fire Apparatus.

2. Willowbrook Fire Department Fire Truck Purchase

To allow the Willowbrook Volunteer Fire Department to maintain a favorable status with the Fire Insurance Underwriters Survey (FUS)

RECOMMENDATION 27 (Weighted Corporate Vote – Majority)

THAT the Board of Directors award the Willowbrook Fire Truck purchase to Rocky Mountain Phoenix in the amount of \$64,027.00 plus applicable taxes for a used 2000 FL112 Pumper Fire Truck.

H. LEGISLATIVE SERVICES

1. Electoral Area “F” Transit

a. Bylaw No. 1440.01

To reactivate the existing transit service bylaw to serve the residents in Electoral Area “F”.

RECOMMENDATION 28 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 1440.01, 2019 Electoral Area “F” Transit System Local Service Establishment Amendment Bylaw be adopted.

2. Consent for Fire Services delivery on Penticton Indian Band lands

RECOMMENDATION 29 (Unweighted Corporate Vote – Simple Majority)

THAT the Regional District of Okanagan-Similkameen provide consent to the City of Penticton to supply fire services to the Penticton Indian Band on parts of Electoral Areas “F” and “I” of the Regional District of Okanagan-Similkameen.

3. Apex Mountain Waste Transfer Station Cameras

RECOMMENDATION 30 (Unweighted Corporate Vote – Simple Majority)

THAT the Board authorize a variance to the RDOS Video Surveillance Policy to enable staff and contractors designated by the CAO to periodically access live feed cameras at the Apex Mountain Waste Transfer Station using a password protected application.

4. Naramata Water System Development Cost Charge Amendment Bylaw
 - a. Bylaw No. 1804.08

RECOMMENDATION 31 (Unweighted Corporate Vote – Simple Majority)
THAT Bylaw No. 1804.08, 2019 Naramata Water System Development Cost Charge Amendment Bylaw be adopted.

5. Electoral Area “I” Economic Development Service Establishment Bylaw No. 2869, 2019
 - a. Bylaw No. 2869

To create a new economic development service in Electoral Area “I”

RECOMMENDATION 32 (Unweighted Corporate Vote – Simple Majority)
THAT Electoral Area “I” Economic Development Service Establishment Bylaw No. 2869, 2019 be adopted.

6. Olalla Local Community Commission
 - a. Bylaw No. 2878
 - b. Bylaw No. 1609
 - c. Olalla Local Community Commission AGM Minutes – October 7, 2019
 - d. Olalla Community Water System Advisory Committee Terms of Reference (2012)

To initiate the dissolution process for the Olalla Local Community Commission

RECOMMENDATION 33 (Unweighted Corporate Vote – Simple Majority)
THAT Bylaw No. 2878, 2019 Olalla Local Community Commission Repeal Bylaw be read a first, second and third time;

AND THAT the Board of Directors request the Minister waive the requirement for assent of the electors to repeal the establishing bylaw, Bylaw No. 1609.

I. CAO REPORTS

1. Verbal Update
-

J. OTHER BUSINESS

1. Chair’s Report
-

2. Board Representation

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
 - b. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) – *Gettens, Obirek (Alternate)*
 - c. Intergovernmental Indigenous Joint Council - *Kozakevich, Bauer, Pendergraft*
 - d. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - i. [MFA Activities Report](#)
 - 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. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
 - l. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
 - m. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
 - n. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
-

3. Directors Motions

4. Board Members Verbal Update

K. CLOSED SESSION

RECOMMENDATION 34 (Unweighted Corporate Vote – Simple Majority)

THAT in accordance with Section 90(1)(c),(e) and (i) of the *Community Charter*, the Board close the meeting to the public on the basis of labour relations or other employee relations; 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; and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

L. ADJOURNMENT

Minutes

Electoral Area “F” Advisory Planning Commission

Meeting of Wednesday, September 30, 2019

Boardroom, Regional District Okanagan-Similkameen
101 Martin Street, Penticton, BC

Present: Riley Gettens, Director, Electoral Area “F”
Members: Brad Hillis, Chair, Margaret Holm, Gerry Lalonde, Mike Stokker, Rich Hatch, Don Barron
Absent: Galina Pentecost
Staff: Christopher Garrish, Planning Manager

Delegates:

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

MOTION

It was Moved and Seconded that the Agenda be adopted.

CARRIED

3. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of June 5, 2019 be approved.

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

CARRIED

4. OTHER

4.1 Early Termination of Land Use Contract No. LU-1-F

Discussion

MOTION

It was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the “early termination” of Land Use Contract LU-1-F be approved.

CARRIED

**4.2 Parkland Dedication Policy – Draft
Comments recorded by Riley Gettens, Director, Electoral Area “F”**

**4.3 Discussion regarding the regulation of soil deposit / removal in Electoral Area “F”
Discussion – Staff to look at options**

**4.4 F2019.001-CROWN – Integrated Land Management Bureau
For Information Only**

**4.5 F2019.002-CROWN – Integrated Land Management Bureau
For Information Only**

**4.6 APC Bylaw No. 2339 5.1 – Chair of the Commission
Election of the Vice-Chair and Secretary (to be performed at the first meeting of each new
year – Section 5.1; Bylaw No. 2339)**

MOTION

It was Moved and Seconded that Rick Hatch would be the Area “F” APC Vice-Chair.

CARRIED

4.7 Director Riley Gettens to see if there is money available to pay for a secretary.

5. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 8:30 pm.

CARRIED

Advisory Planning Commission Chair

Advisory Planning Commission Recording Secretary



AGENDA

Area "F" Parks and Recreation Commission

Tuesday October 1, 2019, 6:00pm
RDOS Office, 101 Martin Street Penticton

Members: Ben Arcuri, Warren Everton, Darryl Dietrich
Absent: Jane Windeler, Tristan Mennell
Area Director: Riley Gettens
Staff: Mark Woods
Guests: Sue Gibbons, Heather Allen

CALL TO ORDER – 6:05pm

1. APPROVAL OF AGENDA

Approved.

2. APPROVAL OF LAST MEETING MINUTES – May 7, 2019

Approved.

3. CORRESPONDENCE/DELEGATIONS

3.1. Ben Johnson – Race Director; Presentation of Annual Cyclocross event at Mariposa Park
Mr. Johnson provided a background on Cyclocross and described the upcoming Nov.3 event at Mariposa Park. The Commission suggested that he advertise the event within the community to create local interest.

4. NEW BUSINESS

4.1. Selby Park playground opening ceremony plan
Potential day Friday Nov.8. to correspond with West Bench Elementary School event. Await confirmation from staff re: playground completion date.

4.2. Wally Bonin Park signage
Add a main sign and info signs for Wally Bonin Park to the 2020 budget.

4.3. Park Bench Program
Staff to send RDOS bench program details to Commission. Commission will select a preferred bench/items etc. to add to the overall program.

5. STAFF REPORTS

5.1. Selby Park playground construction update



AGENDA

Area "F" Parks and Recreation Commission

Tuesday October 1, 2019, 6:00pm
RDOS Office, 101 Martin Street Penticton

Update provided.

5.2. Infrastructure grant update

No update available from grant provider.

5.3. 2020 budget and project planning

Commission endorsed a status quo 2020 operations budget, with an increase to reserves for asset life cycle replacement.

6. DIRECTORS REPORT

6.1. School District use agreement/development plan

Update provided.

6.2. 2020 Transit Service

Update provided.

7. BUSINESS ARISING

No new business arising.

8. ADJOURNMENT – 7:40pm

NEXT MEETING:

To be determined.

Minutes

Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, October 8, 2019

Okanagan Falls Community Centre (Gymnasium)

1141 Cedar Street, Okanagan Falls, BC

-
- Present: Ron Obirek, Director, Electoral Area “D”
- Members: Doug Lychak, Jerry Stewart, Jill Adamson, Alf Hartviksen, Kelvin Hall, Navid Chaudry, Don Allbright
- Absent: Norm Gaumont, Malcolm Paterson, Almira Nunes, Kurtis Hiebert, Tom Styffe
- Staff: JoAnn Peachey, Planner
Sue Gibbons, Recording Secretary
- Delegates: Randhawa, Esha for Green Light Cannabis Inc.
Randhawa, Bira & Zarina

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

MOTION

It was Moved and Seconded that the Agenda be adopted.

CARRIED

3. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of September 10, 2019 be approved.

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

CARRIED

4. DEVELOPMENT APPLICATIONS

4.1 D00998.081 / (D2019.009-LCRB) – Liquor and Cannabis Regulation Branch Referral Application

Delegates: Randhawa, Esha, Randhawa, Bira, Randhawa, Zarina

Discussion

MOTION

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

CARRIED

MOTION

It was Moved and Seconded that the APC recommends that the applicants be requested to carry out a Public Information Session in Okanagan Falls prior to the application going to the Board.

DEFEATED

5. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 7:53 pm.

CARRIED

Advisory Planning Commission Chair

Advisory Planning Commission Recording Secretary



MINUTES



Kaleden Recreation Commission

Thursday, October 10, 2019
Kaleden Irrigation District Office

Members Present: Doug King (Chair), Jaynie Malloy, Neal Dockendorf, Jen Charlish, Gail Jeffery, Wayne Lee, Dave Gill, Margie O'Brien
Absent: Randy Cranston, Wendy Busch
Director: Subrina Monteith
Staff: Justin Shuttleworth
Recording: Margie O'Brien
Guests: Chris Scott, Tom Siddon, Pinky Bata-Reidman, Mike Gane, Erin Wiedner, Sue Kelly

Call to Order: 6:00 pm

1. APPROVAL OF AGENDA

RECOMMENDATION

IT WAS MOVED AND SECONDED

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

2. APPROVAL OF MEETING MINUTES

RECOMMENDATION

IT WAS MOVED AND SECONDED

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

3. CORRESPONDENCE/DELEGATIONS

3.1 Presentation by the Hotel Committee – Chris Scott & Gail Jeffery

3.2 Email from Okanagan Film Commission to use Hotel for filming

3.2.1 RECOMMENDATION

IT WAS MOVED AND SECONDED

That Kal-Rec approves the request in principle. **CARRIED**

The request was referred to staff for review and action.

4. REPORTS

4.1 Recreation Coordinator's Report - Janet Black's report sent with Agenda



MINUTES



Kaleden Recreation Commission

Thursday, October 10, 2019
Kaleden Irrigation District Office

4.2 Park Coordinator's Report - Justin Shuttleworth

- New Recreation Manager has been hired.
- Park is currently in shut down mode; tree planting commencing in next few weeks.
- Tender for Boat Launch ended today, currently no time frame for start date.

4.3 Twin Lakes Report

- Lakes Community has requested improvements to their boat ramp and Public access.

4.4 RDOS Director's Report

- Budget season
-

5. BUSINESS ARISING

5.1 2020 Budget process

- Justin Shuttleworth provided update on the latest budget draft and fielded questions/discussion. Requested capital project priorities. Justin, Subrina, Gail and Doug will meet to discuss further and will report back to the committee.

5.2 2020 Fee Schedule

- Fees and charges should be following the Fees By-laws. Staff will check out and report back.

5.3 Ice Rink

- Discussion - Additional volunteers may be needed in the future. Neal will speak with Hugh Winter

5.4 Meeting Dates & Places

- Third Thursday of the month at the Fire Hall
-

6. ADJOURNMENT

Hearing no objections, the Chair declared the meeting adjourned at 8:46 pm.

NEXT REGULAR MEETING:

Tentative Date

Thursday, November 21, 2019 @ 6:30

Kaleden Fire Hall



Minutes

Electoral Area 'C' Advisory Planning Commission

Meeting of: *Tuesday, October 15, 2019*

Community Centre, Oliver BC

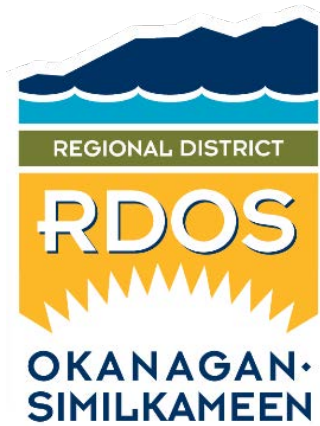
- Present:** Rick Knodel, Director, Electoral Area 'C'
- Members:** Sara Bunge, Chair Jack Bennest
Ed Machial, Vice-Chair Jessica Murphy
- Absent:** Louise Conant Beantjit Chahal
David Janzen
Terry Schafer, Alternate Director, Electoral Area "C"
- Staff:** JoAnn Peachey, Planner
Sofia Cerqueira, Recording Secretary
- Delegation:** Roger and Linda Lebert

1.	CALL TO ORDER
	The meeting was called to order at 7:02p.m. ADOPTION OF AGENDA <u>MOTION</u> It was Moved and Seconded that the Agenda be adopted. <p style="text-align: right;"><u>CARRIED</u></p>
2.	DELEGATIONS
	2.1 Lebert, Roger & Linda for OCP & Zoning Bylaw Amendment Application C05602.000 (C2019.014-ZONE)

3.	DEVELOPMENT APPLICATION
	<p>3.1 <u>C05602.000 (E2019.014-ZONE) – OCP Zoning Bylaw Amendment Application</u> Administrative Report submitted by JoAnn Peachey, Planner</p> <p><u>MOTION</u></p> <p>That the APC recommends to the RDOS Board of Directors that the subject development application be denied.</p> <p style="text-align: right;"><u>CARRIED</u></p>
5.	ADJOURNMENT
	<p><u>MOTION</u></p> <p>It was Moved and Seconded that the meeting be adjourned at 7:45pm.</p> <p style="text-align: right;"><u>CARRIED</u></p>

Sara Bunge
Advisory Planning Commission Chair

Sofia Cerqueira
Recording Secretary



Minutes

Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, October 15th, 2019 at 7:30 p.m.

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

Present:

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

Absent: Phil Janzen

Staff: Christopher Garrish (RDOS Planning Manager), Cory Labrecque (RDOS Planner)

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

Recording Secretary: Heather Lemieux

Delegates: Brad Elenko left meeting at 8:04 p.m., Randy Kowalchuk left meeting at 8:04 p.m., Laura Kowalchuk left meeting at 8:04 p.m., Lynda Partone left meeting at 8:04 p.m., Garlen Knox left meeting at 8:15 p.m.

1. ADOPTION OF AGENDA

The meeting was called to order at 7:37 p.m. Quorum Present.

MOTION

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

CARRIED

2. APPROVAL OF MINUTES

MOTION

It was Moved and Seconded by the APC THAT the Minutes of August 12th, 2019 be approved.

CARRIED

3. DELEGATIONS

- 3.1 Partone, Lynda for Temporary Use Permit Application E00642.000 (E2019.009-TUP)
- 3.2 Naramata Benchland Properties Ltd. For Zoning Bylaw Amendment
Application Agent: Elenko, Brad; Kowalchuk, Randy & Laura
E07171.100 (E2019.007-ZONE)
- 3.3 Robertson, James & Gail, not present, for Development Variance Permit
Application E00754.030 (E2019.028-DVP)
- 3.4 Beliveau, Jean Guy & Leslie, not present, for Development Variance Permit
Application Agent: Beliveau, Jean Guy
E00694.009 (E2019.026-DVP)
- 3.5 Knox, Garlen, for Development Variance Permit Application
E00619.000 (E2019.008-DVP)

4. DEVELOPMENT APPLICATIONS

- 4.1 E00642.000 (E2019.009-TUP) - Temporary Use Permit Application
Administrative Report submitted by JoAnn Peachey, Planner

MOTION

It was Moved and Seconded in favour of Option 2. THAT the APC recommends to the RDOS Board that the proposed temporary use be approved with the following conditions:

- i) Period of use (May-October);
- ii) Posting of information within vacation rental;
- iii) Maximum number of bedrooms (2);
- iv) Maximum occupancy (4);
- v) Minimum number of on-site parking stalls (2);
- vi) Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- vii) Providing TUP and contact information to neighbours.

CARRIED

- 4.2 E07171.100 (E2019.007-ZONE) – Zoning Bylaw Amendment Application
Administrative Report submitted by Cory Labrecque, Planner

MOTION

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

CARRIED

- 4.3 E00754.030 (E2019.028-DVP) – Development Variance Permit Application
Administrative Report submitted by Jeff Thompson, Planning Technician

The Area 'E' APC voted to defer the application to the next meeting so that RDOS staff can provide additional information, specifically the distance between the neighbouring building to the south and the property line.

- 4.4 E00694.009 (E2019.026-DVP) – Development Variance Permit Application
Administrative Report submitted by JoAnn Peachey, Planner

MOTION

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

CARRIED

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

MOTION

It was Moved and Seconded in favour of Option 2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:

i) a low profile fence be installed along the front parcel line of the subject property in order demarcate its boundary with the public lake access.

CARRIED

5. OTHER

5.1 E2019.014-CROWN - For Information Only

The Area 'E' APC recommends that all local legislation be applied and enforced on all applications, including on Crown Land that do not possess a CPCM (Certificate of Public Convenience and Necessity) or an exemption for the need for one. Most notably the Crown should ensure that issues that involve the height of structures and protection of sensitive ecosystems go through the appropriate regulatory processes.

5.3 Date of next meeting - Novemeber 12, 2019

6. ADJOURNMENT

MOTION

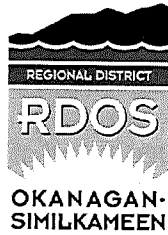
It was Moved and Seconded that the meeting be adjourned at 8:56 p.m.

CARRIED

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



Advisory Planning Commission Recording Secretary / minute taker



Minutes

Electoral Area 'I' Advisory Planning Commission

Meeting of Wednesday 16th of October, 2019

Kaleden Community Hall, 320 Lakehill Road, Kaleden, BC

- Present:** Subrina Monteith, Director, Electoral Area "I"
- Members:** Adele Dewar - Chair, Darlene Bailey – Vice Chair, Chris Struthers – Secretary, Bruce Shepherd, Mike Gane, Bob Handfield
- Absent:** John Davis, Sandie Wilson, Doreen Olson
- Staff:** JoAnn Peachey - Planner
- Recording Secretary:** Chris Struthers
- Delegates:** Edward Jensen representing Twin Spot Holdings Ltd.

1. CALL TO ORDER

The meeting was called to order at 5:38 p.m.

2. ADOPTION OF AGENDA

MOTION

It was Moved and Seconded that the Agenda be adopted.

CARRIED UNANIMOUSLY

3. DEVELOPMENT APPLICATIONS

3.1 I02341.000 (I2019.008-TUP) – Temporary Use Permit Renewal Application

Delegates present.

Discussion.

MOTION

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

CARRIED UNANIMOUSLY

4. NEW BUSINESS

4.1 MOTION

It was Moved and Seconded THAT the APC recommends to the RDOS Board of Directors that the definition of “vehicle” under RDOS zoning bylaws be expanded to include utility trailers, horse trailers and other similar light trailers, but not to include commercial highway tractor trailers.

CARRIED UNANIMOUSLY

4. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of September 18th 2019 be approved.


CARRIED UNANIMOUSLY

5. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 6:09 pm.

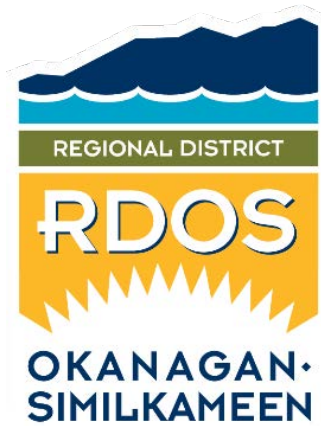
CARRIED


Adele Dewar (Oct 24, 2019)

Advisory Planning Commission Chair


Chris Struthers (Oct 23, 2019)

Advisory Planning Commission Recording Secretary / minute taker.



Minutes

Electoral Area 'F' Advisory Planning Commission

Meeting of Monday, October 28, 2019 at 7:00 p.m.

Boardroom, Regional District Okanagan-Similkameen 101 Martin Street, Penticton, BC

Present:

Members: Brad Hillis (Chair), Mike Stokker, Galina Pentecost, Rick Hatch (Vice Chair), Margaret Holm, Gerry Lalonde

Absent: Don Barron

Staff: Christopher Garrish (RDOS Planning Manager)

Guests: Riley Gettens, (RDOS Area 'F' Director)
1 member of the public left meeting at 7:11 p.m

Recording Secretary: Heather Lemieux

Delegates: Allan Johns left meeting at 7:11 p.m

1. ADOPTION OF AGENDA

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

MOTION

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

CARRIED

2. APPROVAL OF MINUTES

MOTION

It was Moved and Seconded by the APC THAT the Minutes of September 30, 2019, be approved.

CARRIED

3. DELEGATIONS

- 3.1 Johns, Allan & Lauren for Development Variance Permit Application F06934.010 (F2019.025-DVP)

4. DEVELOPMENT APPLICATIONS

- 4.1 F06934.010 (F2019.025-DVP) - Development Variance Permit Application Administrative Report submitted by Jeff Thompson, Planning Technician

MOTION

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

CARRIED

5. OTHER

- 5.1 Follow up discussion regarding soil removal permits and fill bylaws. Discussed a report on soil depositing and removal regulations in Electoral Area 'F' and the whole regional district.
- 5.2 An Area 'F' APC Strategic Planning meeting is being held on October 29, 2019.
- 5.3 A public information meeting will be held before the next scheduled Area 'F' APC meeting on November 25, 2019 at 6:00 - 7:00 p.m. in regards to a 42 unit development. Information can be found under Area 'F' Planning on the [RDOS website](#).
- 5.4 Transportation Update - Discussed bussing. Routes and schedules will be planned in early 2020.

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 7:32 p.m.

CARRIED

- 6.1 Date of next meeting - November 25, 2019

Brad Hillis, Chair of the Area 'F' Advisory Planning Commission

Advisory Planning Commission Recording Secretary / minute taker



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, October 17, 2019
1:32 pm

MINUTES

MEMBERS PRESENT:

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

Director T. Boot, District of Summerland

STAFF PRESENT:

B. Newell, Chief Administrative Officer	M. Woods, General Manager of Community Services
C. Malden, Manager of Legislative Services	

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Community Services Committee Meeting of October 17, 2019 be adopted. - **CARRIED**

B. KALEDEN RECREATION – RESTORATION OF KALEDEN HOTEL

Chris Scott, Gail Jeffery and Mike Gane, Kaleden Hotel Preservation Society

1. [Presentation](#) – heritage status and grant opportunities

It was MOVED and SECONDED

THAT the matter be referred to staff to investigate costs. - **CARRIED**

Opposed: Director B. Coyne

C. ACTIVITY REPORT – FOR INFORMATION ONLY

1. Q3 Update

Due to time constraints this item was not reviewed.

D. ADJOURNMENT

By consensus, the Community Services Committee meeting adjourned at 2:02 pm.

APPROVED:

CERTIFIED CORRECT:

M. Bauer
Community Services Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, October 17, 2019

9:00 am

MINUTES

MEMBERS PRESENT:

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

Director T. Boot, District of Summerland

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Corporate Services Committee Meeting of October 17, 2019 be adopted. - **CARRIED**

B. EMPLOYEE RELATIONS

RECOMMENDATION 2

It was MOVED and SECONDED

THAT in accordance with Section (90)(1)(c) and (i) of the Community Charter, the Committee close the meeting to the public on the basis of labour relations or other employee relations and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. - **CARRIED**

The meeting was closed to the public at 9:01 am.

Bill Newell and Christy Malden left the Boardroom.

The meeting opened to the public at 10:26 am.

Bill Newell and Christy Malden returned to the Boardroom

C. CORPORATE ACTION PLAN – FOR INFORMATION ONLY

1. Q3 Update

D. MD & A OPERATING RESULTS – FOR INFORMATION ONLY

1. Q3 Update

E. ACTIVITY REPORT – FOR INFORMATION ONLY

1. Q3 Update

F. COMMUNICATIONS REPORT – FOR INFORMATION ONLY

1. Q3 Update

G. ADJOURNMENT

By consensus, the Corporate Services Committee meeting adjourned at 11:55 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN SPECIAL MEETING

Corporate Services Committee

Thursday, October 31, 2019
8:30 am

MINUTES

MEMBERS PRESENT:

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

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

MEMBERS ABSENT:

Director J. Kimberley, City of Penticton

Director J. Bloomfield, City of Penticton

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Agenda for the RDOS Board Meeting of October 31, 2019 be adopted. - **CARRIED**

B. CLOSED SESSION – LABOUR RELATIONS

RECOMMENDATION 2 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT in accordance with Section (90)(1)(c) and (i) of the Community Charter, the Committee close the meeting to the public on the basis of labour relations or other employee relations and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. – **CARRIED**

The meeting was closed to the public at 8:30 a.m. and all staff vacated the Boardroom.
The meeting opened to the public at 11:23 a.m.

C. ADJOURNMENT

By consensus, the Corporate Services Committee meeting adjourned at 11:23 am.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, October 17, 2019

1:21 pm

MINUTES

MEMBERS PRESENT:

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

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

MEMBERS ABSENT:

Director T. Boot, District of Summerland

STAFF PRESENT:

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

N. Webb, General Manager of Public Works

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of October 17, 2019 be adopted. - **CARRIED**

B. ACTIVITY REPORT – FOR INFORMATION ONLY

1. Q3 Update
-

C. ADJOURNMENT

By consensus, the Environment and Infrastructure Committee meeting adjourned at 1:31 pm.

APPROVED:

CERTIFIED CORRECT:

G. Bush
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, October 17, 2019
12:35 pm

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Director T. Boot, District of Summerland

STAFF PRESENT:

B. Newell, Chief Administrative Officer	B. Dollevoet, General Manager of Development Services
C. Malden, Manager of Legislative Services	C. Garrish, Manager of Planning

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of October 17, 2019 be adopted. - **CARRIED**

B. ACTIVITY REPORT – FOR INFORMATION ONLY

1. Q3 Update

C. MICRO CANNABIS PRODUCTION FACILITIES – PUBLIC FEEDBACK

1. Bylaw No. 2858
2. Representation

The Committee discussed the matter and determined more information is required.

D. PARK LAND DEDICATION POLICY

1. Draft Park Land Dedication Policy
2. APC Comments
3. Park Land Dedication Policy

This item was deferred due to time restraints.

E. DEVELOPMENT PROCEDURES BYLAW UPDATED – SUBDIVISION REFERRALS

1. Bylaw No. 2500.11

This item was deferred due to time restraints.

F. ADJOURNMENT

By consensus, the Planning and Development Committee meeting adjourned at 1:12 pm.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, October 17, 2019
1:13 pm

MINUTES

MEMBERS PRESENT:

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

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

MEMBERS ABSENT:

Director T. Boot, District of Summerland

STAFF PRESENT:

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

M. Woods, General Manager of Community Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Protective Services Committee Meeting of October 17, 2019 be adopted. - **CARRIED**

B. ACTIVITY REPORT – FOR INFORMATION ONLY

1. Q3 Update
-

C. ADJOURNMENT

By consensus, the Protective Services Committee meeting adjourned at 1:21 pm.

APPROVED:

CERTIFIED CORRECT:

D. Holmes
Protective Services Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 2:00 pm Thursday, October 17, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

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

Director T. Boot, District of Summerland

STAFF PRESENT:

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

M. Woods, Gen. Manager of Community Services
B. Dollevoet, Gen. Manager of Development Services
N. Webb, Gen. Manager of Public Works

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the [Agenda](#) for the RDOS Board Meeting of October 17, 2019 be adopted as amended to include an additional item in the closed services part of the agenda; being a recommendation from Corporate Services closed meeting of October 17 which was closed under the Community Charter 90(1) (c) and (i).

1. Consent Agenda – Corporate Issues

a. Electoral Area "A" Advisory Planning Commission – September 9, 2019

THAT the Minutes of the September 9, 2019 Electoral Area "A" Advisory Planning Commission meeting be received.

b. Electoral Area "D" Advisory Planning Commission – September 10, 2019

THAT the Minutes of the September 9, 2019 Electoral Area "D" Advisory Planning Commission meeting be received.

- c. **Electoral Area “C” Advisory Planning Commission – September 17, 2019**
THAT the Minutes of the September 17, 2019 Electoral Area “C” Advisory Planning Commission meeting be received.
- d. **Electoral Area “I” Advisory Planning Commission – September 18, 2019**
THAT the Minutes of the September 18, 2019 Electoral Area “I” Advisory Planning Commission meeting be received.
- e. **Naramata Parks & Recreation Commission – September 23, 2019**
THAT the Minutes of the September 23, 2019 Naramata Parks & Recreation minutes be received.
- f. **Okanagan Falls Parks & Recreation – September 26, 2019**
THAT the Minutes of the September 26, 2019 Okanagan Falls Parks & Recreation minutes be received.
- g. **Similkameen Recreation Commission – October 1, 2019**
THAT the Minutes of the October 1, 2019 Similkameen Recreation minutes be received.
- h. **Community Services Committee – October 3, 2019**
THAT the Minutes of the October 3, 2019 Community Services Committee meeting be received.
- i. **Environment and Infrastructure Committee – October 3, 2019**
THAT the Minutes of the October 3, 2019 Environment and Infrastructure Committee meeting be received.

THAT the matter of the Penticton Indian Band request for waiver of tipping fees be postponed until all parties have met and discussed all options.
- j. **Planning and Development Committee – October 3, 2019**
THAT the Minutes of the October 3, 2019 Planning and Development Committee meeting be received.

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 and the City of Penticton.

THAT Amendment Bylaw No. 2873 (Administrative and Institutional (AI) Zone review) proceed to first reading.
- k. **RDOS Regular Board Meeting – October 3, 2019**
THAT the minutes of the October 3, 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**

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Development Variance Permit Application – 4799 Wild Rose Street, Electoral Area “C”

- a. Permit
- b. Representation

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors approve Development Variance Permit No. C2019.012-DVP. - **CARRIED**

2. Official Community Plan (OCP) & Zoning Bylaw Amendment – 1612 Highway 97, Electoral Area “D”

- a. Bylaw No. 2603.19
- b. Bylaw No. 2455.41
- c. Representation

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2603.19 2019, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.41, 2019, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing; and,

THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated October 17, 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. 2603.19, 2019, in conjunction with its Financial and applicable Waste Management Plans.

CARRIED

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

THAT the holding of the public hearing be delegated to Director Obirek, or their delegate; and,

THAT administration schedule the date, time, and place of the public hearing in consultation with Director Obirek; and,

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

CARRIED

3. Zoning Bylaw Amendment – Electoral Area “E”

- a. Bylaw No.2459.36
- b. Representation

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

THAT Bylaw No. 2459.36, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing; and,

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 21, 2019; and,

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

CARRIED

4. **Early Termination of Land Use Contract No. LU-1-F – Electoral Area “F” Title**
 - a. Bylaw No. 2790.01
 - b. Bylaw No. 2461.12
 - c. Representation

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2790.01, 2019, Electoral Area “F” Official Community Plan Amendment Bylaw and Bylaw No. 2461.12, 2019, Electoral Area “F” Zoning 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 17, 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. 2790.01, 2019, in conjunction with its Financial and applicable Waste Management Plans.

CARRIED

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the holding of a public hearing be delegated to Director Gettens, or delegate; and,

THAT administration schedule the date, time and place of the public hearing with Director Gettens, or delegate; and,

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

CARRIED

5. **Official Community Plan Bylaw and Zoning Bylaw Amendments Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I” Home Industries, Home Occupations & Cannabis Production Facilities**
- a. Bylaw No. 2849
 - b. Representation

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

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

THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated October 17, 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. 2849, 2019, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of a public hearing be scheduled for the RDOS Board meeting of November 21, 2019; as well as in Electoral Area “E”; and,

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

CARRIED

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the holding of a public hearing in Electoral Area “E” be delegated to Director Kozakevich. - **CARRIED**

-
6. **Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “D”**
- a. Bylaw No. 2603.17
 - b. Bylaw No. 2455.40
 - c. Representation

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT first and second reading of the Electoral Area “D” Official Community Plan (OCP) Amendment Bylaw No. 2603.17, 2019, and the Electoral Area “D” Zoning Amendment Bylaw No. 2455.40, 2019, be rescinded and the bylaws be abandoned. - **CARRIED**

7. Greater West Bench Geotechnical Review Award

RECOMMENDATION 12 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors award the geotechnical review for the Greater West Bench Area project to Ecora Engineering & Resource Group Ltd. in association with Clarke Geoscience Ltd. in the amount of \$55,510.00 + applicable taxes. - **CARRIED**

8. Electoral Area “A” Official Community Plan (OCP) Bylaw Review — Contract Award

RECOMMENDATION 13 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors award the Electoral Area “A” Official Community Plan (OCP) Bylaw Review contract to EcoPlan International Inc. in the amount of \$104,918.00 (plus taxes). - **CARRIED**

9. Early Termination of Land Use Contract No. LU-9-D – Electoral Area “I”

RECOMMENDATION 14 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the holding of a public hearing for Amendment Bylaw Nos. 2683.03, 2457.28 and 2457.29, 2019, be scheduled for the RDOS Board meeting of November 21, 2019; and,

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

10. Hillside & Steep Slope Development Permit Area Update – Electoral Area “D”

RECOMMENDATION 15 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the holding of a public hearing for Amendment Bylaw No. 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be scheduled for the RDOS Board meeting of November 21, 2019; and,

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

C. PUBLIC WORKS

1. **Purchase of 80' Steel Weigh Scale for Oliver Landfill Infrastructure Upgrades Project**
 - a. Letter

RECOMMENDATION 16 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors award the supply and services contract for an 80' steel weigh scale for the Oliver Landfill Infrastructure Upgrades Project to Avery Weigh-Tronix Canada in the amount of \$66,903.00 + applicable taxes. - **CARRIED**

D. COMMUNITY SERVICES

1. **Lease Agreement - Osoyoos Museum Society**
 - a. Agreement

RECOMMENDATION 17 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board enter into a lease agreement with the Osoyoos Museum Society commencing on January 1, 2020 for an RDOS owned property at 8702 Main Street, Osoyoos (Lots 1 - 4 and 19, Block 733, DL 24505, SDYD, Plan 2450, PID 011-088-869) for a duration of twenty years. - **CARRIED**

E. FINANCE

1. **Bylaw No. 2875 Erris Volunteer Fire Department**
 - a. Bylaw No. 2875
 - b. Grant Application – Electoral Area “H” Vermillion Forks Community Forest Corporation

RECOMMENDATION 18 (Weighted Corporate Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No.2875, 2019, Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw authorizing the expenditure of \$36,146 to the Erris Volunteer Fire Department for the installation of a certified Exhaust Extraction system to be read a first, second and third time and be adopted. - **CARRIED**

2. **Community Emergency Preparedness Fund Application on behalf of RDOS Volunteer Fire Departments**
 - a. Community Preparedness Application

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Regional District hereby resolve to support the proposed activities as outlined in the application submitted to UBCM under the Community Emergency Preparedness Fund; and,

THAT the Regional District hereby resolve to provide overall grant oversight and management of the activities proposed in the application; and,

THAT the Regional District submit one application under the Community Emergency Preparedness Fund covering each of the Okanagan Falls, Kaleden, Willowbrook, Keremeos, Anarchist and Tulameen Fire Departments for a total grant request of \$143,751.00.

CARRIED

F. **LEGISLATIVE SERVICES**

1. **Repeal Bylaw – Noise by Motorboats**
 - a. Bylaw No. 367
 - b. Bylaw No. 2836

RECOMMENDATION 20 (Unweighted Corporate Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Regional District of Okanagan-Similkameen Noise by Motorboats Repeal Bylaw No. 2836, 2019, be read a first, second and third time and be adopted. - **CARRIED**

2. **Bylaw No. 2447 Electoral Area “D” Economic Development Service**
 - a. Bylaw No. 2447.02

RECOMMENDATION 21 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2447.02, 2019 Electoral Area “D” Economic Development Service Establishment Bylaw be adopted. - **CARRIED**

3. **Faulder Community Water System Service Establishment Amendment Bylaw**
 - a. Bylaw No. 1177.04

RECOMMENDATION 22 (Unweighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT Faulder Community Water System Service Establishment Amendment Bylaw No. 1177.04, 2018 be read a first, second and third time. - **CARRIED**

G. CAO REPORTS

1. Verbal Update
-

H. OTHER BUSINESS

1. Chair's Report
-

2. Board Representation

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
 - b. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) – *Gettens, Obirek (Alternate)*
 - c. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
 - d. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - e. Municipal Insurance Association – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - f. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
 - g. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
 - h. Okanagan 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. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
 - l. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
 - m. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
 - n. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
-

3. Directors Motions

a. Motions - Director Gettens

RECOMMENDATION 23 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT administration put forward a grant application to the *UBCM Community Child Care Planning Fund* for a grant to be used to collect data on local childcare needs, to create an inventory of existing childcare spaces, establish childcare space targets for the next 10 years and the actions required to meet those targets. - **CARRIED**

RECOMMENDATION 24 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT administration connect with Capital RD, Alberni Clayoquot RD and/or Central Coast RD administration to gather lessons learnt on their approach and confirm resources required to support the implementation of Truth and Reconciliation Calls to Action and UNDRIP.

It was MOVED and SECONDED

THAT administration postpone action on supporting the Truth and Reconciliation Calls to Action and UNDRIP until provincial legislation is forwarded to local governments. – **CARRIED**

Opposed: Directors Obirek, S. Coyne, Holmes, Bloomfield, Gettens, Monteith, Roberts, Veintimilla

RECOMMENDATION 25 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT administration develop a report for board discussion around best practices to regulate deposition and removal of soil for non-ALR lands in the RDOS.

It was MOVED and SECONDED

THAT the Board of Directors amend the motion to refer the matter to budget. - **CARRIED**

It was MOVED and SECONDED

THAT discussion on the matter of best practices and regulation of deposition and removal of soil for non-ALR lands in the RDOS be discussed during 2020 budget deliberations. - **CARRIED**

4. Board Members Verbal Update

I. CLOSED SESSION

RECOMMENDATION 26 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT in accordance with Section (90)(1)(c) and (j) of the Community Charter, the Board close the meeting to the public on the basis of labour relations or other employee relations and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. - **CARRIED**

The meeting was closed to the public at 3:41 pm.

The meeting opened to the public at 3:54 pm.

J. ADJOURNMENT

By consensus, the meeting adjourned at 3:55 pm.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate 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 3:30 pm on Thursday, November 7, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

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

Director T. Boot, District of Summerland

Director J. Kimberley, City of Penticton

STAFF PRESENT:

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

A. CALL TO ORDER

Chief Administrative Officer Bill Newell called the meeting to order and advised of the order of business.

B. ELECTION OF 2020 BOARD CHAIR AND VICE CHAIR

CAO Newell called for nominations for the position of RDOS Board Chair.

Nomination: Director McKortoff, seconded by Director Sentes, nominated Director Kozakevich.

CAO Newell called two more times for nominations. No further nominations were forthcoming.

CAO Newell declared Director Kozakevich RDOS Chair for the ensuing year.

CAO Newell called for nominations for the position of RDOS Board Vice Chair.

Nomination: Director S. Coyne, seconded by Director B. Coyne, nominated Director Bauer.
Nomination: Director Regehr, seconded by Director Knodel, nominated Director Gettens.
Nomination: Director Bloomfield, seconded by Director Trainer, nominated Director Holmes.

CAO Newell called two more times for nominations. No further nominations were forthcoming.

It was MOVED and SECONDED

THAT C. Malden and G. Cramm be appointed to serve as scrutineers. - **CARRIED**

Nominees were given an opportunity to provide a brief speech.

After the first ballot, there was a tie between Director Bauer and Director Holmes. After a second ballot, Director Holmes was elected RDOS Vice Chair for the ensuing year.

It was MOVED and SECONDED

THAT the Board of Directors direct the scrutineers to destroy the ballots. - **CARRIED**

C. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the [Agenda](#) for the RDOS Inaugural Board Meeting of November 7, 2019 be adopted. - **CARRIED**

D. LEGISLATIVE SERVICES

1. 2020 RDOS Schedule of Meetings

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the 2020 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings, as provided in the November 7, 2019 report from the Chief Administrative Officer, be approved. - **CARRIED**

2. 2020 Advisory Planning Commission Schedule of Meetings

RECOMMENDATION 3 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors accept the 2020 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions. - **CARRIED**

3. 2020 Regional District Signing Authority

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors appoint the 2020 Board Chair and Vice Chair as signing officers for the Regional District of Okanagan-Similkameen for the 2020 year:

RDOS Board Chair: Karla Kozakevich

RDOS Board Vice-Chair: Doug Holmes

CARRIED

The meeting recessed at 3:55 p.m.

The meeting reconvened at 4:01 p.m.

E. CLOSED SESSION – LABOUR RELATIONS

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT in accordance with Section (90)(1)(c) and (i) of the Community Charter, the Committee close the meeting to the public on the basis of labour relations or other employee relations and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. – **CARRIED**

The meeting was closed to the public at 4:01 p.m.

The meeting was opened to the public at 4:07 p.m.

F. ADJOURNMENT

By consensus, the meeting adjourned at 4:07 p.m.

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: November 21, 2019

RE: Select Committees and External Agency Appointments

Administrative Recommendation:

THAT the appointments to select committees and external agencies remain status quo for 2020.

Analysis:

Each year, members of the Board of Directors are invited to submit expressions of interest for appointment to Board select committees and external agencies which are of interest to them or to confirm their desire to remain in a position to which they were previously appointed.

Generally, changes to these positions have not occurred midway through an election cycle unless a Director wishes to step down from a committee or external agency, although in the interest of transparency and fairness, the Chair provides the opportunity annually.

On October 21, 2019 a call for expressions of interest was sent to Board members and of the respondents, two shared their interest in chairing or vice chairing a committee if the existing appointee wished to step down. As no committee chairs or vice chairs have informed of their desire to step down after this first year of the term, administration recommends that status quo be maintained for 2020.

In accordance with the Select Committee Policy, the Chair and Vice Chair of the Board of Directors will also be the Chair and Vice Chair (respectively) of the Corporate Services Committee.

Respectfully submitted:



C. Malden, Manager of Legislative Services

YADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Destination Osoyoos Appointment

Administrative Recommendation:

THAT the Board of Directors appoint Joanne Muirhead to the Destination Osoyoos Board as the representative for Electoral Area "A", for the term expiring November 2021.

Purpose:

To appoint a representative to the Board of Destination Osoyoos.

Business Plan Objective:

Goal 3.2 To develop an economically sustainable region

Background:

Destination Osoyoos is responsible for destination marketing and visitor services for the Osoyoos area. The Destination Osoyoos Board is comprised of up to twelve voting directors appointed to the Board according to the following:

- The Regional District of the Okanagan-Similkameen Electoral Area "A" - one (1) Director
- The Town of Osoyoos - one (1) Director
- The Osoyoos Hotel/Motel Association - up to three (3) Directors
- Spirit Ridge Owner Association - one (1) Director
- The Osoyoos Indian Band - one (1) Director
- The Destination Osoyoos Board, by majority agreement, may appoint two (2) Directors
- Three (3) Directors at Large will be selected according to the Procedure for Nomination and Election as outlined the Destination Osoyoos bylaws.

Analysis:

Ms. Muirhead's term as the current Electoral Area "A" representative expires as of the Annual General Meeting of Destination Osoyoos on November 19, 2019. Director Pendergraft supports the reappointment of Ms. Muirhead as the representative for Electoral Area "A".

Alternatives:

THAT the Board of Directors appoint ____ as the Electoral Area "A" representative to the Destination Osoyoos Board.

Communication Strategy:

Destination Osoyoos will be advised of the RDOS Board of Directors' appointee.

<p>Respectfully submitted:</p> <p><i>"Gillian Cramm"</i></p> <hr/> <p>G. Cramm, Legislative Services Coordinator</p>	<p>Endorsed by:</p> <hr/> <p>C. Malden, Manager of Legislative Services</p>
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ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Development Variance Permit Application — Electoral Area “C”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. C2019.030-DVP

Purpose: To allow for a freestanding commercial sign.

Owners: Avro Oil Ltd., Inc. No. BC0769723 Agent: Terry Feeny Folio: C-01138.000

Civic: 8360 Gallagher Lake Frontage Road Legal: Lot 4, Plan 11959, District Lot 28S, SDYD

OCP: Commercial (C) Zone: Site Specific General Commercial Zone (C1s)

Variance Request: to reduce the minimum setback for part of any sign to any parcel line from 1.0 metre to 0.41 metres.

Proposed Development:

This application is seeking a variance to allow for an existing commercial freestanding sign for EZ Storage to remain at its current location.

Specifically, it is being proposed to vary Section 7.20.6 to reduce the minimum setback of any part of the sign to any parcel line from 1.0 metres to 0.41 metres.

In support of this request, the applicant has stated that “the request is unique in that the sign is too close to the south property which is part of the storage complex and owned by the same person. The entire system is connected to both 8360 and 8332 Gallagher Lake Frontage Road.”

Site Context:

The subject property is approximately 3,621.9 m² (0.36 ha) in area and is situated on the west side of Gallagher Lake Frontage Road. The property is currently developed for commercial use including self-storage units and a retail store.

The surrounding pattern of development is characterised by a mix of commercial, and residential (mobile home parks).

Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on December 6, 1961, while available Regional District records indicate that Building Permits have previously been issued for renovation of office/storage building (2017), sign installation (2017), self storage units (2017), commercial addition (1995), meat cooler addition (1992), mobile

(1986), building renovation (1986 and 1985), addition (1981), shop (1979) and single detached dwelling/garage (1978).

Under Electoral Area "C" Official Community Plan No.2452, 2008, the subject property is designated as Commercial (C) and is the subject of a Gallagher Lake Commercial Development Permit (GLCDP) Area designation.

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is zoned as Site Specific General Commercial Zone (C1s), which allows indoor self-storage use up to 1,176 m² as a site-specific permitted use.

The property has been assessed as Business and Other (Class 06) by BC Assessment.

Public Process:

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

Analysis:

The regulation of signs through zoning is meant to ensure public safety and minimize negative impacts of signage to the community and neighbouring properties.

In considering this proposal, Administration notes that the proposed sign is much smaller and lower than what is permitted for a sign advertising commercial use in a commercial zone.

The freestanding sign is located in a landscaped area logically situated near the entrance of the parcel and the proposed variance is not seen to impose negative impacts on the community or neighbouring property.

Alternative locations are limited due to the driveway and parking located along the eastern (front) portion of the parcel and relocation is not seen to have any perceived benefit.

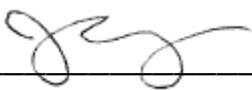
Conversely, the location of the sign closer to the property line may be disadvantageous to the neighbouring parcel in the future, should ownership or use change.

For the reasons listed above, Administration supports the requested variances and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. C2019.030-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "C" Advisory Planning Commission.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:

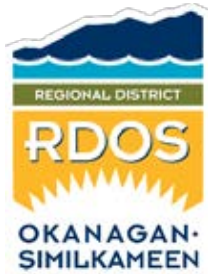


B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Applicant's Site Photo

Attachment No. 1 – Applicant's Site Photo





Development Variance Permit

FILE NO.: C2019.030-DVP

Owner: Avro Oil Ltd., Inc. No. BC0769723
8360 Gallagher Lake Frontage
Oliver, BC, V0H 1T2

GENERAL CONDITIONS

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

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A', 'B', and 'C', 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 4, Plan 11959, District Lot 28S, SDYD

Civic Address: 8360 Gallagher Lake Frontage

Parcel Identifier (PID): 009-485-571 Folio: C-01138.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "C" Zoning Bylaw No. 2453, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum parcel line setback for part of any sign, as prescribed in Section 7.20.6, is varied:
 - i) from: 1.0 metres

to: 0.41 metres to the outermost projection as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

a) Not Applicable

8. **SECURITY REQUIREMENTS**

a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

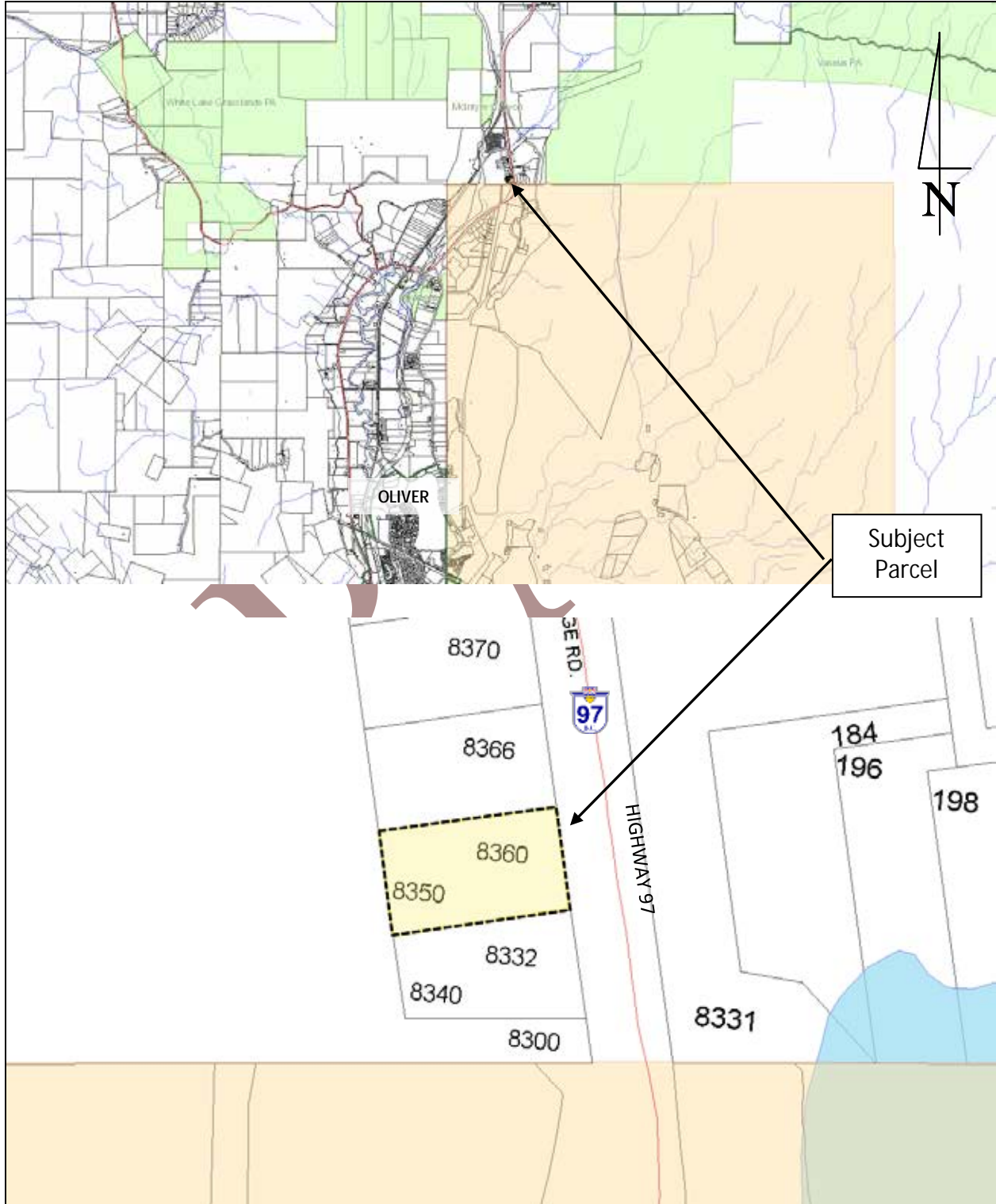
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. C2019.030-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

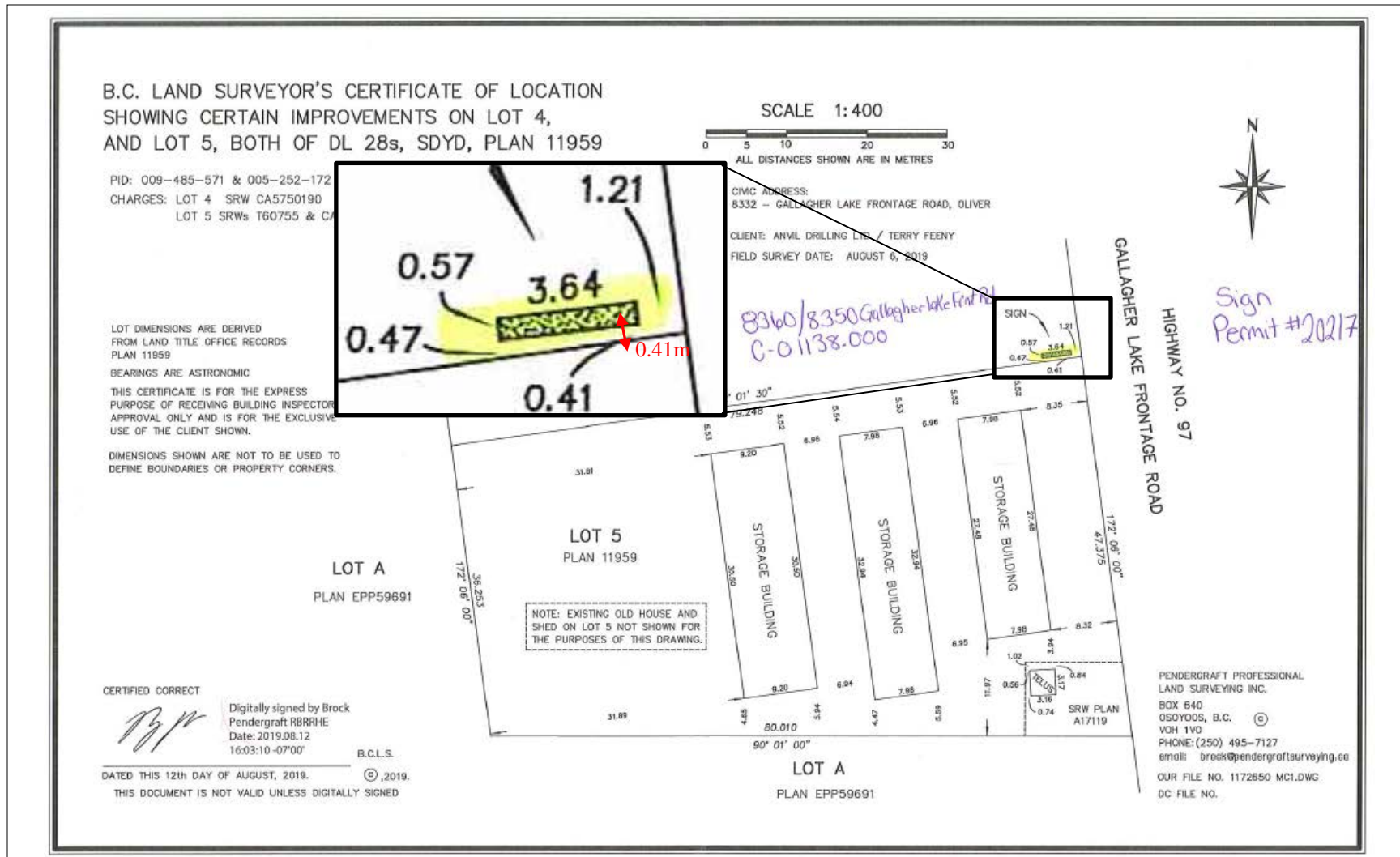
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.030-DVP

Schedule 'B'



Development Variance Permit No. C2019.030-DVP

Page 4 of 5

Regional District of Okanagan-Similkameen

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

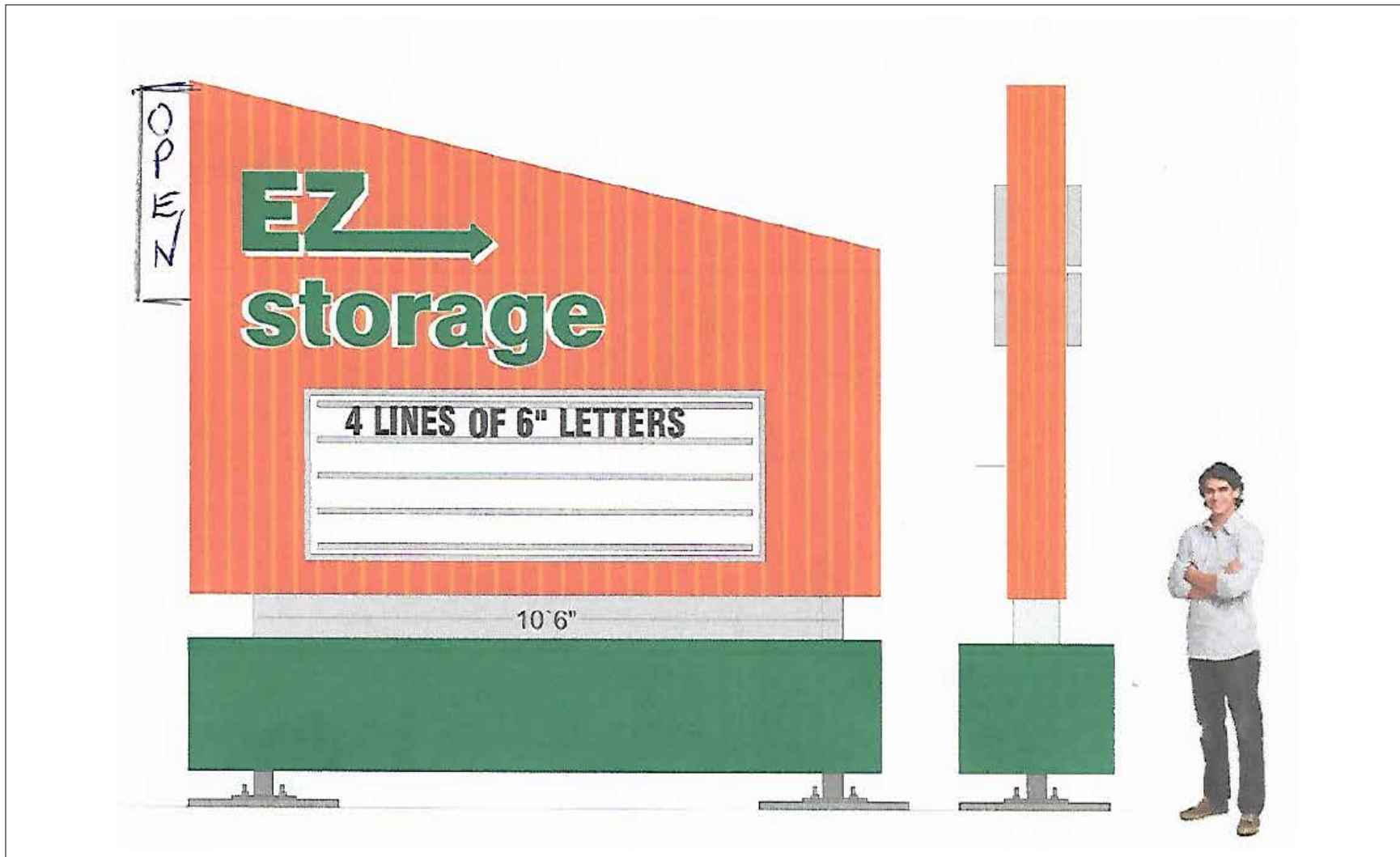
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.030-DVP

Schedule 'C'



JoAnn Peachey

From: Dave Lebsack
Sent: November 8, 2019 4:57 PM
To: JoAnn Peachey
Subject: Re: Development Variance Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

at 8360 Gallagher Lake Frontage Road (Lot 4, Plan 11959, District Lot 285)

JoAnn Peachey,

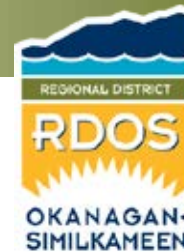
Thank you for giving our community notice of a variance on a development application. However, I don't feel this variance request for the sign to remain in the current location will in anyway harm the residential properties at Gallagher Village.

The owners of this commercial property also appear to own the commercial property on the other side of the property line next to the identified EZ Storage sign.

I would consider the "EZ Storage Facility" a good fit for the Frontage Road.

Elizabeth Lebsack

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Temporary Use Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. E2019.009-TUP.

Purpose: To allow for continuation of a short-term vacation rental use through issuance of a TUP

Owner: Lynda Partone Agent: n/a Folio: E00642.000

Civic: 3985 1st Street Legal: Lot 25, Plan 3352, District Lot 210, SDYD

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

Proposed Development:

This application seeks continuation of a short-term vacation rental use previously authorized under Temporary Use Permit (TUP) No. E2015.031-TUP and No. E2016.102-TUP. The temporary use permit is to authorize the operation of a short-term vacation rental use at the subject property, for a three-year term from January 1, 2020 to December 31, 2022.

Site Context:

The subject parcel is approximately 307 m² in area, is situated on the north side of 1st Street and is fronted by Okanagan Lake along its rear boundary, a public water access along its eastern boundary and the former BC Tree Fruits packing shed along its western boundary. The property is seen to be comprised of a single detached dwelling and an accessory structure (i.e. dock).

The surrounding pattern of development is characterised by low density residential parcels along the lake foreshore, and Naramata Wharf Park.

Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on May 3, 1946, while available Regional District records indicate that Building Permit has previously been issued for a single detached dwelling in 1996.

At its meeting of July 16, 2015, the Regional District Board resolved to approve TUP application No. E2015.031-TUP, subject to the property owner submitting an assessment from a registered onsite wastewater practitioner (ROWP) confirming the ability of the septic system to function as designed if covered in paving stones and used as a second vehicle parking space.

At its meeting of December 15, 2016, Regional District Board resolved to approve TUP application No. E2016.102-TUP.

In support of the previous TUP applications, the applicant has provided a Health & Safety Inspection (April 2015) and an assessment from a ROWP regarding the septic system and parking (July 2015).

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR) and is also the subject of a Watercourse Development Permit (WDP) Area designation and Environmentally Sensitive Development Permit (ESDP) Area designation.

Section 22.2 of the Electoral Area "E" OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

Section 22.3.4 of Electoral Area "E" OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 22.5 and 22.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUPs for the subject property included conditions to limit or require the following:

- . Period of use (May-October);
- . Posting of information within vacation rental;
- . Maximum number of bedrooms (2);
- . Maximum occupancy (4);
- . Minimum number of on-site parking stalls (2);
- . Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy;
- . Providing TUP and contact information to neighbours.

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

The subject property has been assessed as "residential" (Class 01).

Public Process:

A Public Information Meeting was held on October 15, 2019, at the Naramata Old Age Pensioners Hall and was attended by the applicant and no members of the public.

At its meeting on October 15, 2019, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use 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.

In accordance with Section 2.3 of Schedule '5' of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed in Attachment No. 1. Comments received from this referral are included as a separate item on the Board's Agenda.

Analysis:

In assessing this proposal, Administration notes that there have been no recorded complaints received in relation to the operation of this vacation rental use since issuance of the TUP in 2015.

The applicant has indicated that there have been no changes to the use since the permit was issued in 2015 (i.e. the use remains limited to two bedrooms and four paying guests between May 1st and October 31st) and the ownership remains unchanged.

While it is recognised that the Electoral Area “E” OCP Bylaw, contains a number of specific criteria against which vacation rental TUPs are to be assessed (i.e. septic capacity, screening, health & safety assessment and on-site vehicle parking provisions), this criteria was previously considered by the Board when it approved TUP No. E2015.031-TUP in 2015.

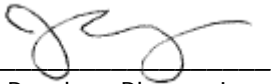
Further, the Electoral Area “E” OCP Bylaw recognizes “on-going” vacation rental uses through temporary use permits.

Accordingly, and in light of the absence of any change to the use or received complaints regarding its operation, Administration supports the continuation of a vacation rental use through a temporary use permit for three years (to December 31, 2022), provided the TUP includes the same conditions as the previously issued TUPs.

Alternative:

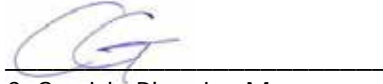
1. That the Board deny Temporary Use Permit No. E2019.009-TUP.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, GM of Development Services

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (May 2019)

Attachment No. 1 – Agency Referral List

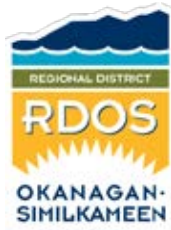
Referrals have been sent to the following agencies as highlighted with a **Ⓟ**, prior to Board consideration of TUP No. E2019.009-TUP:

○	Agricultural Land Commission (ALC)	Ⓟ	Fortis
Ⓟ	Interior Health Authority (IHA)	○	City of Penticton
○	Ministry of Agriculture	○	District of Summerland
○	Ministry of Energy, Mines & Petroleum Resources	○	Town of Oliver
○	Ministry of Municipal Affairs & Housing	○	Town of Osoyoos
○	Ministry of Environment & Climate Change Strategy	○	Town of Princeton
○	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	○	Village of Keremeos
○	Ministry of Jobs, Trade & Technology	○	Okanagan Nation Alliance (ONA)
○	Ministry of Transportation and Infrastructure	○	Penticton Indian Band (PIB)
○	Integrated Land Management Bureau	○	Osoyoos Indian Band (OIB)
○	BC Parks	○	Upper Similkameen Indian Band (USIB)
○	School District #53 (Areas A, B, C, D & G)	○	Lower Similkameen Indian Band (LSIB)
○	School District #58 (Area H)	○	Environment Canada
○	School District #67 (Areas D, E, F, I)	○	Fisheries and Oceans Canada
○	Central Okanagan Regional District	○	Canadian Wildlife Services
○	Kootenay Boundary Regional District	○	OK Falls Irrigation District
○	Thompson Nicola Regional District	○	Kaleden Irrigation District
○	Fraser Valley Regional District	○	Irrigation District / improvement Districts / etc.
Ⓟ	Naramata Volunteer Fire Department		

Attachment No. 2 – Site Photo (May 2019)



View of Subject Property from 1st Street



TEMPORARY USE PERMIT

FILE NO.: E2019.009-TUP

Owner: Linda Partone
P.O. Box 24
4055 1st Street
Naramata, BC, V0H 1N0

GENERAL CONDITIONS

1. This Temporary Use 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 of this Permit, and any plans and specifications attached to this Permit which 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 Temporary Use Permit is not a Building Permit.

APPLICABILITY

5. This Temporary Use Permit applies to, and only to, those lands, including any and all buildings, structures and other development thereon, within the Regional District as shown on Schedules 'A', and 'B' and described below:

Legal Description: Lot 25, Plan 3352, District Lot 210, SDYD

Civic Address: 3985 1st Street, Naramata

Parcel Identifier (PID): 007-327-641 Folio: E-00642.000

TEMPORARY USE

6. In accordance with Section 20.0 of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "E" Zoning Bylaw, being the use of a residential dwelling unit for the accommodation of paying guests occupying the dwelling unit for a period of less than 30 days.

CONDITIONS OF TEMPORARY USE

7. The vacation rental use of the land is subject to the following conditions:
 - (a) the vacation rental use shall occur only between May 1st and October 31st ;
 - (b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
 - i) the location of property lines by way of a map;
 - ii) a copy of the Regional District's Electoral Area "E" Noise Regulation and Prohibition Bylaw;
 - iii) measures to address water conservation;
 - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
 - v) instructions on the storage and management of garbage;
 - vi) instructions on septic system care; and
 - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
 - (c) the maximum number of bedrooms that may be occupied by paying guests shall be two (2);
 - (d) the number of paying guests that may be accommodated at any time shall not exceed four (4);
 - (e) a minimum of two (2) on-site vehicle parking spaces shall be provided for paying guests;
 - (f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted; and
 - (g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, as well as a copy of this Temporary Use Permit shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

EXPIRY OF PERMIT

10. This Permit shall expire on December 31, 2022.

Authorising resolution passed by Regional Board on ____ day of _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

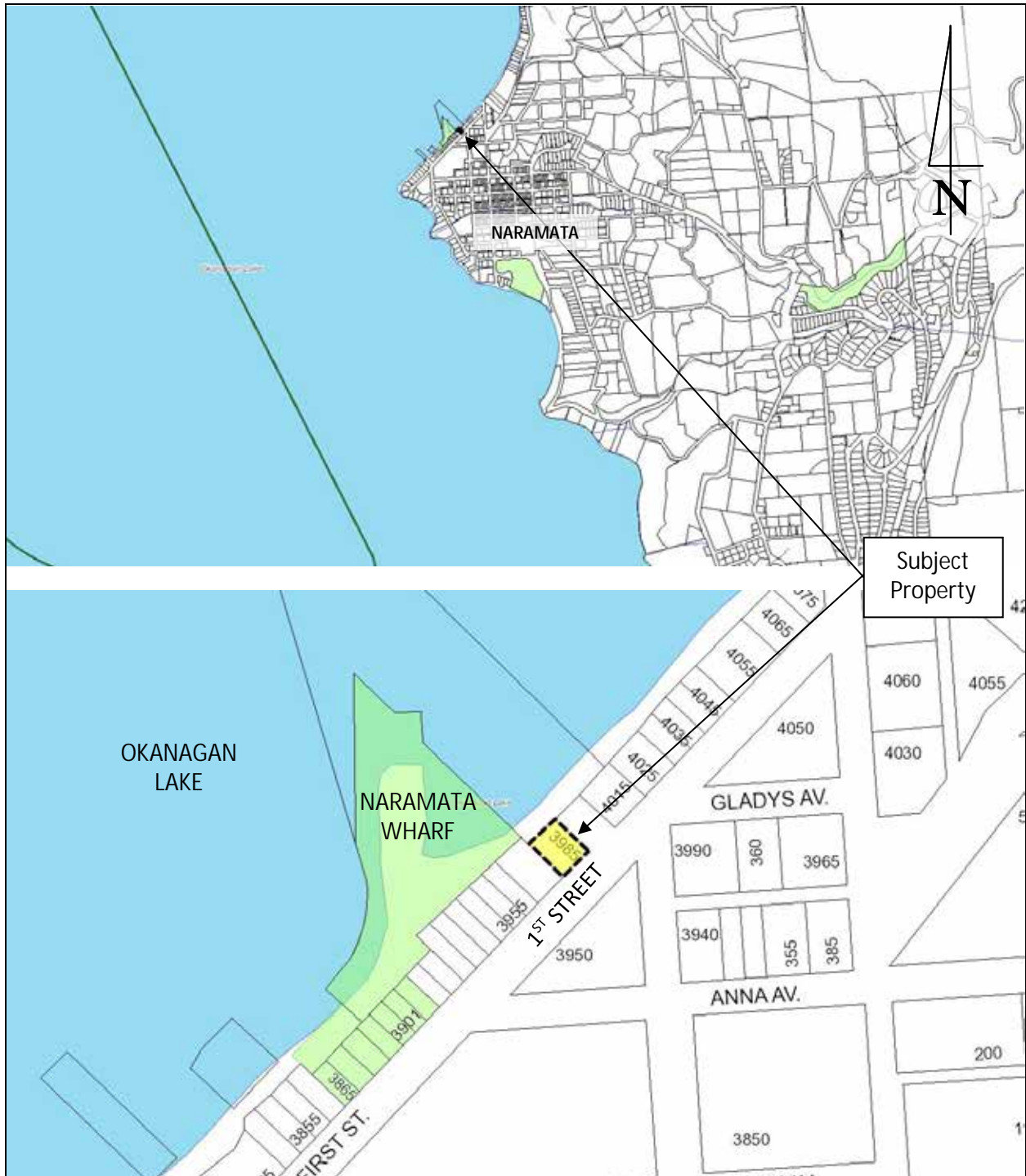
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. E2019.009-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

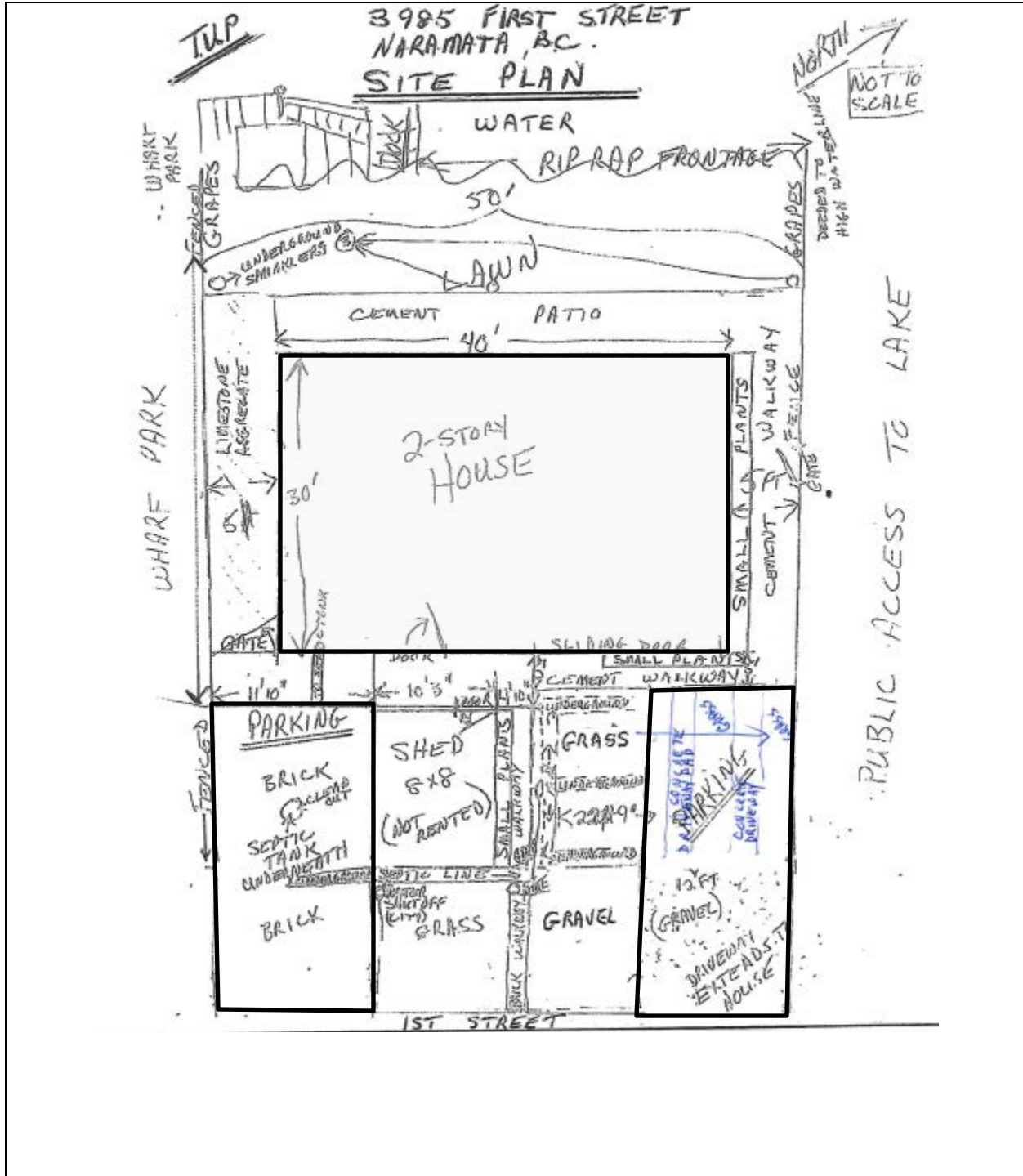
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. E2019.009-TUP

Schedule 'B'



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 19, 2019 7:24 PM
To: Planning
Subject: 1 Street, 3985 Naramata (E2019_009 TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along 1st Street. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com





Interior Health
Every person matters

October 21, 2019

JoAnn Peachey
101 Martin Street
Penticton, BC V2A 5J9
planning@rdos.bc.ca

Dear JoAnn Peachey:

RE: File #: E2019.009-TUP

Thank you for the opportunity to provide comments from a healthy built environment perspective regarding the above referenced temporary use permit (TUP). It is my understanding that the intent is to renew an existing TUP for vacation rental use to December 31, 2022.

It is recommended approval only be granted with the condition an Authorized Person assessment demonstrates sewerage system is adequately sized and functioning for proposed use. It is further recommended that a suitable back-up area be identified.

If you have any question or comments, please contact us at hbe@interiorhealth.ca or at 1-855-744-6328 and choose option 4.

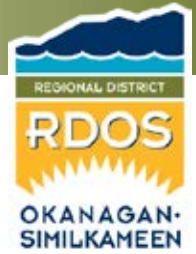
Sincerely,

Faith Kwong, BSc., BAsC., CPHI(C)
Environmental Health Officer
Healthy Communities, Population Health

Bus: (250) 549 - 5758
Faith.kwong@interiorhealth.ca
www.interiorhealth.ca

Vernon Health Centre
1440 – 14th Ave
Vernon, BC, V1B 2T1





TO: Board of Directors
 FROM: B. Newell, Chief Administrative Officer
 DATE: November 21, 2019
 RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. E2019.026-DVP

Purpose: To allow for an attached deck above maximum lot coverage and within parcel line setbacks
Owner: Leslie Beliveau Agent: Jean Guy Beliveau Folio: E-00694.009
Civic: 420 Robinson Ave, Naramata Legal: Lot A, Plan EPP71070, District Lot 210, SDYD
OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)
Variance Request: increase the maximum lot coverage from 35% to 41%;
 reduce the minimum rear parcel line setback for a principal building from 7.5 m to 4.7 m; and
 reduce the minimum interior side parcel line setback for a principal building from 3.0 m to 1.8 m

Proposal:

This application seeks a development variance permit to increase the maximum lot coverage and to reduce the minimum rear parcel line setback and interior side parcel line setback for a principal building to accommodate a 44.6 m² attached deck.

Specifically, it is proposed to increase the maximum lot coverage in the RS1 zone from 35% to 41%, to reduce the minimum rear parcel line from 7.5 metres to 4.7 metres, and to reduce the minimum interior side parcel line setback from 3.0 m to 1.8 m.

The applicants have stated that “the variance to reduce the setbacks and increase the site coverage are for a raised deck only. Due to the high water table in the area the house was constructed higher above grade that required a raised deck as opposed to an at grade patio. The rear setback is still greater than that required for an accessory structure and the increase in site coverage is essentially landscape elements”.

Site Context:

The subject parcel is approximately 556.4 m² (0.055 ha) in area, situated between Robinson Avenue to the north and a lane to the south.

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

Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on September 13, 2017, while available Regional District records indicate that there is an active Building Permit application for a single family dwelling.

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

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

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

At its meeting of April 20, 2017, the Regional District Board approved Development Variance Permit No. E2017.042-DVP for a single family dwelling, which reduced the following parcel line setbacks on the subject property:

- minimum front parcel line setback from 7.5 metres to 5.7 metres;
- minimum rear parcel line setback from 7.5 metres to 6.7 metres; and
- minimum interior side parcel line setback from 3.0 metres to 2.2 metres (at eastern parcel line)

At its meeting October 15, 2019, the Electoral Area "E" Advisory Planning Commission made a motion to recommend to the Board that the subject development application be approved.

Public Process:

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

Analysis:

In consideration of this proposal, Administration notes that, although several variances are sought, the overall proposal is similar in nature to projection allowances into required setbacks or exclusions to lot coverage calculations contained within the Electoral Area "E" Zoning Bylaw or setback reductions issued under Development Variance Permit No. E2017.042-DVP, as noted below.

Lot Coverage

Maximum lot coverage regulation has several functions, including establishing reasonable expectations of built form within a neighbourhood and providing opportunities for open, landscaped, and permeable surfaces within a site to enhance aesthetics and on-site storm water retention.

In this instance, the additional lot coverage is to allow for an attached deck along the side and rear of a single detached dwelling. The proposed deck would have an aesthetic, functionality, and permeability similar to an at-grade patio, which is not included in lot coverage calculations. It also avoids the use of retaining walls, which would be required to build an at-grade patio due to the high water table at this location.

Conversely, the subject property has already received variances to facilitate a single detached dwelling that could be seen as beyond the natural limitations of the site, and increased lot coverage to facilitate a deck only exacerbates this issue.

Rear parcel line setback

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

The previous development permit allowed for a reduced rear parcel line setback of 6.7 metres. Typically, uncovered decks are allowed to project 2.0 metres into the rear setback under the general regulations. As the request is to project less than 2.0 metres from the reduced rear parcel line, it is seen to align with reasonable expectations of built form. Further, the rear parcel line abuts a lane to provide further separation between neighbouring properties.

Conversely, variance requests are given to the outermost projection of a building or structure to ensure projections, such as additional decks or eave overhangs, are considered as part of the variance request in a comprehensive manner. An additional rear parcel line setback reduction may be seen as over-development of the parcel.

Interior parcel line setback

With regard to the variance to the interior side parcel line setback, Administration notes that the Electoral Area "E" Zoning Bylaw is unique in the Okanagan Electoral Areas in that it is the only one that does not require a 1.5 metre setback in the RS1 Zone. In this instance, the reduced interior parcel line is consistent with established built form in the neighbourhood and is reasonable for a parcel of its size, which is a non-conforming lot approximately half of the minimum parcel size in the RS1 zone. Further, there is a fence along the interior parcel line to mitigate loss of privacy to the neighbouring property.

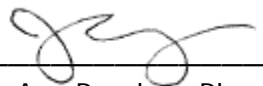
Conversely, allowances for reasonable enjoyment of the property have already been granted through the previously approved variance. The proposed deck is not an essential structure and could be reduced in size or removed to fit within the parameters of the previously approved variance.

For the reasons stated above, Administration supports the variance request and is recommending approval.

Alternative:

1. That the Board deny Development Variance Permit No. E2019.026-DVP.

Respectfully submitted




JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:

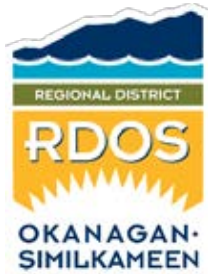


B. Dollevoet, G.M. of Dev. Services

Attachment: No. 1 – Deck Photo (2019)

Attachment No. 1 – Deck Photo (2019)





Development Variance Permit

FILE NO.: E2019.026-DVP

Owner: Leslie Beliveau
4675 Quentin Street SW
Calgary, AB, T2T 6J1

Agent: Jean Guy Beliveau
4675 Quentin Street SW
Calgary, AB, T2T 6J1

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot A, Plan EPP71070, District Lot 210, SDYD

Civic Address: 420 Robinson Avenue

Parcel Identifier (PID): 030-247-161 Folio: E-00694.009

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum rear parcel line setback for a principal building in the Low Density Residential (RS1) Zone, as prescribed in Section 11.1.6(a)(ii), is varied:
 - i) from: 7.5 metres

- to: 4.7 metres to the outermost projection as shown on Schedule 'B'.
- b) the minimum interior side parcel line setback for a principal building in the Low Density Residential (RS1) Zone, as prescribed in Section 11.1.6(a)(iv), is varied:
 - i) from: 3.0 metres
 - to: 1.8 metres to the outermost projection as shown on Schedule 'B'.
- c) the maximum parcel coverage in the Low Density Residential (RS1) Zone, as prescribed in Section 11.1.8(a), is varied:
 - i) from: 35%
 - to: 41%

7. COVENANT REQUIREMENTS

- a) Not Applicable

8. SECURITY REQUIREMENTS

- a) Not applicable

9. EXPIRY OF PERMIT

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

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

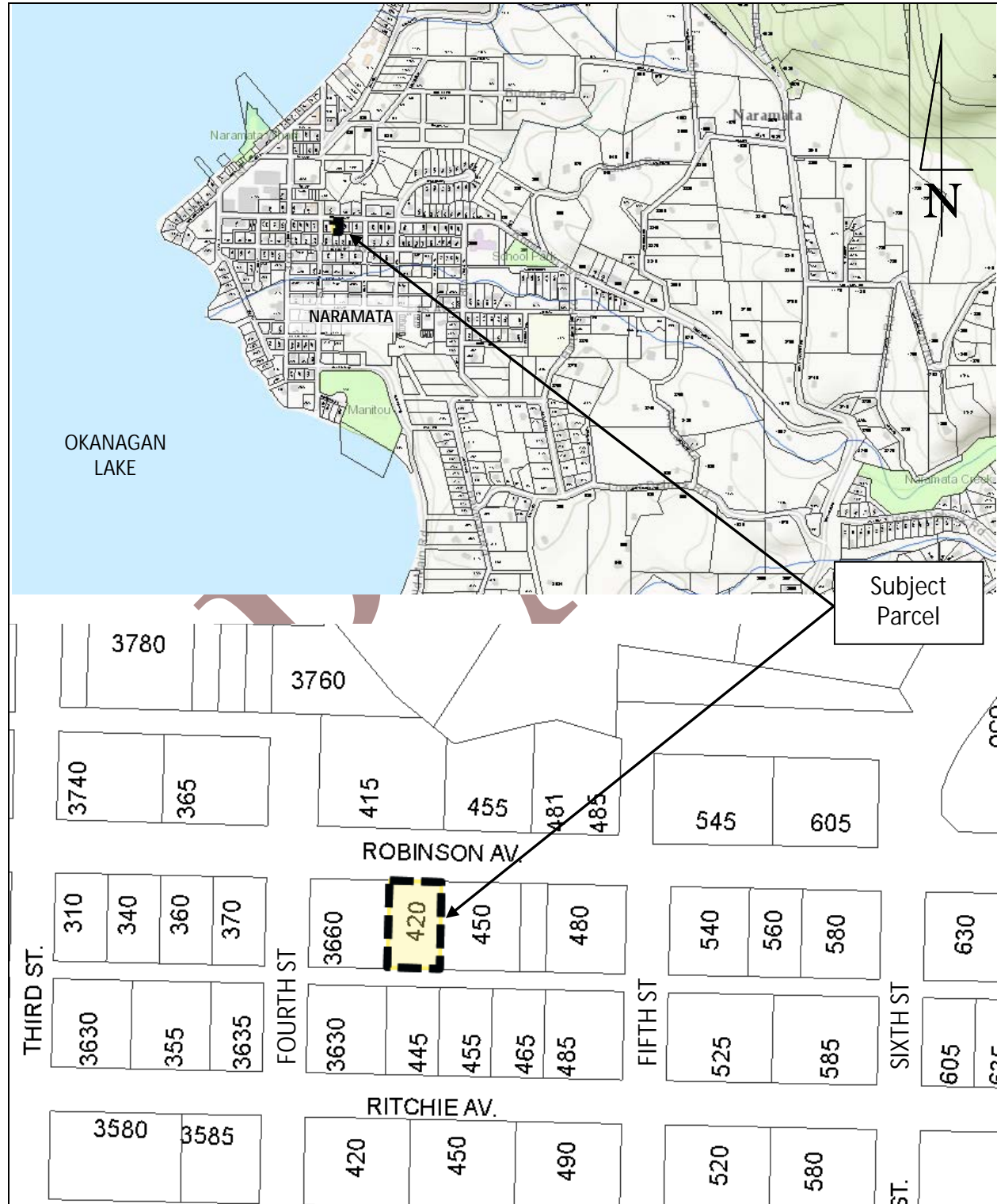
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.026-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

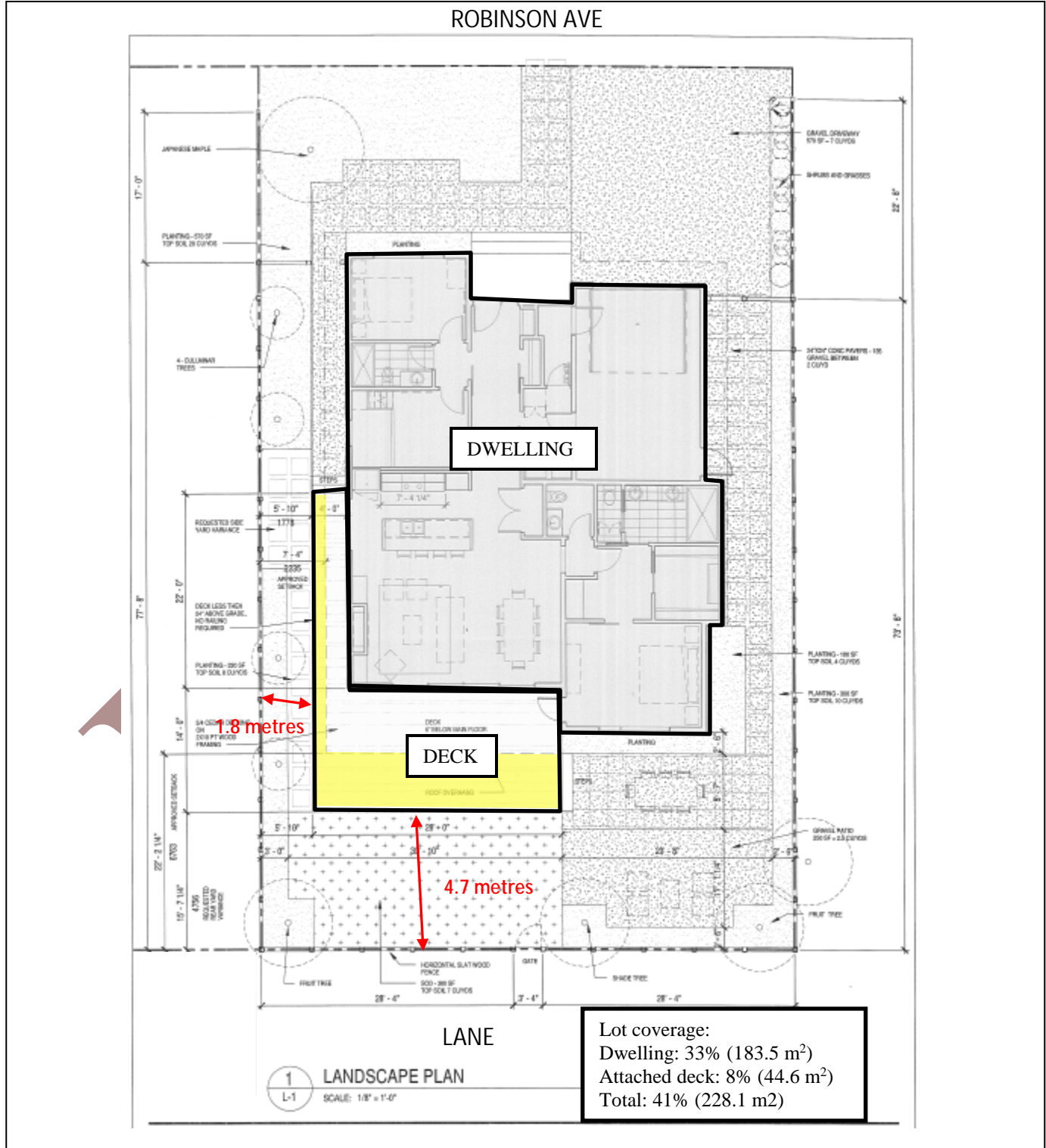
101 Martin St, Penticton, BC, V2A-5J9
 Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.026-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

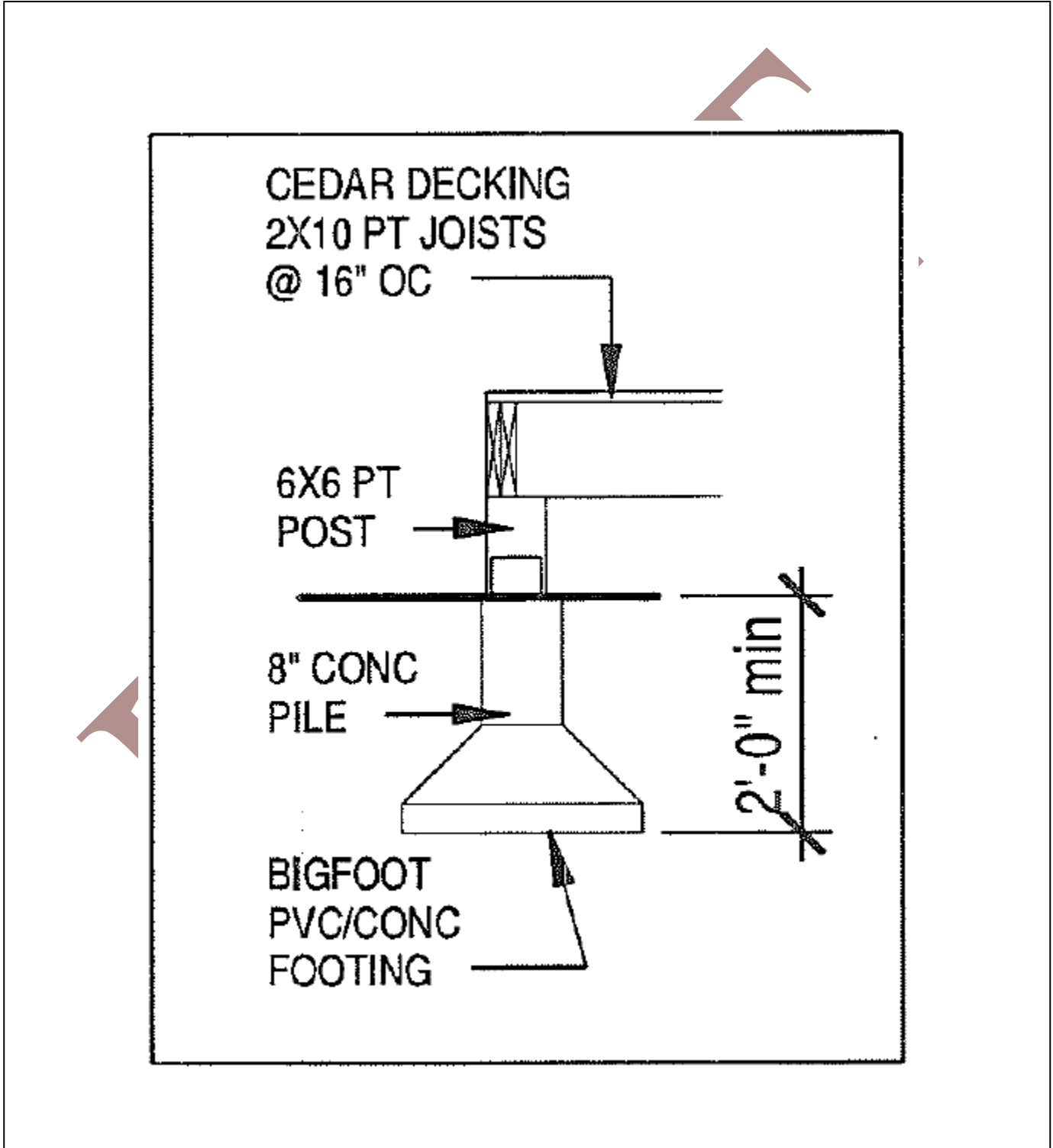
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.026-DVP

Schedule 'C'



October 13, 2019

James Hektner

Object: Variance Application Approval

As the registered property owner at 430 Robinson Avenue in Naramata BC, I would like to offer my approval to the Development Variance Permitted submitted by my neighbor Jean Guy Beliveau. I foresee no issues with the reduced variance setbacks for his proposed deck request.

Thank you,

James Hektner

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. E2019.027-DVP

Purpose: To reduce the interior side parcel line setback for an accessory building to allow for the relocation of a detached electrical room/storage building from atop a parcel line.

Owners: Agent: Uber Solutions Corp. (Darcy Fuller) Folio: E-02096.170

Civic: 2685 Noyes Road Legal: Lot 8, Plan 41732, District Lot 207, SDYD

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

Variance: to reduce minimum interior side parcel line setback for an accessory building from 3.0 m to 1.4 m

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to accommodate a 17.86 m² accessory building (electrical room/storage).

Specifically, it is being proposed to reduce the minimum interior side parcel line setback for an accessory building in the RS1 zone from 3.0 metres to 1.4 metres.

In support of this request, the applicant has stated that “there is a maximum allowable distance between the power pole and the entry point to the property. In their current state, the electrical wires are hazardous because of how low they hang. The shed is required to be the new entry point for the electrical and the 1.4 m setback would allow the shed to be within the allowable distance from the pole”.

Site Context:

The subject property is approximately 1,887 m² (0.18 ha) in area and is situated between Noyes Road to the east and Gammon Road to the west, at the intersection of Noyes Road and Mariposa Road. The property is currently developed to contain a single detached dwelling.

The surrounding pattern of development is characterised by residential to the north, south and east, with agricultural to the west on the opposite side of Gammon Road.

Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on September 15, 1989, while available Regional District records indicate that Building

Permits have previously been issued for a single detached dwelling (1991), with an addition (2002) and interior renovations (2019).

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

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008 the property is zoned as Residential Single Family One (RS1), which lists "accessory buildings" as a secondary permitted use.

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

On July 17, 2019 a "build without permit" notice was issued for the accessory building. The accessory building was sited next to the existing shed (to be removed) and straddling the property line with the neighbouring property at 2715 Noyes Road as shown in Attachment No. 1.

The applicant is proposing to relocate the accessory building to be entirely within the subject property.

Public Process:

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

Analysis:

There are several purposes of interior parcel line setbacks, which act to maintain separation between buildings and neighbouring properties, establish the rhythm of the streetscape, and promote orderly development within a parcel.

In considering this proposal, Administration notes that the proposed, modestly-sized accessory building will be located further from the interior parcel line than the existing shed (to be removed). As such, the proposed building is reasonably aligned with expected built form in this location.

The proposed building contains no windows or doors facing the neighbouring property to mitigate issues of privacy.

Administration also considers that this proposal to be the most reasonable available alternative, given the site constraints (site topography, and location of the existing septic field), and the necessity of siting the building within adequate distance of the power pole.


Conversely, there are alternative locations available and the accessory building could be sited within established setbacks and within adequate distance of the power pole, along the sloped portion of the property.

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

Alternatives:

1. That the Board deny Development Variance Permit No. E2019.027-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "E" Advisory Planning Commission.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. of Dev. Services

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

No. 2 – Site Photo (July 2019)

No. 3 – Aerial Photo (2017)

Attachment No. 1 – Site Photo (Google Streetview)

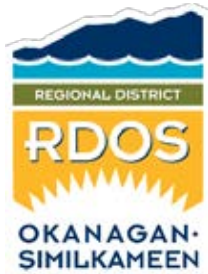


Attachment No. 2 – Site Photo (July 2019)



Attachment No. 3 – Aerial Photo (2017)





Development Variance Permit

FILE NO.: E2019.027-DVP

Owner:

Agent: Darcy Fuller, Uber Solutions Corp.
48 Industrial Avenue W., Unit 180
Penticton, BC, V2A 6M2

GENERAL CONDITIONS

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

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A', 'B', 'C', 'D', 'E', 'F' and 'G', 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 8, Plan 41732, District Lot 207, SDYD

Civic Address: 2685 Noyes Road

Parcel Identifier (PID): 014-746-093 Folio: E-02096.170

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum interior side parcel line setback for an accessory building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(b)(iv), is varied:
 - i) from: 3.0 metres

to: 1.4 metres to the outermost projection as shown on Schedule 'B' and 'C'.

7. **COVENANT REQUIREMENTS**

a) Not Applicable

8. **SECURITY REQUIREMENTS**

a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

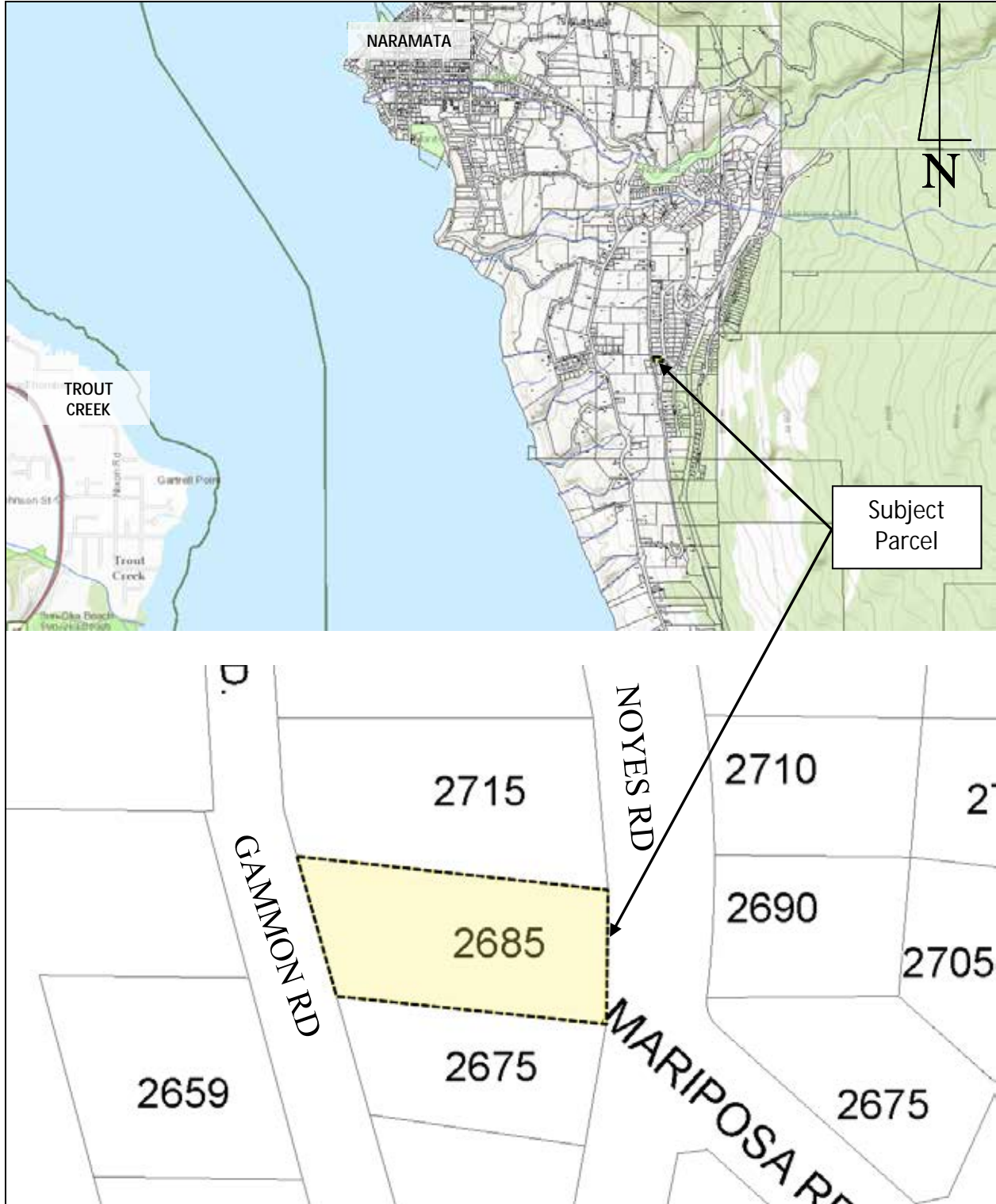
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

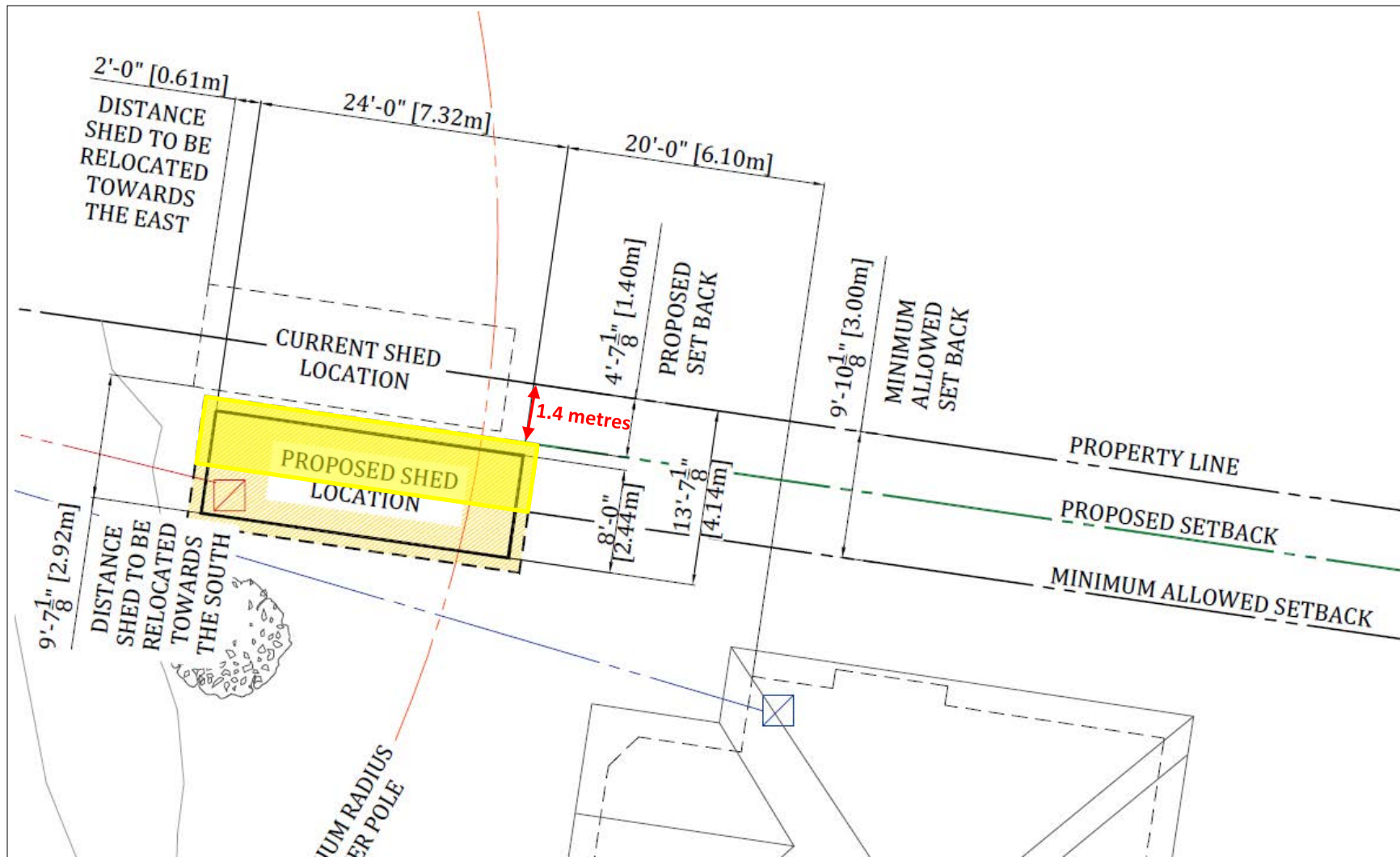
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

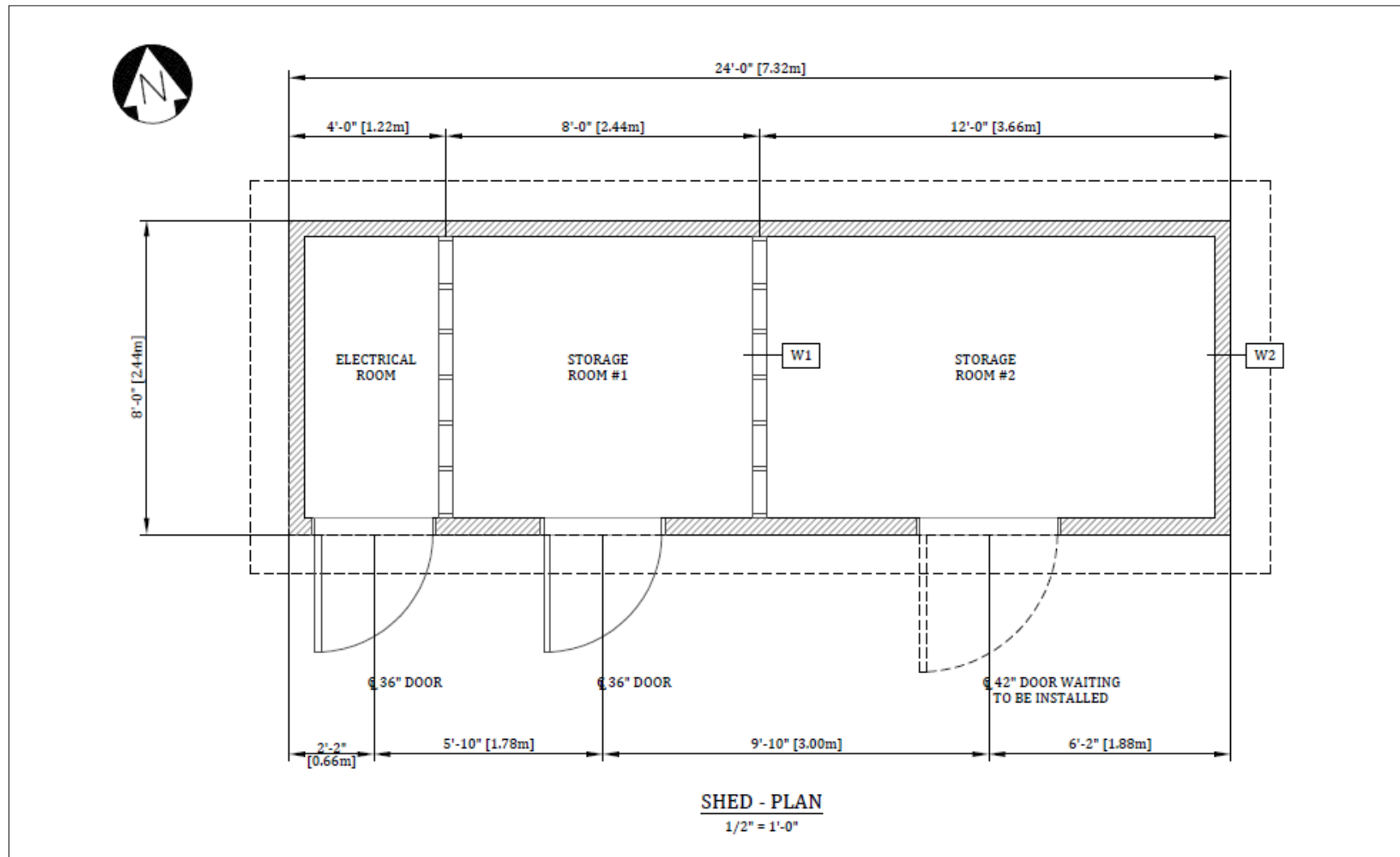
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

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

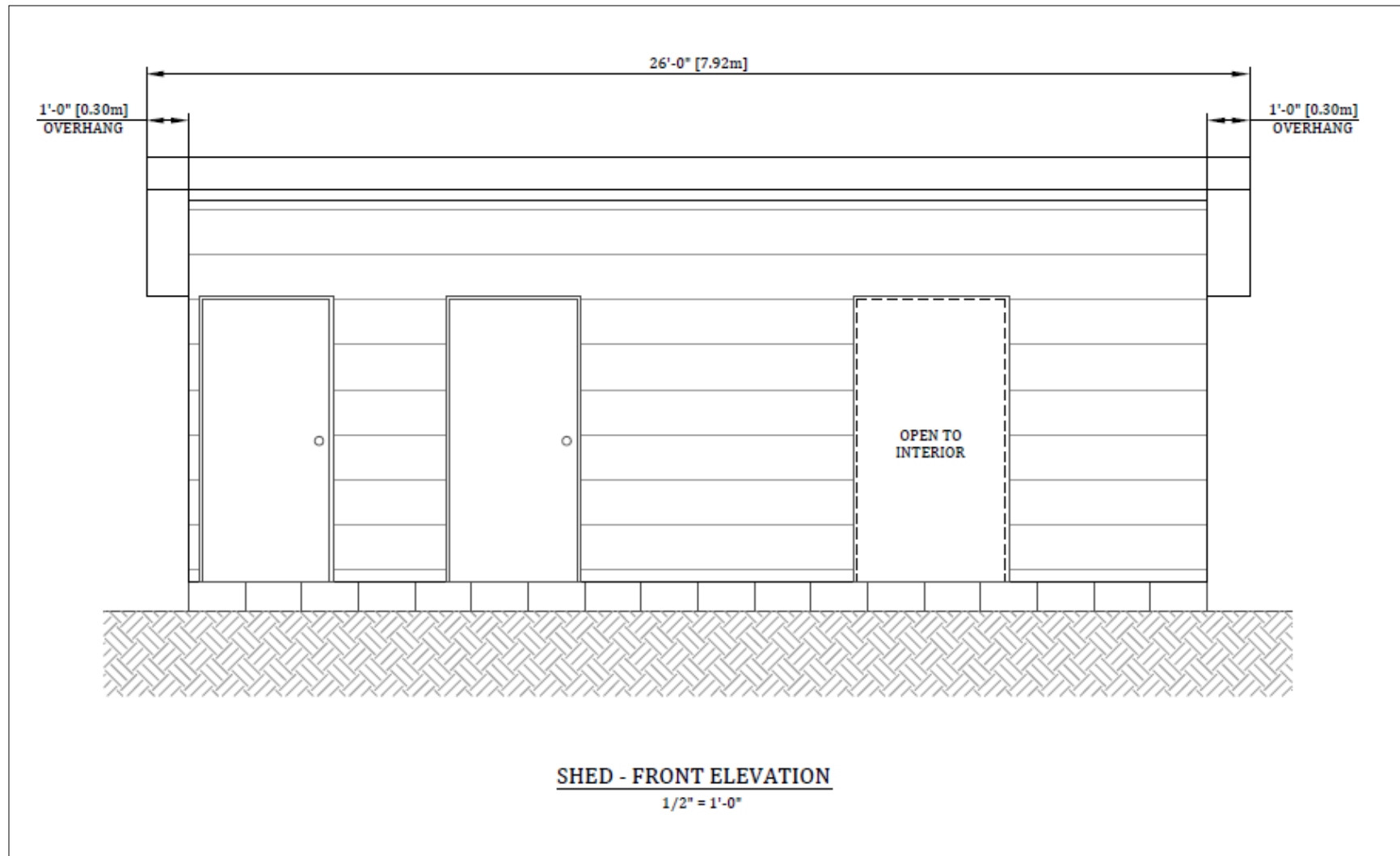
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'E'



Regional District of Okanagan-Similkameen

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

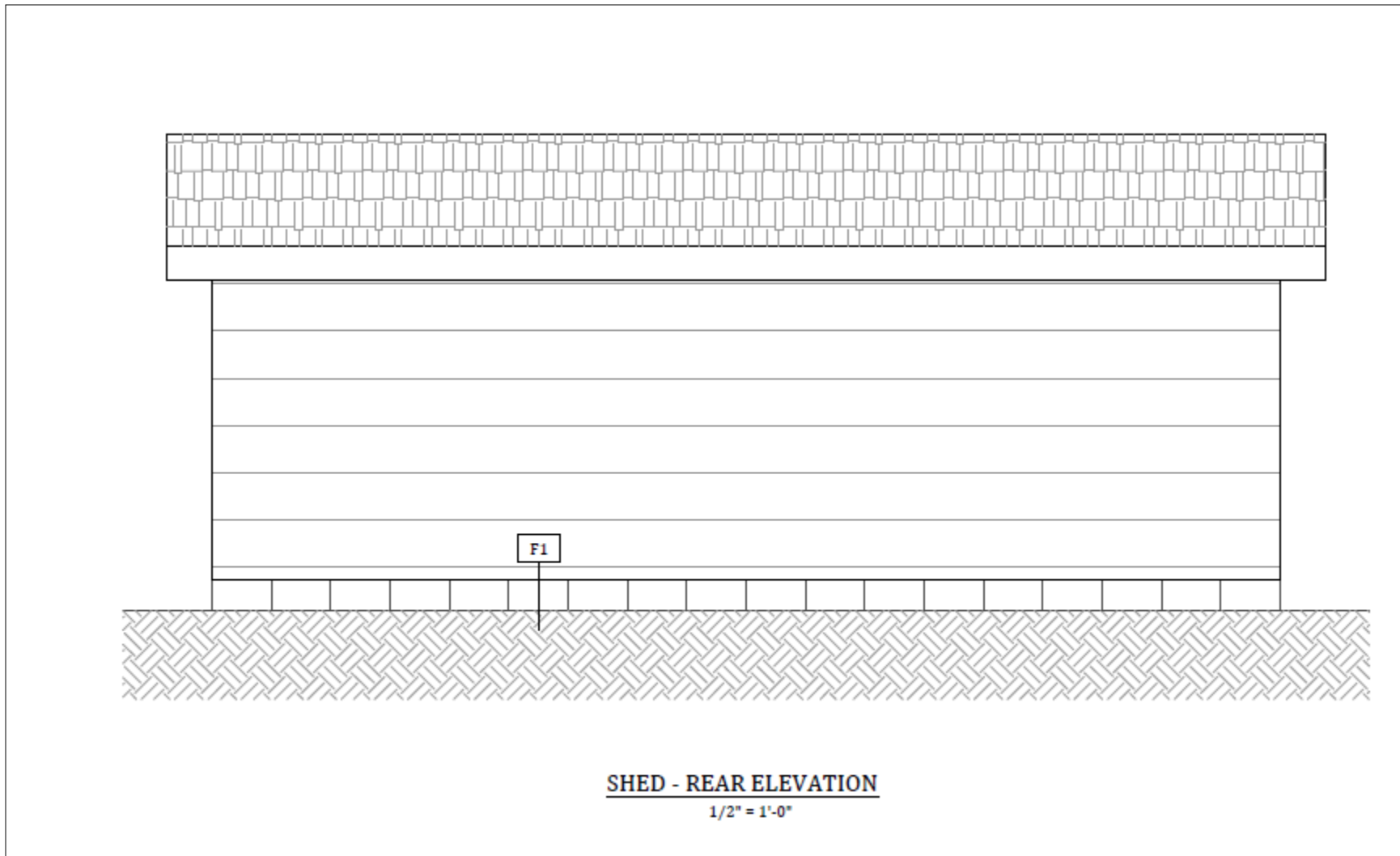
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'F'



SHED - REAR ELEVATION

1/2" = 1'-0"

Regional District of Okanagan-Similkameen

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

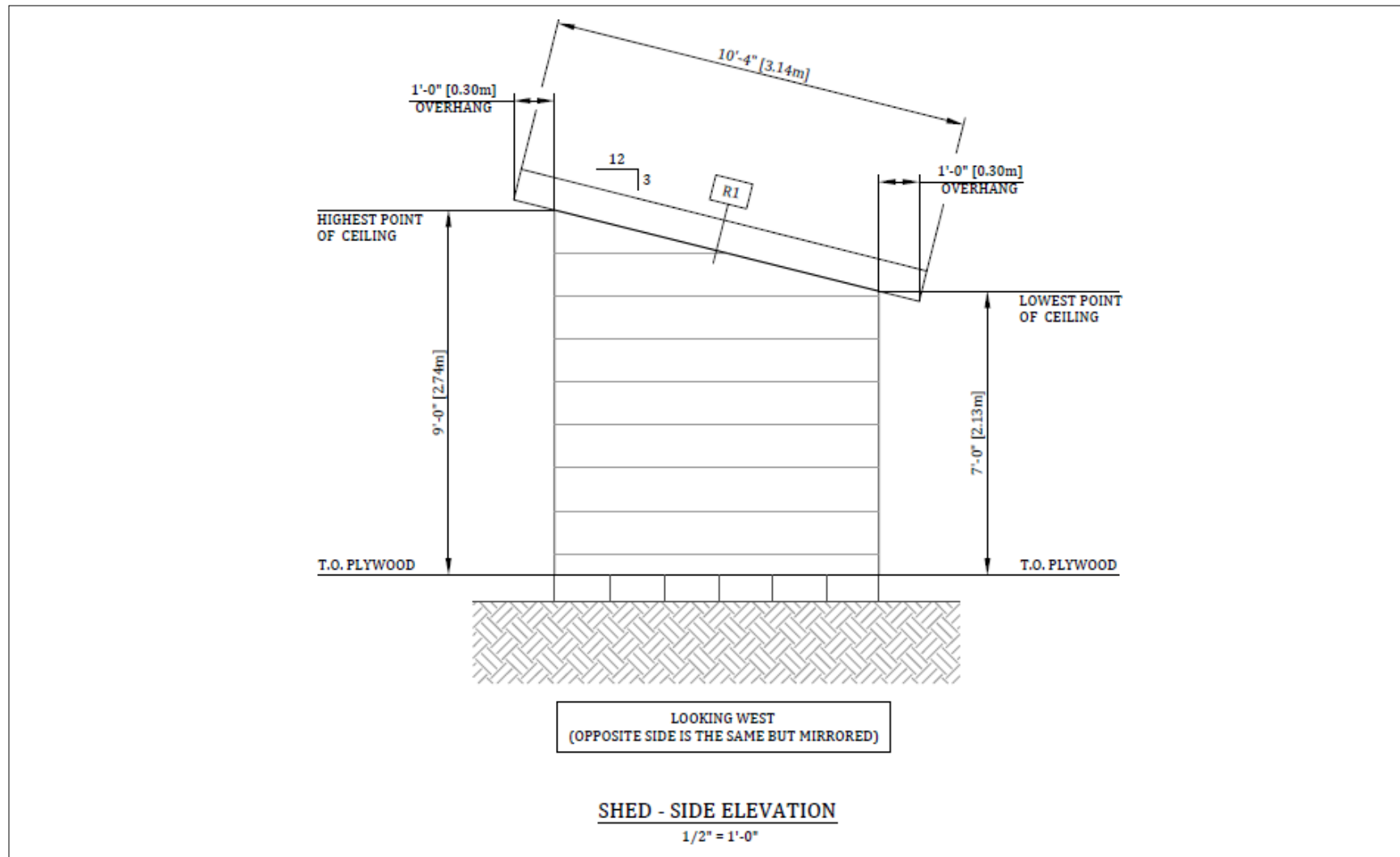
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.027-DVP

Schedule 'G'



JoAnn Peachey

From: Executive Director
Sent: November 7, 2019 3:44 PM
To: JoAnn Peachey
Cc: Stefanie
Subject: RDOS FILE: E2019.027-DVP

Dear JoAnn,

Please accept this email as endorsing and supporting the application for a variance at 2685 Noyes Road. We are a direct neighbour to this property and have no objection to the application.

Should you have any questions please feel free to contact me.

Thank you. Debbie

Debbie Scarborough


ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Temporary Use Permit Renewal Application – Electoral Area “I”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. I2019.008-TUP.

Purpose: To allow for a sales display area for agricultural trailers and equipment.

Owner: Twin Spot Holdings, Ltd. Inc. Agent: BAR T5 Trailers North, Inc. Folio: I-02341.000

Civic: 1146 & 1066 Highway 3 Legal: Lot 1, Plan 11044, District Lot 228S, SDYD, Except Plan H15455

OCP: Commercial (C) Zone: General Commercial (C1)/Service Commercial (CS1)

Proposed Development:

This application proposes to renew a temporary use permit to allow display and sales area for agricultural trailers and equipment on a portion of the subject property. The applicant is leasing an area of the subject property for this proposed sales area. The applicant states that no repair, manufacturing or mechanical work will be done on site. The display site will be fenced and the hours of operation are proposed to be 9 AM to 5 PM Monday to Saturday.

In support of this proposal the applicant states that “it is a perfect rural location for our farm and ranch trailers and financial viable location”.

Site Context:

The subject property is approximately 5.59 ha in size and is located on the north side of Highway 3A near the junction of Twin Lakes Road. The leased sales area is approximately 6,070 m² in area and abuts Highway 3A. It is understood that the parcel is comprised of the Twin Lakes service station and store that is located to the northeast of the lease area.

The surrounding pattern of development is characterised by rural properties, with Twin Lakes Golf Course to the south of the highway. There is a rural residential subdivision to the north around Trout Lake and a large Resource Area parcel to the west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 1, 1960, while available Regional District records indicate that a building permit for a commercial addition (2006) has been issued for this property. BC Assessment has classified the property as Residential (01) and Business and Other (06).

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Commercial (C), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

The Electoral Area "I" OCP Bylaw contains objectives (Section 22.2) and policies (Section 22.3), including criteria for evaluation (Section 22.3.4) for issuing Temporary Use Permits.

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the property is currently split-zoned General Commercial (C1) and Service Commercial (CS1). The lease area is within the C1 Zone.

The C1 zone allows for "vehicle sales and rental", whereby a "vehicle", by definition in the Electoral Area "I" Zoning Bylaw, includes automobiles, recreational vehicles (RV's), boats, all-terrain vehicles (ATVs), and motorcycles only.

At its meeting of October 11, 2016, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that TUP application No. D2016.094-TUP be approved.

At its meeting of December 15, 2016, the Regional District Board resolved to approve TUP application No. D2016.094-TUP.

Public Process:

A Public Information Meeting was held on October 16, 2019, at the Kaleden Community Hall and was attended by the applicant and three members of the public.

At its meeting on October 16, 2019, the Electoral Area "I" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use 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.

In accordance with Section 2.3 of Schedule '5' of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed in Attachment No. 1. Comments received from this referral are included as a separate item on the Board's Agenda.

Analysis:

In considering this proposal, Administration acknowledges that the Electoral Area "I" OCP Bylaw No. 2683, 2016, contains a number of specific criteria against which TUPs are to be assessed and that this criteria was previously considered by the Board when it approved TUP No. D2016.094-TUP in 2016.

The applicant has indicated that there have been no changes to the use since the permit was issued in 2016. As such, the previous assessment of criteria remains relevant, such as compatibility with the adjacent uses, intensity of use and environmental impacts.

The absence of any received complaints regarding its operation indicates that this is a suitable location and that the issue of another 3-year permit is supportable.

Further, the proposed use is similar to other permitted uses in the C1 zone (e.g. "vehicle sales and rental").

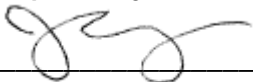
Conversely, Administration notes that an objective for TUPs is to “provide for temporary approval of transitional uses, or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use patterns” (Section 22.2.2) and “ensure that Temporary Use Permits are not considered a substitute for a rezoning application” (Section 22.2.3).

Although a rezoning application is preferred, Administration supports the renewal of this permit to allow continuation of the business. Should the applicant wish to continue the business after expiry of the TUP, Administration does not support re-application of a temporary use permit and advises that the applicant will be required to submit a rezoning application to continue the use on the subject property or to relocate the business.

Alternative:

1. That the Board deny Temporary Use Permit No. I2019.008-TUP.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, GM of Development Services

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (Google Streetview)

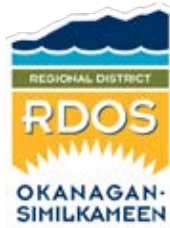
Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board consideration of TUP No. I2019.008-TUP:

○	Agricultural Land Commission (ALC)	p	Fortis
p	Interior Health Authority (IHA)	○	City of Penticton
○	Ministry of Agriculture	○	District of Summerland
○	Ministry of Energy, Mines & Petroleum Resources	○	Town of Oliver
○	Ministry of Municipal Affairs & Housing	○	Town of Osoyoos
p	Ministry of Environment & Climate Change Strategy	○	Town of Princeton
p	Ministry of Forest, Lands, Natural Resource Operations & Rural Development	○	Village of Keremeos
○	Ministry of Jobs, Trade & Technology	○	Okanagan Nation Alliance (ONA)
p	Ministry of Transportation and Infrastructure	○	Penticton Indian Band (PIB)
○	Integrated Land Management Bureau	○	Osoyoos Indian Band (OIB)
○	BC Parks	○	Upper Similkameen Indian Band (USIB)
○	School District #53 (Areas A, B, C, D & G)	○	Lower Similkameen Indian Band (LSIB)
○	School District #58 (Area H)	○	Environment Canada
○	School District #67 (Areas D, E, F, I)	○	Fisheries and Oceans Canada
○	Central Okanagan Regional District	○	Canadian Wildlife Services
○	Kootenay Boundary Regional District	○	OK Falls Irrigation District
○	Thompson Nicola Regional District	○	Kaleden Irrigation District
○	Fraser Valley Regional District	○	Irrigation District / improvement Districts / etc.
○	Volunteer Fire Department		

Attachment No. 2 – Site Photo (Google Streetview)





TEMPORARY USE PERMIT

FILE NO.: I2019.008-TUP

AGENT: BAR T5 Trailers North Inc.
194 Range Road
Kaleden, BC V0H 1K0

OWNER: Twin Spot Holdings Ltd., Inc. No.
BC0811864
R.R. #1, Site 20B, Comp 6
Kaleden, BC V0H 1K0

GENERAL CONDITIONS

1. This Temporary Use 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 of this Permit, and any plans and specifications attached to this Permit which 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 Temporary Use Permit is not a Building Permit.

APPLICABILITY

5. This Temporary Use Permit applies to, and only to, those lands, including any and all buildings, structures and other development thereon, within the Regional District as shown on Schedules 'A' and 'B' and described below:

Legal Description: Lot 1, Plan 11044, District Lot 228S, SDYD, Except Plan H15455

Civic Address: 1146 & 1066 Highway 3A Folio: I-02341.000

Parcel Identifier (PID): 009-530-304

TEMPORARY USE

6. In accordance with Section 22.0 of the Electoral Area "I" Official Community Plan Bylaw No. 2483, 2016, the land specified in Section 5, the following temporary use is permitted:
 - a) "agricultural implement and trailer sales", which is defined as the display and sales of agricultural trailers and equipment.

CONDITIONS OF TEMPORARY USE

- 7. The display and sales use of the land is subject to the following conditions:
 - (a) The location and operation of the sales and display area is approximately 6,070 m² in area and shall not occur beyond the area shown outlined in a red dashed line on Schedule 'B';
 - (b) The hours of operation shall be 9:00 a.m. to 5:00 p.m. Monday to Saturday;
 - (c) Parking will be provided on the site area;
 - (d) Despite the map shown on Schedule 'B', no proposed use or fencing will encroach within 30 metres of the constructed pond or Trout Lake.

COVENANT REQUIREMENTS

- 8. Not applicable.

SECURITY REQUIREMENTS

- 9. Not applicable.

EXPIRY OF PERMIT

- 10. This Permit shall expire on November 21, 2022.

Authorising resolution passed by Regional Board on ____ day of _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

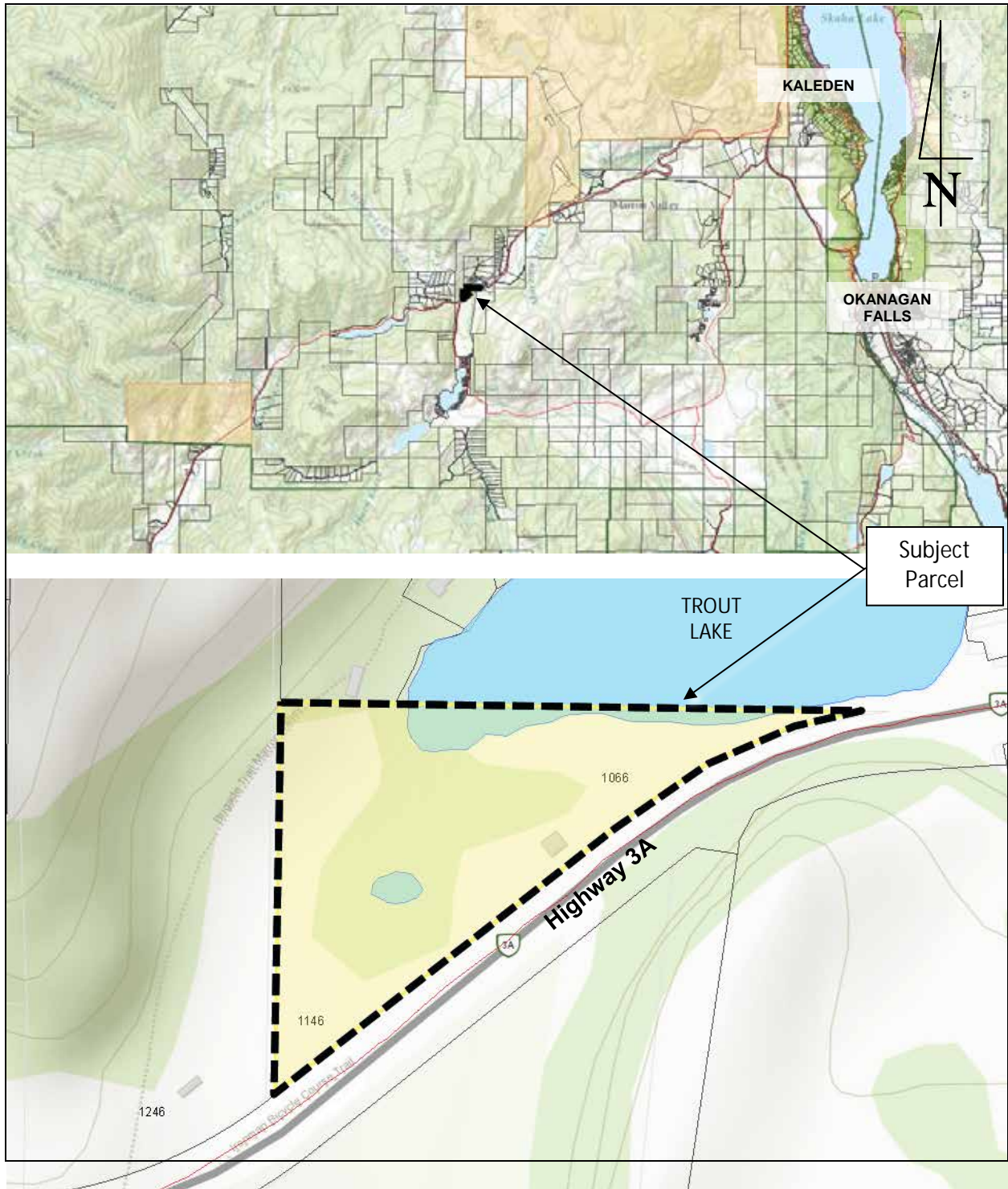
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. I2019.008-TUP

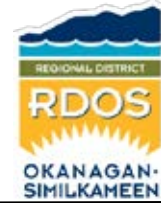
Schedule 'A'



Regional District of Okanagan-Similkameen

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

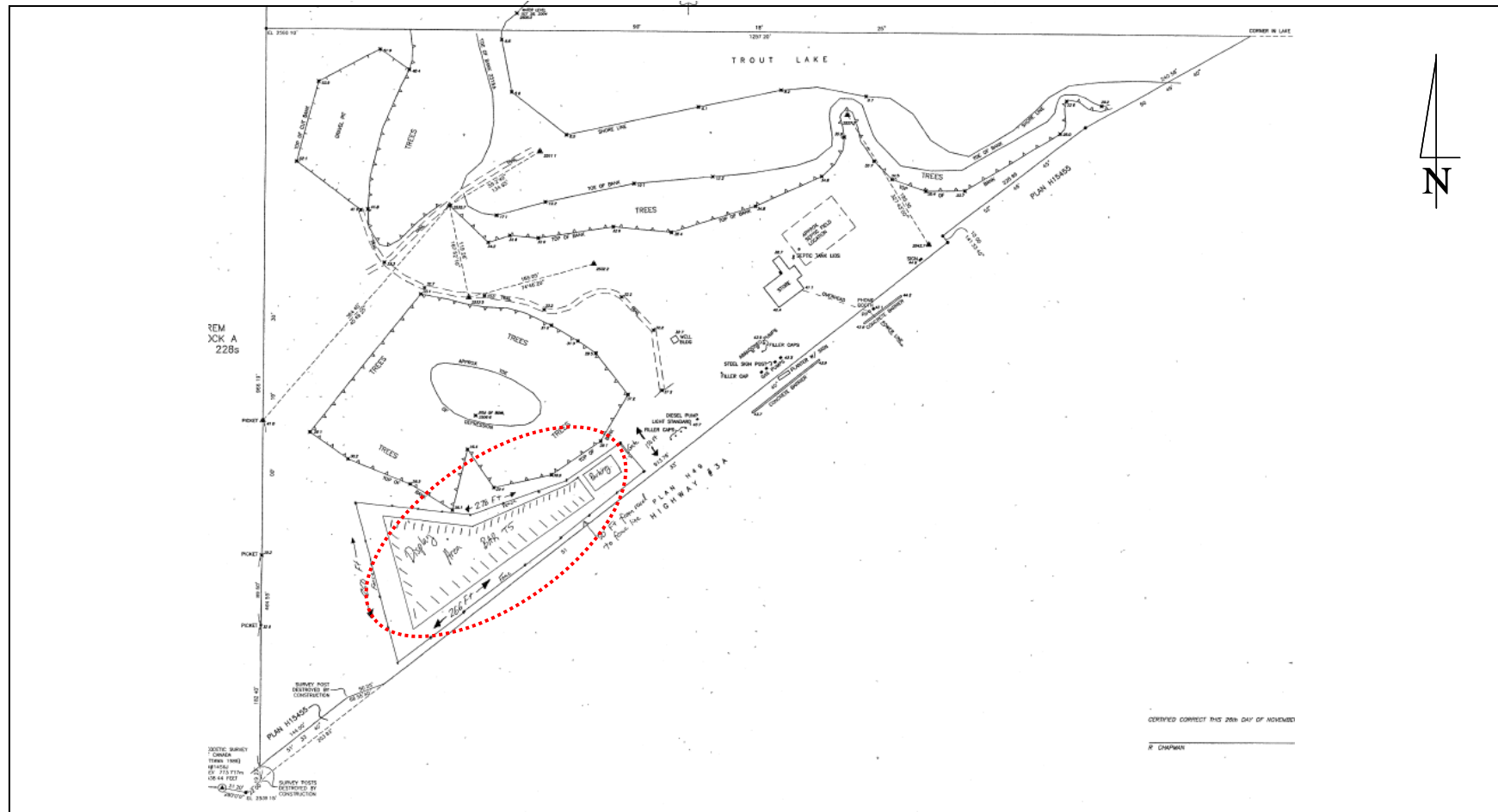
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. I2019.008-TUP

Schedule 'B'



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 20, 2019 5:48 PM
To: Planning
Subject: Highway 3A, 1146 & 1066 (I2019.008-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Highway 3A. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com





October 15, 2019

File: 2019073
Your File: I2019.008-TUP

Regional District of Okanagan Similkameen
101 Martin Street
Penticton BC V2A 5J9

Attention: JoAnn Peachey, Planner I

Re: Temporary Use Permit Renewal– Sales display of horse and stock trailers on Lot 1, DL 228s, SDYD, Plan KAP11044 located at 1146 and 1066 Highway 3A

The Ecosystems Section of the Ministry of Forests, Lands, and Natural Resource Operations and Rural Development has reviewed the above noted referral. There are no concerns providing the proponent avoids activities that would impact wetlands or water receiving sites.

It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the Water Act, Wildlife Act and the Riparian Areas Regulation.

Please contact the undersigned at Jamie.Leathem@gov.bc.ca or 250-490-8294 if you have any further questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Jamie Leathem".

Jamie Leathem
Ecosystem Biologist

JL/jl





Interior Health

Every person matters

October 2, 2019

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

Dear JoAnn Peachey:

RE: File #: I2019.008-TUP
Our interests are unaffected

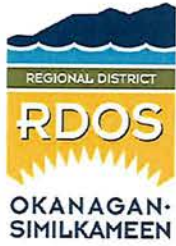
The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

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 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



Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** I2019.008-TUP

FROM: Name: Rosemarie Venne
(please print)

Street Address: 

RE: **Temporary Use Permit (TUP) Renewal – “Agricultural Implement and Trailer Sales” Use**
1146 & 1066 Highway 3A, Electoral Area “I”

My comments / concerns are:

- I do support the proposed use at 1146 & 1066 Highway 3A.
- I do support the proposed use at 1146 & 1066 Highway 3A, subject to the comments listed below.
- I do not support the proposed use at 1146 & 1066 Highway 3A.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

- Property is now all cleaned up and looking good
- the business is fenced in and the trailer display is inviting
- the Owner is proven to be a good neighbour

Feedback Forms must be completed and returned to the Regional District prior to the **November 7, 2019** Board meeting

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.





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** I2019.008-TUP

FROM: Name:

GLEN STEARN

Street Address:



**RE: Temporary Use Permit (TUP) Renewal – “Agricultural Implement and Trailer Sales” Use
1146 & 1066 Highway 3A, Electoral Area “I”**

My comments / concerns are:

- I do support the proposed use at 1146 & 1066 Highway 3A.
- I do support the proposed use at 1146 & 1066 Highway 3A, subject to the comments listed below.
- I do not support the proposed use at 1146 & 1066 Highway 3A.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

HAVE FOUND THE BUSINESS IS IN A IDEAL LOCATION FOR HORSE & UTILITY TRAILERS WE ARE A DIRECT NEIGHBOR & HAVE FOUND THIS OPERATION A GOOD NEIGHBORHOOD PROPERTY HAS BEEN CLEANED UP & LOOKS GOOD!



Feedback Forms must be completed and returned to the Regional District prior to the **November 7, 2019** Board meeting

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: Informal Referral - I2019.008-TUP (Twin Spot Holdings/Bar T5 Trailers)

From: Bitte, Rob TRAN:EX <Rob.Bitte@gov.bc.ca>
Sent: September 23, 2019 9:42 AM
To: JoAnn Peachey <jpeachey@rdos.bc.ca>
Subject: RE: Informal Referral - I2019.008-TUP (Twin Spot Holdings/Bar T5 Trailers)

Hi JoAnn,

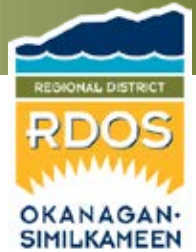
Thank you for sending this information. The Ministry has no concerns with the extension of the TUP as well as extending the temporary access permit. Would the new expiry date of the TUP be November 17, 2022 (if you grant a renewal)?

Regards,

ROB BITTE
DEVELOPMENT OFFICER
BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
102 INDUSTRIAL PLACE PENTICTON V2A 7C8
T: 250.490.2280 | C: 250.809.6886 | F: 250.490.2231

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ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

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

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

Owners: April Knox, Garlen Knox & Martin Dicken Agents: April Knox, Garlen Knox & Martin Dicken

Civic: 4090 4th Street, Naramata Legal: Lot 11, Blk B17, Plan KAP519, DL210, SDYD Folio: E-00619.000

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

Variance to reduce minimum front parcel line setback for a building or structure from 7.5m to 4.34 m

Requests: to reduce minimum rear parcel line setback for a building or structure from 7.5m to 3.82 m

to reduce minimum interior side parcel line setback for a building or structure from 3.0 m to 1.5 m

Proposed Development:

The applicant is seeking to construct a new story dwelling unit along with an attached garage and attached secondary suite on the subject property.

The floor area of the dwelling unit will be approximately 249.0 m² (i.e. 2,680 ft²), the floor area of a proposed future garage/gym will be approximately 84.7 m² (i.e. 912 ft²) while a proposed sundeck will be approximately 33.1 m² (i.e. 356 ft²).

To accomplish this, the applicants are seeking variances to the following setback requirements:

- to reduce the minimum front parcel line setback from 7.5 metres to 4.34 metres;
- to reduce the minimum rear parcel line setback from 7.5 metres to 3.82 metres; and
- to reduce the minimum interior side parcel line setback from 3.0 metres to 1.5 metres.

In support of this request, the applicant has stated, amongst other things, that the parcel line dimensions of the property are in the form of a “pie shape” which makes compliance with the setbacks difficult. In addition, the variances to the front parcel line setback are adjacent a lake access (road) that will never be built on while the variances to the rear “allows for more consistent separation from neighbours to the east.”

Site Context:

The subject property is approximately 1,301 m² in area and is located on the east side of 4th Street at its intersection with 1st Street and is seen to be comprised of a single detached dwelling and various accessory buildings.

The surrounding pattern of development is predominantly low density residential with a commercial use (i.e. Royal Anchor hotel) immediately to the east.

Background:

The subject property was created by a plan of subdivision prepared on July 8, 1908, while available Regional District records indicate that no previous Building Permits have been issued for this property, indicating that development of the site likely occurred prior to the introduction of building inspection services in the early 1970s.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR) and is also the subject of a Watercourse Development Permit (WDP) Area designation associated with Okanagan Lake.

A WDP for this property, which reduced the Streamside Protection and Enhancement Area (SPEA) setback from 30.0 metres to 15.0 metres, was issued on April 8, 2019. The reduced SPEA represents a land area of approximately 145 m², or 11.14% of the total property.

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is zoned Residential Single Family One (RS1) Zone, which allows for single detached dwellings as a principal permitted use and secondary suites as permitted accessory uses and establishes setbacks for these from property lines.

The Ministry of Transportation and Infrastructure (MoTI) requires a building setback of not less than 4.5 metres from a property line fronting a provincial public highway. On January 3, 2019, MoTI granted a permit to reduce the setback to 2.41 metres for a building.

The property is seen to possess a geotechnical assessment hazard rating of "hazard of land receiving slide or slump materials from above" (i.e. red zone) and, while mapping is not available, it is assumed to be within the floodplain associated with Okanagan Lake.

At its meeting of April 8, 2019, the Electoral Area "E" Advisory Planning Commission (APC) resolved to defer consideration of this application to their May meeting.

At its meeting of May 13, 2019, the Electoral Area "E" APC failed to achieve quorum and its meeting was cancelled.

At its meeting of May 23, 2019, the Regional District Board resolved to remove the subject DVP application from its Agenda.

On September 30, 2019, the applicant submitted revised plans for the proposed development which reduce the incursion into the parcel line setbacks.

At its meeting of October 15, 2019, the Electoral Area "E" APC considered the revised plans and resolved to recommend to the RDOS Board that the subject development application be approved subject to the following condition:

- i) a low profile fence be installed along the front parcel line of the subject property in order demarcate its boundary with the public lake access*

Public Process:

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

Analysis:

The use of setbacks in a zoning bylaw are generally to provide a physical separation between the road and residential dwellings, to improve traffic and pedestrian safety, to maintain an attractive streetscape, to discourage overshadowing and loss of privacy on adjacent parcels, and to provide opportunities for openness and landscaping.

When assessing variance requests, staff will also take into consideration the intent of the zoning; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

Where staff have supported reducing a front setback in the past, this is generally in relation to a significant difference in elevation between the road and the proposed building footprint, or where a neighbourhood was developed before the introduction of zoning and adherence to the prescribed setback would be inconsistent with an established building line on a street.

In this instance, while there is no known change in elevation between the property and the road to warrant a reduced front setback, it is noted that development on this section of 4th Street is varied with structures on the east side generally greater than 4.5 metres from the road, but structure on the west side being constructed to a zero lot line (i.e. Royal Anchor).

While it is recognised that the parcel is somewhat irregular in shape, it also possesses a land area of over 1,300 m², which provides for a sufficient building envelope outside of prescribed setbacks and without the need for encroachments.

It is further recognised, however, that the proposed new dwelling will not encroach into the setback areas to the same extent as the existing dwelling, that the applicant has amended their plans to reduce the encroachments in the front, rear and side setbacks and that the encroachment into the front setback will be in the form of an open-sided sundeck that will not be as visually intrusive as an enclosed structure.

That said, the demolition and replacement of a non-conforming structure is also considered to be the preferred juncture at which to seek compliance with the zoning regulations that apply to a property.

Finally, while Administration recognises that this particular section of 4th Street is comprised of lake access and that vehicle traffic movements are unlikely to ever be adversely affected as a result of a reduced building setback at this location, residential development occurring in close proximity to these lake accesses is a concern.

In Naramata, the Regional District has entered into an agreement with the Ministry to maintain lake accesses and has zoned those Parks and Recreation (PR) to denote that they are intended for public access. In the past, there have been instances where adjacent property owners have attempted to blur the line between these lake accesses and private lands in order to discourage public use.

For this reason, Administration favours maintaining a clear boundary between the two and this includes adherence to prescribed setback when other options are available (i.e. a suitable building envelope exists outside of the setbacks).

However, and further to the recommendation of the Electoral Area "E" APC, Administration favours the installation of a low profile barrier or "screen" along the western side property boundary (outside of the riparian area) to delineate private from public lands.

Alternatives:

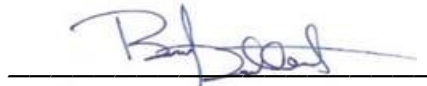
That the Board deny Development Variance Permit No. E2019.008-DVP.

Respectfully submitted



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, General Manager of Dev. Services

- Attachments: No. 1 – Aerial Photo (2017)
No. 2 – Aerial Photo (2007)
No. 3 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo (2017)

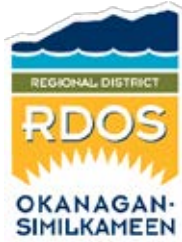


Attachment No. 2 – Aerial Photo (2007)



Attachment No. 3 – Site Photo (Google Streetview)





Development Variance Permit

FILE NO.: E2019.008-DVP

Owner: April Knox, Garlen Knox & Martin Dicken
PO Box 42
4055 Mill Road
Naramata, BC, V0H-1N0

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 11, Block B17, Plan KAP519, District Lot 210, SDYD

Civic Address: 4090 4th Street, Naramata

Parcel Identifier (PID): 012-280-615 Folio: E-00619.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum front parcel line setback for a building or structure in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(i), is varied:

- i) from: 7.5 metres
 - ii) to: 4.34 metres to the outermost projection as shown on Schedule 'B'.
 - b) the minimum rear parcel line setback for a building or structure in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(ii), is varied:
 - i) from: 7.5 metres
 - to: 3.82 metres to the outermost projection as shown on Schedule 'B'.
 - c) the minimum interior side parcel line setback for a building or structure in the Residential Single Family One (RS1) zone, as prescribed in Section 11.1.6(a)(iii), is varied:
 - i) from: 3.0 metres
 - to: 1.5 metres to the outermost projection as shown on Schedule 'B'.
7. The land specified in Section 5 may be developed in accordance with the following conditions:
- a) a "screen", as defined in the Electoral Area "E" Zoning Bylaw, be installed along the western property boundary, excluding the Streamside Protection and Enhancement Area (SPEA) associated with Okanagan Lake.

COVENANT REQUIREMENTS

8. Not Applicable

SECURITY REQUIREMENTS

9. Not applicable

EXPIRY OF PERMIT

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

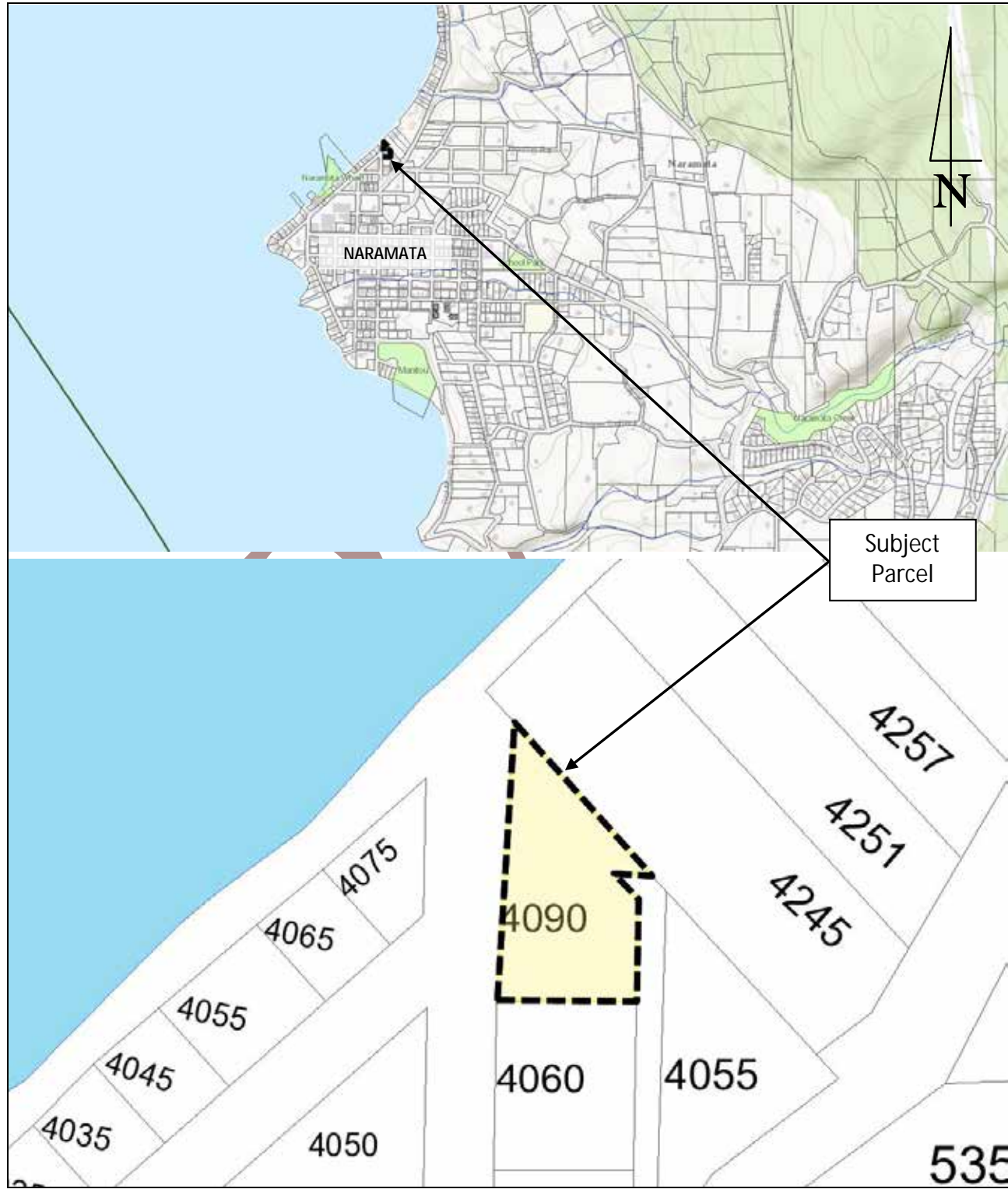
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

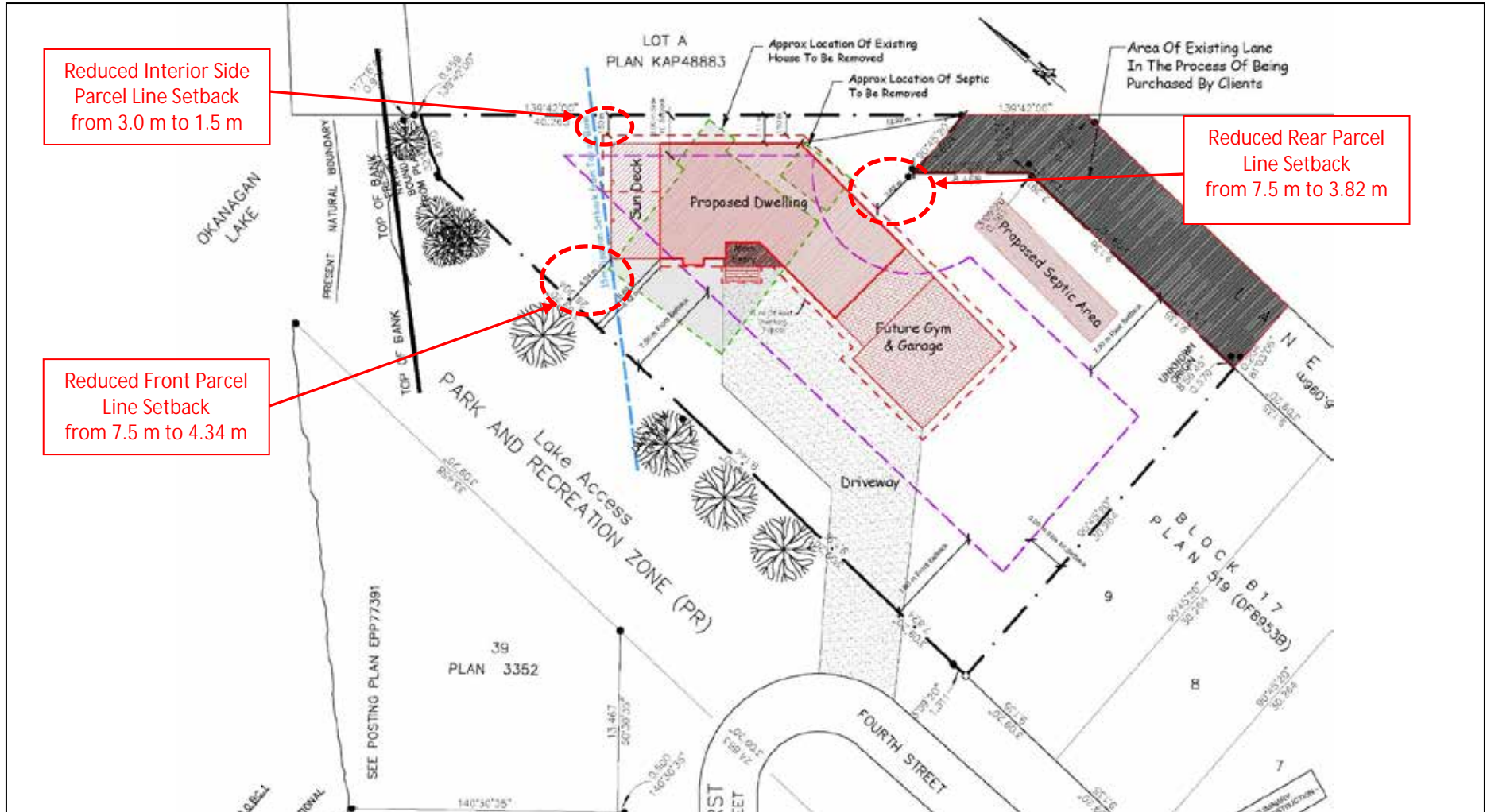
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

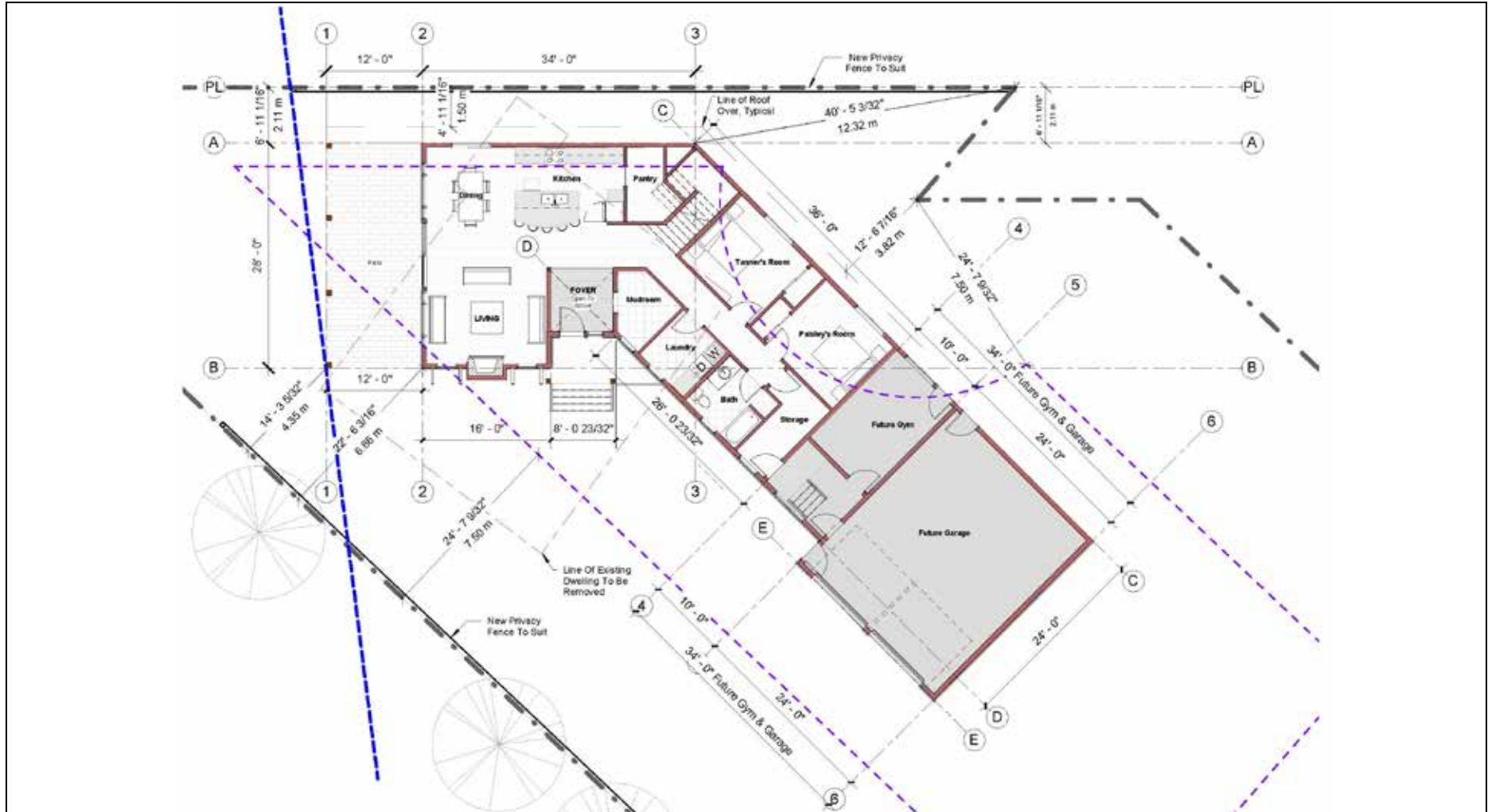
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

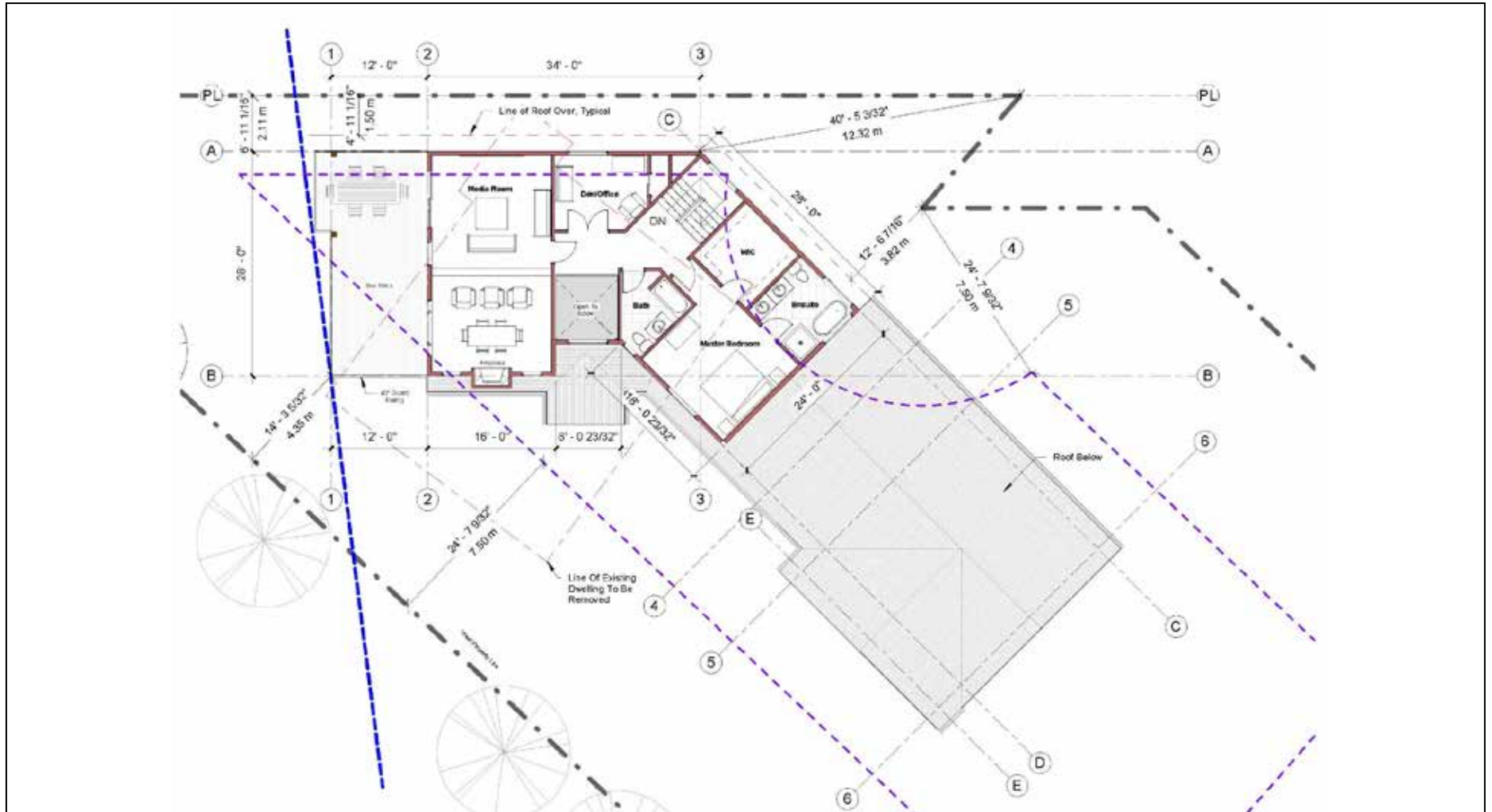
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'E'



Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.008-DVP

Schedule 'F'



Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 Email: planning@rdos.bc.ca



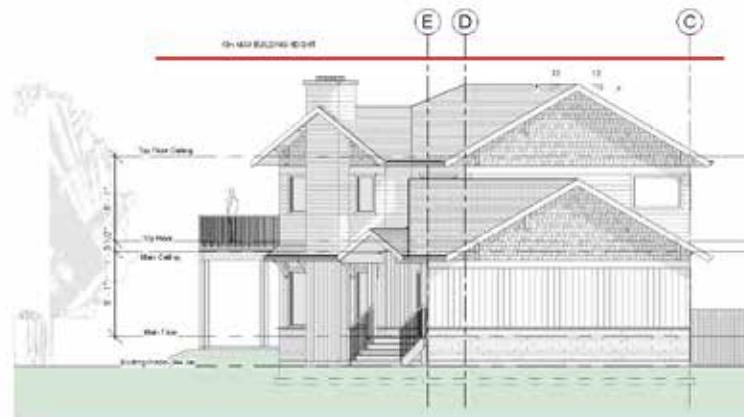
Development Variance Permit

File No. E2019.008-DVP

Schedule 'G'



① North West-Variance
3/32" = 1'-0"



② South West-Variance
3/32" = 1'-0"

BOARD DATE: MAY 23, 2019

ITEM D.I.B.

E 2019.008-DVP

DICKEN-KNOX

From: Kathy Robbins
To: Christopher Garrish
Cc: Stephen Tidball; Jane Tidball; Laura Balisky
Subject: Variance Permit Application No. E2019,008-DVP 4090 4th St. Naramata
Date: May 20, 2019 5:00:36 PM

May 20, 2019

To Whom it May Concern,

Re: Development Variance Permit (DVP) Application No E2019, 008-DVP
4090 - 4th Street, Naramata (Lot 11, Block B17, Plan KAP519,, District Lot 210, SDYD)

We do not support the variance report as presented. Our home is located next door at Mill Road and we have concerns about reducing the setbacks, particularly the interior side parcel line set back from 3.0 meters to 1.35 meters.

We have already signed off of the road easement leading to our house along Dickens Way to allow for a larger building site.

Thank you

Kathy Robbins
Owner Mill Road
Naramata



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Building Bylaw Infraction
Folio: E-00720.005 Lot: 2 Plan: KAP25780 DL: 210 SDYD
PID: 005-318-459
Civic Address: 415 ROBINSON AVE, NARAMATA

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 2, District Lot 210, Plan KAP24780, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805; and

THAT injunctive action be commenced.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and No. 2805.

History:

The Contravention of Building Regulations Report dated January 10, 2019 from the Building Official indicates that an existing carport was closed in and a new carport and deck cover roof were built without a building permit.

A Stop Work Notice was placed on the work on April 18, 2017. Several letters were sent to the owner with no response.

History con't:

It is unknown whether there are health & safety related deficiencies. In order to close the permit file a building permit would have to be issued and successfully completed. As a result, this Building Bylaw infraction is considered to be Category 3.

A map showing the location of this property and photos of the infraction are attached.

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"

Laura Miller, Manager of Building and Enforcement Services

Endorsed by:

"B. Dollevoet"

B. Dollevoet, Development Services Manager





**415 Robinson Ave
April 18, 2017**



**415 Robinson Ave
April 18, 2017**



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Building Bylaw Infraction
Folio: H2-00794.101 Lot: 1 Plan: KAP20249 DL: 902 YDYD
PID: 007-880-138
Civic Address: 147 AIRSTRIP RD (Permit #19600)

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 1, District Lot 902, Plan KAP20249, YDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and No. 2805.

History:

The Contravention of Building Regulations Report dated March 19, 2019 from the Building Official indicates that Permit #19600 was issued on February 1, 2016. This permit was issued to complete expired Permit #18155 for alterations to a dwelling started without a building permit. The permit expired on February 1, 2018.

The only inspection was on March 30, 2015 where it was noted the front entry required a finished deck/landing and/or staircase, collar ties were required on the rafters and the completion of the siding. No further inspections have been called for or conducted. These deficiencies are not considered health and safety related.

The permit has expired without required inspections.

History con't:

Several letters were sent to the owner to resolve this matter. A Bylaw Offence Notice was issued on July 30, 2018. In order to close the permit file, the owner must pay a \$100 re-inspection fee and pass a Final Inspection. In addition the outstanding Bylaw Offence Notice must be paid.

This Building Bylaw infraction is considered to be Category 2 as there are no health & safety concerns.

A map showing the location of this property and photos of the infraction are attached.

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 deficiencies on this property which are not a health and safety concern, a Section 302 Notice on Title is recommended by staff. The Notice on Title advises the current and future owners of the deficiency and protects the RDOS from liability.

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"

Laura Miller, Manager of Building and Enforcement Services

Endorsed by:

"B. Dollevoet"

B. Dollevoet, Development Services General Manager



147 Airstrip Road - front
March 21, 2019



147 Airstrip Road - rear
March 21, 2019



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Building Bylaw Infraction
Folio: I5-02473.000 Lot: 8 Plan: KAP11043 DL: 280
PID: 009-530-410
Civic Address: 449 Sagewood Lane (Permit #18783 Deck addition)

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 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.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and Bylaw No.2805.

History:

The Contravention of Building Regulations Report dated November 7, 2018 from the Building Official indicates that a building permit has expired and the required inspections have not been completed.

On March 19, 2014 a Stop Work Notice was posted on a deck addition to the dwelling on this property. Permit #18783 was issued for the work on June 16, 2014. The permit was extended on June 9, 2016 and expired on June 16, 2017.

The permit has expired without the required inspections. It is unknown whether there are health & safety related deficiencies.

History cont'd:

Numerous correspondence have been sent and face to face meetings have been held with the owner over this and other issues.

In order to close the permit file a valid permit would need to be in place and all inspections completed.

This Building Bylaw infraction is considered to be Category 3.

A map showing the location of this property and a photo of the infraction are attached.

*Note – this matter was deferred from the September 19, 2019 Board date to obtain a current photo

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.

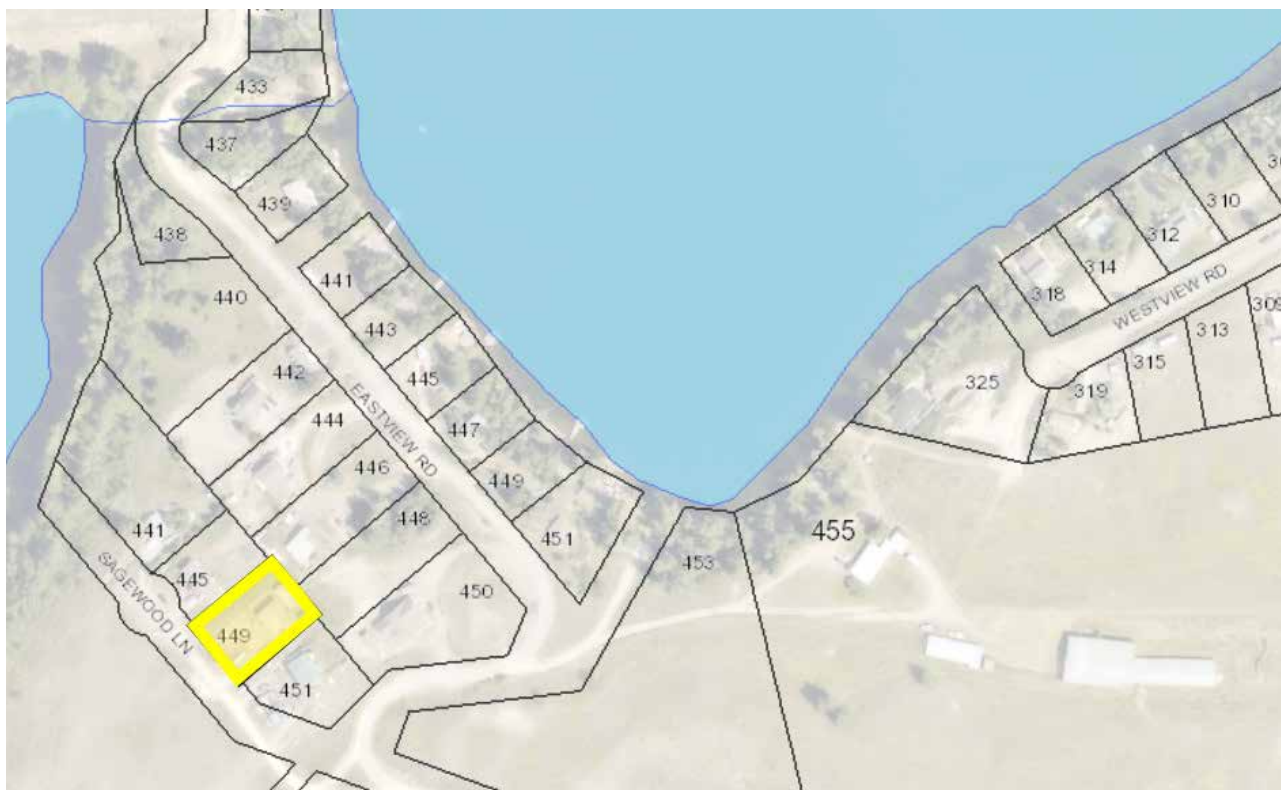
Category 2 (Major Deficiencies) – Place Section 302 Notice on title.

Category 3 (Health & Safety Deficiencies/Building without Permit) – Place Section 302 Notice on title and seek compliance through injunctive action.

Respectfully submitted:

"L. Miller"

Laura Miller, Manager of Building and Enforcement Services



449 Sagewood Lane
September 24, 2019



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Building Bylaw Infraction
Folio: I5-02473.000 Lot: 8 Plan: KAP11043 DL: 280
PID: 009-530-410
Civic Address: 449 Sagewood Lane (Permit #20416 greenhouse)

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 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.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and Bylaw No.2805.

History:

The Contravention of Building Regulations Report dated September 24, 2019 from the Building Official indicates that a building permit has expired and the required inspections have not been completed.

On March 17, 2016 a site visit noted a large greenhouse being constructed without a permit, on this property. Permit #20416 was issued for the work on July 14, 2017. The permit expired on July 14, 2018.

The permit has expired without any of the required inspections. The deficiencies are not health & safety related.

History con't:

Numerous correspondence have been sent and face to face meetings have been held with the owner over this and other issues. In order to close the permit file a valid permit would need to be in place and the Final inspection completed. This Building Bylaw infraction is considered to be Category 2 as this building is a greenhouse.

A map showing the location of this property and a current photo of the infraction are attached.

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 deficiencies on this property which are not a health and safety concern, a Section 302 Notice on Title is recommended by staff. The Notice on Title advises the current and future owners of the deficiency and protects the RDOS from liability.

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"

Laura Miller, Manager of Building and Enforcement Services



I-02473.000

449 Sagewood Lane

September 24, 2019



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Building Bylaw Infraction
Folio: I-02777.290 Lot: 12 Plan: KAP92537 DL: 411 SDYD
PID: 028-723-937
Civic Address: 268 Resolute Road, Kaleden

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 12, District Lot 411, Plan KAP92537, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333 and No. 2805; and

THAT injunctive action be commenced.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333 and No. 2805.

History:

The Contravention of Building Regulations Report dated May 6, 2019 from the Building Official indicates that the property owner has placed a recreational vehicle (RV) without a principal use on the property as required by Zoning Bylaw 2857. In addition, he has constructed a pergola, shed and placed two steel shipping containers. The entire property is within an Environmentally Sensitive Development Permit (ESDP) area and requires the issuance of an ES Development Permit.

A Stop Work Notice was posted on July 21, 2017. Despite verbal conversations and several letters, the owner has not sought to bring the property into compliance. Since July 2017, the owner has added a roof over the two steel containers, and has placed another RV and steel container.

It is unknown whether there are health & safety related deficiencies.

.../2

History con't:

In order to close the enforcement file the owner needs to remove the RV and all structures from the property. Before he can apply for a building permit for an approved use (dwelling), he must first obtain an ESDP.

This Building Bylaw infraction is considered to be Category 3.

A map showing the location of this property and photos of the infraction are attached.

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"

L. Miller, Manager of Building and Enforcement Services

Endorsed by:

"B. Dollevoet"

B. Dollevoet, Development Services Manager



268 Resolute Road
July 21, 2017



268 Resolute Road
July 21, 2017



268 Resolute Road
August 15, 2019



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Untidy and Unsightly Property Contravention
Electoral Area: H Folio: H00606.060
PID: 023-412-658
Civic Address: 525 Dagur Way

Administrative Recommendation:

THAT the RDOS commence the process to bring Lot 12, District Lot 3528, SDYD, Plan KAP56749 (525 Dagur Way) into compliance with the Regional District of Okanagan-Similkameens's Untidy and Unsightly Premises Regulatory Control Bylaw No. 2637, 2013.

Purpose:

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

Reference:

RDOS Bylaw No. 2637, 2013 – Untidy and Unsightly Premises Regulatory Control Bylaw

Background:

On November 23, 2018 the subject property located at 525 Dagur Way, Princeton, Electoral Area 'H' (Schedule A) was found to be in non-compliance with the RDOS Untidy and Unsightly Premises Bylaw after submission of a complaint. The property had a similar complaint in 2016.

The property owner has received numerous letters from the Regional District and given many opportunities to rectify this matter through voluntary compliance. Although some initial effort had been made to comply, due to circumstances, including lack of garbage pick up and access to an appropriate vehicle, the occupiers of the property have been unable to fully comply. The excessive amounts of animals on the property contribute to the unsightliness.

In addition to the initial site investigation on November 23, 2018, the Bylaw Enforcement Officer attended at the property for follow up site investigations on January 4, 2019; April 1, 2019; June 18,

[https://Portal.Rdos.Bc.Ca/Departments/Officeofthecao/Boardreports/2019/20191121/Boardreports/C.1.20191121 RPT Untidy Unsightly H00606.060.Docx](https://Portal.Rdos.Bc.Ca/Departments/Officeofthecao/Boardreports/2019/20191121/Boardreports/C.1.20191121RPTUntidyUnsightlyH00606.060.Docx)

File No: H00606.060

2019; July 8, 2019 and September 10, 2019. At each inspection photos were taken documenting the presence of old furniture, waste lumber, plastic, tires and numerous bags of household garbage piled alongside the side areas of the home. In addition, uncut grass and weeds contributed to the unsightliness. Each site investigation report indicates that the property remains in contravention of the Untidy and Unsightly bylaw. The most recent report from the Bylaw Enforcement Officer dated September 10, 2019 indicates no recent clean-up work of any kind.

Pursuant to the requirement of the Untidy and Unsightly Premises Bylaw, the owner has been notified that a compliance process has been initiated. In accordance with the procedure set out in the Untidy and Unsightly Premises Bylaw, a final notice was given to the property owners giving 30 days to bring the property into compliance. The owner has also been made aware that direct action clean up by either a contractor or RDOS staff in accordance with the Untidy and Unsightly Premises Bylaw may commence on Monday, November 25, 2019 dependent on approval of the Board resolution.

Analysis:

Section 4 of the Untidy and Unsightly Premises Bylaw gives authority for the RDOS to undertake direct action through its own forces, or those of a contractor, to carry out the work necessary to comply with the provisions of the bylaw at the expense of the owner or occupier. Upon failure to pay, the Regional District may recover the costs of undertaking the work through property taxes.

Alternatives:


1. That the RDOS bring Lot 12, District Lot 3528, SDYD, Plan KAP56749 (525 Dagur Way) into compliance with the Regional District of Okanagan-Similkameen Untidy and Unsightly Premises Regulatory Control Bylaw No. 2637, 2013 through the summary conviction process.
2. That the RDOS abandon enforcement of the Untidy and Unsightly Premises Regulatory Control Bylaw No. 2637, 2013 against Lot 12, District Lot 3528, SDYD, Plan KAP56749 (525 Dagur Way).

Respectfully submitted:

"L. Miller"

L. Miller, Building & Enforcement Services
Manager

Endorsed by:



B. Dollevoet, Development Services General
Manager

Attachments: Schedule A – parcel map
Schedule B – photos of subject property

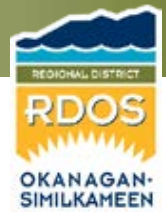
SCHEDULE A



SCHEDULE B



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Proposed OCP Amendment/Rezoning – 1750 Highway 3 East, Electoral Area “A”
Consistency with South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017

Administrative Recommendation:

THAT the proposed rezoning of Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322 in order to facilitate a 6-lot subdivision (5 residential lots and 1 conservation lot) be deemed inconsistent with the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017;

AND THAT Bylaw No. 2450.14, 2019, Electoral Area “A” Official Community Plan Amendment Bylaw and Bylaw No. 2451.24, 2019, Electoral Area “A” Zoning Amendment Bylaw be denied.

Issue:

The purpose of this report is to seek direction from the Board regarding the consistency of a proposed rezoning application with the South Okanagan Regional Growth Strategy (RGS) Bylaw No. 2770, 2017.

The property owner of the parcel legally described as Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322 (1750 Highway 3 East), is seeking approval to amend the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, and Zoning Bylaw No. 2451, 2008, in order to facilitate a bare land strata subdivision with 5 residential strata lots ranging between 1.01-1.15 ha, and one 5.6 ha conservation area lot.

Specifically, the applicant is seeking to:

- amend the land use designation under Schedule ‘B’ (OCP Map) of Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, from Large Holdings (LH) to Small Holdings (SH) and Conservation Area (CA); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of Electoral Area “A” Zoning Bylaw No. 2451, 2008, from Large Holdings One Zone (LH1) to Small Holdings Three Zone (SH3) and Conservation Area (CA).

The minimum parcel size for subdivision in the Large Holdings One (LH1) Zone is 4.0 ha and the minimum parcel size in the Small Holdings Three (SH3) Zone is 1.0 ha.

Background:

The South Okanagan RGS was launched in 2004, adopted in 2010, amended in 2011, and updated in 2016 through a minor update process. It is a partnership between the Regional District of Okanagan-Similkameen (RDOS), the City of Penticton, the Town of Oliver, the Town of Osoyoos, and the District of Summerland to manage growth in the South Okanagan in a manner that is consistent with long-term social, environmental and economic objectives.

Balancing social, economic, and environmental dimensions, the RGS is organized around seven (7) policy areas and supporting goals that were derived in consultation with South Okanagan communities and RGS advisory committees. One of which is “Housing and Development” and its supporting goal to “focus development to serviced areas in designated Primary Growth Areas and Rural Growth Areas” (“Goal 1” of the RGS). See Attachment No. 3 for a map of existing Primary & Rural Growth Areas.

Primary Growth Areas are larger communities with all the necessary services, infrastructure and amenities in place to accommodate future growth and the RGS directs that a majority of future growth in the South Okanagan should be within these areas.

Rural Growth Areas are where limited future development is anticipated and are generally comprised of established rural settlement areas that have some infrastructure and/or amenities in place or where development has been pre-determined through approved zoning.

The RGS contains further direction to achieve Goal #1 in the following supportive policies to protect character of rural areas (Objective 1-C):

- Discourage rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas (Policy 1C-3); and
- Limit consideration for rezoning of large rural land parcels to smaller parcel sizes outside of Primary Growth Areas and Rural Growth Areas only where such growth is infill, does not significantly increase the number of units or the established density, and respects the character of its surroundings (Policy 1C-4).

At its meeting of October 29, 2019, the RGS Technical Advisory Committee (TAC), which is comprised of Planning Managers of the member municipalities and RDOS, considered this rezoning application. The TAC concluded that the proposed rezoning of the subject property to facilitate a 5 lot residential subdivision does not meet the Housing and Development goals of the RGS.

This proposal has been referred to external agencies, in accordance with Section 2.3 of the Development Procedures Bylaw. Only comments received from external agencies which make reference to the RGS are included as a separate item on the Board’s Agenda.

Analysis:

With regard to Policy 1C-3 and 1C-4, Administration considers this application to be inconsistent with the RGS as it constitutes zoning from large rural land parcels to smaller parcel sizes outside of a designated Growth Area (Primary or Rural), where growth is not infill and is a significant increase to established density of the surrounding area.

In considering the criteria of Policy 1C-4, the subject property is situated midway between two growth areas (Town of Osoyoos and Osoyoos Mountain Estates) in an area with sparse or no development on large parcels. Given lack of development in the immediate vicinity of the parcel and the distance from established growth areas, it is seen to be more representative of “leap-frog” development than infill.

The proposed lot size of approximately 1 ha also represents a lot size that is approximately 25% of the typical 4.0 ha parcel size permitted in the LH1 zone, and is much smaller than existing lot sizes of surrounding properties that typically far exceed the minimum lot size requirements. The proposal is, therefore, not seen to be consistent with established densities.

Although the number of additional parcels is limited, this rezoning enables growth to “leap-frog” from an established growth area to a rural, non-serviced area, which contravenes the intent of the RGS to guide and contain growth to Urban or Rural Growth Areas and not within the periphery of existing urban areas.

Further, the Electoral Area “A” OCP Bylaw states that the Osoyoos rural area is capable of accommodating its projected population growth within its existing land use designations and capacity for subdivision and lot development to the year 2100, with the majority of rural residential (i.e. small holdings) demand being supplied by the Regal Ridge development located in the Osoyoos Mountain Estates Growth Area.

In summary, the proposal to create five residential parcels on the subject property does not meet the intent of the goals and policies of the RGS and is not warranted as growth projections for the area can be accommodated by existing land use designations. Specifically, the proposal:

- Does not occur within a recognized Primary or Rural Growth area;
- Does not appear to be rural “infill”; and
- Is a significant increase to the established densities of the surrounding area.

Should the Board conclude that the proposed rezoning of the subject property is not consistent with the RGS Bylaw (this being the Administrative Recommendation above), the applicant’s official community plan amendment and rezoning application will be closed and the application refunded in accordance with the Development Procedures Bylaw.

Should the Board conclude that the proposed official community plan amendment and rezoning of the subject property is consistent with the RGS Bylaw (this being the Alternative Recommendation below), Administration will continue to process the applicant’s application in accordance with procedure.

Alternative:

THAT the proposed rezoning of Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322, in order to facilitate a 6-lot subdivision (5 residential lots and 1 conservation lot) is deemed consistent with the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017.

Respectfully submitted

Endorsed by:

Endorsed by:



J. Peachey, Planner I



C. Garrish, Planning Manager



B. Dollevoet, G.M. of Dev. Services

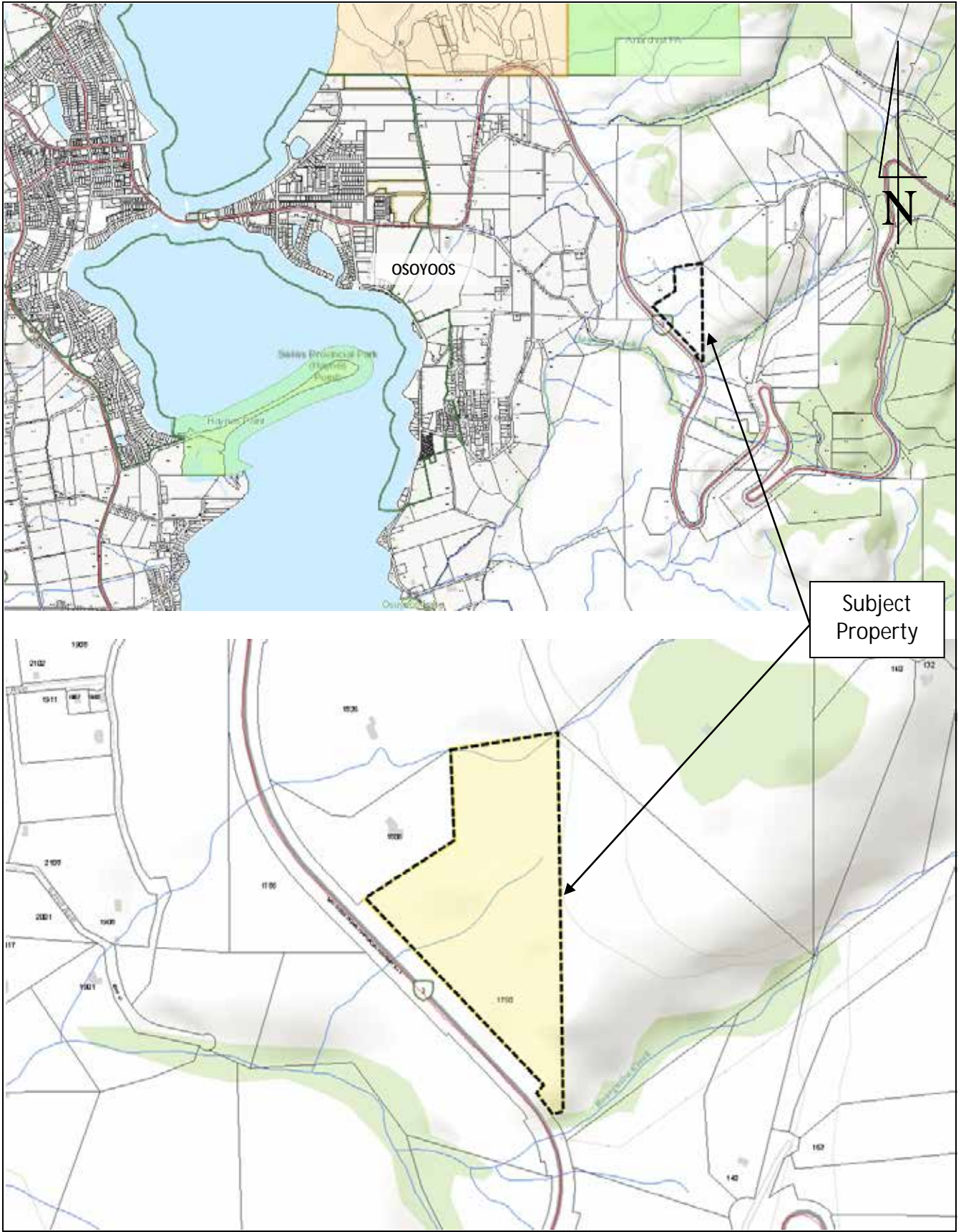
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

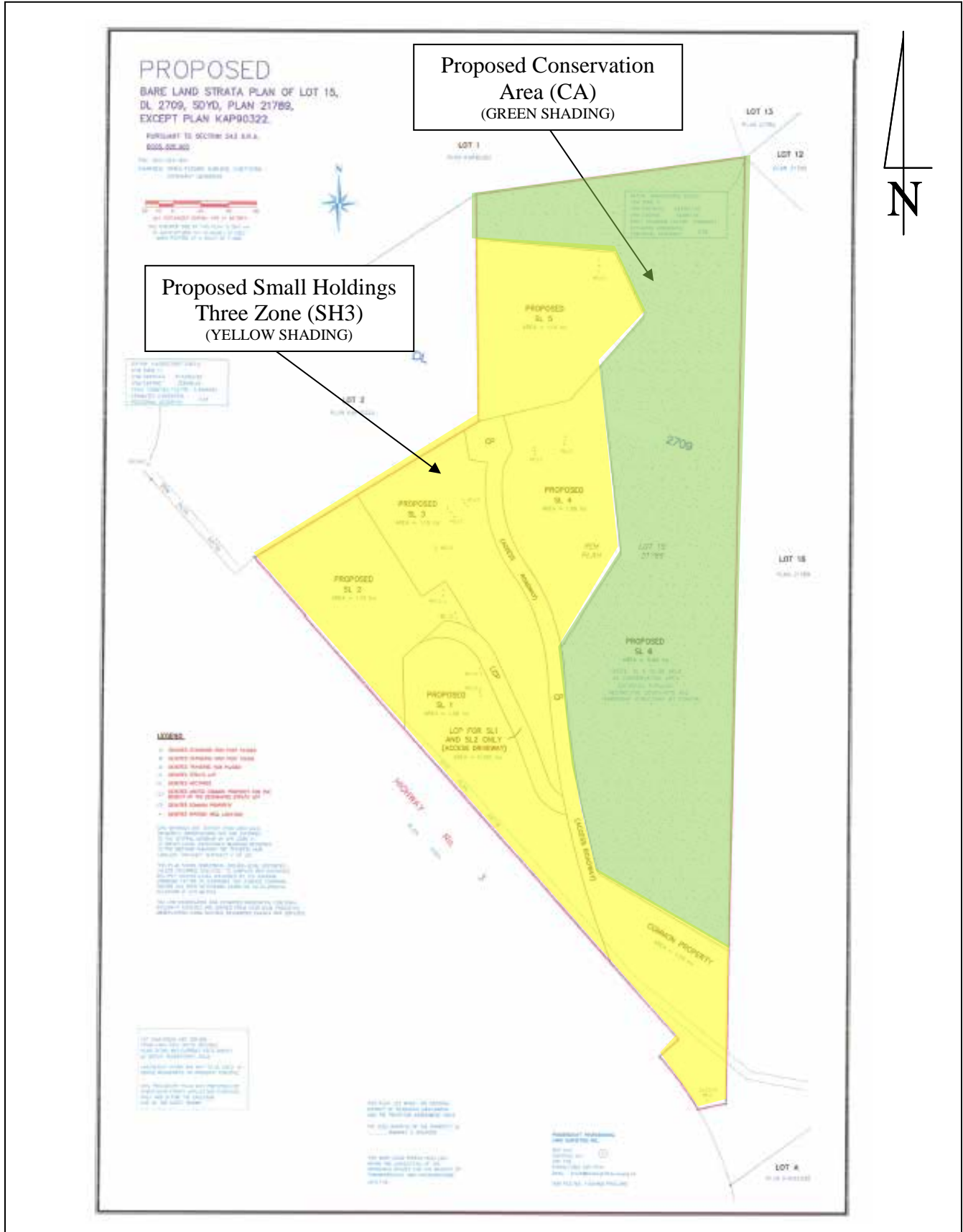
No. 3 – Designated Primary and Rural Growth Areas in RGS Bylaw

No. 4 – Site Photo (2017)

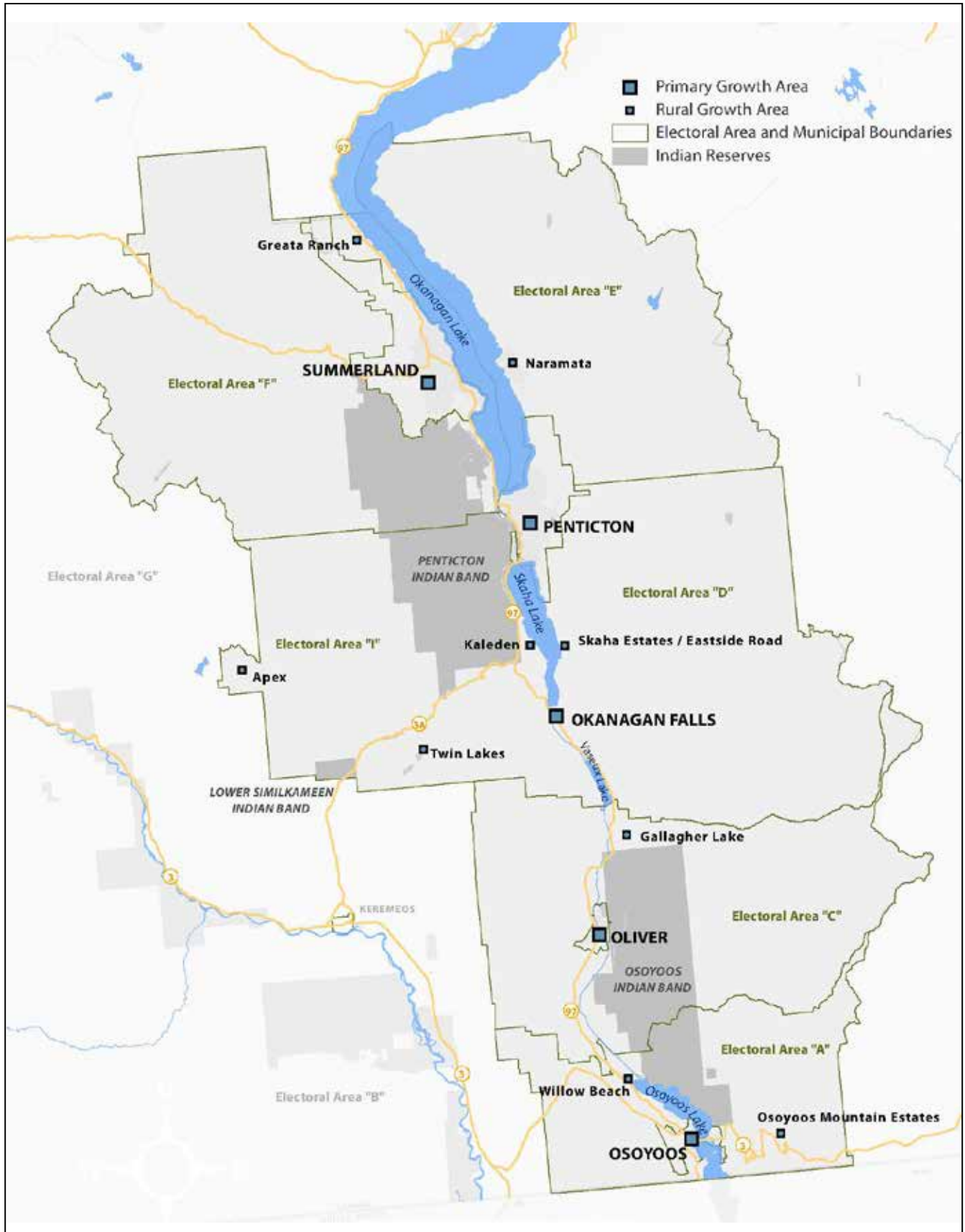
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Designated Primary and Rural Growth Areas in RGS Bylaw



Attachment No. 4 – Site Photo (2017)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2450.14, 2019

A Bylaw to amend the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008

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 "A" Official Community Plan Amendment Bylaw No. 2450.14, 2019."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, is amended by changing the land use designation on an approximately 6.93 hectare part of the land described as Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Large Holdings (LH) to Small Holdings (SH).
3. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, is amended by changing the land use designation on an approximately 5.6 hectare part of the land described as Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322, and shown shaded green on Schedule 'A', which forms part of this Bylaw, from Large Holdings (LH) to Conservation Area (CA).

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.

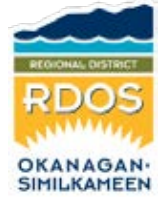
Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

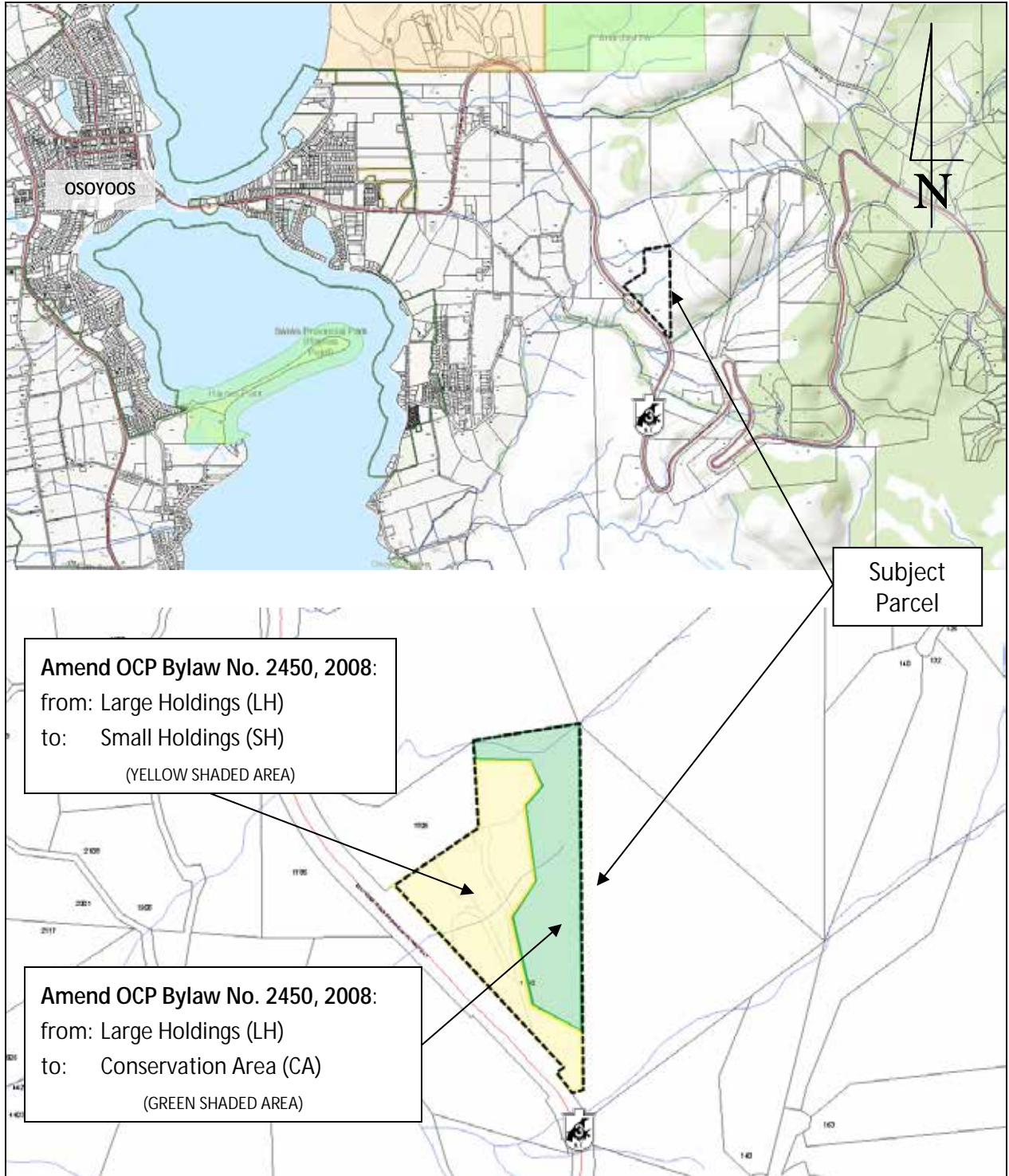
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2450.14, 2019

File No. A2018.207-ZONE

Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2451.27, 2019

A Bylaw to amend the Electoral Area "A" Zoning Bylaw No. 2451, 2008

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 "A" Zoning Amendment Bylaw No. 2451.27, 2019."
2. The Official Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on an approximately 6.93 hectare part of the land described as Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Large Holdings One Zone (LH1) to Small Holdings Three Zone (SH3).
3. The Official Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on an approximately 5.6 hectare part of the land described as Lot 15, Plan 21789, District Lot 2709, SDYD, Except Plan KAP90322, and shown shaded green on Schedule 'A', which forms part of this Bylaw, from Large Holdings One Zone (LH1) to Conservation Area Zone (CA).

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 "Electoral Area "A" Zoning Amendment Bylaw No. 2451.27, 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.

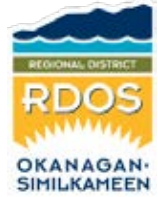
Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

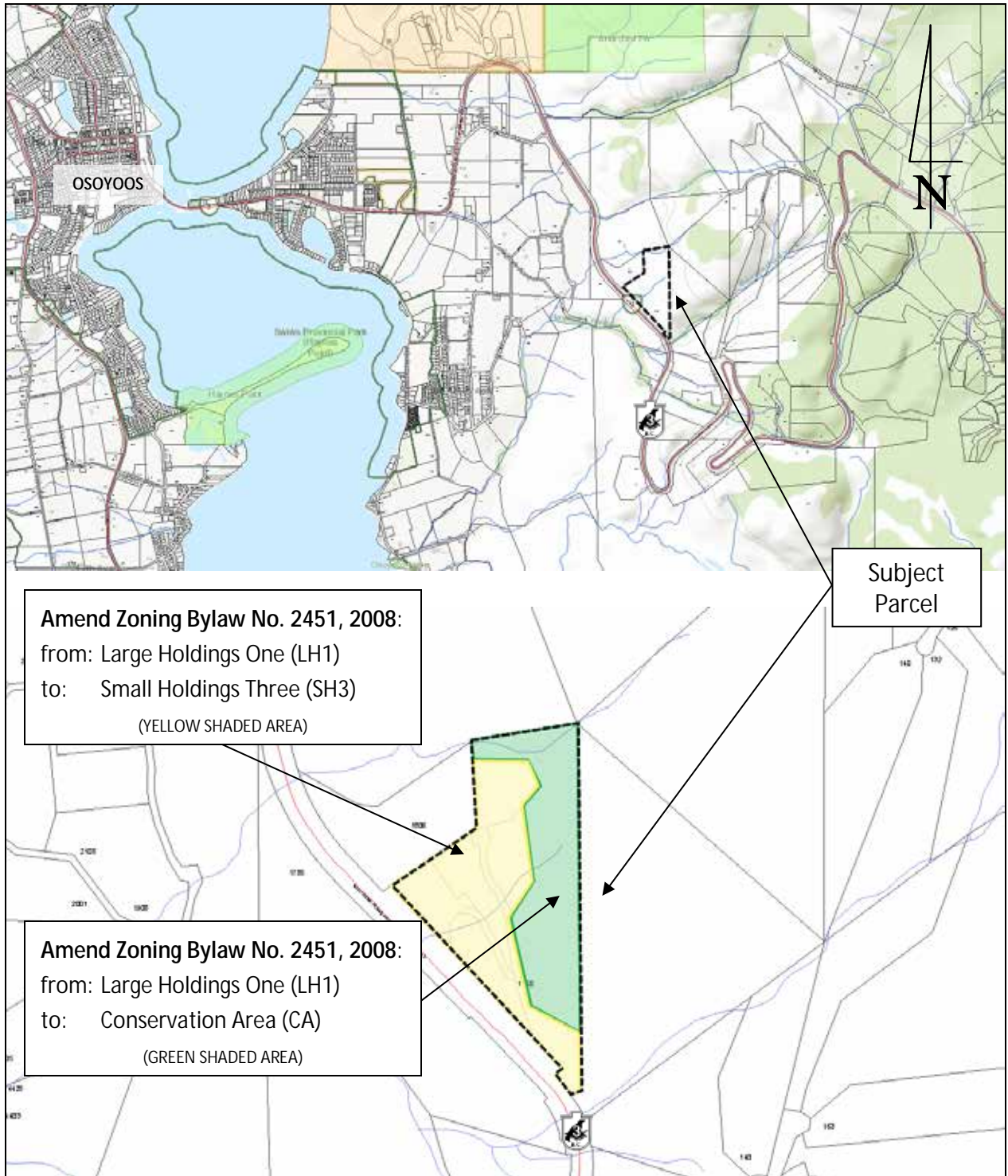
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2451.27, 2019

File No. A2018.207-ZONE

Schedule 'A'



RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2450.14 & 2451.27


- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Council considered this at the November 4th Council meeting with the following staff recommendations see below:

Staff recommend the following:

Approval not recommended for the reasons outlined below:

1. The RDOS is currently undertaking a review of the Electoral Area A OCP. This proposal is best reviewed in the context of the OCP review.
2. The visual impact of the proposed road network and building sites is unclear from the information provided to date.
3. Proposal is not consistent with the policies of the Regional Growth Strategy.

Signature: 

Signed By: Gina MacKay, MCIP, RPP

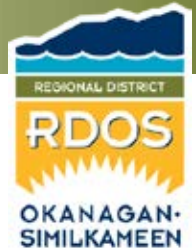
Agency: Town of Osoyoos

Title: Director of Planning and Development

Date: November 6, 2019



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “C”

Administrative Recommendation:

THAT Bylaw No. 2452.22, 2019, Electoral Area “C” Official Community Plan Amendment Bylaw and Bylaw No. 2453.37, 2019, Electoral Area “C” Zoning Amendment Bylaw be denied.

Purpose: To facilitate a subdivision (boundary adjustment) that will result in the creation of a 0.37 ha parcel.
Owners: Roger and Linda Lebert **Agent:** n/a **Civic:** 730 Golden Currant Road
Legal: Lot 205, Plan 1789, District Lot 205, SDYD, Except Plan KAP53900 **Folio:** C-05602.000
OCP: Agriculture (AG) **Proposed OCP:** Small Holdings (SH)
Zone: Agriculture One Zone (AG1) **Proposed Zoning:** Small Holdings Five Zone (SH5)

Proposed Development:

This application is seeking to facilitate a boundary adjustment (subdivision) between the properties at 730 Golden Currant Road and 5557 Dogwood Lane. This will result in a new 3,700 m² parcel around the applicant’s homesite (730 Golden Currant Road) while consolidating the 3.37 ha remainder with the neighbouring parcel at 5557 Dogwood Lane (which will become 5.52 ha in area).

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 “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, from Agriculture (AG) to Small Holdings (SH) and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “C” Zoning Bylaw No. 2453, 2008, from Agriculture One Zone (AG1) to Small Holdings Five Zone (SH5).

In support of the official community plan amendment and rezoning, the applicant has stated that “the reason we are seeking a rezoning is because our adjoining neighbours want to purchase our vineyard land to make their farm more viable. The remaining 0.37 ha parcel is adequate in size for our home, shop, septic field, garden and fruit trees.”

Site Context:

Approximately 3.75 hectares in area, the subject property is located at the end of Golden Current Road and adjacent to the Town of Oliver at No. 2 Road and Dogwood Lane. The property is currently under cultivation (vineyard) and contains one (1) single detached dwelling and shop.

The surrounding pattern of development is generally characterized by agricultural operations in the ALR and several residential homesites.

Background:

Parcel Information:

The current boundaries of the subject property date to a subdivision deposited with the Land Titles Office in Kamloops on November 14, 1994. It is understood that this subdivision was a homesite severance that resulted in the creation of the adjacent 2,520 m² parcel at 967 No 2 Road.

Available Regional District records indicate building permits were previously issued at the subject property for a “garage access” (1990) and a new “single family dwelling” (1995).

The property is within the Agricultural Land Reserve (ALR) and has been classified by BC Assessment as Residential (01) and Farm (09).

At its meeting of June 6, 2013, the RDOS resolved to “authorise” an application to proceed to the ALC for a lot line adjustment between the subject property and 967 Road 2 (a 0.2 ha lot subdivided from the subject property as a Homesite Severance, approved by the ALC in 1993).

On November 28, 2013, the ALC approved the lot line adjustment to create a 0.36 ha residential lot (730 Golden Currant Road) and consolidate the remainder with 967 Road 2 to create a 4 ha lot (ALC File #53315). However, the approval lapsed as the applicants did not complete the subdivision within the required three (3) years.

At its meeting of December 20, 2018, the RDOS Board resolved to “authorise” the application to undertake a subdivision (boundary adjustment) involving the properties 730 Golden Currant Road and 5557 Dogwood Lane to proceed to the ALC (to adjust the boundaries to create an approximately 3,642 m² and 5.5 ha parcel).

On April 29, 2019, the Agricultural Land Commission (ALC) approved the proposal for a boundary line adjustment to result in a 0.4 ha lot and 5.5 ha lot, subject to conditions (ALC File #58278). Conditions include, among other terms, the construction of a fence around the perimeter of the 0.4 ha lot.

On May 21, 2019, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

“1.0 Hectare Policy”:

In response to provincial infrastructure grant and Okanagan Basin Water Board (OBWB) grant criteria, the RDOS has applied a “1.0 ha Policy” to all areas within the jurisdiction of the Regional District (i.e. all Electoral Areas), to forestall the creation of small parcels dependent upon on-site septic fields for the disposal of wastewater throughout unincorporated areas (i.e. rural sprawl).

The province has identified 1.0 hectare as being the minimum parcel size upon which a septic field for a single residential use should be utilised, as higher densities are likely to lead to septic failure over the long-term and implementation of this requirement had been consistently applied by the Ministry throughout the province when considered grant requests.

Since implementing the “1.0 ha Policy” in 2008, the Board had not supported an exception to this policy.

Regional Growth Strategy (RGS):

Under the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017, the subject property is not within a designated Rural Growth Area. It is an objective of the RGS to protect character of rural areas (1-C) and has supporting policy to “discourage rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas” (1C-3).

Electoral Area “C” OCP Bylaw:

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008 the property is currently designated as Agriculture (AG).

The Electoral Area “C” OCP Bylaw contains the following applicable objectives and policies:

- Maintain and enhance the rural character of the Plan area and ensure that future development types and densities are compatible with existing conditions (Section 5.4)
- Directs residential development away from designated Agricultural AG areas (Section 6.5.7)
- Requires that all new parcels of less than one hectare in size connect to a community sewer system (Section 6.5.8 and Section 19.2.5)
- To minimize conflicts between agriculture and other land uses (Section 9.2.2)
- Uses criteria to assess future Land and Small Holdings developments, which includes impact on adjacent land use designations, and the character of the existing area (Section 10.3.3)

Electoral Area “C” Zoning Bylaw:

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is zoned as Agriculture One (AG1), which requires a minimum parcel size for subdivision of 4.0 hectares and a minimum parcel width of “not less than 25% of the parcel depth”.

Whereas, the Small Holdings Five (SH5) Zone allows for a minimum parcel size of 2,000 m².

While Section 6.0 (Subdivision Regulations) provides certain exemptions for boundary adjustments between two or more parcels from minimum parcel size requirements, this is premised on the adjustment not resulting in a parcel that is smaller than the size of the smallest parcel that existed prior to the alteration.

In this instance, the proposal does not qualify for exemption as the applicant is proposing to create a 0.37 ha property, when the smallest parcel that currently exists is 2.15 ha in area.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

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 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 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.

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. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

Public Process:

On October 15, 2019, a Public Information Meeting (PIM) was held at the Oliver Community Centre at 6359 Park Drive in Oliver and was attended by two (2) members of the public.

At its meeting of October 15, 2019, the Electoral Area "C" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

Administration recommends that the written notification of affected property owners, the public meetings 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, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received in relation to this application will be included as separate item on the Board agenda.

Analysis:

In considering this proposal, Administration notes that the Electoral Area "C" OCP Bylaw clearly requires that all new parcels of less than one hectare in size connect to a community sewer system (1.0 ha being the minimum land area identified by the province as being capable of providing a sufficient space for a backup septic field in the event an existing septic fails). This proposal is in direct contravention of the "1.0-hectare policy" as it will facilitate the creation of a new lot that is 0.37 ha in size and would be serviced by on-site septic.

Further, the RDOS has benefited from Okanagan Basin Water Board (OBWB) grant applications in the past, which provide funding for key infrastructure projects (e.g. Okanagan Falls Wastewater Treatment Plant). It should be noted that the OBWB may decline approval of sewage infrastructure applications in communities that create lots smaller than 1.0 hectare which are not serviced by community sewer.

The Electoral Area "C" OCP Bylaw also outlines agricultural objectives and policies to minimize land use conflicts. Administration contends that the creation of a 3,700 m² parcel will erode the agricultural land base and increase the prevalence of rural-residential land uses in this area, creating potential land use conflicts. In a letter dated October 4, 2019, the Ministry of Agriculture provided a similar comment that "the creation of small residential lots within the ALR has the potential to negatively impact neighbouring farming operations".

In response to the OCP criteria for small holdings developments, there is concern that neighbouring farming operations will be impacted over time through the introduction of competing interests and land fragmentation when small residential lots are interspersed in agricultural areas.

Administration further notes that the subject property was previously been the subject of an approved homesite severance subdivision by the ALC and creating another non-agricultural (rural-residential) parcel in the ALR is not supported by the Plan.

Conversely, this application will facilitate a boundary adjustment that increases the size of the neighbouring parcel to allow for a larger farm operation, which will allow for more efficient use of agricultural land.

While increasing the land area of 5557 Dogwood Lane will likely contribute to farm efficiency, this is not seen to outweigh the impacts of creating a 0.37 ha parcel.

In summary, Administration believes that the advantages of upholding the "1.0 hectare policy" and maintaining agricultural parcels in an active farming area outweigh the benefits of this application.

Alternatives:

1. THAT Bylaw No. 2452.22, 2019, Electoral Area "C" Official Community Plan Amendment Bylaw and Bylaw No. 2453.37, 2019, Electoral Area "C" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated November 21, 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. 2452.22, 2019, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of December 19, 2019;

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

2. THAT Bylaw No. 2452.22, 2019, Electoral Area "C" Official Community Plan Amendment Bylaw and Bylaw No. 2453.37, 2019, Electoral Area "C" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated November 21, 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. 2452.22, 2019, in conjunction with its Financial and applicable Waste Management Plans;

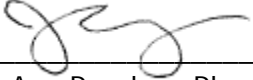
AND THAT the holding of the public hearing be delegated to Director Knodel, or their delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Knodel;

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

3. THAT Bylaw No. 2452.22, 2019, Electoral Area "C" Official Community Plan Amendment Bylaw and Bylaw No. 2453.37, 2019, Electoral Area "C" Zoning Amendment Bylaw be deferred.

Respectfully submitted:




JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Endorsed By:



B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Current vs. Proposed Boundaries

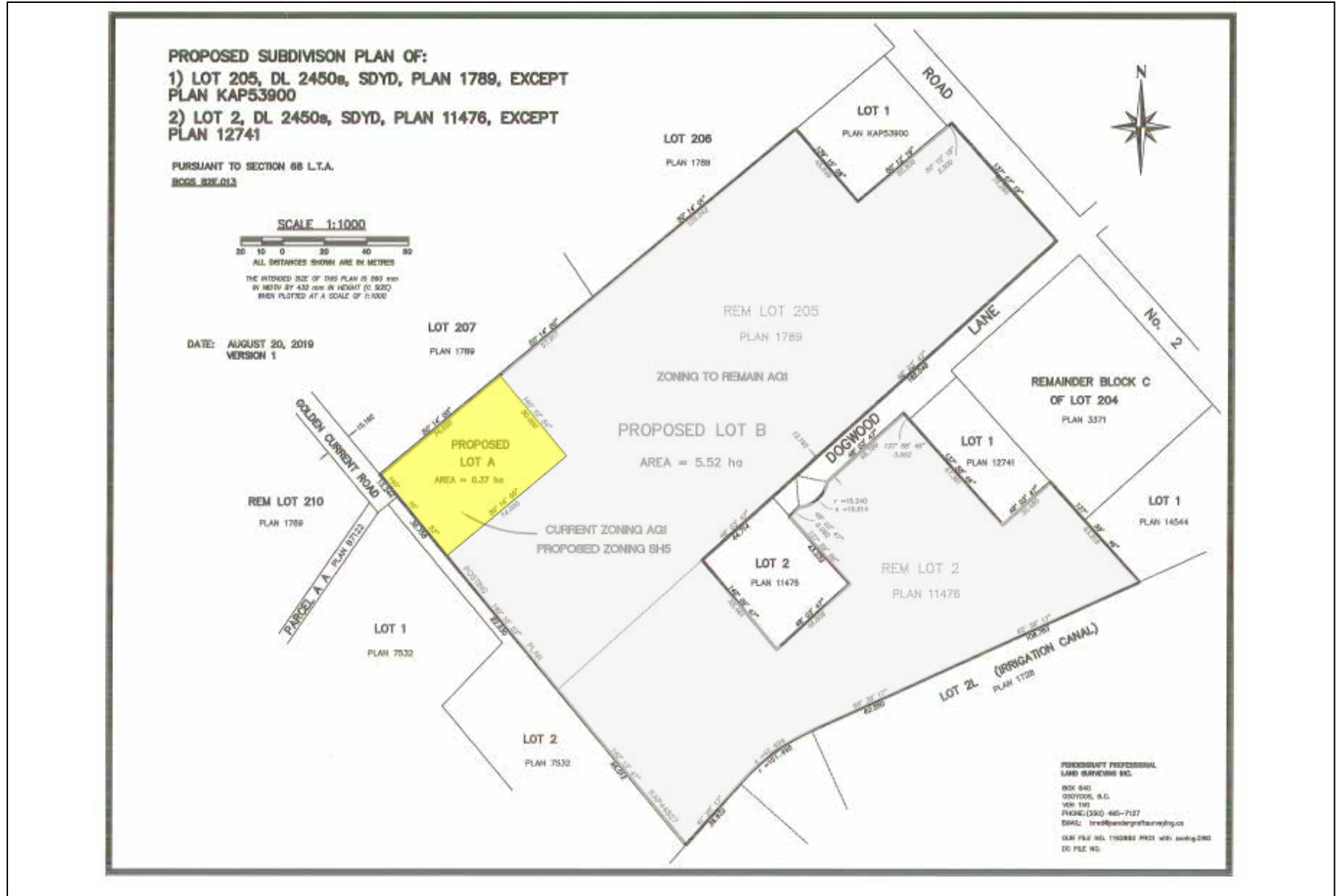
No. 4 – Site Photo (Google)

Attachment No. 1 – Agency Referral List

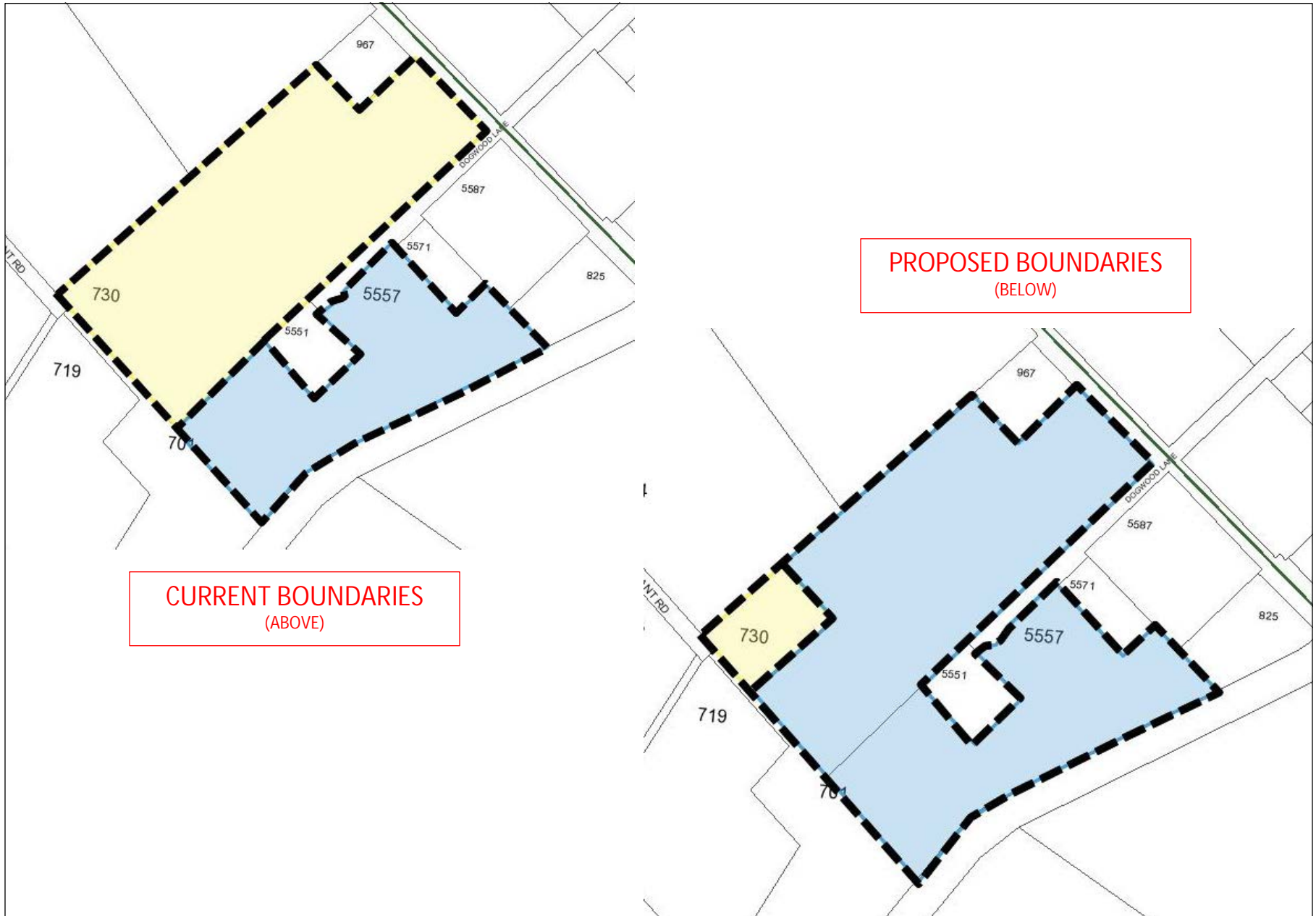
Referrals have been sent to the following agencies as highlighted with a , regarding Amendment Bylaw No. 2452.22 and 2453.53.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" 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 & Petroleum Resources	<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input 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 Band (USIB)
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Oliver Irrigation District
<input checked="" type="checkbox"/>	Oliver Fire Department		

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Current vs. Proposed Parcel Boundaries



Attachment No. 4 – Site Photo (Google)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2452.22, 2019

**A Bylaw to amend the Electoral Area "C"
Official Community Plan Bylaw No. 2452, 2008**

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 "C" Oliver Rural Official Community Plan Amendment Bylaw No. 2452.22, 2019."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended by changing land use designation of an approximately 0.37 ha part of the land described as Lot 205, Plan 1789, District Lot 2450S, SDYD, Except Plan KAP53900, 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.

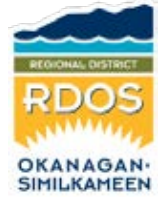
ADOPTED this this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

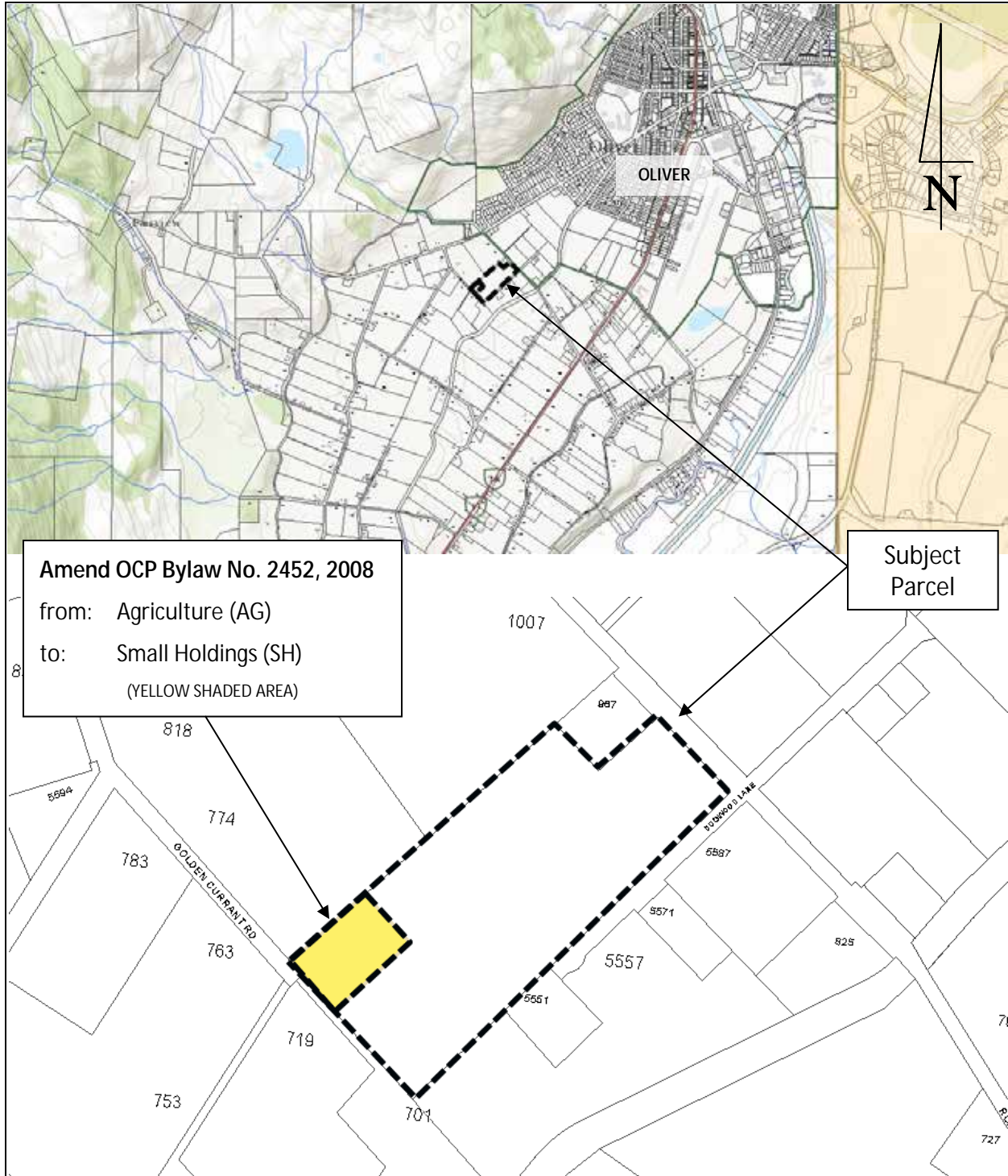
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2452.22, 2019

File No. C2019.014-ZONE

Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2453.37, 2019

A Bylaw to amend the Electoral Area "C" Zoning Bylaw No. 2453, 2008

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 "C" Zoning Amendment Bylaw No. 2453.37, 2019."
2. The Official Zoning Map, being Schedule '2' of the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by changing the land use designation of an approximately 0.37 ha part of the land described as Lot 205, Plan 1789, District Lot 2450S, SDYD, Except Plan KAP53900, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture One Zone (AG1) to Small Holdings Five Zone (SH5).

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 "Electoral Area "C" Zoning Amendment Bylaw No. 2453.37, 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

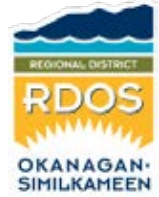
ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

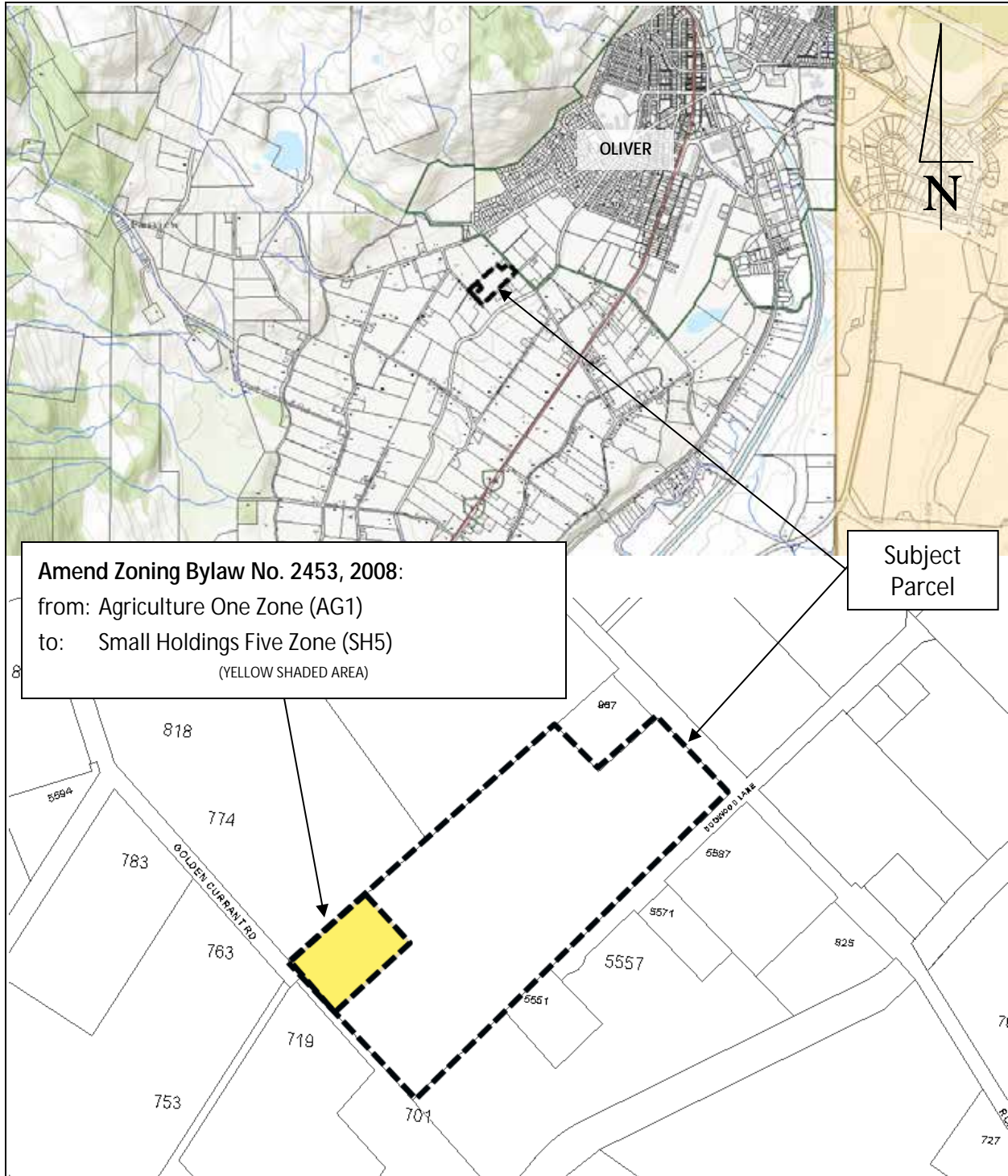
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2453.37, 2019

File No. C2019.014-ZONE

Schedule 'A'





BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: C2019.014-
ZONE (Lebert)
2453.37
eDAS File #: 2019-05339
Date: Sep. 23, 2019

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Zoning Amendment Bylaw 2453.37 for:
Lot 205, District Lot 2450s, SDYD, Plan 1789, Except Plan KAP53900
730 Golden Currant Road, Oliver, BC**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte
Development Officer



Interior Health
Every person matters

September 23, 2019

Regional District of Okanagan-Similkameen
101 Martin St
Penticton BC V2A 5J9
planning@rdos.bc.ca

Dear Regional District of Okanagan-Similkameen:

RE: File #: C2019.014-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 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

Bus: 1-855-744-6328, Option 4
Email: hbe@interiorhealth.ca
Web: interiorhealth.ca

Kamloops Health Unit
519 Columbia Street
Kamloops, BC V2C2T8





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

September 25, 2019

Reply to the attention of Sara Huber
ALC Issue: 51562
Local Government File: C2019.014-ZONE

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

Delivered Electronically

Re: **Regional District of Okanagan-Similkameen Official Community Plan and Zoning Amendment Bylaw Nos. 2455.22 and 2453.37 (730 Golden Currant Rd)**

Thank you for forwarding a draft copy of Regional District of Okanagan-Similkameen (RDOS) Electoral Area 'C' Official Community Plan (the "OCP") and Electoral Area 'C' Zoning Amendment Bylaw (the "Zoning Bylaw") Nos. 2455.22 and 2453.37 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

Current Proposal:

The Bylaws propose to amend the land use designation of a 0.37 ha portion of 730 Golden Currant Road, PID: 011-392-886 (the "Property") from Agriculture to Rural Holdings and amend the zoning of the same 0.37 ha portion of the Property from Agriculture One Zone (AG1) to Small Holdings Five Zone (SH5) in order to facilitate a subdivision. The subdivision involves the creation of a 0.37 ha parcel and consolidation of the remainder with the neighbouring parcel (5557 Dogwood Lane; PID: 009-503-234; the "Adjacent Property"). As the subdivision does not comply with the minimum lot size of the Zoning Bylaw, the Bylaws are being proposed.

Application History:

In 2013, the Commission approved the subdivision of the Property and adjacent 0.25 ha property to create a 0.6 ha lot encompassing the applicants' house (the "homesite lot") and a 3.45 ha remainder, subject to the construction of a fence around the perimeter of the homesite lot, the planting of a vegetative buffer adjacent to the fencing, and the completion of the subdivision within three years of the release of the decision (i.e. by January 7, 2017) (Application 53315; Resolution #390/2013). The subdivision was not completed by this date, thus the approval lapsed.

In 2019, the Commission approved the subdivision of the Property to create a 0.4 ha lot for the applicants to retire on, and the consolidation of the remainder with the Adjacent Property to create a 5.5 ha lot and enable the expansion of the orchard (Application 58278; Resolution #122/2019). The approval was subject to the construction of a fence around the north and east lot lines of the 0.4 ha lot, and completion of the subdivision within three years of the release of the decision (i.e. by April 29, 2022).

ALC Staff Comments:

ALC staff recognizes that the subdivision of the Property was previously approved by the Commission (subject to conditions), and that the Bylaws are required in order to facilitate that subdivision. ALC staff confirm that the conditions of its approval are completed (fencing) and as such have no objection to the Bylaws.

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

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of RDOS Amendment Bylaw Nos. 2455.22 and 2453.37

CC: Ministry of Agriculture – Attention: Christina Forbes

51562m1

Lauri Feindell

From: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>
Sent: September 25, 2019 3:05 PM
To: Lauri Feindell
Cc: Forbes, Christina D AGRI:EX
Subject: 51562 - ALC Response to RDOS OCP and Zoning Amendment Bylaw Nos. 2455.22 and 2453.37
Attachments: 51562m1 - ALC Response to RDOS OCP & Zoning Amendment Bylaw Nos. 2455 & 2453.pdf

Dear Lauri,

Please find attached the Agricultural Land Commission's response with respect to RDOS OCP and Zoning Amendment Bylaw Nos. 2455.22 and 2453.37.

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

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sara Huber

Regional Planner | Agricultural Land Commission
201-4940 Canada Way, Burnaby, BC, V5G 4K6 | T 604-660-7019
sara.huber@gov.bc.ca | www.alc.gov.bc.ca



Oct 4 2019

File No: C2019.014-ZONE

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

Re: Bylaw Referral – File No. C2019.004-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 site specific Zoning and Official Community Plan (OCP) bylaw amendments for 730 Golden Current Road, Oliver in order to accommodate a lot line adjustment subdivision. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- Ministry staff have concerns with these proposed amendments. While the proposed lot B will result in a consolidation of the two areas of agricultural productivity, Ministry staff are unconvinced this outcome outweighs the creation of a smaller lot (lot A) only for residential use. Ministry staff consider that if the intent to consolidate the two properties is necessary, then some method of assured demolition of one of the residences after a certain period of time, with the land then converted to agricultural use, would be the better long-term option for agriculture.
- The creation of small residential lots within the ALR has the potential to negatively impact neighbouring farming operations.
- Ministry staff are also unclear why, if the ALC has approved a subdivision for 0.40 hectares, the proposal is for 0.37 hectares. This inconsistency, while minor, raises uncertainties regarding the application's attention to the details of the ALC approval.
- Further, while ALC Resolution #122/2019 provides ALC approval for subdivision, Ministry staff note the importance of RDOS's existing policy in support of agriculture and decision authority for this outcome.

If you have any questions please contact me directly at 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
Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca

Lauri Feindell

Subject: FW: Bylaw Referral - C2019.014-ZONE

From: Cameron Baughen <cbaughen@rdos.bc.ca>
Sent: September 26, 2019 8:39 AM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: Bylaw Referral - C2019.014-ZONE

Would not impact the Solid Waste Management Plan.

Cameron Baughen, RDOS Solid Waste Management Coordinator
101 Martin Street, Penticton BC
Ph 250-490-4203 TF 1-877-610-3737
cbaughen@rdos.bc.ca www.rdos.bc.ca

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



Lauri Feindell

Subject:

FW: Bylaw Referral - C2019.014-ZONE

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

Sent: September 26, 2019 7:21 AM

To: Lauri Feindell <lfeindell@rdos.bc.ca>; Cameron Baughen <cbaughen@rdos.bc.ca>

Subject: RE: Bylaw Referral - C2019.014-ZONE

Hi Lauri,

No issues from Finance.

John



LeBeet

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 10, 2019 1:51 PM
To: Planning
Subject: Golden Currant Rd, 730 (C2019_014-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Golden Currant Road, Dogwood Lane and No. 2. The applicant is responsible for costs associated with changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

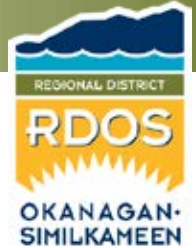
Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Liquor and Cannabis Regulation Branch Referral – Electoral Area “D”

Administrative Recommendation:

THAT the RDOS forward the following recommendation to the Liquor & Cannabis Regulation Branch (LCRB);

THAT in accordance with Section 33(1) of the Cannabis Control and Licencing Act, the RDOS Board of Directors recommends support of an application from Green Light Cannabis Inc. for a proposed non-medical retail cannabis location at 5212 9th Avenue, Okanagan Falls (Lot A, Plan 16980, District Lot 374, SDYD), for a Non-medical Cannabis Retail Licence with operating hours from 9:00 am to 11:00 pm seven days a week.

AND FURTHER THAT the RDOS Board of Directors comments are as follows:

- i) The property is located in the Okanagan Falls Town Centre (OFTC) and the use is permitted in the OFTC zone.
 - ii) No significant negative impact on the community is anticipated if the application is approved.
 - iii) The Board provided opportunity for residents to provide their views on the licence application. Public notice indicating that the Board would accept written comments on the application until October 8, 2019 was published in the Penticton Western News on September 13, 2019 and September 19, 2019, published on Castanet from September 17 to September 19, 2019, posted on the municipal web site from September 5, 2019, were mailed to owners and tenants within 100 metres of the subject parcel on September 10, 2019. Further, a notification sign was posted on the store front at 5212 9th Avenue from August 27, 2019 until the Board considered the application on November 21, 2019.
 - iv) The views of the residents were considered by the Board and attached to the agenda of November 21, 2019 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published.
-

Purpose: To obtain a Non-Medical Cannabis Retail Store licence

Owner: Imraj Holdings Enterprises Ltd. Applicant: Green Light Cannabis Inc. Folio: D-00998.081

Civic: 5212 9th Avenue, Okanagan Falls Legal: Lot A, Plan 16980, District Lot 374, SDYD

OCP: Town Centre (TC) Zone: Okanagan Falls Town Centre (OFTC)

Proposed Development:

An application to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence, whereby under Section 33(1) of the *Cannabis Control and Licencing Act* the LCRB is prevented from issuing a CRS licence without a positive recommendation from the local government.

Specifically, the applicant is seeking LCRB approval to operate an 81 m² cannabis retail store within an existing commercial building, with operating hours from 9:00 a.m. to 11:00 p.m., seven days a week.

Site Context:

The subject parcel is approximately 613 m² in area and is situated on the north side of Highway 97 (9th Avenue) and currently contains a commercial building containing two retail units, one of which was damaged by fire. The surrounding pattern of development is characterised by commercial properties along Highway 97.

Background:

The subject property was created by a plan of subdivision deposited in the Land Titles Office in Kamloops on March 1, 1967. Available Regional District records indicate that multiple building permits were issued from 1974 to 2016 in relation to the construction of a shed, storage building, addition to a storage building, conversion of a storage building to retail space, and interior renovations.

Under the Electoral Area "D" OCP Bylaw No. 2603, 2013, the subject property has been designated as Town Centre (TC) and is also situated within the Okanagan Falls Town Centre Commercial Development Permit Area.

Under Electoral Area "D" Zoning Bylaw No. 2455, 2008, the property is zoned Okanagan Falls Town Centre (OFTC), wherein general retail stores are permitted and has been classified by BC Assessment as Business and Other (06).

At its meeting of August 16, 2018, the Planning and Development (P&D) Committee of the Regional District Board resolved to "direct staff to consider the retail sales of cannabis as a retail use permitted in any zone where retail uses are listed."

Public Process:

Public consultation, in accordance with Schedule 9 of *Development Procedures Bylaw No. 2500, 2011*, included a 28-day period for written comments to be received. Based upon feedback received as part of this process, the Board may decide that additional consultation is required and direct that a public hearing be scheduled.

At its meeting of October 8, 2019, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board agenda.

Analysis:

In considering this proposal, Administration notes that a cannabis retail store is a permitted use in the Okanagan Falls Town Centre (OFTC) zone as it is considered a retail use. As such, the proposed

location is consistent with Board direction to permit cannabis retail in any zone in which retail sales are listed as a permitted use.

Further, this application aligns with the objectives of the Town Centre in the Electoral Area "D" OCP Bylaw, which supports the creation of a resilient and diverse commercial base that provides a diversity of shopping, dining, entertainment and employment opportunities for local residents.

As the cannabis retail store is to be contained within an existing commercial building, there are no further zoning considerations for this proposal. For these reasons, it is Administration's recommendation to support the application.

Alternatives:

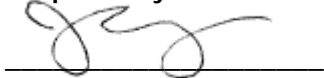
1. THAT the RDOS Board of Directors recommends that the subject development application be deferred to allow for additional consultation in the form of a public hearing;
AND THAT a public hearing be scheduled for the Regional District Board meeting of December 19, 2019;
AND THAT staff give notice of the public hearing in accordance with Development Procedures Bylaw No. 2500, 2011.
2. THAT the RDOS Board of Directors direct staff to forward the following recommendation to the Liquor & Cannabis Regulation Branch (LCRB);

AND THAT in accordance with Section 33(1) of the Cannabis Control and Licencing Act, the RDOS Board of Directors recommend denial of an application from Green Light Cannabis Inc. for a proposed non-medical retail cannabis location at 5212 9th Avenue, Okanagan Falls (Lot A, Plan 16980, District Lot 374, SDYD), for a Non-medical Cannabis Retail Licence with operating hours from 9:00 am to 11:00 pm seven days a week.

AND FURTHER THAT the RDOS Board of Directors comments are as follows:

1. TBD

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Endorsed By:



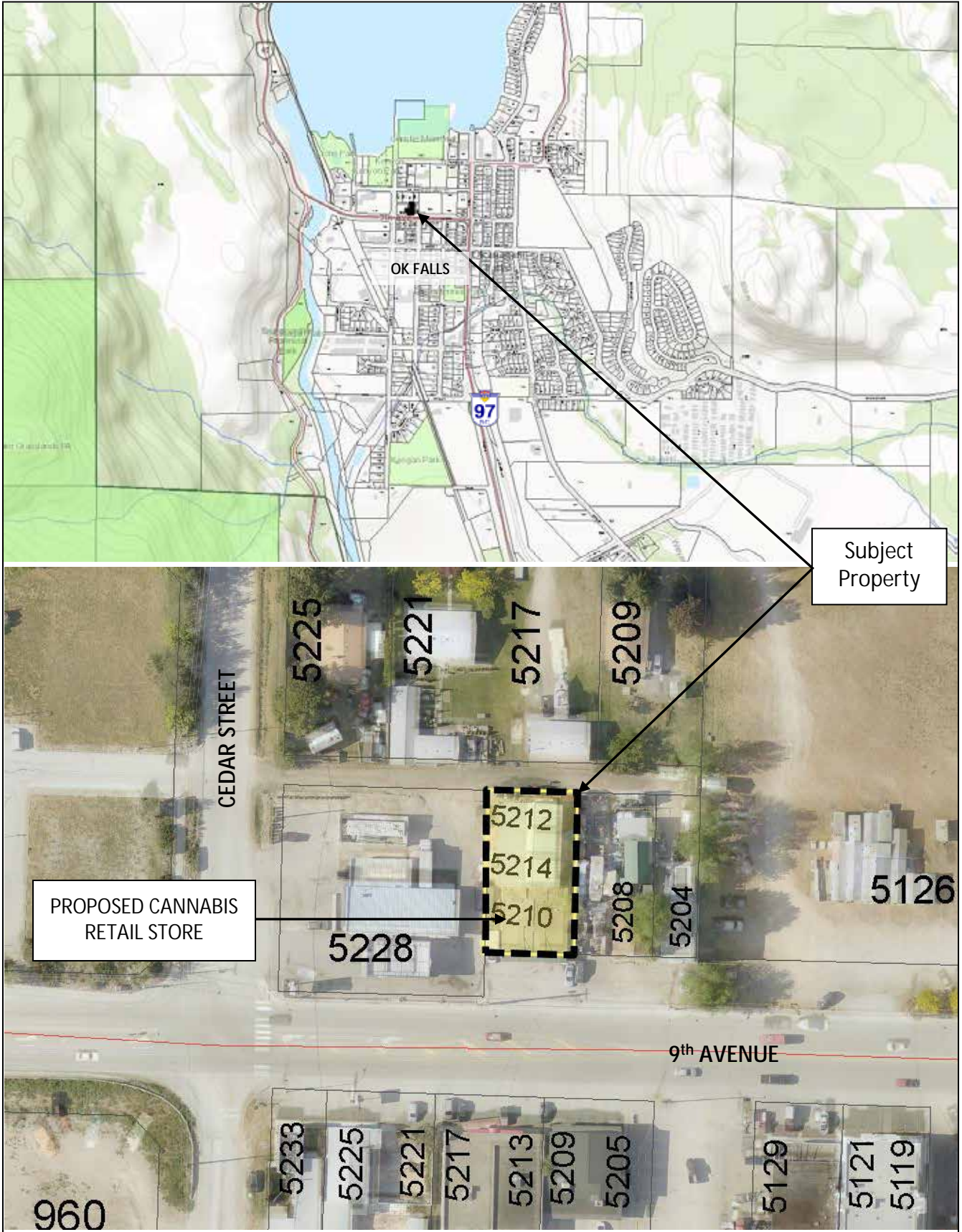
B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Context Maps

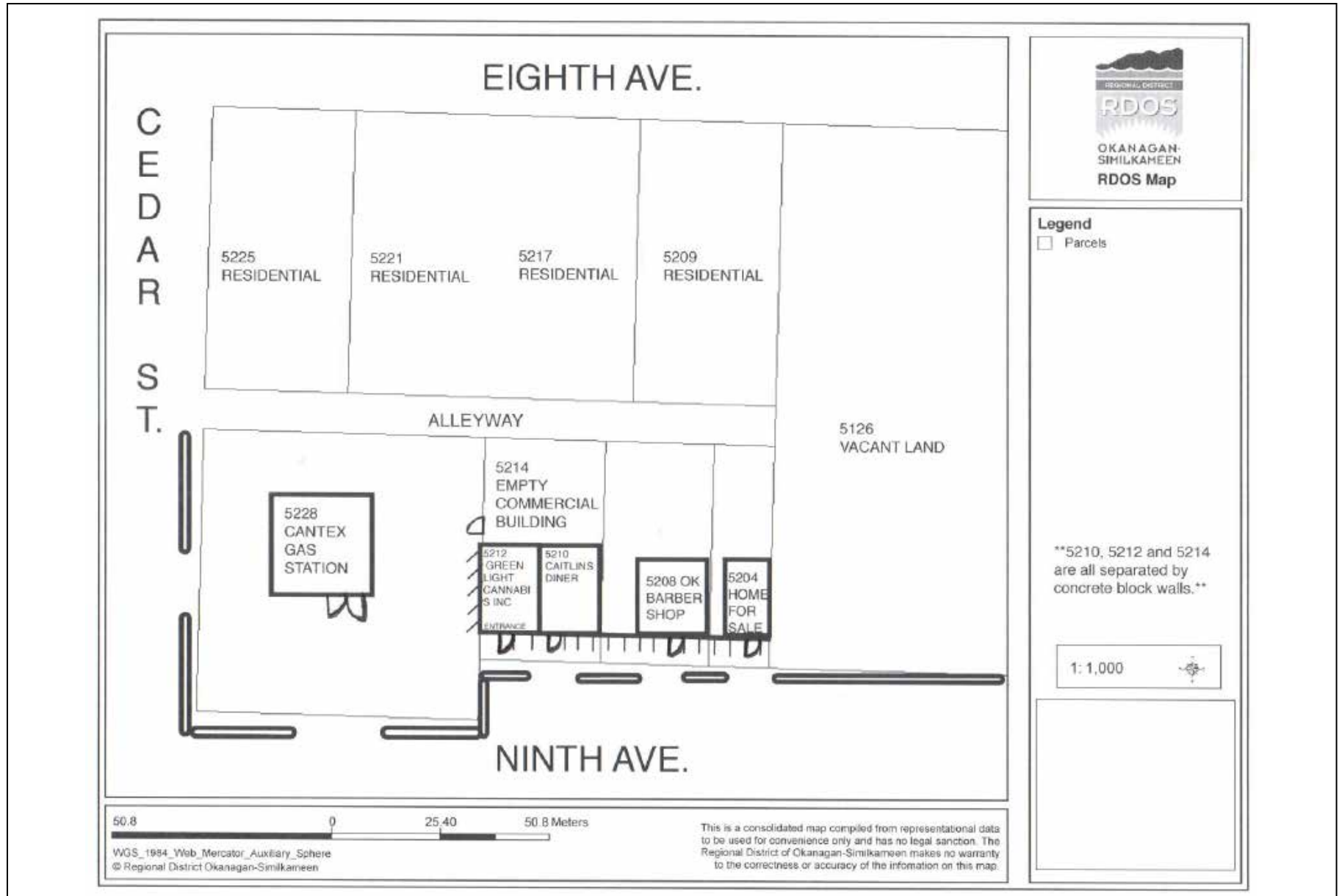
No. 2 – Applicant's Site Plan

No. 3 – Site Photo

Attachment No. 1 – Context Maps

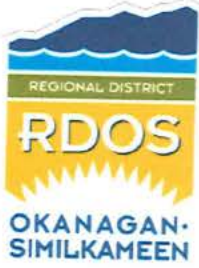


Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Photo





Feedback Form

RECEIVED
Regional District

SEP 19 2019

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: D2019.009-LCRB

FROM: Name: LAUREEN M HEISLER
(please print)

Street Address: [Redacted]

RE: LCRB Application (Cannabis Retail Store Licence)
5212 9th Avenue, Electoral Area "D"

My comments / concerns are:

- I do support the proposed cannabis retail store licence at 5212 9th Avenue
- I do support the proposed cannabis retail store licence at 5212 9th Avenue, subject to the comments listed below.
- I do not support the proposed cannabis retail store licence at 5212 9th Avenue

All written submissions will be considered by the Regional District Board

Multiple horizontal lines for writing comments.

Feedback Forms must be submitted to the Regional District office prior to **Tuesday October 8, 2019**. All representations will be made public when they are included in the Board Agenda.

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.



JoAnn Peachey

From: Jamie Weinberger [REDACTED]
Sent: September 27, 2019 12:54 PM
To: JoAnn Peachey
Subject: Project No. D2019-009-LCRB

Hi JoAnn

The proposal to add a Cannabis Retail Store in the community of Okanagan Falls would be nothing short of being detrimental.

This community has had a lot of problems near the area of where this location is, Right next door is someone who is living in a trailer dealing with drugs and stolen things from around the community. The police within our area in almost less then nil.

The owner of this property also owns the Gas Station right next door, that after 2 years it is still not complete. Over they years he has shown no respect for the community as far as pride for his Property, maintenance and communication.

To have this type of development right on the highway, the main street of our community does not help out here. We have been trying to get rid of the Drug problem that is right next door to this address and through out is little community, If the community is to have this type of store make it in the IGA mall so it is not the first thing you see when you come into this town.

I would not support this application!

Sincerely,
Jamie Weinberger
[REDACTED]



Feedback Form

OKANAGAN-SIMILKAMEEN

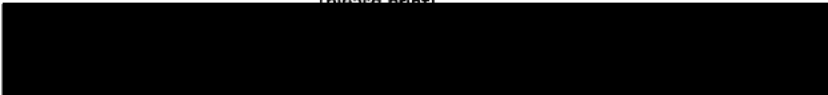
Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** D2019.009-LCRB

FROM: Name: J Anne Kleb
(please print)

Street Address: 

RE: **LCRB Application (Cannabis Retail Store Licence)**
5212 9th Avenue, Electoral Area "D"

My comments / concerns are:

- I do support the proposed cannabis retail store licence at 5212 9th Avenue
- I do support the proposed cannabis retail store licence at 5212 9th Avenue, subject to the comments listed below.
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All written submissions will be considered by the Regional District Board

Please see attached.

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Attention: Regional District of Okanagan Similkameen

I am writing this letter to oppose the application for a cannabis store at 5212 9th Avenue, Okanagan Falls (D2019.009-LCRB). My concerns are as follows:

- The proposed location is next door to a known hub for illegal drug and prostitution activities. The neighboring property has caught fire on several occasions as a result of the criminal activity. The most recent fire occurred this past September when the fire also spread to and destroyed the property to the east. The criminal activity has not been dealt with and the location of a cannabis store on this site would enable and entrench this activity. Without the requirements of a business license, there are no means to regulate this operation and citizens will have little recourse to address any problems with this business (currently proposing hours of 9 am to 11 pm, seven days a week).
- The proposed location and the gas station property to the west are owned by the same organization and have both been the target of arson - once in 2015 and again in 2016. The owner did not repair the fire damage and allowed the buildings to be eyesores for years. While there is a development permit application for this site, the owner is only proposing the bare minimum of repairs to the façade of one of the two connected retail units. The proposed location is highly visible and a key part of our Town Centre Plan. This development does not align with the community's vision for a vibrant town centre.
- We have just opened a beautiful new 55+ affordable housing building on the same block as a result of the hard work of local volunteers. The proposal for a cannabis store in this derelict location will detract from the momentum we are hoping to build. We have already lost our grocery store and our hotel/restaurant, albeit temporarily, please do not further detract from the community by enabling another rundown operation.

All of the issues of this particular location will likely not surface through the Province's "fit and proper" assessment as they deal with the applicants and look to the local government to confirm the appropriateness of the location. Residents are very concerned that we only have one voice on the board and the other directors do not have a vested interest in the vibrancy of our community. We invite the directors to visit this location and learn more about the criminal activity and history of this block before making this decision. We would welcome a retail cannabis store that is operated responsibly and contributes to a vibrant community in a different location.

JoAnn Peachey

From: Kevin Lipsett [REDACTED]
Sent: November 1, 2019 11:40 AM
To: Planning
Subject: Notice of Development at 5212 9th Ave OK Falls

Good morning

I feel I need to voice my concerns regarding the proposed cannabis retail store development proposal at 5212 9th Ave Okanagan Falls BC. As a resident of Okanagan Falls with children attending the OK Falls Elementary, I see the development of another illicit substance store in such a small community as damaging.

First and foremost, in the 6 blocks from bridge to bridge, there are already 3 sights designated to sell alcohol. This would place retail stores for cannabis and alcohol on 4 of the 7 blocks of our highest trafficked areas for the community, and within 500 metres of the school. I am surprised that given the proximity to the school, this is legal. I am concerned about the safety of my children and feel that there should be a reduction, not an increase, in the number of retail outlets for substances that are often abused.

Secondly, I feel this will overall harm the economic potential for the community as many including myself do not want to live in an area with such a high density for the availability of drugs and alcohol. Since moving here, we have watched the reputation of the community improve. A few years ago, we were shown an economic development plan that proposed growth in tourism focused areas as well as seniors housing. Both of these will improve on the safety and reputation of our community.

Please take my concerns seriously as myself and others work hard to help improve the school and community, and this development would quickly diminish that hard work. I feel that the community needs to reduce the drug and alcohol retail sights, not increase and diversify them

Thank you for your time

Kevin Lipsett

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.35, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be delegated to Director Kozakevich, or delegate;

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

Purpose: To allow for “campground” as a principal permitted use.

Owner: Naramata Benchland Properties Ltd. Applicant: McElhanney Consulting Folio: E-07171.100

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

Zoning: part Resource Area (RA); and Proposed Zoning: Resource Area Site Specific (RAs)
part Resource Area Site Specific (RAs)

Proposed Development:

This application is seeking approval to reinstate “campground” as a principal permitted use for the properties located at 3440 and 3690 Arawana Road, and an adjacent unaddressed property.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, from Resource Area (RA) to Resource Area Site Specific (RAs), with the site specific regulation permitting “campground” as a principal use.

In support of the proposal the applicant states that:

Over the last 10 years the owner has been developing the lower elevation NBL lands for residential use, and over a year ago the owner had decided that he did not want to pursue further zoning changes on the upper lands, but rather had decided that he was going to develop the land for a use that was permitted in the present zoning for the property. The Resource Area zone has a limited number of permitted uses, but because of the properties natural setting and location to eco-tourism opportunities, he decided in 2018 that he was going to pursue a campground on the upper NBL lands and began to move forward planning for a campground use in accordance with the zoning bylaw requirements.

Site Context:

The properties are approximately 20.03 ha, 44.31 ha, and 47.15 ha, for a total of approximately 111.49 ha, and located east and south of Arawana Road, approximately 3.3 km north of the City of Penticton.

The surrounding pattern of development is characterized by undeveloped lands zoned as Resource Area (RA) to the north, east and south, an undeveloped Conservation Area and single detached neighbourhood to the west, with some small holdings properties to the north-west.

Background:

The properties were created by a plan of subdivision deposited in the Kamloops Land Title Office in 2004 and 2016, and available Regional District records indicate no building or development permits or enforcement actions on any of the three properties.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject properties are all designated as Large Holdings (LH), an objective of which is to "retain and enhance the rural character of lands" so designated. The properties further comprise areas that have been designated Environmentally Sensitive Development (ESDP) and Watercourse Development Permit (WDP).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the properties have been predominantly zoned Resource Area (RA), which, amongst other things, permits agriculture, forestry and natural resource extraction.

An approximately 16.4 ha part of Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD, includes a site specific zoning regulation that allows for public service and utility buildings, including a sewage treatment plant.

A further 0.85 ha part of Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD, is currently zoned as Conservation Area (CA) as a result of a previous boundary adjustment. This area is not subject to the proposed bylaw.

At its meeting of October 18, 2018, the Regional District Board adopted Bylaw No. 2808, 2018, being an Update of the Tourist Commercial Zones in the Okanagan Electoral Area Zoning Bylaws. Amongst other things, this bylaw removed "campground" as a permitted use in the Resource Area (RA) Zone in the Electoral Area "E", "F" and "I" Zoning Bylaws.

At this same meeting, the Regional District Board also adopted a new Campground Regulations Bylaw No. 2779, 2018 (which repealed the Campsite Bylaw No. 712, 1982). Bylaw No. 2779, 2018 (as well as its predecessor bylaw) requires the issuance of a Campground Permit by the Regional District prior to the establishment of a campground.

Analysis:

Administration notes that "campground" was recently a principal permitted use on the subject properties, and further understands that the property owner was in the midst of planning for and was intending to apply for a campground use, prior to the change in zoning bylaw initiated by the Regional District.

In addition, the subject properties may be suitable for a campground due to their particular location and attributes, noting that any potential future development of the properties as a campground would be subject to compliance with the Campground Regulations Bylaw No. 2779, 2018.

Administration notes that regardless of the zoning bylaw amendment being adopted or not, the landowner would still be subject to a Campground Permit to bring the property into compliance with that bylaw, with specific regard to the development of a water and sanitary sewer system, road infrastructure, amenity facilities, etc.

In summary, given the particular set of circumstances surrounding this application and its subject properties, Administration supports the proposed bylaw.

Alternatives:

1. THAT Bylaw No. 2459.35, 2019, Electoral Area "E" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;
AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 19, 2019;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT first reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019, be deferred.
3. THAT first reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019, be denied.

Respectfully submitted

C. Labrecque

C. Labrecque, Planner II

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. Dev. Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.35, 2019

A Bylaw to amend the Electoral Area "E" Zoning Bylaw No. 2459.35 2008

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 "E" Zoning Amendment Bylaw No. 2459.35, 2019."
2. The Electoral Area "E" Zoning Bylaw no. 2459, 2008 is amended by:
 - i) replacing Section 17.1.2 (Site Specific Resource Area (RAs) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:
 - .2 In the case of an approximately 16.4 ha part of the land described as Lot 4, Plan EPP60812, District Lot 2711 & 3474, SDYD, (3440 Arawana Road) and shown hatched black on Figure 17.1.2;
 - i) the following principal uses shall be permitted on the land in addition to the permitted uses listed in Section 10.1.1:
 - .1 public service and utility buildings, including a sewage treatment plant;
 - .2 campground.
 - ii) adding a new Section 17.1.3 (Site Specific Resource Area (RAs) Provisions) under Section 17.0 (Site Specific Designations) to read as follows:
 - .3 In the case of an approximately 30.0 ha part of the land described as Lot 4, Plan EPP60812, District Lot 2711 & 3474, SDYD, (3440 Arawana Road) and shown shaded yellow on Figure 17.1.2;
 - i) the following principal uses shall be permitted on the land in addition to the permitted uses listed in Section 10.1.1:
 - .1 campground.

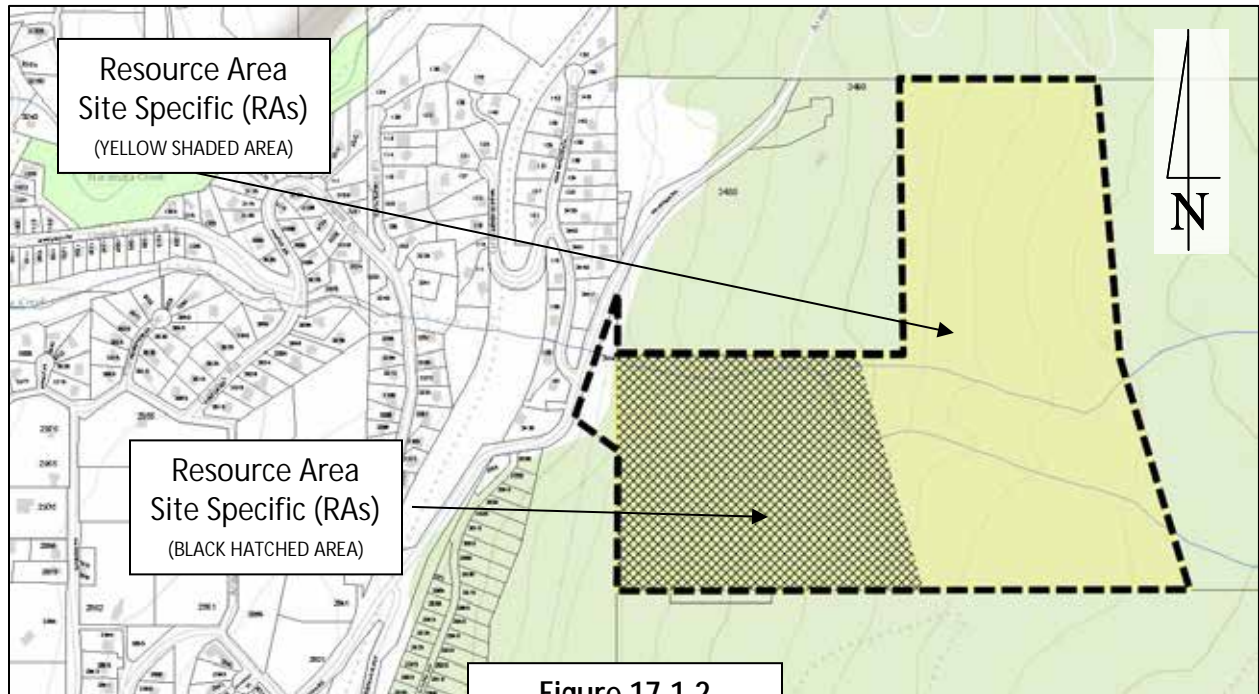


Figure 17.1.2

iii) adding a new Section 17.1.4 (Site Specific Resource Area (RAS) Provisions) under Section 17.0 (Site Specific Designations) to read as follows:

- .3 In the case of land described as Lot 5, Plan EPP60812, District Lot 3474, SDYD; and Lot A, Plan KAP59640, District Lot 3474, SDYD (3690 Arawana Forestry Road), and shown shaded yellow on Figure 17.1.3:
 - i) the following principle use shall be permitted on the lands in addition to the permitted uses listed in Section 10.1.1:
 - a) campground.

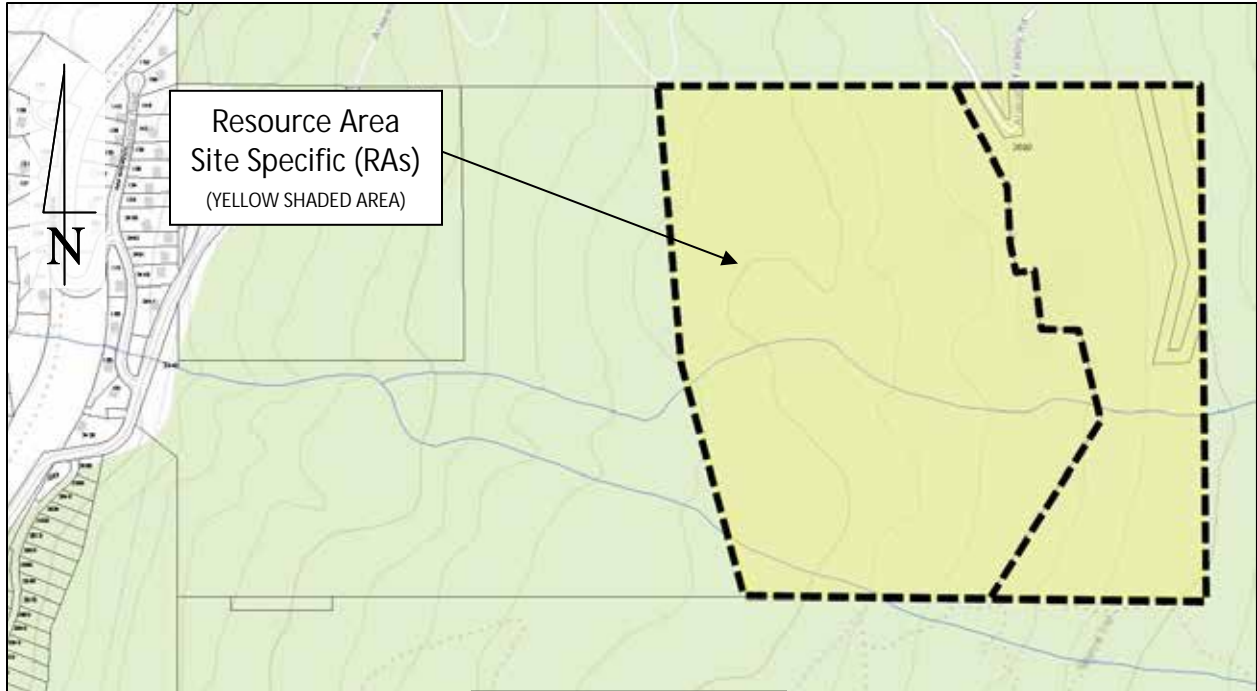


Figure 17.1.3

3. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by changing the land use designations on the lands described as:
- Lot A, Plan KAP59640, District Lot 3474, SDYD;
 - Lot 5, Plan EPP60812, District Lot 3474, SDYD; and
 - an approximately 30.0 ha part of the land described as Lot 4, Plan EPP60812, District Lot 2711 & 3474, SDYD,
- and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Resource Area (RA) to Resource Area Site Specific (RAs).

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

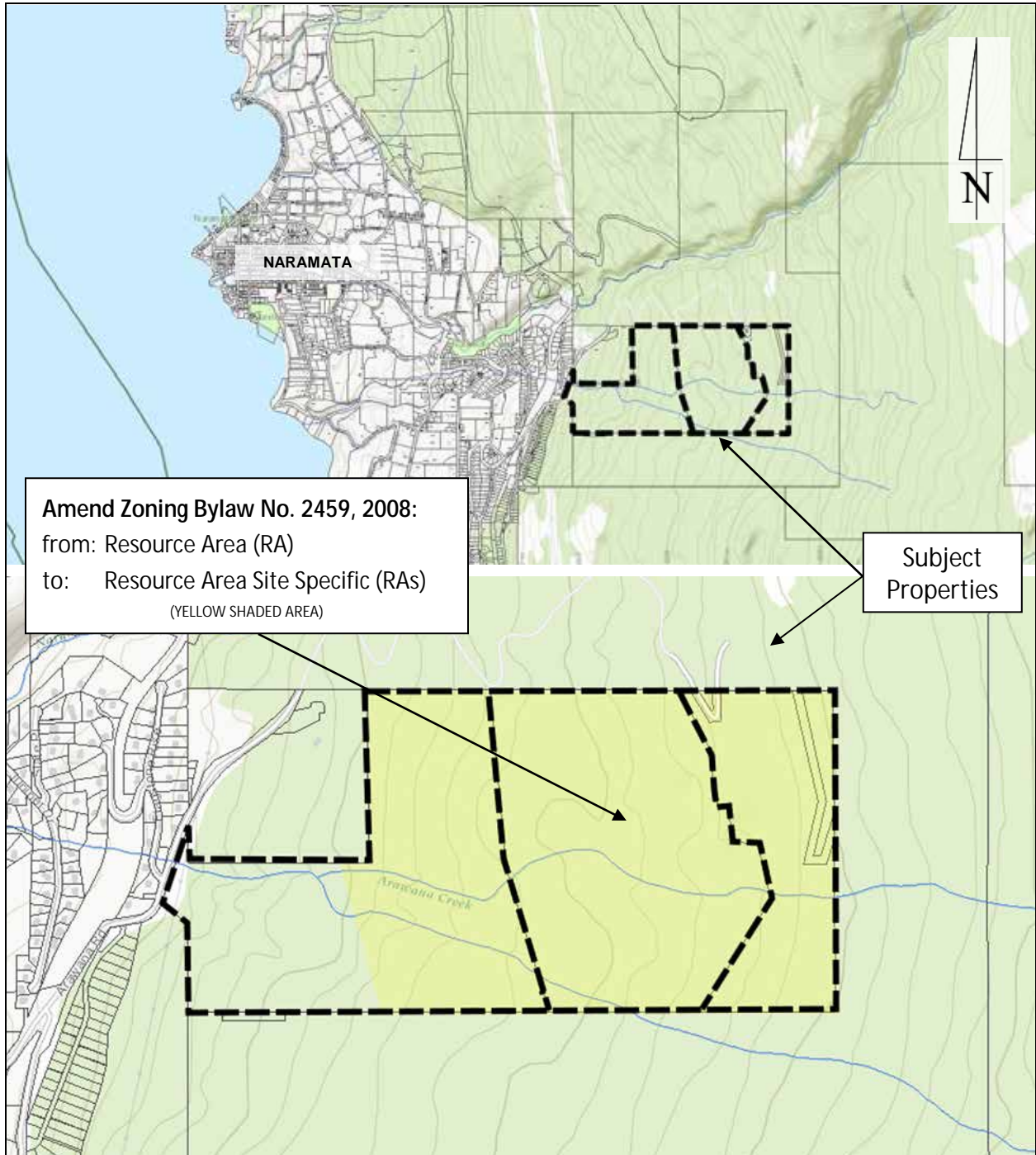
Telephone: 250-492-0237 Email: info@rdos.bc.ca

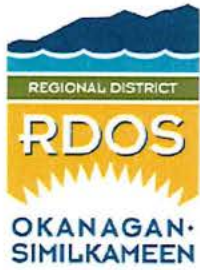


Amendment Bylaw No. 2459.35, 2019

Project No: E2019.007-ZONE

Schedule 'A'





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2019.007-ZONE

FROM: Name: Murray Schultz
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcels.
- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.35, 2019.

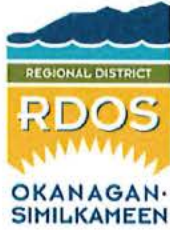
I'm completely against this project in our neighbourhood. This will bring traffic, noise, garbage and worst of all an increased risk of fire. Our evacuation route is already limited and more traffic is not the answer. These changes will have a negative impact on the property values of all surrounding properties. No one will buy a property near a campground. I also dont believe we need anymore people in the back country near Arawana for increased fear of forest fire.

We as a neighbourhood are also concerned for increased security risks. This will only increase the risk of thefts like those at the cemetery last week. Please consider the safety of the residents when deciding on this. I see no positives for anyone but the developer who already has unresolved legal issues with other Naramata developments.

Thank you

Feedback Forms must be completed and returned to the Regional District
no later than October 25, 2019

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Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2019.007-ZONE

FROM: Name: Max de Oliveira
(please print)
[Redacted]
[Redacted] (V2A0C6)

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road unaddressed property
3440 Arawana Road
Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcels.
- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

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I'm very concerned about another campground in Naramata which brings more traffic to already congested access Naramata and Arawana Roads. The campground will bring traffic, noise, garbage, and increase risks of fire. Additionally evacuation from Naramata is already a major challenge if we happen to have a significant forest fire. Bringing more people to this area will increase probability of fires and further complicate evacuation. The proposed change is directly behind our Strata and concerned as a home owner, this rezoning will decrease our property value and impact security and safety for our neighborhood.



RDOS

Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

OKANAGAN-SIMILKAMEEN

TO: Regional District of Okanagan Similkameen FILE NO.: E2019.007-ZONE

FROM: Name: Todd Klapak / Samira Anatyszyn
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3448 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SOYD;
Lot 5, Plan EPP60812, District Lot 3474, SOYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SOYD

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- TOO MUCH TRAFFIC ON THESE ROADS ALREADY.

- NO TRANSIENT CAMPORS - LEADS TO TRAFFIC.

- FIRE RISK.

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Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2019.007-ZONE

FROM: Name: Susan Herman
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
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My comments / concerns are:

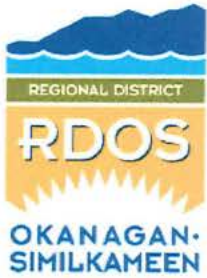
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Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2019.007-ZONE

FROM: Name: Wayne + Patricia Stewart
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
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Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

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- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels [REDACTED]

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.35, 2019.

RECEIVED
Regional District

OCT 25 2019

Feedback Forms must be completed and returned to the Regional District
no later than October 25, 2019

101 Martin Street
Penticton BC V2A 5J9

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Feedback Form

RECEIVED
Regional District

OCT 24 2019

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: E2019.007-ZONE

FROM: Name: Row BRAUN
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

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- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.35, 2019.

I do not support the proposed re-zoning due to:

- camping is not a use consistent with the present development in the area - view lots of million-dollar homes.
- Arawana Rd. is unsuited to large RVs, with tight corners & poor sightlines & steep grades. No sidewalks to protect the school kids walking & scootering on Arawana to catch their bus or return home

Feedback Forms must be completed and returned to the Regional District no later than October 25, 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.



Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2019.007-ZONE

FROM: Name: Gord Herman
(please print)

Street Address: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcels.
- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.35, 2019.

Feedback Forms must be completed and returned to the Regional District
no later than October 25, 2019

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Lauri Feindell

Subject: FW: REVIEWED - FW: Bylaw Referral - E2019.007-ZONE (2459.35)

From: OGorman, Krystina <Krystina.OGorman@fortisbc.com>

Sent: September 24, 2019 3:45 PM

To: Sue Gibbons <sgibbons@rdos.bc.ca>

Subject: REVIEWED - FW: Bylaw Referral - E2019.007-ZONE (2459.35)

Hi Sue,

FortisBC Energy Inc. has reviewed the subject proposal and has no objections or concerns.

Thank you,

Krystina O’Gorman
Property Services Clerk
Property Services, FortisBC Energy Inc.
16705 Fraser Hwy, Surrey, BC V4N 0E8
Direct Phone 604-592-8205
Toll Free 1-800-773-7001



mission. If you are not the intended recipient, please contact the sender immediately and delete all copies of the message including removal from your hard drive. Thank you.

October 18, 2019

Cory Labrecque,
101 Martin Street
Penticton, BC V2A 5J9
planning@rdos.bc.ca

Dear Cory Labrecque,

RE: File #: E2019.007-ZONE

Thank you for the opportunity to provide comments from a healthy built environment perspective regarding the above referenced bylaw. It is my understanding that the intent is to introduce site specific regulations to the subject properties that would reintroduce “campground” as a principal permitted use.

A review from the healthy built environment perspective has been completed and no health impacts from this perspective have been identified. The applicant will need to apply for a drinking water permit for the campground as the [Drinking Water Protection Act and Regulation](#) will apply. Also, it is advised that the applicant speak to an Authorized Person under the *Sewerage System Regulation* early in their development process regarding sewerage requirements.

If you have any question or comments, please contact us at hbe@interiorhealth.ca or at 1-855-744-6328 and choose option 4.

Sincerely,



Faith Kwong, BSc., BAsc., CPHI(C)
Environmental Health Officer
Healthy Communities, Population Health



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 10, 2019 9:05 PM
To: Planning
Subject: Arawana Forestry Road, 3440, 5 and 3690 (E2019_007-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Arawana Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2019.007-ZONE

FROM: Name: ANGELA VERIGIN
(please print)

Street A [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.35, 2019.

Civic: 3690 Arawana Road
unaddressed property
3440 Arawana Road

Legal: Lot A, Plan KAP59640, District Lot 3474, SDYD;
Lot 5, Plan EPP60812, District Lot 3474, SDYD
Lot 4, Plan EPP60812, District Lot 2711 and 3474, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcels.
- I do support the proposed rezoning of the subject parcels, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcels.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.35, 2019.

THIS AREA IS AT A HUGE RISK FOR A WILDFIRE AND
ALLOWING CAMPSITES ONLY ADDS TO THIS RISK.

RDOS NEEDS TO DO MORE TO PROTECT THE HABITAT
AND SURROUNDING NEIGHBORHOODS AND ALLOWING
CAMPSITES IS NOT THE WAY TO DO IT.

Feedback Forms must be completed and returned to the Regional District
no later than October 25, 2019

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Lauri Feindell

From: Wong, Katrina <Katrina.Wong@interiorhealth.ca>
Sent: October 21, 2019 3:43 PM
To: Planning
Cc: Valcourt, Lance; Osborne, Tanya; Kwong, Faith
Subject: RE: IH Response: File E2019.007-ZONE
Attachments: Application for Operating Permit_WS.pdf; Request for new Drinking Water Source Evaluation.pdf; ParameterList-NewDWSsource_HP-WQ-9017.pdf; Local Accredited Laboratories within Interior Health.docx

Hi Cory,

Further to Faith's email, as per the [Drinking Water Protection Act and Regulation](#), an Operating Permit is required for a water system as defined under the *Act*.

I have summarized the approval process below.

1. Operating Permit

In accordance with the BC [Drinking Water Protection Act](#) (DWPA) and the [Drinking Water Protection Regulation](#) (DWPR), a "water supply system" requires an Operating Permit to operate. To note, Operating Permits are non-transferrable. Please find attached an **Application for Operating Permit**. Prior to an Operating Permit being issued, the water supply system must be evaluated by an Environmental Health Officer (EHO) with Interior Health (see below).

2. Source Evaluation

Below, I've provided a description of the source evaluation process and the information required:

The water supplier must apply for an evaluation of the new water source. Please see attached the **Request for a New Drinking Water Source Evaluation** forms. Include with your *Request For New Drinking Water Source Evaluation*:

- A **site plan** showing all potential sources of contamination (fuel tanks, septic tanks, sewage disposal fields/drywells, lakes, creeks, springs, buildings, the wells on neighbouring properties, driveways, railway tracks, cemeteries, landfills/transfer stations and roads) within 300 metres of the proposed water source [i.e. the site plan needs to show a radius of at least 300 metres (preferably, 500 metres) around the proposed well location]. The drawing must be to scale. All separation distances need to be recorded on the site plan.
-
- If your water system is served by a groundwater source, provide the *Well Construction Report* (from the well driller); for surface water sources, you will need to send us the BC Water Licence information.
- Submit the results for a Comprehensive Chemical Analysis to an EHO as it becomes available. This analysis tests the water quality of the source as per the attached **Parameter List for New Drinking Water Sources** handout.

Once the above information has been submitted to us, an EHO will schedule a **site inspection of the proposed water source**, followed by a letter which outlines our evaluation of the water source. In our evaluation, we take into consideration the **Ministry of Health's [Guidance Document for Ground Water at Risk of Pathogens](#)**.

3. Water Licensing (FLNRORD)

“Water Supply Systems” may require a water licence as required and issued by the **Ministry of Forests, Lands, Natural Resource Operations and Rural Development** (FLNRORD); with reference to the BC [Water Sustainability Act](#). For more information regarding **surface water and groundwater licensing**, please see the following web sites:

- <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-water-licence>
- <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/new-requirements-for-groundwater-users>

For specific direction and guidance on how to apply for a groundwater or surface water licence, please visit [FrontCounter BC](#). All water licensing is **administered by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development** (not Interior Health).

Please submit the requested documents to me as soon as possible, and feel free to contact me if you have further questions or require more information.

Katrina Wong, BTech, CPHI(C)
Environmental Health Officer
Interior Health – Penticton Health Protection Office
3090 Skaha Lake Rd, Penticton, BC V2A 7H2
Direct: 250-770-5540 x31255 | Fax: 250-493-0041 | Cell: 250-462-5887
Katrina.wong@interiorhealth.ca

For more information on the status of Interior Health permitted water systems, please visit www.drinkingwaterforeveryone.ca

For more information on small water systems, the [Online Help Centre for Small Water Systems](#) is a helpful resource.

~We are committed to being a trusted leader in creating the healthiest and safest environments in which we live, work, learn and play.~

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Water Supply System Name	
Intended Date of Opening/Change (dd/mm/yyyy)	
System Site Address	City
Do you have a Construction Permit? <input type="checkbox"/> No <input type="checkbox"/> Yes, the Permit number is	
<p>Note: Construction permits are required by the Drinking Water Protection Act and must be obtained before the construction, installation, alteration or extension of a water supply system. A construction permit will be issued if it is found to meet appropriate public health engineering standards for that type of system.</p> <p>Operating Permits are required prior to operating as per the Drinking Water Protection Act. This applies to systems supplying water to more than one single residence.</p>	

What are you applying for?

<input type="checkbox"/> New water supply system	<input type="checkbox"/> System Extension
<input type="checkbox"/> Existing water supply system needing approval	<input type="checkbox"/> Change of name of the Legal Owner
<input type="checkbox"/> Replacement alteration work	<input type="checkbox"/> Change of the name of the water supply system
What was the previous name of the water system:	

How can we contact you?

Legal Owner Name		Legal Owner Phone	
Type of Ownership	<input type="checkbox"/> Partnership	<input type="checkbox"/> Private / Sole Proprietorship	
	<input type="checkbox"/> Society	<input type="checkbox"/> Corporation	
	<input type="checkbox"/> Strata		
Owner Contact		Owner Contact Phone	
Facilities Mailing Address		City	
Postal Code	Email	Fax	

Water System Operator

Name of Operator		Operator Phone	
Email		Fax	

Billing Information

Send invoice to: <input type="checkbox"/> Site Address <input type="checkbox"/> Mailing Address <input type="checkbox"/> Billing Address			
Billing Address			
City		Postal Code	
Billing Contact Name			Billing Phone
Billing Fax		Billing Email	
<p><i>This personal information collected is necessary for program operation per Section 26 of the Freedom of Information and Protection Privacy Act. Information that appears on a permit may be disclosed per Section 22(4)(i) of the Act. If you have any questions about the collection and use of this information, please contact your Health Protection Office.</i></p>			
<p>Payment for fees associated with this application will be collected by your local Health Protection Office once your application is approved.</p>			
Signature of Applicant			Date



Interior Health

HEALTH PROTECTION

Water Quality
Request for New Drinking Water Source Evaluation

Name of Water System (or proposed name)		Date (dd/mm/yyyy)
Facility Number	Street Address	
Legal Description		
Community		Postal Code
Applicant Name		
Applicant Address		
Phone(s)		Email

Please provide the following information with the application:

1. A site assessment/contaminant survey including a site location map to scale showing the proposed source location and distance to buildings, roads, storm sewers, sanitary sewers, water mains, septic tanks, septic fields, water courses such as lakes, rivers, streams, and other potential sources of contamination. Please attach map and site survey to this request form.
2. A water quality analyses results per HP-WQ-9017 "Parameter List for New Drinking Water Sources".
3. The proposed water source(s) Surface Water Ground Water Combined

4. For Surface Water: What is the expected depth of the intake?

5. For Ground Water:

6. What is the expected depth to the well screen?

7. Is it expected that there will be a clay layer or impervious layer above the well screen or intake? Yes No

8. Is it expected that the aquifer will be artesian? Yes No

Submitted by: _____

Signature

Date (dd/mm/yyyy)

*Evaluation results will be provided to you and copied to the Public Health Engineer to assist in the Construction Permit approval process.
Cc Engineering Direct*

Parameter List For New Drinking Water Sources

Evaluating new water sources for hazards and quality is crucial for safe system design and operation. The data required, sampling locations, and frequency of sampling* to characterize a proposed source should be established by the design team. Sampling to characterize a new drinking water source should typically include:

BACTERIOLOGICAL:

E. coli	Background growth
Total Coliform	

CHEMICAL AND PHYSICAL:

Alkalinity	Copper	pH
Aluminum	Corrosivity (Calcium	Phosphorous**
Ammonia	Carbonate	Potassium
Antimony	saturation/Langelier's index)	Selenium
Arsenic	Cyanide	Sodium
Barium	Fluoride	Sulphate
Boron	Hardness	Temperature
Cadmium	Iron	Total Dissolved Solids
Calcium	Lead	Total Organic Carbon
Chlorides	Magnesium	Turbidity
Chromium	Manganese	Strontium
Colour	Molybdenum	Uranium
Conductivity	Mercury	UV transmittance
(Conductance/Specific	Nitrates	(unfiltered)**
Conductance)	Organic Nitrogen	Zinc

* Testing should be done by a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc.; collect samples using appropriate methods recommended by the laboratory

**May not be required for wellwater sources.

ADDITIONAL TESTING FOR SPECIFIC CONTAMINANTS

Additional analysis may be required based on the results of the initial testing and/or nearby sources of contamination. For example, if contamination from industrial, agricultural or forestry operations is suspected, specific parameters of concern (e.g. protozoa, pesticides) should be identified and tested for. If petroleum contamination is suspected analyze for BTEX (benzene, toluene, ethyl benzene and xylene) and conduct a hydrocarbon scan.

SEASONABLE VARIABILITY

The frequency and extent of monitoring should be done as necessary to fully characterize the source. A source will normally need to be monitored for at least two years to provide a reasonable account of seasonal variability.

Local Accredited Laboratories within Interior Health

1. Caro Analytical Services

Kelowna, British Columbia
#102 – 3677 Highway 97N
Kelowna, BC, V1X 5C3, Canada
Phone: (250) 765-9646
Toll Free: 1 (888) 311-8846 Fax: (250) 765-3893
Email: Kelowna@caro.ca

2. ALS Environmental

1445 McGill Road
Unit 2B
Kamloops British Columbia V2C 6K7
Ph: 1 250 372 3588

3. Passmore Laboratory

Contact: Jennifer and Tony Yeow
Phone: 250-226-7339
Email: test@passmorelaboratory.ca
Mailing Address:
4240 Passmore Upper Road
Winlaw, BC
V0G 2J0

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Official Community Plan Bylaw and Zoning Bylaw Amendments
Electoral Areas "A", "C", "D", "E", "F", "G", "H" & "I"
Home Industries, Home Occupations & Cannabis Production Facilities

Administrative Recommendation:

THAT Bylaw No. 2849, 2019, Electoral Area Official Community Plan and Zoning Amendment Bylaw be read a third time.

Purpose:

The purpose of Amendment Bylaw 2849 is to update the policies and regulations related to home industry and home occupation and cannabis production facility uses in the Electoral Area Official Community Plan Bylaws and Zoning Bylaws.

With regard cannabis production facility uses, it is specifically being proposed to prohibit these in all non-Industrial zones except where permitted by the Agricultural Land Commission (ALC) on lands in the Agricultural Land Reserve (i.e. outdoors in a field, or indoors in a structure with a soil based floor system).

Background:

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

At its meeting of May 9, 2019, the Board resolved to defer consideration of 1st reading of Amendment Bylaw 2849, 2019, in order to consider alternate cannabis production facility regulations.

At its meeting of May 23, 2019, P&D Committee resolved to defer consideration of proposed amendments to Amendment Bylaw 2849 in order that proposed amendments introducing micro cannabis production facilities as a permitted use in certain zones be placed in a separate bylaw (No. 2858).

At its meeting of June 6, 2019, P&D Committee directed that Bylaw No. 2849 proceed to first reading, subject to public information meetings being convened in Oliver, Naramata, Kaleden and Princeton.

At its meeting of October 17, 2019, the Board resolved to approved first and second reading of Bylaw no. 2849, 2019, and further directed that a public hearing be scheduled to occur in Naramata on November 6, 2019, and be re-convened on November 21, 2019, at the RDOS office in Penticton.

That part of the public hearing held on November 6, 2019, was preceded by a Question and Answer (Q&A) Session attended by approximately 15-20 people. 14 persons subsequently spoke at the public hearing and expressed support for Bylaw No. 2849, 2019.

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

Analysis:

Bylaw No. 2849 addresses the direction provided by the Board at its meeting of September 6, 2018, which was to prohibit the indoor production of cannabis in all zones other than Industrial. In support of this, the following amendments to the Electoral Area land use bylaws are being proposed:

OCP Bylaw amendments

In support of the proposed restriction of indoor cannabis production facilities to Industrial zones, Administration is proposing a number amendments to the Electoral Area OCP Bylaws. The following being a representative example of the proposed policy statements:

[The Regional Board] Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.

Zoning Bylaw amendments - definitions

To address the indoor vs outdoor production of cannabis, it is being proposed to introduce separate definitions for these uses with “cannabis production, outdoor” being considered a permitted form of “agriculture” and a permitted in all zones in which “agriculture” is a permitted use. This would include the RA, AG, LH & SH Zones.

Conversely, the “cannabis production, indoor” use would be listed as a permitted use in only the Industrial Zones (i.e. I1 & I2) and, therefore, as prohibited in all other zones.

To facilitate this, supportive amendments to the definition of “agriculture” and “manufacturing” are required.

Similarly, Administration is proposing to update and make consistent across Electoral Areas the definitions of “home industry” and “home occupation” in order to facilitate the exclusion of “cannabis production” as a form of these use under the General Regulations section of the zoning bylaws.

Zoning Bylaw amendments – ALR Exemptions for Cannabis Production

In order to address the Exemption provided in the ALR Use Regulation for cannabis production facilities with a soil based floor system, it is being proposed to articulate what this means within the Zoning Bylaw. Specifically:

For the purposes of “cannabis production, indoors”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

Zoning Bylaw amendments – Permitted Uses

To provide for “cannabis production, indoor” as a permitted use in the Industrial Zones, it is being proposed to introduce this as a specific principal use. At present, the definition of “manufacturing” captures cannabis production, but this would change as a result of the definition amendments outlines above.

Zoning Bylaw amendments – Setbacks

It is being proposed to replace references to “soil-less medium production” under the setback requirements for agricultural uses in the applicable zones with references to “greenhouses” and “production facilities”. This will clarify when 15.0 metre setbacks apply versus other setbacks specified in the zoning bylaw.

Zoning Bylaw amendments – Home Industries & Occupations

To facilitate the exclusion of “cannabis production, indoor” as a permitted form of home industry and occupation, as well as to further the work being undertaken in support of a single zoning bylaw for the Okanagan Electoral Areas, it is being proposed to introduce consistent regulations in each of the zoning bylaws.

It is further being proposed to make the definitions and general regulations governing “home occupations” and “home industries” consistent across Electoral Areas, which will further the on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas.

The Board is asked to be aware that this will result in, amongst other things, consistent regulations related to parcel size (i.e. 2.0 ha minimum required for a “home industry”), floor area requirements (i.e. 200 m² for a “home industry”) and outdoor storage of equipment (i.e. not permitted as a “home occupation”), provision of on-site vehicle parking requirements and removal of references to nuisances.

Summary

The large-scale, industrial-style facilities required to accommodate the indoor production of cannabis are not considered an appropriate use of farmland and have the potential to negatively impact the soil capability of land and limit the ability to undertake soil-based farming in the future. The negative impacts include;

- site preparation activities required prior to the construction of buildings, including the removal of existing soils and fill activities;
- the concrete slabs/footings and other infrastructure related to building construction that become permanent fixtures on farmland with no provision for removal of the structure and site remediation at the end of the buildings life-span; and
- resulting compaction of the underlying sub-soils.

For these reasons, Administration is supportive of the proposed amendments contained within the draft bylaws as they relate to cannabis production facilities.

Alternatives:

- .1 THAT first reading and second reading of Bylaw No. 2849, 2019, be rescinded and the bylaw abandoned.

.2 THAT third reading of Bylaw No. 2849, 2019, be deferred.

Respectfully submitted:

Endorsed by:



C. Garrish, Planning Manager



B. Dollevoet, General Manager of Dev. Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2849, 2019

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

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Electoral Area Official Community Plan & Zoning Amendment Bylaw No. 2849, 2019."
2. Subject to subsection 3, this bylaw comes into force on the date of adoption.
3. This bylaw does not apply in respect of any parcel that is the subject of a complete building permit application made prior to the date of first reading of the bylaw, to the extent that the bylaw would prevent the issuance of a building permit authorizing the development described in the application, provided that the application fully complies with the applicable Electoral Area zoning bylaw as of the date of first reading of this bylaw and any relevant variance and the building permit is issued within 12 months of the date of adoption of this bylaw. For these purposes, a building permit application is complete only if it includes all of the information that the Regional District requires to determine whether the development described in the application complies with the B.C. Building Code, Building Bylaw No. 2805, 2018, the applicable Electoral Area zoning bylaw and all other applicable enactments, and the permit application fee has been paid.

Electoral Area "A"

4. The "Regional District of Okanagan-Similkameen, Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008" is amended by:
 - i) adding a new sub-section .9 under Section 5.3 (Policies) at Section 5.0 (Resource Area) to read as follows:

- .9 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - ii) adding a new sub-section .18 under Section 6.3 (Policies) at Section 6.0 (Agriculture) to read as follows and re-numbering all subsequent sections:
 - .18 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.
 - iii) adding a new sub-section .19 under Section 6.3 (Policies) at Section 6.0 (Agriculture) to read as follows and re-numbering all subsequent sections:
 - .19 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted “farm use” by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.
 - iv) adding a new sub-section .9 under Section 7.3 (Policies) at Section 7.0 (Rural Holdings) to read as follows:
 - .9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - v) adding a new sub-section .9 under Section 9.3 (Policies – General Commercial) at Section 9.0 (Commercial) to read as follows:
 - .9 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.
 - vi) adding a new sub-section .9 under Section 10.3 (Industrial Policies) at Section 10.0 (Industrial) to read as follows:
 - .9 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.
5. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:

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

“**agriculture**” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and “cannabis production, indoor”. Agriculture includes “cannabis production, outdoor”, producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;
- ii) adding a new definition of “cannabis production, indoor” at Section 4.0 (Definition) to read as follows:

“**cannabis production, indoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;
- iii) replacing the definition of “cannabis production” at Section 4.0 (Definition) in its entirety with the following:

“**cannabis production, outdoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;
- iv) replacing the definition of “home industry” at Section 4.0 (Definition) in its entirety with the following:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops and other similar uses;
- v) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

“**home occupation**” means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;
- vi) replacing the definition of “manufacturing” under Section 4.0 (Definitions) in its entirety with the following:

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.

- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

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

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.

- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
 - .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
 - .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.
- x) replacing the first sentence of sub-Section 10.1.6(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:

Despite Section 10.1.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xi) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture One (AG1) Zone) to read as follows:

Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xii) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Agriculture Two (AG2) Zone) to read as follows:

Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xiii) replacing the first sentence of sub-Section 10.4.6(b) under Section 10.4 (Large Holdings One (LH1) Zone) to read as follows:

Despite Section 10.4.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xiv) replacing the first sentence of sub-Section 10.5.6(c) under Section 10.5 (Small Holdings Two (SH2) Zone) to read as follows:

Despite Section 10.5.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xv) adding a new sub-Section 15.1.1(a) under Section 15.1 (General Industrial (I1) Zone) to read as follows and re-numbering all subsequent sections:
 - a) cannabis production, indoor;

Electoral Area "C"

- 6. The "Regional District of Okanagan-Similkameen, Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008" is amended by:
 - i) adding a new sub-section .9 under Section 8.3 (Policies) at Section 8.0 (Resource Area) to read as follows:
 - .9 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - ii) adding a new sub-section .25 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:
 - .25 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.
 - iii) adding a new sub-section .26 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:
 - .26 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted "farm use" by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.
 - iv) adding a new sub-section .9 under Section 10.3 (Policies) at Section 10.0 (Rural Holdings) to read as follows:
 - .9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - v) adding a new sub-section .7 under Section 12.3 (Policies – General Commercial) at Section 12.0 (Commercial) to read as follows:
 - .7 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to

accommodate this type of production are not considered an appropriate use of commercial lands.

vi) adding a new sub-section .6 under Section 13.3 (Policies) at Section 13.0 (Industrial) to read as follows:

.6 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.

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

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

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

ii) adding a new definition of “cannabis production, indoor” at Section 4.0 (Definition) to read as follows:

“cannabis production, indoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;

iii) replacing the definition of “cannabis production” at Section 4.0 (Definition) in its entirety with the following:

“cannabis production, outdoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;

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

“home industry” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods

or materials including vehicle repair, maintenance and auto body shops and other similar uses;

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

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
- i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;

- c) mail order sales;
 - d) direct distributors where customers do not enter the premises;
and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
 - .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
 - .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
 - .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
 - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

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

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².

- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing;
 - g) the production of animal feeds; and
 - h) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- ix) replacing the first sentence of sub-Section 10.1.6(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:

Despite Section 10.1.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- x) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture One (AG1) Zone) to read as follows:

Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xi) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Agriculture Two (AG2) Zone) to read as follows:

Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xii) replacing the first sentence of sub-Section 10.4.6(b) under Section 10.4 (Large Holdings One (LH1) Zone) to read as follows:

Despite Section 10.4.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xiii) replacing the first sentence of sub-Section 10.5.6(c) under Section 10.5 (Small Holdings Two (SH2) Zone) to read as follows:

Despite Section 10.5.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

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

- a) cannabis production, indoor;

- xv) adding a new sub-Section 15.2.1(a) under Section 15.2 (Heavy Industrial (I2) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production, indoor;

Electoral Area "D"

- 8. The "Regional District of Okanagan-Similkameen, Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013" is amended by:

- i) adding a new sub-section .7 under Section 8.3 (Policies) at Section 8.0 (Resource Area) to read as follows, and renumbering all subsequent sections:

.7 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- ii) adding a new sub-section .24 under Section 9.2 (Policies) at Section 9.0 (Agriculture) to read as follows:

.24 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.

- iii) adding a new sub-section .25 under Section 9.2 (Policies) at Section 9.0 (Agriculture) to read as follows:

.25 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted "farm use" by the Agricultural Land Commission if

produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.

- iv) adding a new sub-section .11 under Section 10.3 (Policies - General) at Section 10.0 (Rural Holdings) to read as follows:

- .11 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- v) adding a new sub-section .12 under Section 12.3 (Policies) at Section 12.0 (Town Centre) to read as follows:

- .12 Does not support the use of lands designated Town Centre (TC) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- vi) adding a new sub-section .9 under Section 13.3 (Policies – General Commercial) at Section 13.0 (Commercial) to read as follows:

- .9 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.

- vii) adding a new sub-section .11 under Section 14.3 (Policies - Industrial) at Section 14.0 (Industrial) to read as follows:

- .11 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.

- 9. The “Regional District of Okanagan-Similkameen, Electoral Area “D” Zoning Bylaw No. 2455, 2008” is amended by:

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

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

- ii) adding a new definition of “cannabis production, indoor” at Section 4.0 (Definition) to read as follows:

“**cannabis production, indoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;

- iii) adding a new definition of “cannabis production” at Section 4.0 (Definition) to read as follows:

“**cannabis production, outdoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;

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

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

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

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

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

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete

construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:

- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.
- ix) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;

- c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.
- x) replacing the first sentence of sub-Section 10.1.6(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:
- Despite Section 10.1.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xi) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture One (AG1) Zone) to read as follows:
- Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xii) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Agriculture Three (AG3) Zone) to read as follows:
- Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xiii) replacing the first sentence of sub-Section 10.4.6(b) under Section 10.4 (Large Holdings One (LH1) Zone) to read as follows:
- Despite Section 10.4.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xiv) replacing the first sentence of sub-Section 10.5.6(b) under Section 10.5 (Large Holdings Two (LH2) Zone) to read as follows:
- Despite Section 10.5.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xv) replacing the first sentence of sub-Section 10.7.6(c) under Section 10.7 (Small Holdings Two (SH2) Zone) to read as follows:
- Despite Section 10.7.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xvi) adding a new sub-Section 15.1.1(a) under Section 15.1 (General Industrial (I1) Zone) to read as follows and re-numbering all subsequent sections:
- a) cannabis production, indoor;

xvii) adding a new sub-Section 15.2.1(a) under Section 15.2 (Heavy Industrial (I2) Zone) to read as follows and re-numbering all subsequent sections:

- a) cannabis production, indoor;

Electoral Area "E"

10. The "Regional District of Okanagan-Similkameen, Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008" is amended by:

- i) adding a new sub-section .11 under Section 8.3 (Policies) at Section 8.0 (Resource Area) to read as follows:

.11 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- ii) adding a new sub-section .17 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:

.17 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.

- iii) adding a new sub-section .18 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:

.18 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted "farm use" by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.

- iv) adding a new sub-section .11 under Section 10.3 (Policies - General) at Section 10.0 (Rural Holdings) to read as follows:

.11 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- v) adding a new sub-section .9 under Section 12.3 (Policies) at Section 12.0 (Naramata Village Centre) to read as follows:

.9 Does not support the use of lands designated Town Centre (TC) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

- vi) adding a new sub-section .7 under Section 13.3 (Policies – General Commercial) at Section 13.0 (Commercial) to read as follows:

- .7 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.
11. The “Regional District of Okanagan-Similkameen, Electoral Area “E” Zoning Bylaw No. 2459, 2008” is amended by:
- i) replacing the definition of “agriculture” under Section 4.0 (Definitions) in its entirety with the following:

“**agriculture**” means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products and “cannabis production, indoor”. Agriculture includes “cannabis production, outdoor”, producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;
 - ii) adding a new definition of “cannabis production, indoor” at Section 4.0 (Definition) to read as follows:

“**cannabis production, indoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;
 - iii) replacing the definition of “cannabis production” at Section 4.0 (Definition) in its entirety with the following:

“**cannabis production, outdoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;
 - iv) replacing the definition of “home industry” at Section 4.0 (Definition) in its entirety with the following:

“**home industry**” means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops and other similar uses;
 - v) replacing the definition of “home occupation” at Section 4.0 (Definition) in its entirety with the following:

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

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

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
- i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;

- b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.
- ix) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².

- .3 A home industry shall be conducted within an enclosed building or structure.
 - .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
 - .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
 - .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
 - .7 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
 - .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.
- x) replacing the first sentence of sub-Section 10.1.6(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:
- Despite Section 10.1.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xi) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture One (AG1) Zone) to read as follows:
- Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xii) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Large Holdings One (LH1) Zone) to read as follows:
- Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

xiii) replacing the first sentence of sub-Section 10.5.6(c) under Section 10.5 (Small Holdings Two (SH2) Zone) to read as follows:

Despite Section 10.5.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

Electoral Area "F"

12. The "Regional District of Okanagan-Similkameen, Electoral Area "F" Official Community Plan Bylaw No. 2790, 2018" is amended by:

- i) adding a new sub-section .15 under Section 8.3 (Policies) at Section 8.0 (Resource Area) to read as follows:
 - .15 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
- ii) adding a new sub-section .18 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:
 - .18 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.
- iii) adding a new sub-section .19 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:
 - .19 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted "farm use" by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.
- iv) adding a new sub-section .9 under Section 10.3 (Policies - General) at Section 10.0 (Rural Holdings) to read as follows:
 - .9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
- v) adding a new sub-section .5 under Section 12.3 (Policies – General Commercial) at Section 12.0 (Commercial) to read as follows:
 - .5 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.

13. The "Regional District of Okanagan-Similkameen, Electoral Area "F" Zoning Bylaw No. 2461, 2008" is amended by:

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

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

- ii) adding a new definition of "cannabis production, indoor" at Section 4.0 (Definition) to read as follows:

"cannabis production, indoor" means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or "cannabis production, outdoor";

- iii) replacing the definition of "cannabis production" at Section 4.0 (Definition) in its entirety with the following:

"cannabis production, outdoor" means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or "cannabis production, indoor";

- iv) replacing the definition of "home industry" at Section 4.0 (Definition) in its entirety with the following:

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

- v) replacing the definition of "home occupation" at Section 4.0 (Definition) in its entirety with the following:

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

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

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises;and

- e) sale of products directly related to the home occupation.
 - .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
 - .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
 - .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
 - .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.
- ix) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.

- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
 - .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
 - .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.
- x) replacing the first sentence of sub-Section 10.1.7(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:

Despite Section 10.1.7(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xi) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture Two (AG2) Zone) to read as follows:

Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xii) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Agriculture Three (AG3) Zone) to read as follows:

Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xiii) replacing the first sentence of sub-Section 10.4.6(b) under Section 10.4 (Large Holdings One (LH1) Zone) to read as follows:

Despite Section 10.4.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
 - xiv) replacing the first sentence of sub-Section 10.5.7(c) under Section 10.5 (Small Holdings Two (SH2) Zone) to read as follows:

Despite Section 10.5.7(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

Electoral Area "G"

14. The "Regional District of Okanagan-Similkameen, Electoral Area "G" Zoning Bylaw No. 2781, 2017" is amended by:

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

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

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

"cannabis" means any plant of the genus *cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

- iii) adding a new definition of "cannabis production, indoor" under Section 4.0 (Definitions) to read as follows:

"cannabis production, indoor" means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or "cannabis production, outdoor";

- iv) adding a new definition of "cannabis production, outdoor" under Section 4.0 (Definitions) to read as follows:

"cannabis production, outdoor" means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or "cannabis production, indoor";

- v) adding a new definition of “cannabis products” under Section 4.0 (Definitions) to read as follows:

“**cannabis products**” means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

- vi) adding a new definition of “home industry” under Section 4.0 (Definitions) to read as follows:

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

- vii) adding a new sub-section 3 under Section 6.4 (Prohibited Uses of Land, Buildings and Structure) to read as follows:

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
 - i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

- viii) replacing Section 6.11 (Home Occupations) under Section 6.0 (General Regulations) in its entirety with the following:

6.11 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular

zone, with no external storage of materials, containers or finished products.

- .3 No retail sales shall be permitted in a home occupation, except for:
 - f) goods produced or made on the premises;
 - g) telephone or internet sales or sales where the customer does not enter the premises;
 - h) mail order sales;
 - i) direct distributors where customers do not enter the premises; and
 - j) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

ix) replacing Section 6.12 (Home Industries) under Section 6.0 (General Regulations) in its entirety with the following:

6.12 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.

- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.

- x) replacing the first sentence of sub-Section 10.1.5(b) under Section 10.1 (Large Holdings One (LH1) Zone) to read as follows:

Despite Section 10.1.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

Electoral Area "H"

- 15. The "Regional District of Okanagan-Similkameen, Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012" is amended by:
 - i) adding a new sub-section .12 under Section 9.3 (Policies) at Section 9.0 (Resource Area) to read as follows and re-numbering all subsequent sections:

- .12 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - ii) adding a new sub-section .17 under Section 10.3 (Policies) at Section 10.0 (Agriculture) to read as follows:
 - .17 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.
 - iii) adding a new sub-section .18 under Section 10.3 (Policies) at Section 10.0 (Agriculture) to read as follows:
 - .18 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted “farm use” by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.
 - iv) adding a new sub-section .10 under Section 11.3 (Policies) at Section 11.0 (Rural Holdings) to read as follows:
 - .10 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - v) adding a new sub-section .10 under Section 13.3 (Policies) at Section 13.0 (Commercial) to read as follows:
 - .10 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.
 - vi) adding a new sub-section .5 under Section 14.3 (Policies) at Section 14.0 (Industrial) to read as follows:
 - .5 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.
16. The “Regional District of Okanagan-Similkameen, Electoral Area “H” Zoning Bylaw No. 2498, 2012” is amended by:
- i) replacing the definition of “agriculture” under Section 4.0 (Definitions) in its entirety with the following:

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

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

“cannabis” means any plant of the genus *cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

- iii) adding a new definition of “cannabis production, indoor” under Section 4.0 (Definitions) to read as follows:

“cannabis production, indoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;

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

“cannabis production, outdoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;

- v) adding a new definition of “cannabis products” under Section 4.0 (Definitions) to read as follows:

“cannabis products” means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

- vi) adding a new definition of “home industry” under Section 4.0 (Definitions) to read as follows:

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

- vii) adding the definition of “manufacturing” under Section 4.0 (Definitions) to read as follows:

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
- i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;

- b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture; and
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.
- x) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².

- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) cannabis production, indoor and outdoor;
 - f) animal or agriculture products processing; and
 - g) the production of animal feeds.

- xi) replacing the first sentence of sub-Section 11.1.5(b) under Section 11.1 (Resource Area (RA) Zone) to read as follows:

Despite Section 11.1.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xii) replacing the first sentence of sub-Section 11.3.5(b) under Section 11.3 (Agriculture Three (AG3) Zone) to read as follows:

Despite Section 11.3.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xiii) replacing the first sentence of sub-Section 11.4.5(b) under Section 11.4 (Large Holdings One (LH1) Zone) to read as follows:

Despite Section 11.4.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

- xiv) replacing the first sentence of sub-Section 11.5.5(b) under Section 11.5 (Large Holdings Two (LH2) Zone) to read as follows:
 - Despite Section 11.5.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xv) replacing the first sentence of sub-Section 11.6.5(c) under Section 11.6 (Small Holdings Two (SH2) Zone) to read as follows:
 - Despite Section 11.6.5(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xvi) replacing a new sub-Section 14.1.1(a) under Section 14.1 (Industrial (Light) One (I1) Zone) in its entirety with the following:
 - a) manufacturing;
- xvii) adding a new sub-Section 14.1.1(b) under Section 14.1 (Industrial (Light) One (I1) Zone) to read as follows and re-numbering all subsequent sections:
 - b) cannabis production, indoor;
- xviii) replacing a new sub-Section 14.2.1(a) under Section 14.2 (Industrial (Heavy) Two (I2) Zone) in its entirety with the following:
 - a) manufacturing;
- xix) adding a new sub-Section 14.2.1(b) under Section 14.2 (Industrial (Heavy) Two (I2) Zone) to read as follows and re-numbering all subsequent sections:
 - b) cannabis production, indoor;

Electoral Area "I"

- 17. The "Regional District of Okanagan-Similkameen, Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016" is amended by:
 - i) adding a new sub-section .9 under Section 8.3 (Policies) at Section 8.0 (Resource Area) to read as follows:
 - .9 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
 - ii) adding a new sub-section .15 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:
 - .15 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.

iii) adding a new sub-section .16 under Section 9.3 (Policies) at Section 9.0 (Agriculture) to read as follows:

.16 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted “farm use” by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.

iv) adding a new sub-section .11 under Section 10.3 (Policies - General) at Section 10.0 (Rural Holdings) to read as follows:

.11 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.

v) adding a new sub-section .6 under Section 12.3 (Policies – General Commercial) at Section 12.0 (Commercial) to read as follows:

.6 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.

18. The “Regional District of Okanagan-Similkameen, Electoral Area “I” Zoning Bylaw No. 2457, 2008” is amended by:

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

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

ii) adding a new definition of “cannabis production, indoor” at Section 4.0 (Definition) to read as follows:

“**cannabis production, indoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis inside a structure, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, outdoor”;

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

“**cannabis production, outdoor**” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of cannabis outside in a field, as permitted by federal enactment, but excludes the growing of cannabis by an individual for their personal use and consumption, or “cannabis production, indoor”;

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

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

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

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

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

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

For the purposes of “cannabis production, indoor”, a structure that has a base consisting entirely of soil is a structure that shall not have concrete construction, hardsurfacing or similar impermeable forms of construction sunk into, at or below the natural elevation of a site, except:

- a) a building or structure supported by a system of columns or posts, where:
- i) each supporting column or post has a minimum radius of 3.0 metres to the next adjacent column or post; and
 - ii) the maximum footprint area for each concrete footing associated with each column or post is 0.5 m².

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

7.17 Home Occupations

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

- .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m².
- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
 - a) goods produced or made on the premises;
 - b) telephone or internet sales or sales where the customer does not enter the premises;
 - c) mail order sales;
 - d) direct distributors where customers do not enter the premises; and
 - e) sale of products directly related to the home occupation.
- .4 No vehicle exceeding 1,000 kg in vehicle weight and associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 One (1) vehicle parking space is required in addition to those required for the principal single detached dwelling.
- .7 A home occupation shall not involve:
 - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
 - b) the outdoor storage of materials, vehicles and equipment associated with a contractor, trade or mobile service;
 - c) the boarding, breeding and keeping of animals;
 - d) cannabis production, indoor and outdoor;
 - e) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
 - f) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
 - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on

lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

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

7.18 Home Industries

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

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m².
- .3 A home industry shall be conducted within an enclosed building or structure.
- .4 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .5 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .6 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .7 One (1) vehicle parking space per each non-resident employee of a home industry use is required in addition to those required for the principal dwelling unit.
- .8 A home industry shall not involve:
 - a) wrecking, salvage or storage of derelict vehicles and equipment;
 - b) salvage or storage of used building or domestic products and similar discarded materials;
 - c) manufacture of concrete products;
 - d) bulk fuel or chemical storage or refining depots;
 - e) animal or agriculture products processing;
 - f) cannabis production, indoor and outdoor;
 - g) the production of animal feeds; and
 - h) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on

lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- ix) replacing the first sentence of sub-Section 10.1.6(b) under Section 10.1 (Resource Area (RA) Zone) to read as follows:
Despite Section 10.1.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- x) replacing the first sentence of sub-Section 10.2.6(b) under Section 10.2 (Agriculture One (AG1) Zone) to read as follows:
Despite Section 10.2.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xi) replacing the first sentence of sub-Section 10.3.6(b) under Section 10.3 (Agriculture Three (AG3) Zone) to read as follows:
Despite Section 10.3.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xii) replacing the first sentence of sub-Section 10.4.6(b) under Section 10.4 (Large Holdings One (LH1) Zone) to read as follows:
Despite Section 10.4.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xiii) replacing the first sentence of sub-Section 10.5.6(b) under Section 10.5 (Large Holdings Two (LH2) Zone) to read as follows:
Despite Section 10.5.6(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:
- xiv) replacing the first sentence of sub-Section 10.6.6(c) under Section 10.6 (Small Holdings Two (SH2) Zone) to read as follows:
Despite Section 10.6.6(a) and (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:

READ A FIRST AND SECOND TIME this 17th day of October, 2019.

PUBLIC HEARING held on this XX day of November, 2019, and re-convened on this 21st day of November, 2019.

READ A THIRD TIME this _____ day of _____, 2019.

I hereby certify the foregoing to be a true and correct copy of the "Regional District of Okanagan-Similkameen Amendment Bylaw No. 2849, 2019" as read a Third time by the Regional Board on this ___ day of ___, 2019.

Dated at Penticton, BC this ___ day of ___, 2019.

Corporate Officer

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

For the Minister of Transportation & Infrastructure

ADOPTED this ___ day of ___, 2019.

Board Chair

Corporate Officer

-----Original Message-----

From: Allan Laberge <[REDACTED]>
Sent: November 7, 2019 5:08 PM
To: Karla Kozakevich <kkozakevich@rdos.bc.ca>
Subject: Bylaw 2849

Hi Karla,

My name is Allan Laberge. And i'm at 3273 Juniper Drive in Naramata rural. Right smack in the neighbor hood that is being diminished by the grow op being build practically next door.

I strongly support bylaw 2849, to prevent further "large" scale trashing of my neighborhood.

Allan

Thumb sent

-----Original Message-----

From: Jo Ingraham

Sent: November 7, 2019 4:40 PM

To: Karla Kozakevich

Subject: Bylaw 2849

I am in favour of bylaw 2849, which limits large-scale cannabis facilities to industrial zones.

Jo Ingraham

3280 Juniper Road

Naramata



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: FRANK + LIZ MALINKA
Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 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.

Presented to
BOARD
OCTOBER 17, 2019

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2849 & 2858

- 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. J. Abrahamian

Agency: SD 53

Date: 4th June 2019

Signed By: SUBRA PALIAPPA

Title: SECRETARY TREASURER





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

July 4, 2019

Reply to the attention of Sara Huber
ALC Planning Review: 46671
Local Government File: X2019.005-ZONE

Christopher Garrish
Regional District of Okanagan-Similkameen
cgarrish@rdos.bc.ca

Delivered Electronically

Re: RDOS Electoral Area Official Community Plan and Zoning Amendment Bylaw Nos. 2840 and 2858 (Home-Industry Occupation and Cannabis Production)

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2840 and 2858 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

The Bylaws seek to update the regulations related to "home industry" and "home occupation" uses as well as those related to the production of cannabis, specifically:

Bylaw No. 2849

- Introduces policies into the Electoral Area OCP Bylaws that support the development of large-scale cannabis production facilities on lands designated Industrial (I), and not in other land use designations;
- Introduces new definitions of "cannabis production, indoor" and permit this as a use in the General Industrial (I1) and Heavy Industrial (I2) zones;
- Introduces a new regulation prohibiting "cannabis production, indoor" in all other zones unless occurring outside in a field or in a structure in the ALR with a base consisting entirely of soil (with certain exceptions for columns or posts supported by a concrete footing);
- Clarifies that the setbacks for greenhouses and cannabis production facilities from a parcel line are to be 15.0 metres;
- Introduces a new definition of "cannabis production, outdoor" and amend the definition of "agriculture" to include this use as a form of "agriculture";
- Amends the definitions of "home industry" and "home occupation" to make these consistent across Electoral Area zoning bylaws;

- Amends the general regulations of “home industry” and “home occupation” to make these consistent across Electoral Area zoning bylaws and, amongst other things, to:
 - Specifically exclude “cannabis production” as a type of “home industry” or “home occupation”;
 - a home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m²;
 - a home occupation shall not involve the outdoor storage of materials and equipment associated with a contractor, trade or mobile service;
 - no home industry shall be permitted on a parcel less than 2.0 hectares in size;
 - the maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m²; and
 - only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.

Bylaw No. 2858

- Proposes to introduce a new definition of “micro cannabis production facility”;
- Proposes to introduce new general regulations for “micro cannabis production facility” that will, amongst other things:
 - Require a minimum parcel area of 2.0 ha; and,
 - Establish a maximum floor area of 400 m².
- Proposes to introduce “micro cannabis production facility” as a permitted use in the Resource Area (RA), Agriculture (AG1, AG2, and AG3), Large Holdings (LH1 and LH2), and Small Holdings Two (SH2) Zones.

ALC Response

ALC staff considers the proposed Bylaws to be consistent with the ALCA and its regulations and has no objection to the adoption of the above referenced Bylaws.

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

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

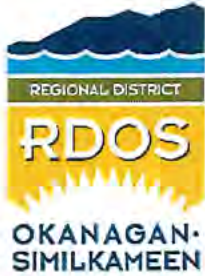
A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Regional Planner

Enclosure: Bylaw Referral Sheet (Home Occupation Industry Cannabis)

CC: Ministry of Agriculture – Attention: Christina Forbes

46671m1



Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: X2019.005-ZONE

FROM: Name:

India Devonshire
(please print)

Street Address:



RE: **Draft Zoning Amendment Bylaw No. 2849**
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

limit light noise and smell pollution
in residential areas

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 2019**

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Feedback Form

RECEIVED
Regional District
SEP - 6 2019

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: LEO ASTORINO
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

PLEASE PUT A "HOLD" ON EVERYTHING.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

FROM MY RESEARCH, I SEE THERE IS NO LEGAL WAY THAT THE R.D.O.S. CAN MAKE ANY ZONING BYLAW CHANGES WITHOUT A LEGAL OPINION FROM THE PROVINCIAL GOVERNMENT. THE WAY IT STANDS NOW THERE IS NO CLEAR DIRECTION REGARDING STANDARD SETBACKS FOR ALL ALR LANDS, WHAT USES, HEALTH STANDARDS, ENVIRONMENTAL EMISSIONS, 10 FILTERING SYSTEM. THE RDOS IS TOTALLY OUT OF THEIR LEGAL AND RESPONSIBILITY ZONE, THEY HAVE TO GET LEGAL COUNSEL BEFORE PROCEEDING FURTHER. THANK YOU

Feedback Forms must be completed and returned to the Regional District of Okanagan Similkameen no later than **September 6, 2019**



Lauri Feindell

From: Stefanie Gale [REDACTED]
Sent: September 6, 2019 2:36 PM
To: Planning
Cc: don mancell; Roger Houle; Lee Chanin; Lyle Armour
Subject: Cannabis

Planning Department;

Please note that in May of 2019, I wrote to the Chair of the RDOS outlining the Naramata Society for Responsible Infrastructure concerns regarding Cannabis operations in Area "E".

I am forwarding our concerns to you so that they may be included in the feedback requested of area residents to recently proposed bylaws.

In April of 2019, the Board of the NSRI met and discussed the cannabis issue.

The NSRI is of the opinion that like other Regional Districts, bylaws can and should be put in place to mitigate possible negative impacts of cannabis production. It is important that everyone living in RDOS Area "E" may feel assured that steps are being taken to ensure a healthy environment and community relationships.

The NSRI requests the RDOS take action through the creation/amendment of bylaws to ensure that cannabis production effluent is properly handled; that the air quality is preserved and odours frequently associated with cannabis production are prevented (cannabis farms be required to have effective and sufficient number of 'air scrubbers' or similar filtration systems to mitigate smells), and; that there are controls on the potential light pollution which typically occurs with cannabis production.

We further highlight recent research which has raised significant concern with water and energy consumption utilized by cannabis operations. We should all be trying to be responsible in reducing, not increasing our impact on the environment.

Thank you for including the feedback of the NSRI.

Sincerely,

Stefanie Gale,

NSRI President

auri Feindell

From: Michel Martel <[REDACTED]>
Sent: September 5, 2019 4:07 PM
To: Planning
Cc: Renee Chamberland
Subject: File No: X2019.005-Zone

Hi,

Following the public information meeting here is our feedback regarding the proposed Zoning Amendments on Cannabis Micro Production Facilities in Naramata.

I am in favour of amending the bylaws, however, I think they should include a minimum distance between any cannabis production and residential homes. I would suggest that the minimum distance be 200 meters.

Thank you for giving us the opportunity to provide you some feedbacks.

Best regards,

Michel Martel

[REDACTED]
[REDACTED]
[REDACTED]





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.005-ZONE

FROM: Name: Brenda Wozniak + Doug Gibson
(please print)

Street Address: [REDACTED]

RE: **Draft Zoning Amendment Bylaw No. 2849**
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 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.



Comments for Feedback form for Bylaw 2858 and 2849:

- The minimum size of 2.0 hectares is too small if the region properly takes into account necessary setbacks, landscaping, buffers or other requirements to mitigate the impact of anticipated odour and any other nuisances. The original draft indicated 4 hectares so we do not understand why this has been reduced. We are seeing other regions with larger minimum land requirements in ALR – Regional District Central Okanagan has a minimum of 8 hectares when it abuts residential properties, with 30 metre setbacks; Regional District North Okanagan is considering no minimum land size but requires a 60 metre setback from residential properties. Squamish-Lillooet has a minimum of 5 hectares and is not considered in residential zones. Our bylaws do not address the impact to residential properties in any way and this needs to be seriously reconsidered. We believe that there should be no industrial manufacturing facilities allowed in SH2 zoned areas.
- Setback of 15 metres are not big enough to mitigate the concerns around nuisances likely coming from the facility – noise, odour and traffic. Other districts are adopting a much higher setback – Kelowna 60 metres from residential properties, Abbotsford has 60 metres to non ALR land and Nanaimo has 60 metres from lot lines of non ALR land. Increased setback MUST be considered.
- The odour that is anticipated from these facilities are a concern. While there may be work done on the building to manage the odour, when you have extremely hot lights in the facility, that heat needs to be released and with it will come the odour – this will be a significant nuisance and an impact not just for those residents living close by, but throughout the community, depending on the wind.
- Issue concerning electricity/lights. The owner of the Arawana property has specified in an article in MyNaramata that there will be no windows in his facility. This may not be the case for other facilities looking for approval and unless these buildings are concrete with no windows, the impact of lighting being on 24/7 will be significant to residents in the immediate area – nothing has been indicated to ensure that this can be managed. If these building are concrete then the appearance of the community changes to an industrial view rather than the current farm/vineyard/residential community, which has so much appeal for both residents and tourists.
- Traffic will be an issue if the property size is not big enough. There will be employees with parking required – this has not been addressed. The facility on Arawana has indicated that they would have at least 6 employees – so where will they park? Is there room on the property after the facility has been built to accommodate that without any impact to the community?
- At the Public Information meeting it was indicated that the region does not have the resources to oversee the mandate for Cannabis facilities to ensure they are running according to the bylaws – if there are no resources, why isn't the region coming up with more stringent bylaws that work within the Region's economy/resources?
- We trust that the RDOS will not approve any facilities while the community is going through the amendment process.
- RDOS Mission is to initiate and implement policies which preserve and enhance the quality of life and serve the broader public interest in an effective, equitable, environmental and fiscally responsible manner.
- As presented, the current by-law proposals for Cannabis Micro-Processing do not serve the broader public and need to be better thought out with more due-diligence.





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: VICTORIA ROGERS & JO INGRATHAM
(please print)

Street Address: [Redacted]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

WE DO, HOWEVER, SUPPORT THE DEVELOPMENT OF NEW BYLAWS CONCERNING THE CANNABIS MICRO-PRODUCTION CATEGORY. WE JUST DON'T FEEL THAT THE PROPOSED AS CURRENTLY WRITTEN WILL ADEQUATELY PROTECT SURROUNDING RESIDENTIAL NEIGHBORHOODS

THE MINIMUM PARCEL SIZE FOR THIS CATEGORY NEEDS TO BE INCREASED, AS DO SETBACK REQUIREMENTS; AND SPECIFICS OF ODOUR, LIGHT, NOISE, FIRE AND CRIME DANGER NEED TO BE ADDRESSED.

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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auri Feindell

From: STACEY HANNA [REDACTED]
Sent: September 5, 2019 11:21 AM
To: Planning
Subject: Feedback Draft Zoning Amendment Bylaw No. 2849/File no: X2019.005-ZONE

To Whom it may concern,

Please include this feedback with regards to the proposed zoning amendments regarding Cannabis Production Facilities in Naramata/RDOS.

I do not support proposed amendments to the zoning bylaws.

While we all agree that we live in an agricultural area and that there are certain activities that we can expect to happen at certain times of year/day, it would be wise to take a closer look with regards to a new agricultural crop.

This is the opportunity to set strict bylaws. Exceptions can be applied for, but we should set the high standard now so we aren't dealing with uncooperative property owners down the road.

While these are properties in the ALR, they do often border residential properties. At the time that those properties were sold off as residential, there was no way of knowing that 30+ years later owners would have to deal with a new type of agriculture. Cannabis has only been made legal in the last year, it is unreasonable to brush aside property owners very real concerns with regards to light, odour, etc...

I'm sure, the collective property taxes paid by all the surrounding residential properties far exceeds the taxes the RDOS receive from one agricultural property. I'm confused as to why these concerns have not been more closely respected.

The surrounding property owners are not looking to restrict the possibility of cannabis growing facilities but are looking to set strict bylaws that all owners would have to abide by: building sizes, setbacks, light, sound, smell. This seems reasonable.

In the end, I think it serves all residents of the RDOS to set strict bylaws for cannabis facilities. It does not take away the possibility of using agriculture/ALR land for this crop but sets the high standard for possible growers.

Respectfully,

Stacey Hanna
[REDACTED] pad

Sent from my iPad





Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: LEE CHANIN
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

- I would like to know what discussion and consultation was undertaken prior to drafting this bylaw and whether the board reviewed any other jurisdictions bylaws relative to Cannabis production. If not why didn't the board review other bylaws. It appears to me that rather than take the view of protecting the existing home owners rights, the RDOS merely went along with the municipalities and didn't give any thought to the effect this will have on the community.

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 2019**

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Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.005-ZONE

FROM: Name: Norbert Lacin + Patti Lacin
(please print)

Street Address: [Redacted]

RE: **Draft Zoning Amendment Bylaw No. 2849**
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Cannabis production and processing has the potential for significant odour + other impacts on neighbours. In Naramata A/R properties are often close to residential areas. As a result, setbacks, building sizes + land sizes must be very conservative. Other BC communities have setbacks of 60 metres. We should as well. I also believe building size should be less than 400 m² + properties should be at least 4 hectares. Please be careful you don't create problems for residents.

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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Feedback Form

1/2

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: X2019.005-ZONE

FROM: Name:

JOHN N. SHASKE

Street Address:

Co-owner AREA E

RE: Draft Zoning Amendment Bylaw No. 2849

Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Too much, too late, too fast.
 Not well-considered (not thought out well)
 in greater scheme of community
 + what land uses pay a lot of taxes
 currently. Your RDOS proposal risks,
 devaluing land values + long time owner
 enjoyment of their property

Feedback Forms must be completed and returned to the Regional District

no later than September 6, 2019

so, stop pushing please

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Feedback Form

2/2

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: X2019.005-ZONE

FROM: Name:

SHEILA M KITSON

Street Address

Nanamota BC (RDOS-E)

RE:

Draft Zoning Amendment Bylaw No. 2849

Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

#2849

My comments / concerns are:

I do support the proposed textual amendments to the zoning bylaws.

I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.



I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Back when established, the ARK was intended for food crops/farming. How will viable land covered by concrete slabs & huge sheds ever be recovered into viable farm land again? What about pollution - light, noise, prison like fencing? etc.?

Feedback Forms must be completed and returned to the Regional District no later than September 6, 2019

(This is being pushed through by Board)

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Cannabis Microprocessing Feedback Forms

Libby Parsons

This is just a reminder that the Feedback Forms on Cannabis Microprocessing are due no later than Sep 6th.

I would like to draw your attention to this document which has been recently sent to me by a neighbour: Federal document "Municipal Guide to Cannabis Legalization- A roadmap for local governments." In particular, this part: As local governments anticipate an increase in nuisance complaints with legalized cannabis, odour issues rank among their top concerns—and these are notoriously difficult to regulate and remediate. Because odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. While some odour testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court. Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable. For example, odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted. Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances. This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones. Municipalities may also want to set business licence conditions that could reduce nuisance concerns around cannabis production and retail facilities.

In addition another neighbour has gone to the effort of calling Regional District for Central Okanagan and Regional District for North Okanagan Planners to find out what policies and by-laws they are developing.

Regional District Central Okanagan: For ALR - Min 8 hectares when it abuts residential properties, 30 metre setbacks.

Regional District North Okanagan: For ALR - no min hectares set but has a 60 metre setback from residential. Things are in flux, in 1st reading & he didn't know if min hectares would be implemented.

I have also researched other communities which are a mix of rural agricultural land and residential and found:

Squamish-Lillooet: 5 hectares minimum and not considered in residential zones and 200 sq m greenhouse.

Vernon: 50 metres from any property where residential is the principal use.

Nanaimo: 60 metres from lot lines of non-ALR land

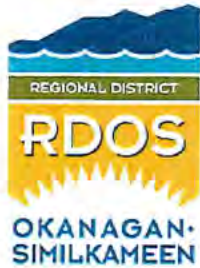
Kelowna: 60 metre setback from residential property

Abbotsford: 60 metres to non-agriculture land

RDOS Mission: To initiate and implement policies which preserve and enhance the quality of life and serve the broader public interest in an effective, equitable, environmental and fiscally responsible manner.

The current By-law proposals for Cannabis Microprocessing do not serve the broader public nor do they appear well thought out!





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: Harvey King
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

~~I am not opposed to the concept of having Cannabis operations in the RDOS, but I have some concerns that the specific regulations are not strict enough in controlling potential issues, especially around odour, lights and noise. I know that we are an agricultural area, that agriculture is a crucial industry and part of our overall "charm." However, we are also an area that crucially depends on new residential developments, and especially on the charm of our vineyards and wineries in attracting new residents AND tourists. If we have problematic Cannabis operations, then we will lose our future residential buyers, and our tourists. I would suggest that the RDOS strengthen the following aspects of the regulations, similar to what other BC Regional Districts have done:~~

- ~~1. Create stronger and larger setbacks from residential property.~~
- ~~2. Set regulations on odour, lights and noise for not just Home Occupation/Industry, but also for the Microprocessing Industry.~~
- ~~3. Ensure that the industry has sufficient security (especially if their crop is prone to theft) in place, or is taxed to increase the amount of RCMP presence in the community.~~

Feedback Forms must be completed and returned to the Regional District no later than September 6, 2019

Thanks for your consideration.

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Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.005-ZONE

FROM: Name: Janice Drganc
(please print)

Street Address: [REDACTED]

RE: **Draft Zoning Amendment Bylaw No. 2849**
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

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Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 2019**

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Lauri Feindell

Subject: FW: Cannabis Operation Update

To Whom It May Concern and also Karla Kozakevich,

Please see attached emails,

Bud and Brenda Van Iderstine

[REDACTED] mata, BC, V0H 1N1

- > To Whom It May Concern,
- >
- > We are Bud and Brenda Van Iderstine
- > living on the Naramata Bench at 2833 Arawana Place, Naramata BC
- > V0H1N1.
- >
- > We are very concerned about the
- > potential of a Cannabis Gro-Op being approved for operation in our
- > residential neighbourhood along Arawana Road. In Mr Bob Parsons
- > attached email numerous very good reasons are well presented for why
- > any Cannabis operation SHOULD NOT be approved for our residential
- > area, or indeed for any residential area.
- >
- > Please DO NOT APPROVE this type of
- > enterprise that can only lead to severe community problems!
- >
- > Respectfully submitted,
- > Bud and Brenda van Iderstine
- > [REDACTED]
- >
- >





Feedback Form

RECEIVED
Regional District

SEP - 6 2019

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen **FILE NO.:** X2019.005-ZONE

FROM: Name:

CHARLES SWYDER

Street Address

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 2019**

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27th August 2019

Cannabis Regulation for Naramata

Libby Parsons

As many residents have heard there is concern in the Arawana neighbourhood about a proposed Cannabis Microprocessing Operation very close to a number of residential properties. The Draft By-law recommends 2 hectares of land and a 400 square metre building (although Health Canada only allows 200 square metres of growth area).

The recommended setbacks from residential property, we were told at the recent meeting, would be only 15 metres however this does not seem to be specifically written into the Draft legislation. In addition, there is no protection written into the By-law to protect surrounding property owners from odour, lights and noise.

Local residents have many concerns about this Draft By-law and feel that this is an important topic for all residents of Naramata especially those with residential properties adjoining ALR land. It is important to be careful about creating By-laws and take time to get them right from the outset. It is important to protect and represent the residents of Naramata rather than the rights of only a few individuals who want to grow cannabis.

These are some of the concerns of residents:

1. Setbacks. It appears that many other communities are adopting a 60 metre setback from residential property.
2. Odour, lights and noise. There are no provisions in the Draft legislation to protect surrounding residents. Interestingly these provisions are included the Draft By-law for Home Occupation/Industry.
3. Security. A high value crop is a security risk and the RCMP in Penticton do not patrol Naramata regularly. It would be much easier to patrol industrial areas.
4. Highly volatile chemicals used in processing. Butane is one of these products and with the high fire risk in this area, it is of great concern. These would be better used in industrial areas.
5. Lack of public consultation in developing these By-laws. Other communities have sent a feedback form to each household, conducted workshops or public consultations in developing their regulations. Some communities require public consultation when an application is made to grow cannabis.

Please complete the attached Feedback Form (see below under pdf) and return to the RDOS before Sep 6, 2019.

ATTACHMENTS

 2 COMMENTS

READER TOOLS

 EMAIL IT

 SHARE ON FACEBOOK

 TWEET

 COMMENT

 PRINT

 SUBSCRIBE

AUTHOR TOOLS

EDIT · DEL





Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

RECEIVED
Regional District

SEP - 3 2019

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: LINDA SEARS
(please print)

Street Address: 

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

- Proposed bylaw amendments to permit cannabis production under Home Industry do not protect neighbouring residential properties.
- Health Canada deems a maximum growth area of 200m². No rationale is given for why RDOS suggests 0400m². A greenhouse that large will be an eyesore in a residential area.
- Proposed setback of 15m is far less than many other jurisdictions, viz. 60m.
- Bylaw 7.18.7 states there should be no nuisance from noise... odours, glare, etc. Odours and glare (security lights) will be a problem. By what means will the

RDOS monitor and regulate? no later than September 6, 2019

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13 August 2019

Christopher Garrish
cc Karla Kozakevich

Dear Mr. Garrish,

We wish to express concerns about the proposed changes in the bylaws affecting Electoral Area "E", specifically to create a new "micro cannabis production facility" use. This change in the bylaws is especially salient at this time, because one of our neighbors in Naramata is planning such a facility on his property, which directly adjoins many residential properties in the Naramata hillside area.

We understand that public information sessions are being held this month, but we will be out of town and unable to attend. Therefore, we wish to make our concerns known via this letter in advance of the meeting. I sincerely hope that minutes of the meeting will be publicly available and that further commentary will be welcomed.

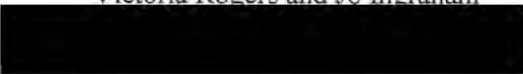
We, along with many of our neighbors, have serious concerns about light, noise, and particularly odor that could affect the quality of life and property values in our area. Thus, we have attempted to glean as much information as possible about the newly proposed bylaw. We searched the RDOS website under "update of home industry and home occupation regulations and cannabis production" but found mostly the same information that is contained in the advert page. The lack of detail about the regulation of these facilities is concerning, especially given the fact that, in other parts of the country, mitigation efforts have, in many cases, proven to be inadequate or even noxious in themselves. Especially worrisome is the lack of any specifics about setbacks from lot lines. With regard to the proposed facility in Naramata, site preparation is occurring very close to the lot line, which backs directly up to neighbors' houses. We feel that there is simply not enough detail provided to provide assurance that the surrounding neighborhoods can be protected.

For example, the text of the proposed bylaw states that the micro-Cannabis facilities may be placed on parcels 2.0 ha and above, and that the maximum size of such facilities is 400 square meters in size. What is the reasoning behind these particular numbers? Why, for example, is the maximum size of these facilities double the allowable size of other home industry? What is the rationale behind the minimum lot size of 2.0 ha? Why not 3.0 ha or 4.0 ha? These are all questions that need to be answered prior to placing this new bylaw in effect.

Given these crucial questions and the need for additional detail, it is our view that these sorts of facilities should be prohibited in residential areas until concerns such as these and others can be addressed.

Sincerely,

Victoria Rogers and Jo Ingraham





Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: BOB & PATTY PIPARS
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Look at other Regional District Bylaws that have more stringent rules, such as Central Okanagan for example. Study as many other districts as possible and take the best ideas of those surveying. This is a serious matter that has to be done once and done right.

Feedback Forms must be completed and returned to the Regional District of Okanagan Similkameen no later than September 6, 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* (Rt.1/s) (S.81/82) (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
SEP - 5 2019
101 Martin Street
Penticton BC V2A 5J9



From: [Libby and Bob Parsons](#)
To: [Christopher Garrish](#)
Subject: Re: Proposed By-law Amendments
Date: April 25, 2019 10:18:41 AM

Hello Mr. Garrish:

We understand from the RDOS website, that the deadline to make comment on the proposed by-law amendments regarding Home Industry and Cannabis Growth is April 26 (tomorrow).

We have read your proposals and these are our objections or changes we would like to see proposed:

1. We do not believe Cannabis Growth should occur in a residential neighbourhood and be categorized as a "home industry". It should occur in an Industrial area. (*Please see the SLRD by-law amendments restricting Cannabis Growth to non-residential areas).
2. If Cannabis Growth should occur on Agricultural Land, there should be a restriction of land size to 10 hectares rather than 2 hectares.
3. On page 13 Section 7. of your Amendments, it states that *"No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area."* Added to this should be the glare of lights and the smell/odour produced by Cannabis Growth.
4. On page 13, Section 7. This section is really a contradiction of terms as a Cannabis Growth Operation in a mostly residential neighbourhood will obviously disturb *"the privacy and enjoyment of adjacent dwellings"* and will *"adversely affect the character of the area"*. Cannabis Growth should occur either on larger land parcels or in an industrial area. It should not occur close to residential properties.

These are the concerns we have listed in our previous email to you:

1. The smell from cannabis growth can be quite a nuisance to surrounding neighbours. As RDOS does not have by-laws in place governing this, neighbours will have little recourse, once this operation is in place, to have the odours monitored and controlled.
2. Security issues - this is a high value crop with all the associated security issues. This neighbourhood has families with children within metres of this property and this poses a security risk to these families and all residents.
3. As we are in an area of high fire risk, this operation poses an additional threat during fire season. If this operation processes and uses butane in the processing, it is highly explosive.
4. Cannabis growth generally uses round the clock lighting - this will be an additional nuisance to residents - the RDOS has no by-law in place to control this.
5. Cannabis growth uses more water and hydro than other agricultural crops - this is another burden on the community.
6. A Cannabis operation in a residential neighbourhood stigmatizes the properties and will negatively affect their values.

Sincerely
Libby and Bob Parsons



Lauri Feindell

From: Judy Morris <ofid@telus.net>
Sent: June 13, 2019 1:57 PM
To: Planning
Subject: Bylaw Referral - X2019.005-ZONE - Bylaw 2849&2858

Good afternoon, the Board of Trustees have reviewed the Bylaw Referral and offer the following comments.

1/ The RDOS provide a map to the Okanagan Falls Irrigation District outlining the potential properties that could be effected by this bylaw

2/ Anyone requiring a water service/or change in existing water service be directed to our office

Thank you.



Judy Morris

Office Administrator

OKANAGAN FALLS IRRIGATION DISTRICT

PO Box 110 – 1109 Willow Street

Okanagan Falls, BC

V0H 1R0

Phone: 250.497.8541

Fax: 250.497.5817

Email: ofid@telus.net

www.okanaganfallsirrigationdistrict.ca





Your File #: X2019.005-
ZONE
(Amendment
Bylaw No. 2849)
eDAS File #: 2019-01666
Date: April 2, 2019

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2849, 2019 for:
Electoral Areas, A, C, D, E, F, G, H, and I**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231





April 29, 2019

File No: X2019.005-Zone

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

Re: Bylaw Referral – File No. X2019.005-ZONE

Dear Christopher Garrish,


Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the bylaw referral X2019.005-ZONE (Home Occupation Industry & Cannabis Zoning) regarding Bylaw No. 2849, 2918 for Electoral Areas A, C, D, E, F, G, H and I. I have reviewed the documentation you have provided. From an agricultural perspective I can offer the following comments:

- Part 2 of the ALR Use Regulation lists farm uses that local governments may not prohibit; including cannabis production criteria in Section 8.
- Ministry staff recognise that the proposed zoning bylaw text on ‘Prohibited Uses of Land, Buildings and Structure’ specifically excludes cannabis production as described in the old ALR USP Regulation.
- For clarity and consistency Ministry staff encourage keeping cannabis production in the definition of agriculture with reference that it must be done in accordance with Section 8 of the new ALR Land Use Regulations.
- It appears that the only zoning bylaw provisions that will permit cannabis production on the ALR will be as a ‘home industry’. While Ministry staff acknowledge a local government’s authority to regulate use on the ALR, there are concerns that this zoning bylaw doesn’t clearly identify where on the ALR cannabis production as described in section 8 of the ALR Use Regulation is permitted.
- For example, as currently drafted, the proposed Electoral Area A zoning bylaw section 7.18.3 (for home industry) appears to not permit the growing of cannabis outdoors in a field. This would appear to be inconsistent with the ALR Use Regulation.
- Ministry staff also suggest confirming with Health Canada that if the intent is to provide a path forward for micro cultivation licenses, the provisions as described for ‘home industry’ allow for this type of cannabis production at the federal level.
- Ministry staff support the proposed inclusion of cannabis production as a permitted use in the Regional District’s Electoral Area General Industrial Zones.

If you have any questions please contact me directly at 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



Gregory Bartle, Land Use Planner
B.C. Ministry of Agriculture
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca





OKANAGAN-SIMILKAMEEN

Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

RECEIVED
Regional District

SEP - 6 2019

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: X2019.005-ZONE

FROM: Kare S. MARTIN + Gudrun MARTIN
(please print)



RE: Draft Zoning Amendment Bylaw No. 2849

Update of the Regional District of Okanagan Similkameen's Zoning Bylaws and Certain Development Permits

My comments / concerns are:

- I do not support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

We ask the RDB to be very careful, as it sets the tone for the future landscape.

On our property we already experience loud ventilation noise and floodlighting from a nearby winery and how would look those sealed buildings on Norawake Beach for example. Business people max every thing out and don't stick to their proposals, as we experienced in our neighborhood. Please keep that in mind!

Thank you!

no later than September 6, 2019



Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure that your personal information is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of your personal information, please contact the Regional District of Okanagan-Similkameen at 250-492-0237.

Sorry, we ran out of printer ink!



From: [Dawn Lennie](#)
To: [Christopher Garrish](#)
Cc: [Karla Kozakevich](#)
Subject: Cannabis Production in residential neighbourhood
Date: April 29, 2019 9:51:32 AM

Hi Christopher,

I understand we may have missed an April 26th deadline to voice concerns on this topic, however, unfortunately, we weren't aware of this until this past weekend so I hope that our comments will still be considered.

As business owners and residents of Naramata, we would like to voice our opposition to having this type of production or manufacturing that is proposed currently up Arawana Road in a residential neighbourhood. Whether it's on ALR property or not, it does not seem fair to devalue people's property with a business like this operating right next door given all the concerns surrounding it - particularly the smell. I don't think anyone would want a Money's mushroom plant coming in and setting up shop right in the middle of a residential neighbourhood either for the same reason.

We have experienced this type of business (illegally) for years in our neighbourhood and the smell at certain times is very strong and difficult to explain to our kids. We just always say that someone must have run over a skunk when we're on the way to school for lack of a better explanation for a child under 10:)

We understand that there are also concerns about 24 lighting, fire safety, security and so on, which are concerns we have had with at least two illegal operations right around our home for years. This does not seem like the type of business that should be allowed to operate legally on a residential property with immediate neighbours in a residential neighbourhood.

As for proposed changes to what is allowed regarding operating a business on a residential property, as business owners of a commercial property, we have just recently voiced our opinion on that subject. Our concerns were voiced to both you and Karla as it related to another residential property wanting to operate a business so I'm sure our feelings on that are clear.

Thanks for reading our letter.

Dawn & Doug Lennie



From: [Tracy Kultz](#)
To: [Christopher Garrish](#)
Subject: Proposed By-law Amendments
Date: April 26, 2019 4:11:55 PM

Dear Mr. Garrish:

We understand from the RDOS website, that the deadline to make comment on the proposed by-law amendments regarding Home Industry and Cannabis Growth is April 26 (tomorrow).

We have read your proposals and these are our objections or changes we would like to see proposed:

1. We do not believe Cannabis Growth should occur in a residential neighbourhood and be categorized as a "home industry". It should occur in an Industrial area. (*Please see the SLRD by-law amendments restricting Cannabis Growth to non-residential areas).
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4. Cannabis growth generally uses round the clock lighting - this will be an



additional nuisance to residents - the RDOS has no by-law in place to control this.

5. Cannabis growth uses more water and hydro than other agricultural crops - this is another burden on the community.

6. A Cannabis operation in a residential neighbourhood stigmatizes the properties and will negatively affect their values.

Sincerely
Tracy Kuhtz and Harvey King

Naramata



From: [Tracy Kultz](#)
To: [Christopher Garrish](#)
Subject: Proposed By-law Amendments
Date: April 26, 2019 4:11:55 PM

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Sincerely

Tracy Kutzt and Harvey King



Lauri Feindell

From: Christopher Garrish
Sent: May 23, 2019 9:04 AM
To: Tracy Kuhtz
Cc: Karla Kozakevich
Subject: RE: Cannabis bylaw

Hi Tracey,

Thanks for the feedback. To clarify, we are proposing that the reference in the zoning bylaw to setbacks for "soil-less medium production facilities" be changed to "greenhouses" and "production facilities". While the setback itself is not changing, we think this will make it clearer that the 15.0 metre setback for these types of uses apply and not the 7.5/4.5 metre setbacks for accessory structures.

Is this the doubling of setbacks that you were referencing below, or were you looking for them to be increased to 30.0 metres?

Chris.



Christopher Garrish MA, MSS, MCIP, RPP • Planning Manager

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 | cgarrish@rdos.bc.ca | [FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)

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-----Original Message-----

From: Tracy
Sent: May 22, 2019 4:36 PM
To: Christopher Garrish <cgarrish@rdos.bc.ca>; Karla Kozakevich <kkozakevich@rdos.bc.ca>
Cc:
Subject: Cannabis bylaw

Good afternoon. I have read the report on proposed revisions to bylaws micro production being considered tomorrow.

I am disappointed that the recommendation re nuisances (smell from these production facilities) are not being considered in these bylaws as they may be difficult to monitor or enforce. Many good public policies or laws that protect people have been enacted even though they are not simple to enforce. Public space smoking comes to mind. I would expect more concern for this issue for the residents that within winds (up to 5 km reported in other jurisdictions). If I was visiting a winery and this blew past me. I would likely question whether or not to return to the area.

Our proposed solution of increasing the size of the land from 2 to 4 hectares without changing the set back from property boundaries does little to effect a greater barrier in the transmission of the smell. I would expect a doubling of the setbacks if you truly want to make a change that may improve the smell nuisance.

I look forward to a public hearing where more information can be provided to all residents re the issues.



From: [REDACTED]
To: [Christopher Garrish](#)
Subject: Naramata Grow Op
Date: April 27, 2019 6:36:52 PM

Hello Chris,

As a resident of Naramata, I would like to add my concerns to the Marijuana grow facility that has been proposed on Arawana Road.

I am hopeful that the applicants desire to put in a concrete floor is enough to stop this proposal. The regulations seem to allow for the use on a soil base and that a cement pad requires a variance. Will there be an opportunity for the public to speak to this matter when it come up for approval?

I want to add my voice to the overwhelming support of Naramata residents to stop this development.

Thank You
Ken & Susan Keir

[REDACTED]



RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2849 & 2858

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: Cheryl E. Poda

Signed By: Cheryl E. Poda

Agency: KANEEN IRRIGATION DISTRICT

Title: Financial Administrator

Date: July 1, 2019



RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2849

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: Cheryl E. Pella

Signed By: GERYD NALLA

Agency: Kaladan Irrigation District

Title: Administrator

Date: April 24, 2019





Interior Health
Every person matters

June 18, 2019

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

RE: File No. X2019.005-ZONE; Bylaw: 2849 & 2858

Thank you for the opportunity to provide comments for consideration regarding the above referenced application. It is our understanding that amendments are to be made to the Electoral Area Official Community Plan and Zoning Bylaw, to allow for the production of cannabis within specific areas. We have reviewed the application with a Healthy Communities Development and Healthy Food Systems lens. The following comments are noted and should be given consideration regarding cannabis production facilities:

Healthy Communities Development

1. Location:

Industrial operations are expected to follow best practices for protecting the environment and public health. Best practices, however, may not be adequate to contain all odors from the operation. As such, proximity and impact on adjacent land uses need to be considered:

- proximity to residences and schools
- The size and configuration of the property, including access to the property
- Proposed scale of the production facility and accessory usage
- Potential noise, glare and vibration issues
- Air quality – prevailing winds, ventilation, odors

If development is NOT on a Community Drinking Water System and/or Community Waste Water Disposal (Sewer):

2. Drinking Water Supply:

The water supply system that services the facility may be subject to the approval and permitting requirements of the BC Drinking Water Protection Act and Regulation.

3. Waste Water Disposal:

Waste water generated by these operations is not considered "domestic sewage." Domestic Sewage would include washroom, food preparation, dishwashing and showering waste. Interior Health enforces the BC Sewerage System Regulation.

Industrial Waste is managed by the Ministry of Environment, under the Environmental Waste Management Act, Municipal Sewerage Regulation.

Healthy Food System

Interior Health has an interest in protecting agricultural land for food production and increasing the capacity of local food systems to support food security. Food security is vital to the health and well-being of a community and is the foundation for healthy eating. Farmland preservation helps to maintain a level of food production that

Bus: 250-469-7070 x12287
tanya.osborne@interiorhealth.ca
www.interiorhealth.ca

POPULATION HEALTH
505 Doyle Avenue
Kelowna BC V1Y 0C5



contributes to food self-sufficiency, and food self-sufficiency supports healthy eating. Food self-sufficiency in BC is increasingly important as extreme weather will affect production in California, which is currently where 40%–50% of BC's supply of fruits and vegetables comes from.

The proposed amendment to bylaw No. 2849 appears to support food security and has the potential to preserve agriculture land for future food production by:

- prohibiting large-scale and indoor cannabis production facilities in all zones other than industrial
- not supporting the use of lands designated Agriculture (AG) for indoor cannabis production
- prohibiting indoor cannabis production in the ALR, unless the structure has a base consisting entirely of soil

The proposed amendment to Bylaw No. 2858 introducing "micro cannabis production facilities" as a permitted use in AG1, AG2 and AG3 zones does not appear to support preservation of agriculture land as per the specification that "a micro cannabis production facility shall be conducted within an enclosed building or structure". Therefore, it appears this amendment does not support capacity for future local food production nor food security.

Consider food security in cannabis production on Agricultural Land Reserve (ALR) lands. See the [Agricultural Land Commission](#) website for further information on regulatory requirements.

The legalization of cannabis presents both an opportunity and challenge for local governments in the development of healthy, vibrant communities. Interior Health – Healthy Communities welcomes the opportunity to collaborate with the Regional District of Okanagan-Similkameen around education and awareness efforts.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287.

Sincerely,



Tanya Osborne, BAHS
Community Health Facilitator
Healthy Communities
Interior Health Authority



Kristi Estergaard, RD
Public Health Dietitian
Healthy Communities
Interior Health Authority

From: ""
Sent: April 26, 2019 12:14 PM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Cc: Anarcanna MJ
Subject: Home Industry/Occupation & Cannabis Production

Hello Christopher,

My name is Jonathan Fernandes and I am with Green Amber Canada. We are a company that performs consulting for micro cannabis cultivation applications and also are close to receiving our own standard cannabis cultivation licence here in the Okanagan.

I was following up with you for one of our clients Terry Meyers, who is about to submit a micro application for a site in Osoyoos.

Terry highlighted me to the amendments proposed to your home industry by-law which would limit the use to only 200 square meters.

I wanted to provide you with some information to highlight why it is limiting for a micro cannabis cultivator to operate in this size space.

In addition to the space(area) allowed for micro cultivation found in Part 2 of the Cannabis regulations made under the Cannabis Act, Part 5 Good Production Practices (GPP) highlights many other applicable requirements to obtain a licence. Sections 80-88 highlight these other requirements that must be followed to receive a licence from Health Canada. They focus on storage, equipment, distribution, contamination, sanitation, processing, pest control and quality assurance. These other requirements need additional or ancillary space to conduct the necessary work.

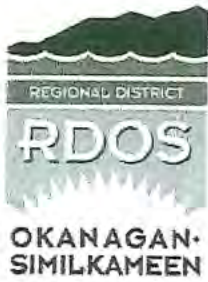
The 200 square metres that is described in Part 2 of the regulation only applies to canopy space for cultivation. Our team has submitted many applications and know from experience that if you limit the building size to what you are proposing, applicants will not be able to maximize the capacity of their allowable 200 square metres for cultivation. To maximize this space and to meet these requirements you would need at least an additional 1500-2000 square feet.

It would be beneficial if we could speak with those in the RDOS who are working on this by-law to show them that additional space is needed for these requirements. Some of these requirements could almost take up the original 200 square metres alone.

Please let me know if you or relevant staff have time to discuss.

Thank you for your time,
Jonathan Fernandes
Green Amber Canada





Feedback Form

RECEIVED
Regional District

AUG 23 2019

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: Mr. Michael Coton (please print)
Street Address:

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

Please inform ALR that their regulations permitting cannabis on ALR land in ANY fashion is unacceptable to Naramata citizens.

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 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.





Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: Cheryl + Ed Bingley
(please print)

Street Address: _____

RE: **Proposed Electoral Area Zoning Bylaw Amendments
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities**

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

We do not support it at this time simply because
we haven't had the opportunity to ask questions to
fully understand.

We look forward to doing so at an information mtg
and/or public hearing.

Feedback Forms must be completed and returned to the Regional District
no later than **April 26, 2019**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



From

Sent: April 26, 2019 2:57 PM

To: Christopher Garrish <cgarrish@rdos.bc.ca>

Subject: Arowana Proposed By-law Amendments

Hello Christopher. I understand you are the individual residents of Naramata are to correspond with regarding proposed by-law amendments being considered for Home Industry & Cannabis Growth.

My wife and I just recently heard the proposed shocking change to our beautiful residential area mixed with vineyards and orchards.

- 1) Can you comment on the possibility our property values will be negatively effected? If so, I am presuming our taxes will correspondingly reduce too. If not, why not? **I cannot comment.**
- 2) When the Federal Government first proposed changes to the Cannabis licensing and such, I recall reading the home Gro-ops would be a thing of the past and operations would be located in Industrial Park and similar locations away from residential areas. Has it changed? **I don't believe this was the case as the Agricultural Land Commission (ALC) advised in 2013, following the legalisation of medical cannabis production, that they considered this to be a "farm" use and something that local governments could not prohibit from occurring within the Agricultural Land Reserve (ALR).**
- 3) Can a cannabis operation be set up on the size of land currently being proposed? **Yes.**
- 4) Can I ask what assurances will be put in place to not have the odors which come from a Gro-op? There is or was a residential Gro-op just off Naramata Road and often when driving along, you could smell this awful odour which we suspected originated from this Cannabis gro-op. **This is something that is regulated by Health Canada as part of their approval process.**
- 5) Can I ask what assurances there will be for lighting pollution? **I am not sure what would constitute light pollution, but as you may be aware, agricultural producers in the ALR or on parcels zoned to allow for "agriculture" enjoy protection under the [Farm Practices Protection \(Right to Farm\) Act](#) for what are considered "normal farm practices".**
- 6) Will there be traffic all hours of the night? **Unknown.**
- 7) Will this be a sales outlet with increased traffic to our quiet community? **Unknown, however, such a use would require the approval of the provincial government through the LCRB. The AG1 Zoning that applies to most properties in the ALR in Electoral Area "E" does allow for retail sales of farm products.**
- 8) Is there the potential for increased theft or burglary in our community with there being another reason to attract the criminal element to our community? **Unknown.**
- 9) What sort of building and size is being proposed? What kind of lighting will be on 24 hours a day? Will it stick out like a sore thumb and not blend into our desirable residential community? **I am assuming that you are referring to the property at 2860 Arawana Road? If so, the applicant is applying for a "Micro-Cultivation" license through Health Canada, so will be limited to a growing area not exceeding 200 m². Please be advised that this property is not considered residential, but is zoned for Agriculture and is in the ALR.**



I rarely if ever have put my concerns and/or question as they pen to paper. So for me to write shows the high concern I have. My wife shares the same concerns, though respect I cannot speak for her.

Was there an open community meeting to hear what is being proposed and get feedback? If so, I am now beating myself up for missing out on hearing more facts and what my neighbours think how our community could be negatively changed for ever. There will no going back if this Cannabis operation is approved and goes forward. Actually I am shocked the Provincial and Regional governments would allow.

Looking forward to your response to my questions. I will agree, I have hastily put this email together after hearing today is the deadline to get comments in. I am not a religious person, but praying this proposal does not go forward.

Cheers, Colin Ballance

Naramata, BC



From: [Martin Au-Yeung](#)
To: [Christopher Garrish](#); alc.okanagan@gov.bc.ca; riccardo.peggi@gov.bc.ca; martin.collins@gov.bc.ca
Subject: Cannabis Operations at Arawana Road
Date: April 26, 2019 1:51:10 PM

I am going to provide my feedback on the proposed by-law amendments regarding Home Industry and Cannabis Grown in the RDOS (the District) based on my first-hand experience as an insurance professional. Like most residents in the community, I do not support the proposal. The risk is too big for the community to manage - just to name a few:


- Depending on the facility layout, cannabis growing operations are very hard to protect from the fire protection standpoint due to complex storage arrangement and intensive use of plastics in construction. Sometimes there is no practical way to protect such operations, but if solutions do exist, they would be complex and require strong water supply that is not available in a residential area. Large cannabis growing operations are mainly in industrial areas where infrastructures are available to handle associated fire protection.
- Extraction of active ingredients requires use of flammable solvents and present a significant fire hazard to a residential neighborhood.
- If the operation caught on fire in a hot, dry summer day, ambers could ignite forested areas nearby and pose a major forest fire exposure to the community.
- Fires at cannabis operations could happen as we learned from the incident in Squamish in a few months ago.

Cannabis business is not insurable by most commercial insurance carriers because of the above reasons. It makes no sense to me to have the entire community accept a risk that is not even acceptable to most insurance professionals.

Please consider our position.

Regards,

Martin Au-Yeung



From: Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>
Sent: March 25, 2019 11:17 AM
To: Planning <planning@rdos.bc.ca>
Subject: FW: Bylaw Referral X2019.005-ZONE

Lauri

Thank you for the referral.

The ALC has no objection to the proposed bylaw as noted on the attached.

Regards

Martin Collins
Director of Policy and Planning
Agricultural Land Commission
#201, 4940 Canada Way, Burnaby, BC V5G 4K6
Phone: 604-660-2554
martin.collins@gov.bc.ca





June 25, 2019

File No: X2019.005-ZONE

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

Re: Bylaw Referral – File No. X2019.005-ZONE

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the bylaw referral X2019.005-ZONE (Home Occupation Industry & Cannabis Zoning) regarding Bylaw No. 2849 and 2858 for the South Okanagan Electoral Areas. I have reviewed the documentation you have provided. From an agricultural perspective I can offer the following comments:

- Ministry staff note that as per our previous recommendation that “cannabis production, outdoor” has been added to the definition of agriculture.
- The Strengthening Farming team has identified the definition of agriculture to be problematic with respect to processing as it prohibits processing of farm products in the Agricultural Land Reserve (ALR). As per Section 11(2) of the *ALR Use Regulation*, processing is a permitted farm use in the ALR if at least 50% of the farm product is produced on the agricultural land on which the farm product is produced.
- Ministry staff support the proposed inclusion of cannabis production as a permitted use in the Regional District’s Electoral Area General Industrial Zones.
- It appears the proposed changes with respect to cannabis are partially consistent with the *ALR Use Regulations*. The proposed changes are consistent with Section 8(1) but by banning the indoor cannabis production in the ALR (notably, the concrete bottomed industrial style) the RDOS may have also inadvertently banned the production methods as listed in Section 8(2) of the *ALR Regulations* with respect to grandfathering of existing structures.
- The Ministry’s Guide for Bylaw Development in Farming Areas provides a maximum setback for greenhouses as 4.5m from interior side and rear lot lines and 7.5m from front and exterior side lot lines. The proposed bylaw has a 15.0m setback to lot lines. Given that this bylaw appears to be driven towards cannabis production these setbacks may be overly restrictive to greenhouses used in production of other crops that may not have the same odour concerns.



- Ministry staff also noted that there appears to be inconsistencies in the messaging between the RDOS website and the bylaw referral document. The website states: “to allow cannabis production as a form of “home industry” use but clarifying that it is not a permitted form of “home occupation” use”. The bylaw referral document states: “amend the general regulations of “home industry” and “home occupation” to make these consistent across Electoral Area zoning bylaws and, amongst other things, to:
 - Specifically exclude “cannabis production” as a type of these uses;”

If you have any questions please contact me directly at 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

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca



Feedback Form

RECEIVED
Regional District

AUG 28 2019

101 Martin Street
Penticton BC V2A 5J9

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2019.005-ZONE

FROM: Name: ROGER COWDELL
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2849
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2849.

THE RDOS SHOULD HAVE MORE CONTROL OVER
WHAT ACTIVITIES ARE ALLOWED HERE.
IT SEEMS BUSINESS ARE MORE IMPORTANT THAN
RESIDENTS INTERESTS

Feedback Forms must be completed and returned to the Regional District
no later than **September 6, 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.



From: jfernandes@okco.ca
To: [Christopher Garrish](#)
Cc: [Anarcanna MJ](#)
Subject: Home Industry/Occupation & Cannabis Production
Date: April 26, 2019 12:14:20 PM

Hello Christopher,

My name is Jonathan Fernandes and I am with Green Amber Canada. We are a company that performs consulting for micro cannabis cultivation applications and also are close to receiving our own standard cannabis cultivation licence here in the Okanagan.

I was following up with you for one of our clients Terry Meyers, who is about to submit a micro application for a site in Osoyoos.

Terry highlighted me to the amendments proposed to your home industry by-law which would limit the use to only 200 square meters.

I wanted to provide you with some information to highlight why it is limiting for a micro cannabis cultivator to operate in this size space.

In addition to the space(area) allowed for micro cultivation found in Part 2 of the Cannabis regulations made under the Cannabis Act, Part 5 Good Production Practices (GPP) highlights many other applicable requirements to obtain a licence. Sections 80-88 highlight these other requirements that must be followed to receive a licence from Health Canada. They focus on storage, equipment, distribution, contamination, sanitation, processing, pest control and quality assurance. These other requirements need additional or ancillary space to conduct the necessary work.

The 200 square metres that is described in Part 2 of the regulation only applies to canopy space for cultivation. Our team has submitted many applications and know from experience that if you limit the building size to what you are proposing, applicants will not be able to maximize the capacity of their allowable 200 square metres for cultivation. To maximize this space and to meet these requirements you would need at least an additional 1500-2000 square feet.

It would be beneficial if we could speak with those in the RDOS who are working on this by-law to show them that additional space is needed for these requirements. Some of these requirements could almost take up the original 200 square metres alone.

Please let me know if you or relevant staff have time to discuss.

Thank you for your time,



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Hillside Development Permit Area Update – Electoral Area “D”

Administrative Recommendation:

THAT Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted;

AND THAT Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw be read a third time and adopted.

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.

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.

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.

At its meeting of October 3, 2019, the RDOS Board approved first and second readings of Amendment Bylaw No. 2603.02, 2019, and Bylaw No. 2500.03, 2019, and directed that a public hearing be scheduled for November 7, 2019.

At its meeting of October 17, 2019, the Board directed that a public hearing be scheduled for November 21, 2019.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal does not involve an amendment to a zoning bylaw.

All agency comments that have been received are included as a separate item on the Board Agenda.

Analysis:

Administration is supportive of the following proposed amendments to the Hillside DP Area as these will, amongst other things:

- clarify the purpose of the development permit by designating it solely in relation to the “protection of development from hazardous conditions” and not “the protection of the natural environment, its ecosystems and biological diversity” (as this latter consideration is addressed through the Regional District’s Environmentally Sensitive Development Permit Area);
- apply the development permit only to subdivision applications and no longer to building permit applications or the disturbance of soils;
- simplify the guidelines used to assess development proposals by limiting these to aspects of subdivision (i.e. the creation of a suitable “useable area” on each proposed parcel);
- incorporate all application requirements into the Development Procedures Bylaw No. 2500, 2011, which is consistent with other development permit area designations;
- correcting the mapping that delineates the development permit area so that it generally applies to areas that comprise slopes; and
- clarify the appeal procedures for a delegated decision made by the CAO, or their delegate.

Alternatives:

- .1 THAT first and second reading of Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, and Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be rescinded and the bylaws abandoned; OR
- .2 THAT first and second reading of Amendment Bylaw No. 2500.03, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, and Amendment Bylaw 2603.02, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be deferred.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed By:



B. Dollevoet, G.M. of Development Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2603.02, 2019

**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 m² 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.

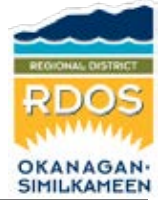
Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

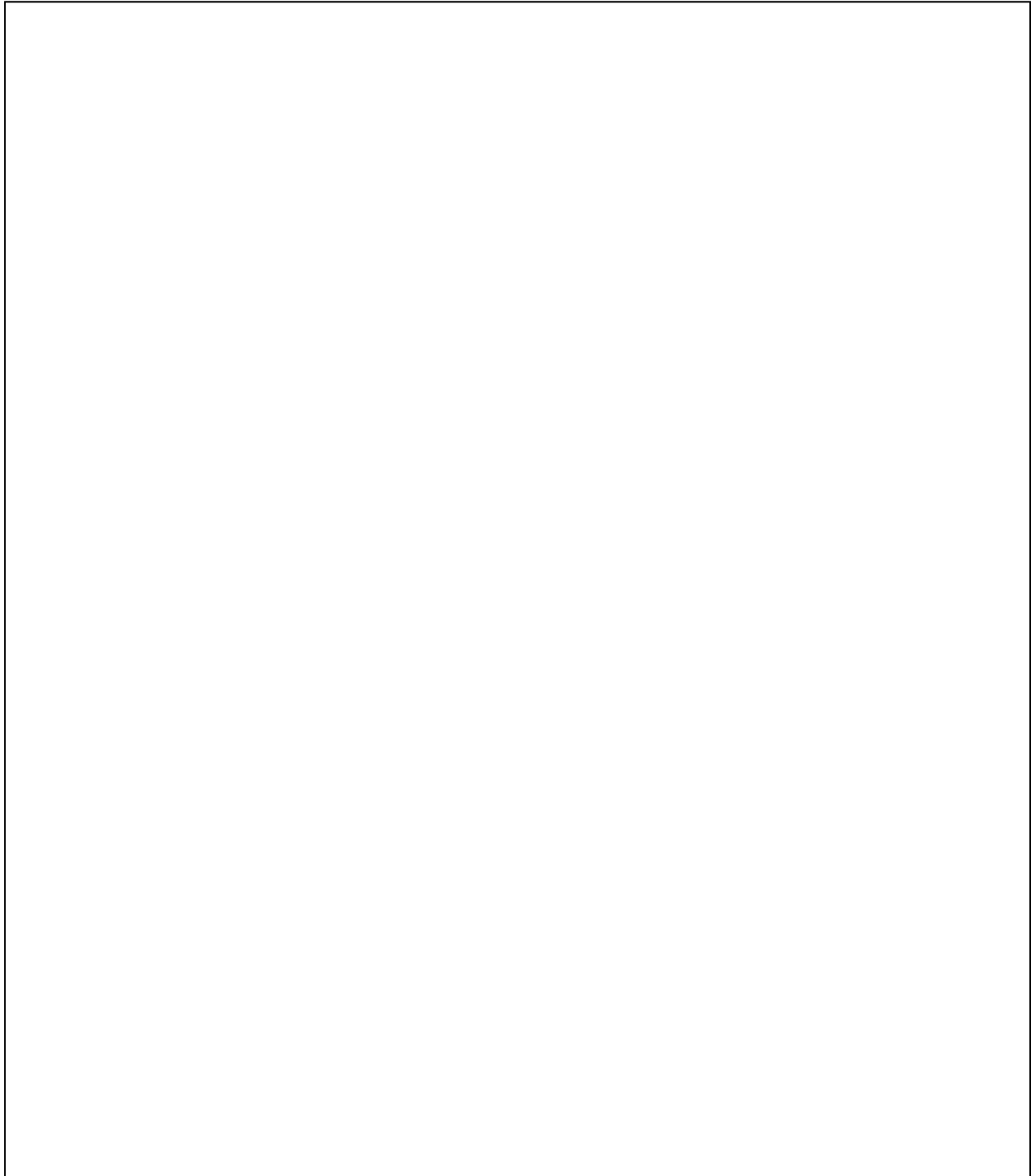
Telephone: 250-492-0237 Email: info@rdos.bc.ca

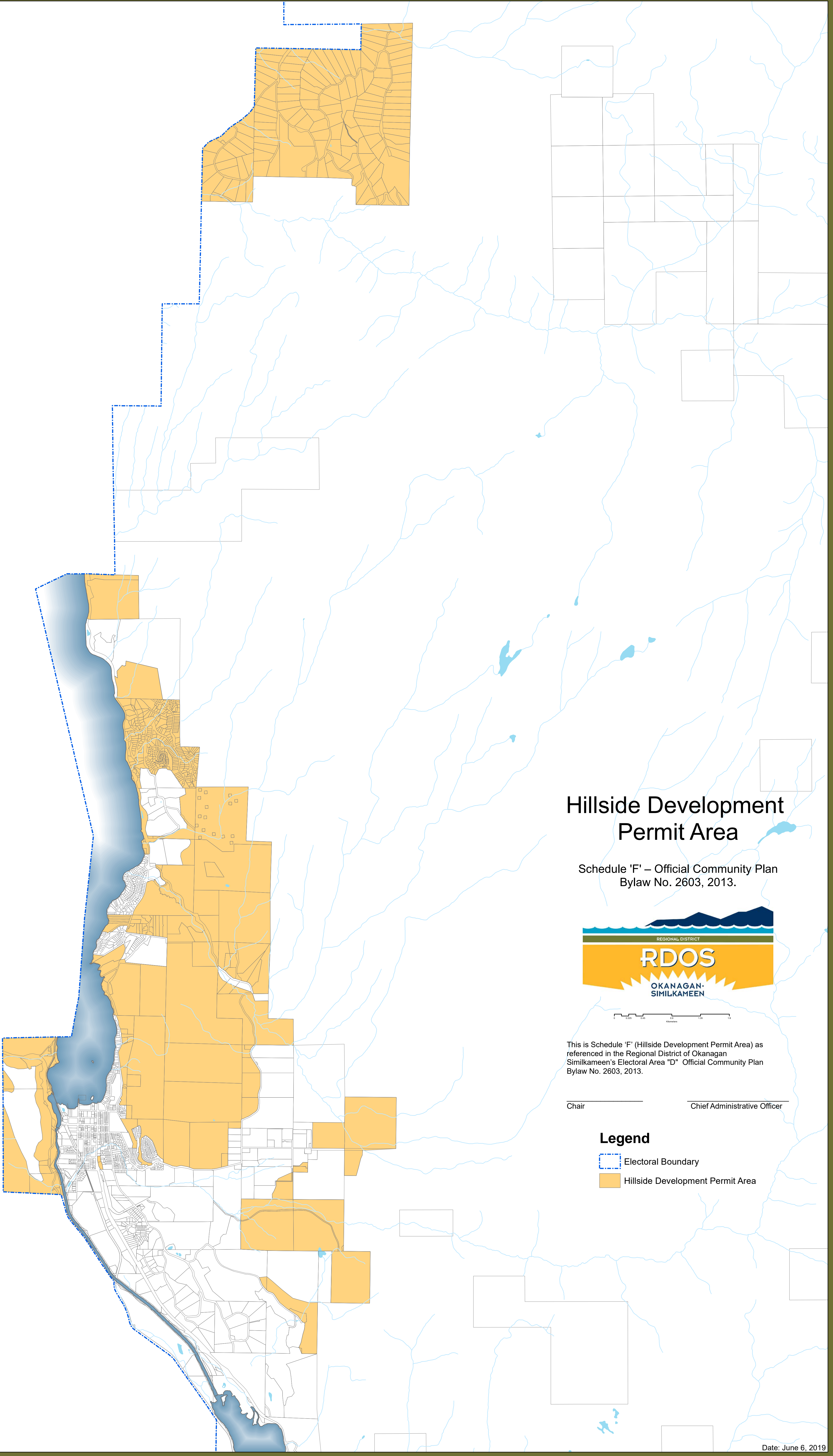


Amendment Bylaw No. 2603.02, 2019

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



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.03, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

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 m² in area; and
 - b) in 2.0 metre contour intervals on parcels greater than 2,000 m² 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

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](#)

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

Generic Email: 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

Signed By: _____

SUBRA PALIAPPA

Agency: _____

SD # 53

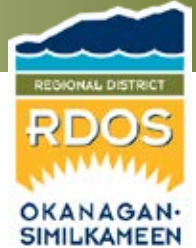
Title: _____

SECRETARY TREASURER

Date: _____

24th JUNE 2019

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.36, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a third time, as amended, and adopted.

Purpose: To amend the front and rear parcel line setbacks for 18 parcels on the west side of Workman Place
Owners: [various] Agent: Not applicable Folio: [various]
Civic: Workman Place, Naramata Legal: [various]
Zoning: Residential Single Family One (RS1) Proposed Zoning: Residential Single Family One Site Specific (RS1s)

Purpose:

The purpose of the proposed amendment to the zoning bylaw is to adjust the front and rear setbacks applied to 18 parcels situated on the west side of Workman Place in Naramata.

At issue is the design of the parcels, which were created by subdivision in 2017, and the presence of significant fill as well as a slope on a majority of the lots which has prompted previous requests to the Board to reduce the front setback in order to allow for a suitable building envelope for new construction.

Rather than continue to deal with such requests on an ad hoc basis, and to ensure a consistent and equitable building line is provided on each parcel, the Board previously directed that the zoning applied to this area be changed to allow each parcel to have a reduced front setback of 4.5 metres.

Site Context:

The subject properties are situated on the west side of Workman Place in Naramata, are bounded by the former Kettle Valley Railway right-of-way along their rear (western) parcel line and are approximately 1,000 m² in area.

Background:

At its meeting of October 18, 2018, the Board resolved to direct staff to create “a site specific zone for Workman Place that would reduce the front parcel line setback and accordingly, increase the rear parcel line setback and bring this proposed zone to the Board, after consultation with owners.

Affected property owners and adjacent residents were notified in writing of the proposed amendments on September 13, 2019, and, on October 2, 2019, a public information meeting was at the Old Age Pensioners Hall in Naramata and was attended by approximately six (6) persons.

At its meeting of October 17, 2019, the Regional District Board approved first and second reading of the amendment bylaw and directed that a public hearing occur ahead of its meeting of November 21, 2019.

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 97).

All agency comments that have been received are included as a separate item on the Board Agenda.

Analysis:

Further to the direction provided by the Board at its meeting of October 18, 2019, the proposed site specific provision will provide a reduced front parcel line setback of 4.5 metres and increased rear parcel line setback of 10.5 metres for 18 properties on the west side of Workman Place in Naramata.

With regard to the proposed amendment to the bylaw that is being proposed, this is in relation to the property owner of 2583 Workman Place requesting that their property not be included in the amendment bylaw.

This parcel is situated at the north end of the properties that are the subject of this amendment bylaw and its removal from the bylaw is unlikely to adversely impact streetscape characteristics on this road.

Alternatives:

1. THAT first and second reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.36, 2019, be rescinded and the bylaw abandoned.
2. THAT third reading of the Electoral Area "E" Zoning Amendment Bylaw No. 2459.36, 2019, be deferred.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed By:



B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Site Photo

Attachment No. 1 – Site Photo (Realtor.ca)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.36, 2019

A Bylaw to amend the Electoral Area "E" Zoning Bylaw No. 2459, 2008

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 "E" Zoning Amendment Bylaw No. 2459.36, 2019."
2. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) adding a new Section 17.8.9 (Site Specific Residential Single Family One (RS1s) Provisions) under Section 17.0 (Site Specific Designations) to read as follows:
 - .1 In the case of land shown shaded yellow on Figure 17.8.9:
 - a) despite Section 11.1.6(a)(i), the minimum front parcel line setback for a principal building shall be 4.5 metres.
 - b) despite Section 11.1.6(a)(ii), the minimum rear parcel line setback for a principal building shall be 10.5 metres.
 - c) despite Section 11.1.6(b)(i), the minimum front parcel line setback for an accessory building or structure shall be 4.5 metres.
 - d) despite Section 11.1.6(b)(ii), the minimum front parcel line setback for an accessory building or structure shall be 10.5 metres.

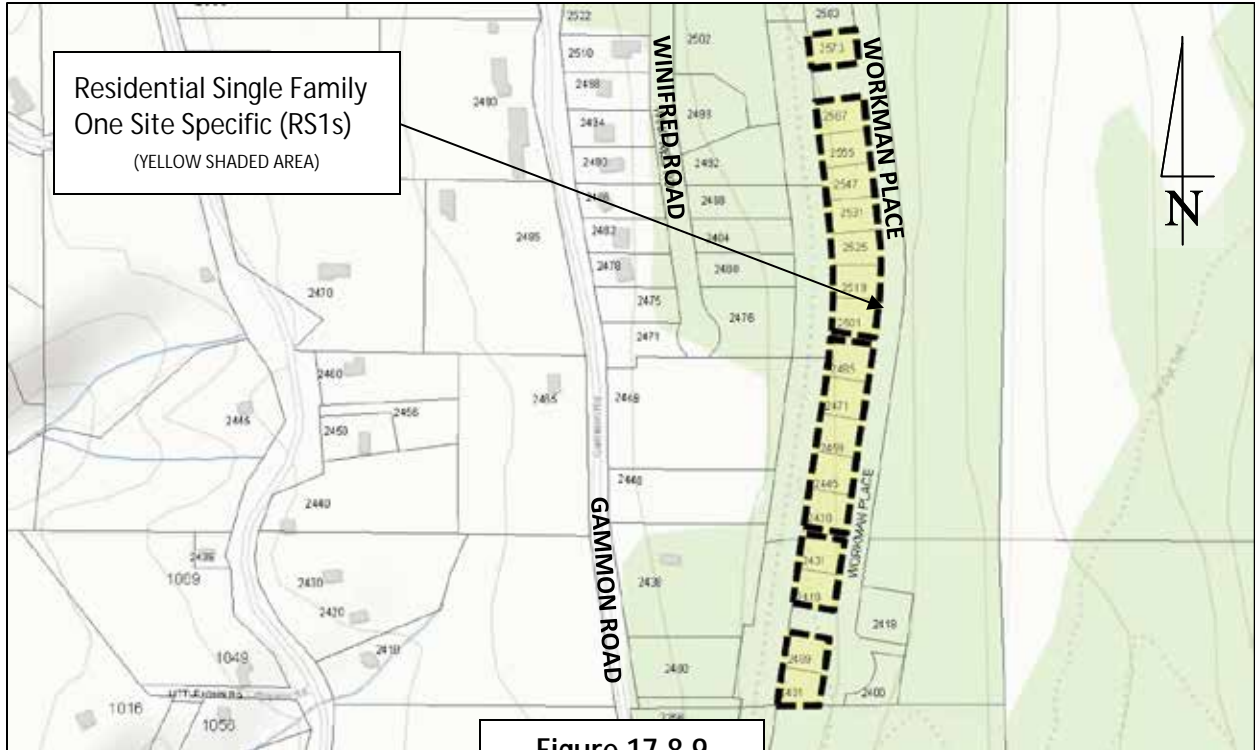


Figure 17.8.9

- The Official Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by changing the land use designation on the land shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Residential Single Family One (RS1) to Residential Single Family One Site Specific (RS1s).

READ A FIRST AND SECOND TIME this 17th day of October, 2019.

PUBLIC HEARING held on this 21st day of November, 2019.

READ A THIRD TIME, AS AMENDED, this ____ day of _____, 2019.

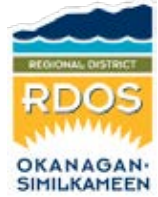
ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

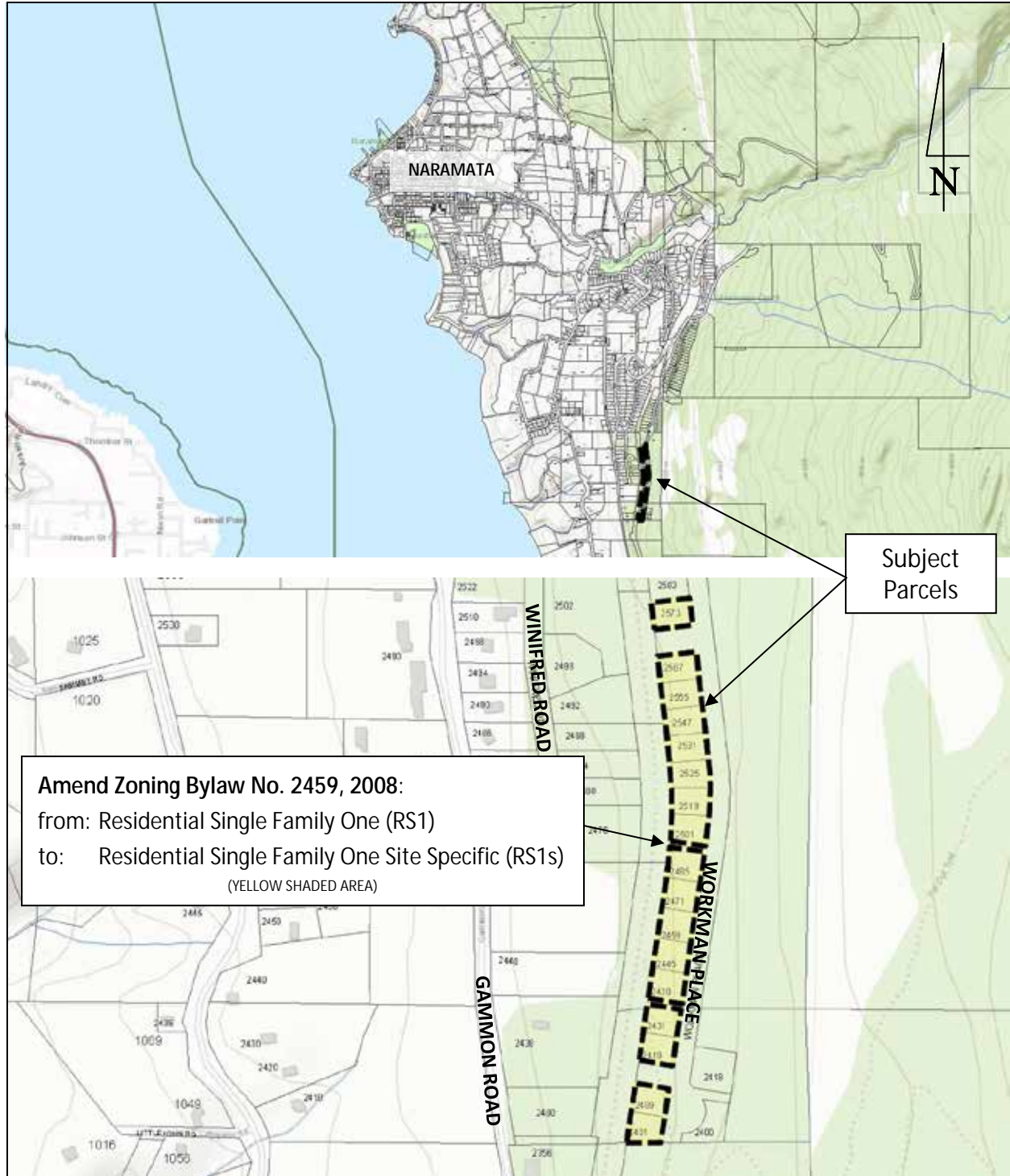
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.36, 2019

File No. E2019.012-ZONE

Schedule 'A'



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: September 17, 2019 5:35 PM
To: Planning
Subject: Workman PI, 2401-2583 (E2019_012-Zone)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities within Workman Place. Future applicants seeking land use changes stemming from the proposed bylaw amendments are responsible for costs associated with any change to the existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com



Lauri Feindell

Subject: FW: Response - Doppler (2019-09-28)
Attachments: Response - Bernd Doppler (2019-09-28).pdf

From: Bernd Doppler <[_____](#)>
Sent: September 28, 2019 12:10 AM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Workman - Place Proposed Rezoning

Dear Mr. Garrish,

After receiving your letter of 13 September 2009 on 23 September 2009, I would like to inform you that I welcome the change and agree with the decision.

I am in Austria and can not attend an announced public information meeting.

I would be pleased to receive written information about the results of the meeting.
Would it be possible for you to send a 1: 100 plan on my property (Phase 2, Lot 5) or tell me from which authority I could get such a plan?

Sincerely and thank you in advance
Bernd Doppler

Lauri Feindell

Subject: FW: Response Schmid (2019-09-30)
Attachments: Grundbucheintrag State of Title Certificate.pdf

From: Christian Schmid <
Sent: September 27, 2019 5:56 AM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Workman Place

Dear Mr. Garrish,

having received your letter of September 13,2019 on September 23,2019, I want to send you my comment:

I enclose the first two pages of the „state of title certificate“ of the land title office in order to prove my legitimation for Lots 8 and 9.

I can not join the announced public information meeting. Nevertheless I am pleased to express a positiv comment to the planned rezoning project. Reducing the building setbacks will allow me to build much closer to my property line.

I would be glad getting informed about the results of the meeting.

Greetings from the Lake of Constance, Austria to Lake Okanagan

Mag. Christian Schmid



Lauri Feindell

Subject: FW: Response Bischoff-Fuchs (2019-09-30)
Attachments: S22C-6e19092708070.pdf

From: Bischof-Fuchs Mag. Christine <
Sent: September 27, 2019 12:02 AM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Workman Place

Dear Mr. Garrish,

having received your letter of September 13,2019 on September 23,2019, I want to send you my comment:

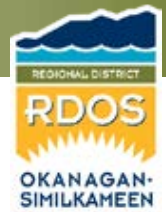
I enclose the first two pages of the „state of title certificate“ of the land title office in order to prove my legitimation.

I live too far away to join the announced public information meeting. Nevertheless I am pleased to express a positiv comment to the planned rezoning project. Reducing the building setbacks will allow me to build much closer to my property line.

I would be glad getting informed about the results of the meeting.

Sincerely
Christine Bischof-Fuchs

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Early Termination of Land Use Contract No. LU-9-D – Electoral Area “I”

Administrative Recommendation:

THAT the following bylaws be read a third time and adopted:

- 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.
-

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 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).

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.

On November 28, 2018, a Public Information Meeting (PIM) regarding the proposed "Early Termination" of the LUC No. LU-9-D 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.

At its meeting of October 3, 2019, the RDOS Board approved first and second readings of Amendment Bylaw No. 2603.02, 2019, and Bylaw No. 2500.03, 2019, and directed that a public hearing be scheduled for November 7, 2019.

At its meeting of October 17, 2019, the Board directed that a public hearing be scheduled for November 21, 2019.

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).

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*.

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 property as included in the 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. 1 & 2.

Alternatives:

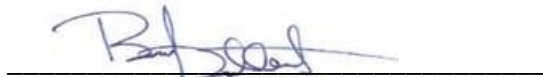
- .1 THAT first and second reading of Bylaw No. 2683.03, 2019, Electoral Area “I” Official Community Plan Amendment Bylaw; Bylaw No. 2457.28, 2019, Electoral Area “I” Land Use Contract LU-9-D Termination and Zoning Amendment Bylaw; and Bylaw No. 2457.29, 2019, Electoral Area “I” Land Use Contract LU-9-D Discharge and Zoning Amendment Bylaw be rescinded and the bylaws abandoned; OR
- .2 THAT third reading of 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 be deferred.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Summary comparison of LU-9-D & Proposed SH5 Zone
No. 2 – Summary comparison of LU-9-D & Proposed CD4 Zone

Attachment No. 2 – Summary Comparison of LU-9-D vs. SH5 Zone

Land Use Contract No. LU-9-D	SH5 Zone
<p>Permitted Uses: <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>Permitted Uses: <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>Minimum Parcel Size: Not applicable</p>	<p>Minimum Parcel Size: 2,000 m²</p>
<p>Minimum Parcel Width: Not applicable</p>	<p>Minimum Parcel Width: Not less than 25% of the parcel depth</p>
<p>Maximum Number of Dwellings per Parcel: 7 dwelling units (Lot 20); 4 dwelling units (Lot 19 - west); and 10 dwelling units & lodge (Lot 19 –east).</p>	<p>Maximum Number of Dwellings per Parcel: one (1) dwelling per parcel; and one (1) secondary suite.</p>
<p>Minimum Setbacks: 10 feet above the high water mark of Twin Lake.</p>	<p>Minimum Setbacks: 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>Maximum Height: Not applicable</p>	<p>Maximum Height: 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>Maximum Parcel Coverage: Not applicable</p>	<p>Maximum Parcel Coverage: 35%</p>

Attachment No. 3 – Summary Comparison of LU-9-D vs. CD4 Zone

Land Use Contract No. LU-9-D	CD4 Zone
<p>Permitted Uses: <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>Permitted Uses: <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>Minimum Parcel Size: Not applicable</p>	<p>Minimum Parcel Size: 4.0 ha</p>
<p>Minimum Parcel Width: Not applicable</p>	<p>Minimum Parcel Width: Not less than 25% of the parcel depth</p>
<p>Maximum Number of Dwellings Per Parcel: 7 dwelling units (Lot 20).</p>	<p>Maximum Number of Dwellings Per Parcel: 7 principal dwelling units.</p>
<p>Minimum Setbacks: 10 feet above the high water mark of Twin Lake.</p>	<p>Minimum Setbacks: 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>Maximum Height: Not applicable</p>	<p>Maximum Height: 10.0 metres (principal buildings & structures); 4.5 metres (accessory buildings & structures)</p>
<p>Maximum Parcel Coverage: Not applicable</p>	<p>Maximum Parcel Coverage: 35%</p>
<p>Minimum Building Width: Not applicable</p>	<p>Minimum Building Width: Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.</p>

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 3rd day of October, 2019.

PUBLIC HEARING held on this 21st day of November, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

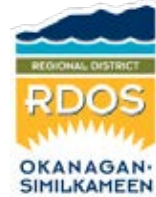
ADOPTED this ____ day of _____, 2019.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

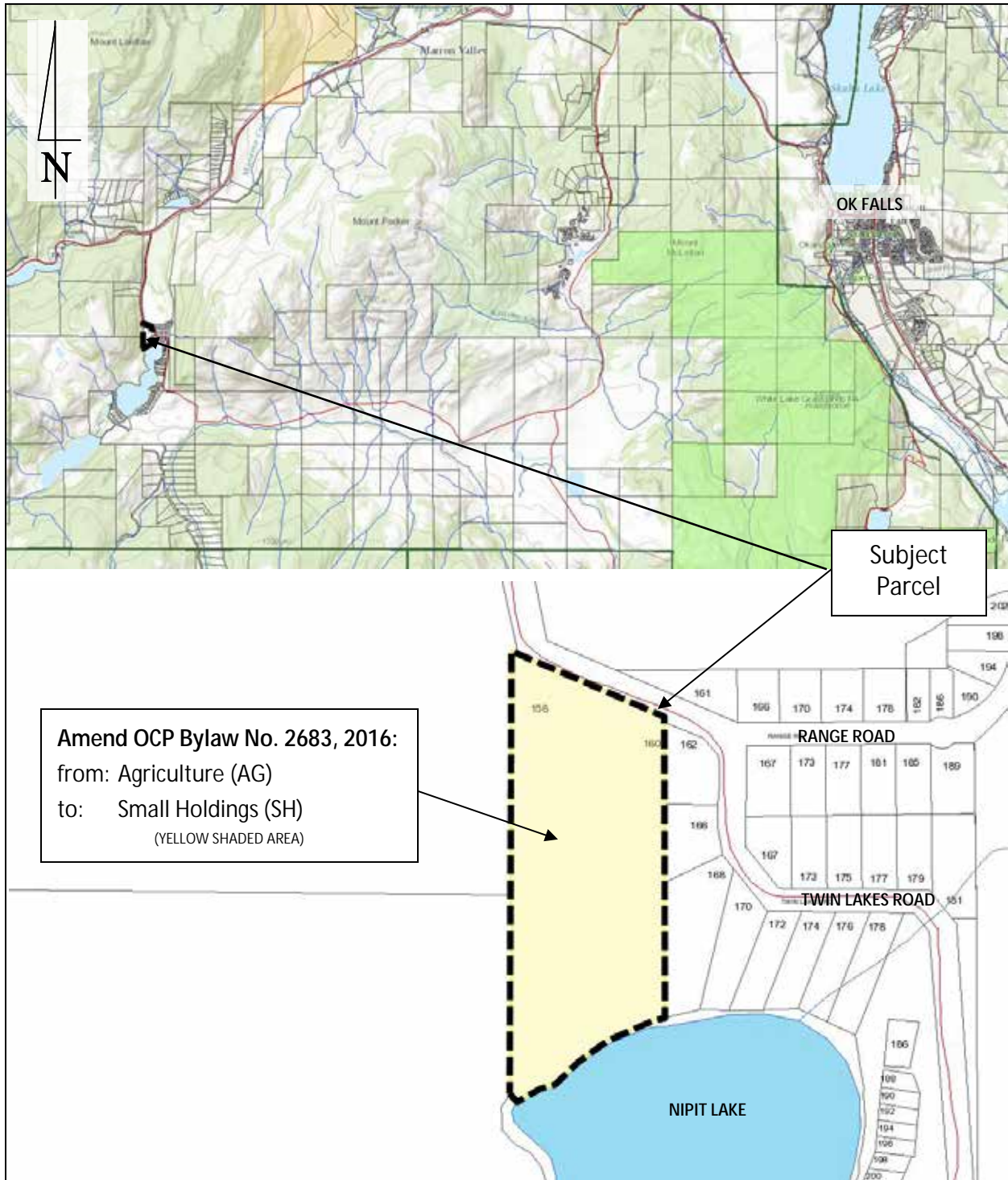
101 Martin St, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2683.03, 2019

Project No: I2018.174-ZONE

Schedule 'A'



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 m², 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 3rd day of October, 2019.

PUBLIC HEARING held on this 21st day of November, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

ADOPTED this ____ day of _____, 2019.

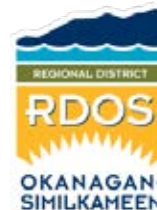
Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

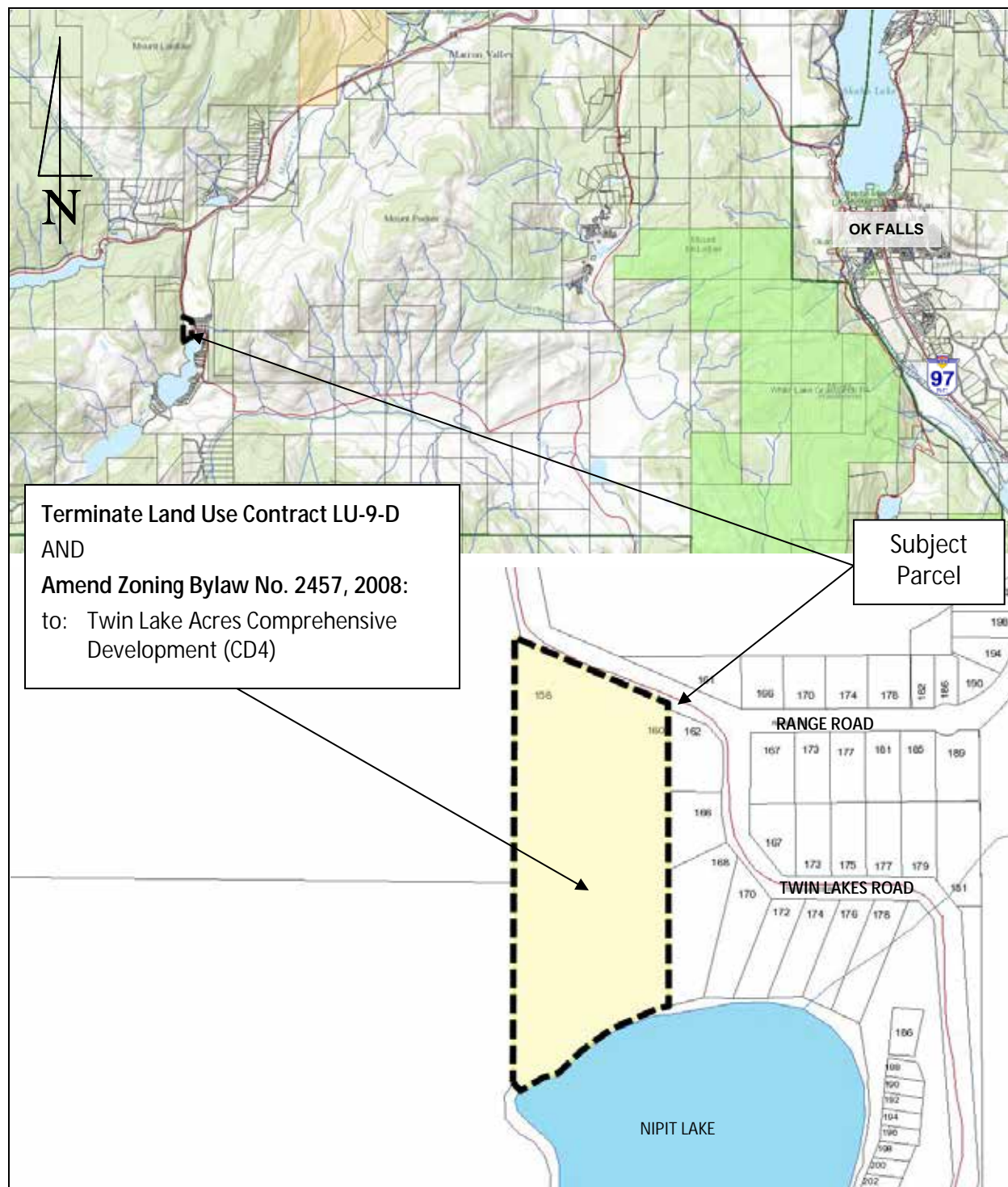
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.28, 2019

File No. I2018.174-ZONE

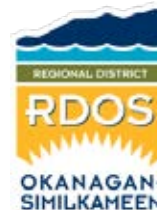
Schedule 'A'



Regional District of Okanagan-Similkameen

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

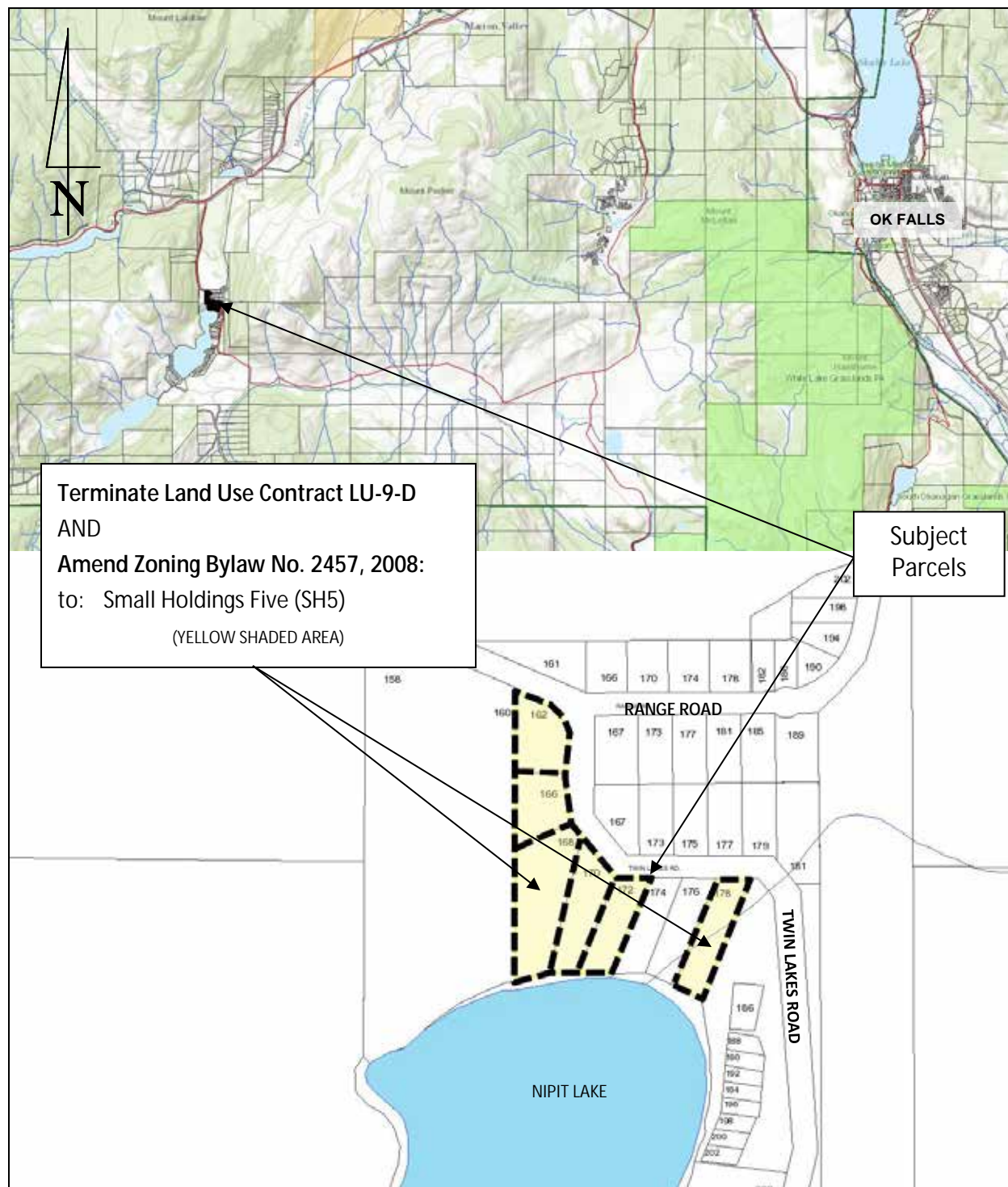
Telephone: 250-492-0237 Email: info@rdos.bc.ca



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 3rd day of October, 2019.

PUBLIC HEARING held on this 21st day of November, 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

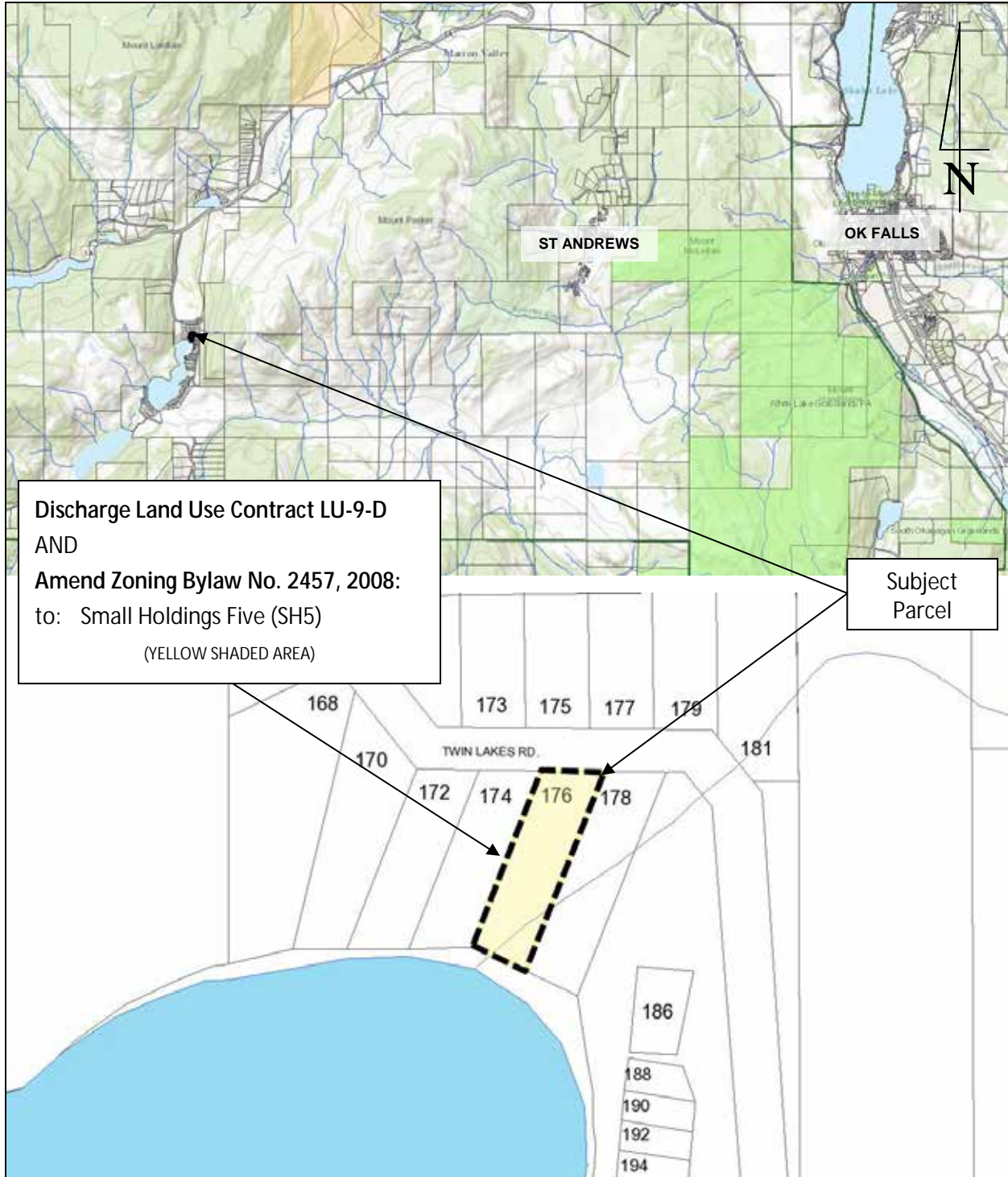
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.29, 2019

File No. I2018.174-ZONE

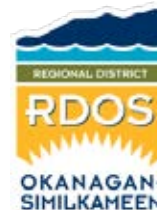
Schedule 'A'



Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 Email: info@rdos.bc.ca



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:

Lauri Feindell

Subject: FW: Feedback Form file 12018.174-Zone

Sent: September 19, 2019 9:01 PM
To: Planning <planning@rdos.bc.ca>
Cc: Subrina Monteith <smonteith@rdos.bc.ca>
Subject: Feedback Form file 12018.174-Zone

To the RDOS Planning Department,

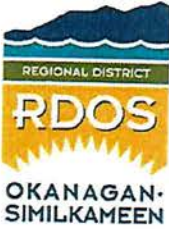
Aiken S Ranches LTD are responding to the Early Termination of Land Use Contract No.LU-9-D with the attached form.

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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Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: 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 1st 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.



RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2683.03 & 2457.28/ .29


- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Below
- Interests Unaffected by Bylaw
- 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





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

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 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
Email copy: ALC Regional Planner, 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 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.

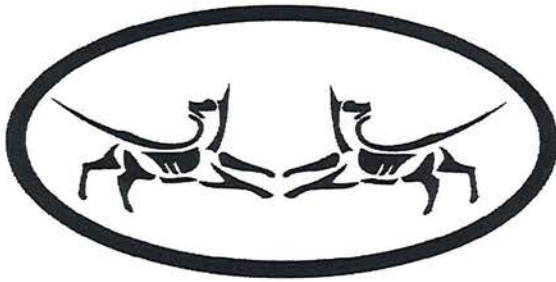
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

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.

Limləmt,

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.

¹The 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)

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 | cgarrish@rdos.bc.ca | [FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)

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From: Audet, Clare <Clare.Audet@interiorhealth.ca>

Sent: December 6, 2018 4:33 PM

To: Christopher Garrish <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

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

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 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
Email copy: ALC Regional Planner, 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: _____

Martin Collins

Signed By: _____

Martin Collins

Agency: ALC

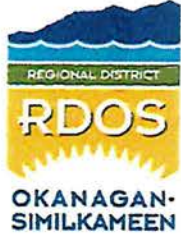
Title: Director of Policy and Planning

Date: November 28, 2018



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

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 1st reading of Amendment Bylaw No. 2457.28.

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: November 21, 2019
RE: Development Procedures Bylaw Updated – Subdivision Referrals

Administrative Recommendation:

THAT Amendment Bylaw No. 2500.11, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw Updated, be read a first, second and third time and adopted.

Purpose:

The purpose of Amendment Bylaw 2500.11, 2019, is to introduce application requirements and processing procedures related to subdivision proposals referred by the Ministry of Transportation and Infrastructure (MoTI) to the Regional District for review against applicable bylaws.

Background:

Under Section 77.1 of the *Land Title Act*, the Lieutenant Governor in Council may authorize a regional district board to appoint a person as an approving officer for the rural area of the regional district for the purpose of approving subdivisions.

If an approving officer is not appointed under section 77.1 for a rural area, the approving officer(s) for the area is to be appointed by the Lieutenant Governor in Council.

For the rural areas within the Regional District of Okanagan-Similkameen (RDOS), the Lieutenant Governor in Council has appointed an approving officer, and all applications for subdivision within the RDOS are to be submitted to the Ministry of Transportation and Infrastructure (MoTI) for processing and consideration by this approving officer.

Under Section 87 (Local government matters to be considered) of the Act, the approving officer must consider a plan of subdivision against all applicable regional district bylaws that regulate the subdivision of land, including zoning bylaws.

To facilitate this consideration, MoTI refers subdivision applications involving lands within the rural area to the RDOS for review against all applicable bylaws.

In turn, the RDOS provides an assessment to MoTI advising if a proposed subdivision complies with the applicable bylaws and, if not, what an applicant is required to do in order to achieve compliance.

At present, the RDOS's Development Procedures Bylaw is silent on the matter of subdivision referrals received from MoTI.

In the Spring of 2018, the RDOS underwent an organization review which resulted in the subdivision service being transferred from the department of Public Works to Development Services.

At its meeting of October 18, 2018, the Planning and Development (P&D) Committee of the Board considered a report that provided an update on implementation of the recommendations from a subdivision "Kaizen" completed by the organization in 2017.

An outstanding recommendation highlighted in this report was the need to draft new procedures to be included in the Development Procedure Bylaw for processing Subdivision referrals.

Development Services staff formally began to process subdivision referrals from MoTI in September of 2018, and have handled approximately 20 files in that time. It is this experience that has informed the recommended amendments to the Development Procedures Bylaw contained within this report.

Analysis:

The purpose of the proposed amendments to the Development Procedures Bylaw are to establish clear and identifiable requirements that will facilitate the assessment of subdivision referrals by Administration.

This includes requiring the preparation of plans by a British Columbia Land Surveyor (BCLS), including the provision of digital Computer-Aided Design (CAD) files to facilitate, amongst other things, the calculation of minimum parcel width and depth requirements and minimum useable area and cross-referencing against floodplain, development permit and other Regional District mapping layers.

The notification to the applicable Electoral Area Director(s) is also being formalized as a step in the processing procedures.

In order to ensure that referral comments are generally provided to MoTI within 4 weeks of receipt of a referral by the Regional District, the previous practice of requiring payment by an applicant of applicable RDOS fees prior to the commencement of a review has been removed.

In its place, Administration is proposing that applicant's be advised of all required fees as part of the assessment process with the issuance of a "Letter of Compliance" being dependent upon these fees being paid.

It is also being proposed that any comments provided by the Regional District to MoTI in the form of a "Subdivision Review Report" be valid for an 18 month period from the date of issuance (with an option for a renewal of the comments in the Report for a further 12 months).

This provision is being proposed as the comments contained in a Subdivision Review Report are a snapshot in time and are subject to becoming outdated as a result of amendments being undertaken to the Regional District's various land use bylaws.


Alternatives:

THAT Bylaw No. 2500.11, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw Updated, not be read a first time.

Respectfully submitted:


C. Garrish, Planning Manager

Endorsed by:


B. Dollevoet, G.M. of Development Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.11, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

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. 2500.11, 2019."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) adding a new Section 1.2.7 under Section 1.0 (Title and Scope) to read as follows:
 - .7 an application to the Ministry of Transportation and Infrastructure (MoTI) to subdivide land or buildings.
 - (ii) adding a new Section 3.2.9 under Section 3.0 (General Regulations) to read as follows:
 - .9 An application to the Ministry of Transportation and Infrastructure (MoTI) to subdivide land or buildings requiring review for compliance with Regional District bylaws and policies shall be made and processed substantially as outlined in Schedule '10' of the bylaw.
 - (iii) adding a new Schedule 10 (Referral of a Ministry of Transportation and Infrastructure Subdivision Application) following Schedule 9 (Referral of a Liquor and Cannabis Regulations Branch Application) to read as follows:

SCHEDULE 10	REFERRAL OF A MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE SUBDIVISION APPLICATION
------------------------------	--

This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed.

1. Review Requirements

.1 State of Title Certificate

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

.2 Proposed Subdivision Plan

- (a) a proposed subdivision plan prepared by a BC Land Surveyor and drawn to scale shall be submitted to the Regional District and include the following (as applicable):
 - (i) north arrow and scale;
 - (ii) dimensions and area of all proposed parcels, including any areas of lands to be considered as dedicated parkland;
 - (iii) location of existing and proposed access roads and driveways;
 - (iv) location and dimensions of existing structures and setbacks (including projections and overhangs) to parcel lines and proposed road dedications;
 - (v) location and dimensions of existing rights-of-way, covenant areas and other easements;
 - (vi) location and dimensions of proposed rights-of-way, covenant areas and other easements (if any);
 - (vii) location of all existing community water and/or sewer lines and utilities;
 - (viii) minimum useable parcel area or not less than 200.0 m² on each proposed parcel as defined by the applicable Electoral Area zoning bylaw;
 - (ix) floodplain elevations as specified in the applicable Electoral Area zoning bylaw; and
 - (x) development permit area designations for the protection of the natural environment and for the protection of development from hazardous conditions.

.3 Digital Files

- (a) a digital file of the proposed subdivision plan prepared by a BC Land Surveyor shall be submitted to the Regional District in the form of a "shape", ".dwg" or similar Computer-Aided Design (CAD) format.

2. Processing Procedure

A Subdivision application referred to the Regional District of Okanagan-Similkameen (RDOS) by the Ministry of Transportation and Infrastructure (MoTI) will be processed as follows:

- .1 Upon receipt of an application referral from MoTI, the Regional District will open a file and Development Services staff will review the application referral to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .2 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.
- .3 Development Services staff will refer the application to all applicable Regional District departments for comment.
- .4 Development Services staff will notify the relevant Area Director(s) of an application.
- .5 The referral comments will then be incorporated into a Subdivision Review Report to the Chief Administrative Officer, or their delegate, identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws and/or any required amendment(s).
- .6 The Regional District will forward copies of the Subdivision Review Report to MoTI and the applicant. The Subdivision Review Report will outline the results of the evaluation identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws, and/or required amendment(s) and any required fees in accordance with the Regional District's Fees and Charges Bylaw.
- .7 Comments contained in the Subdivision Review Report are valid for 18 months from the date of issue. Renewal of comments contained in a Subdivision Review Report for up to an additional 12 month period is subject to the submission of a written request to the Regional District by the applicant and the payment of applicable renewal fees.
- .8 As any outstanding requirements are submitted by the applicant, the Regional District will verify that the conditions of the Subdivision Review Report have been satisfied.
- .9 If a Ministry condition of approval of a subdivision includes the requirement for the registration of a statutory covenant on title in which the Regional District is to be a named party, this document shall be prepared by the Regional District's solicitor, at the applicant's cost, and formally endorsed by the Regional District prior to registration.
- .10 Once all the requirements defined by the Regional District in the Subdivision Review Report have been satisfied by the applicant, the Regional District will

notify MoTI and the applicant through the issuance of a Letter of Compliance (LoC) that there are no outstanding issues within the scope of the RDOS review.

READ A FIRST TIME on the __ day of _____, 2019.

READ A SECOND TIME on the __ day of _____, 2019.

READ A THIRD TIME on the __ day of _____, 2019.

ADOPTED on the __ day of _____, 2019.

Board Chair

Corporate Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Housing Needs Report Grant Application

Administrative Recommendation:

THAT the RDOS submit a provincial grant application and provide overall grant management for undertaking a Housing Needs Report for Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', and 'I', the City of Penticton, the District of Summerland, and the Village of Keremeos.

Purpose:

The purpose of this report is to seek direction from the Board to apply for a provincial grant for a Housing Needs Report that includes all of the RDOS Electoral Areas, City of Penticton, District of Summerland and the Village of Keremeos.

Background:

On October 3, 2019, the RDOS Planning and Development Committee resolved 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 and the City of Penticton."

In support of this, the Council's of the District Summerland and Village of Keremeos subsequently passed resolutions that support the RDOS applying for, receiving, and managing grant funding on their behalf for completing a Regional Housing Needs report.

Administration is anticipating that the Council of the City of Penticton will pass a similar resolution at its meeting of November 19, 2019, and that a verbal update will be provided to the Board at its meeting of November 21, 2019 regarding this.

Reporting Requirements

On April 16, 2019, Bill 18 - 2018 came into effect and 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.

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.

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.

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. The next deadline for grant submissions is November 29, 2019.

Analysis:

Through research, including speaking with other regional districts on the matter, a number of local governments are undertaking a more collaborative regional approach in completing their housing needs reports for a variety of reasons. The benefits range from available grant funding and staffing efficiencies to creating a more comprehensive and regionally integrated study.

In speaking to staff from each of the municipalities, the City of Penticton, District of Summerland, and Village of Keremeos have each expressed support to be included in the grant application. The Town of Oliver and Town of Osoyoos have each expressed that they prefer to complete their own individual reports.

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

In summary, RDOS administration is prepared to submit a Regional Housing Needs Report grant application to meet the Province's November 29th deadline that includes all of the RDOS Electoral Areas, as well as the City of Penticton, District of Summerland, and Village of Keremeos.

Alternatives:

1. THAT the RDOS submit a provincial grant application and provide overall grant management for undertaking a Housing Needs Report, with the following participating local governments:
 - a) TBD
2. THAT the RDOS not submit a provincial grant application for undertaking a Housing Needs Report at this time.

Respectfully submitted:

Cory Labrecque

C. Labrecque, Planner II

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. of Dev. Services

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Pre-purchase of Sludge Dewatering Centrifuge Equipment for Okanagan Falls Wastewater Treatment Plant Solids Processing

Administrative Recommendation:

THAT the Regional District award the prepurchase of the centrifuge equipment, related appurtances and services for the Okanagan Falls Wastewater Treatment Plant Solids Processing project to Archer Separation Inc. (Haus Centrifuge Technologies) in the amount of up to \$150,580 + applicable taxes.

Purpose:

Due to the long supply and delivery time, the centrifuge equipment is being prepurchased for the solids processing upgrade at the Okanagan Falls Wastewater Treatment Plant.

Business Plan Objective:

Key Success Driver #3 – Build a Sustainable Region

Goal 3.3: To develop an environmentally sustainable region with Objective 3.3.2 by enhancing the Okanagan Falls Wastewater Treatment Plant

Reference:

November 4, 2019 AECOM Sludge Dewatering Centrifuge Equipment Supply Proposal Evaluation Letter of Recommendation

Background:

The Regional District owns and operates the Okanagan Falls Wastewater Treatment Plant (WWTP). The proposed solids upgrade project is funded from the Strategic Priorities Fund administered by the Union of British Columbia Municipalities (UBCM). The total grant received was \$2.06 million for all of the expenses associated with the engineering, procurement and construction of the new dewatering system.

The WWTP produces two thickened sludges that are stored in underground-aerated tanks before being trucked to the Penticton Advanced Wastewater Treatment Plant (AWWTP) for further dewatering and processing. About 4 to 6 truckloads of sludge are taken to the Penticton AWWTP each week. This equates to an annual cost for hauling and processing of about \$180,000. With the addition of the dewatering at the WWTP, these hauling and processing costs will substantially decrease.

The purchase of the centrifuge is the main component for dewatering and can have a significant supply and delivery time. Therefore an RFP was released to prepurchase the centrifuge rather than leave the centrifuge purchase to the general contractor. The construction of the solids processing facility is expected to start in early 2020.

Analysis:

The Request for Proposals (RFP) generated receipt of 2 manufacturers submitting proposals: Mequipco Ltd. (Andritz Separation Technologies Inc.) and Archer Separation Inc. (Haus Centrifuge Technologies). An evaluation was conducted on both proposals to assess their benefit to the RDOS.

A team of RDOS staff and AECOM analyzed the proposals and considered the available options for acceptance. Evaluation of the proposals was based on non-economic and economic criteria including quality of the local technical representatives, level of service, successful operation and past service performance. They were also evaluated on their technical and commercial terms and the ability to meet the schedule.

The evaluation of the 2 proposals resulted in the Archer proposal scoring the highest overall with the lowest economic cost. The Andritz proposal came in over the RDOS \$200,000 budget.

The following table provides the fee breakdown for the received proposals:

Supplier	Cost
Andritz Separation Technologies Inc.	\$302,200 + GST
Archer Separation Inc. (Haus Centrifuge Technologies)	\$150,580 + GST

The recommendation is to pre-purchase the centrifuge equipment for the solids processing facility from Archer Separation Inc. (Haus Centrifuge Technologies) for \$150,580 + applicable taxes.

Respectfully submitted:

Liisa Bloomfield

L. Bloomfield, Manager of Engineering

Approved:

Neil Webb

N. Webb, General Manager of Public Works

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: 2020 UBCM Community Resiliency Investment Grant Program

Administrative Recommendation:

THAT the Board of Directors support the grant application for the 2020 UBCM Community Resiliency Investment Program and, should the grant application be successful, be willing to provide overall grant management.

Purpose:

The Community Resiliency Investment (CRI) program is a UBCM-funded initiative to reduce the risk and impact of wildfire to communities in BC through community funding, supports and priority fuel management activities on provincial Crown land.

The FireSmart Community Funding & Supports program provides funding to local governments and First Nations in BC to increase community resiliency by undertaking community-based FireSmart planning and activities that reduce the community's risk from wildfire.

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

This project is tied to Key Success Driver 3.0: Build a Sustainable Region from the 2018 Business Plan. While it is not listed as a specific objective, there is a long history of the RDOS supporting this work.

Background:

Under the 2019 CRI Program, the RDOS was awarded a grant of up to \$100,000 for a CWPP update, FireSmart assessments for Arawana area of Naramata and the Lakeshore Highlands/Heritage Hills area of OK Falls, and for an Interagency Cooperation initiative. That work is ongoing.

Under the 2020 CRI Program, the RDOS is applying for \$150,000 in grant funds broken down as follows:

- Development Considerations – revise the OCP for Electoral Area A to incorporate FireSmart principals, including definition of Wildland/Urban Interface areas where a DPA may apply. \$50,000

- Cross Training – funding towards a local FireSmart representative and cross-training for volunteer fire departments. \$60,000
- FireSmart Demonstration Project – replace combustible wood siding on the Juniper Pump Station (Naramata) with non-combustible fibre-cement siding. \$10,000
- FireSmart Community Plans: develop FireSmart Community Plans for the Upper Carmi and Apex areas. \$20,000.
- Education – develop a new FireSmart page for the RDOS website. \$10,000

Analysis:

Research has shown that communities that implement FireSmart principles have a greater chance of survival during wildfire (Source: UBCM).

Alternatives:

Not to endorse or support the application and discontinue the support of this program.

Respectfully submitted:

“Doug Reeve”

D. Reeve, Project Coordinator

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Coalmont Park Naming

Administrative Recommendation:

THAT the board endorse the name “Coalmont Station Park” for a public park within Coalmont located on Lots 1 & 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD (PID: 004-470-508 & 004-470-541).

Reference:

RDOS Corporate Donations and Naming Rights Policy - May 3, 2018
Coalmont Community Association Letter of Support - December 12, 2018

Business Plan Objective:

Key Success Driver 3.0: To Build a Sustainable Region
Goal 3.1 To develop a Socially Sustainable Region
Objective 3.1.3 By implementing the 2019 Phase of the Parks Program
3.1.3.4 Prepare a park development plan for the Coalmont Park

Background:

On August 1, 2017, the Stout family donated two parcels of land located within the Village of Coalmont to the Region District for the purpose of zoning and developing a park in the community. After taking the possession, on August 2, 2018, the Board adopted a motion to zone the two subject properties to parkland. The Coalmont Community Association (CCA), discussed the naming of the park at a meeting hosted on December 11, 2018 and voted to suggest the name “Coalmont Station Park” to the Regional District. The CCA also voted to draft a letter to the RDOS stating their support for a heritage theme in Coalmont by selecting the name “Coalmont Station Park.” The name “Coalmont Station Park” alludes to the historic industrial use on the sites as a loading station along the Kettle Valley Railway fitting in with the character of the community.

Analysis:

All prior conditions listed within the donation agreement have been satisfied with the exception of having a sign or plaque placed in a suitable location on the lands honouring the generous donation by the Stout family. Discussions with the Stout family have been initiated concerning what the plaque will entail, but have yet to be finalized. The Stout family has also been involved in discussions

concerning the naming of the Coalmont parkland and have acknowledged their support of the name "Coalmont Station Park."

Alternatives:

That the board does NOT endorse the name "Coalmont Station Park" and direct staff to research additional naming options.

Communication Strategy:

1. Work with the community, donor and associated park groups to carry out a formal recognition event at the site
2. Press Release
3. Recognition Plaque

Respectfully submitted:

Apollo Figueiredo

A. Figueiredo, Planner, Community Services

Coalmont Community Association,
Box 3A, Comp. 4,
Coalmont, BC VOX 1G0
December 12, 2018

Mr. Mark Woods,
Community Services Manager,
Regional District of Okanagan-Similkameen,
101 Martin Street,
Penticton, BC V2A 5J9

Dear Mr. Woods:

At our most recent meeting of the Coalmont Community Association we discussed the proposed new park at the entrance to Coalmont. This is the property formally owned by the Stout family, and described as:

Lots 1 & 2, Plan KAP28772, DL's 99, 360 & 378, YDYD

The town is very excited about the prospect of this park coming to fruition. We would especially like to thank the RDOS Board, and you personally, for your efforts to make this dream come true.

The RDOS, Electoral Area H, Official Community Plan, Bylaw No. 2497, 2012 states, in Sec. 8.3 Coalmont, Page 47, Policies:

"The Regional Board:

.6 Supports the promotion of a heritage theme in Coalmont."

In keeping with this theme, and considering that the Coalmont Station for the Kettle Valley Railroad was originally located on Lot 1 of the proposed park, the CCA requests that the RDOS consider naming the park the:

COALMONT STATION PARK

The CCA would also like to recognize the generous donation of the land by the Stout family, and the subsequent dedication of the park by the RDOS in some way on suitable signage bearing the name of the park, at a location to be determined, but near the Coalmont Road.

We look forward to hearing from you regarding the above suggestion at your convenience.

Sincerely,

Ernie Rice, President,
Coalmont Community Association

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Pioneer Park Upgrades – Award of Phase 2 (Boat Launch Replacement)

Administrative Recommendation:

THAT the Regional Board award the Pioneer Park boat launch replacement project to TwinCon Enterprises Ltd. for the amount of \$74,694.19 exclusive of GST.

Purpose:

The RDOS continues work to maintain and improve park facilities and to achieve the outcomes of the 2018 Strategic Plan.

The Pioneer Park Upgrades Project includes the following four phases:

1. Construction of about 100 metres of KVR trail (**completed**).
2. Replacement of the existing public boat launch.
3. Construction of parking areas and associated stormwater drainage system (**completed**).
4. Regrading, curbing and paving of Sixth Street.

This Administrative Report is specific to approval and award of Phase 2.

Reference:

Pioneer Park Boat Launch Design (attached).

Background:

Currently, the Pioneer Park boat launch includes a single concrete-plank style launch ramp and an adjacent informal (natural lakebed) launch area. The concrete-plank ramp has irregular grading, is undersized and is in poor condition (see Photo 1).

The replacement boat launch has been designed with two formal boat launch ramps that are wider, longer, and with consistent gradient. In addition, it has been designed with sufficient width to accommodate a future dock.

Ecora Engineering was retained for project engineering and procurement services. Provincial approval under Section 11 of the Water Sustainability Act is in place for this project, and is valid until May 31, 2020.

Analysis:

A single submission was received as part of the tender process. A committee comprised of Community Services staff and Ecora Engineering evaluated the proposal based on the criteria outlined in tender documents. Criteria included timing of bid submission, price, bonding, and submission completeness.

Contractor	Bid Prices for Pioneer Park Upgrades – Phase 2 (Plus GST)
TwinCon Enterprises Ltd.	\$204,375

TwinCon’s tender met all mandatory requirements but was over budget. Subsequent to the tendering process, staff entered into contract negotiations with TwinCon. Substantial savings were realized through modifications to the project scope and contractor concessions (including removal of optional items and RDOS direct purchase of key materials). This resulted in TwinCon revising their overall tender price to \$74,694.19.

Overall project costs are estimated as follows:

Item	Estimated Cost
TwinCon Enterprises Ltd.	\$74,694.19
Materials	\$47,817.62
Enviro Monitor and QA	\$10,000
Total	\$132,511.81

The project will be funded through the Kaleden Recreation Service Area, 2019 capital projects budget. There is sufficient funding available for this project (Area I Community Gas Tax).

TwinCon’s revised tender meets all mandatory requirements and is within the available budget.

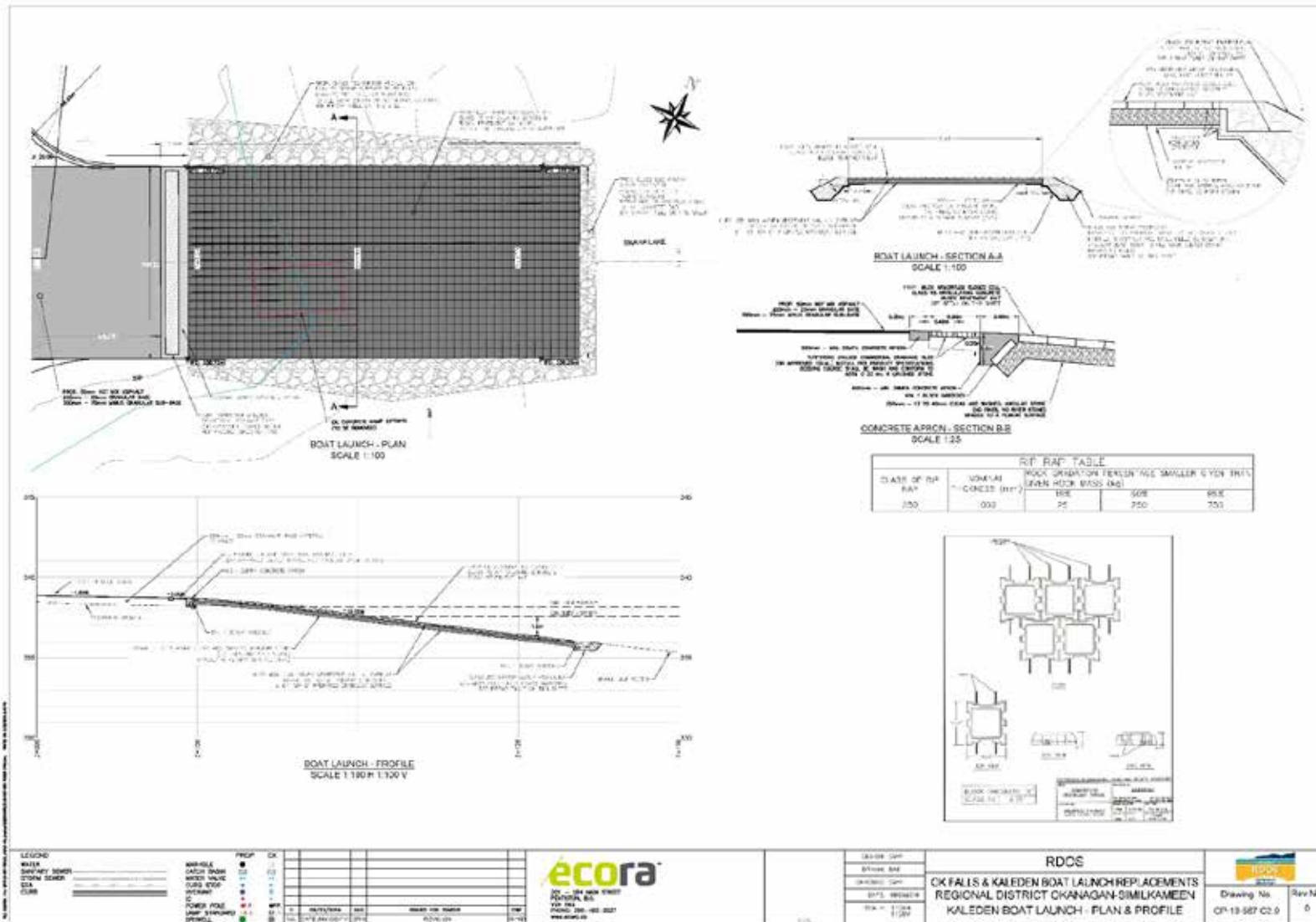
Respectfully submitted:

“Doug Reeve”

D. Reeve, Project Coordinator



Photo 1 – Current Kaleden Boat Launch Ramp



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Agricultural Land Commission Application – Keogan Sports Park

Administrative Recommendation:

THAT the Board endorse a non-farm use application to the Agricultural Land Commission for the Centennial and Weyerhaeuser Baseball Fields located in Keogan Sports Park (Lot 1, DL 10, Similkameen Division of Yale District, Plan 34575, Except Plan KAP45138).

Purpose:

To continue to include baseball at Keogan Sports Park by completing a “non-farm” use application the Agricultural Land Commission.

Reference:

Agricultural Land Commission Letter – November 2004
Agricultural Land Commission Letter - September 2019
Location Parcel Map
Keogan Park Concept Plan

Business Plan Objective:

Key Success Driver 3: Building a sustainable region
Objective 3.1.4: By providing public recreational opportunities

Background:

Keogan Park is a 4.2ha sports park located in Okanagan Falls featuring two ball diamonds, a cricket pitch and skateboard park. RDOS purchased the property in 2005 and began its construction of the park in 2007. The development of Keogan Park was a large community driven project that was a success due in large part, to donations and in-kind works to complete the park.

The entirety of Keogan Park is within the Agricultural Land Reserve (ALR), as such was subject to approval from the Agricultural Land Commission (ALC) prior to the development of the park. Conditions were outlined in a 2004 ALC approval of the park (Resolution #506/2004), which included the placement of amenities such as washrooms, parking and playfield infrastructure.

The ALC informed RDOS administration in the fall of 2016 that they had received a complaint, due to the proximity of Centennial Ball Diamond to agricultural land and issues resulted to use of the field. It was at this time that RDOS staff were informed that the location of the ball fields were in contravention of the 2004 ALC resolution. This issue was raised to the Okanagan Falls Parks and Recreation Commission for discussion, which included mitigation, such as relocation of the field, netting, or acceptance of the risk associated with a baseball field adjacent to a residence. At that time the Commission made no recommendation to the RDOS. However, steps were taken to address the concerns by no longer allowing bookings of Centennial Field for baseball events and the public was directed with signage to utilize Weyerhaeuser Field located at the south east corner of the field, away from the residence and active agricultural lands.

The adjacent landowner presented to the Okanagan Falls Parks and Recreation Commission meeting of April 11th, 2019. Concerns were raised of increased field use, errant baseballs were again being hit onto their property and disrespectful behavior from those using the ballfield. At that time the motion was carried "That the Okanagan Falls Parks and Recreation Commission recommend the removal of the south west Ball Diamond in Keogan Park and that staff present a report to RDOS Board of Directors for resolution". At the May 9th Okanagan Falls Parks and Recreation meeting, after hearing from community member that were actively involved in the development of Keogan Park. The commission carried the motion "That the Okanagan Falls Parks and Recreation Commission reconsider the April 11 Motion with regard to the removal of the ball diamond and that staff defer presenting a report to the RDOS Board of Directors".

On July 24, 2019, ALC Enforcement Officers conducted a site inspection with RDOS staff in attendance. A letter was issued to the RDOS September 25th confirming that both baseball diamonds were in breach of the 2004 ALC Resolution. The letter also included physical and administrative options to potentially rectify situation.

Analysis:

The 2004 ALC decision was subject to the confinement of the playing field infrastructure to the north section of the property away from agricultural lands. Although issues related to the use of Centennial Field are what has initiated action on this file, both Centennial and Weyerhaeuser Fields are located along the south side of the park. Further to that, the ALC required a submission of a site plan prior to construction to ensure conflict with adjoining farmland is kept to a minimum. Neither the RDOS nor ALC have records of site plans being submitted prior to construction of the Keogan Park.

Potential options for correction provided by the ALC included:

- Put the backstops back to the original Locations as proposed in Resolution #506/2004
- Create a net behind the backstops and submit a Non Farm Use Application (NFUA)
- Leave backstops in place where they are and submit a Non Farm Use Application (NFUA)
- Remove the backstops

The Okanagan Falls Parks and Recreation Commission has recommended to the Board at the September 27th meeting to submit a Non Farm Use Application for the backstops to remain in place. The draft 2020 Okanagan Falls Parks and Recreation budget has \$12,000 line time for removal or mitigation measures at Centennial Field. The NFUA fee for is \$1,500 and will require approximately 20 to 30 hrs of staff time to complete the application which is not guaranteed to be granted by the ALC.

Alternatives:

1. THAT the Board do not endorse a non-farm use application to the Agricultural Land Commission and direct staff to remove both backstops from Keogan Park.
2. THAT the Board endorse a non-farm use application to the Agricultural Land Commission for Weyerhaeuser Baseball located Keogan Sports Park Ball Diamonds (Lot 1, DL 10, Similkameen Division of Yale District, Plan 34575, and Except Plan KAP45138) and direct staff to remove Centennial Baseball Diamond.

Communication Strategy:

- An information letter to adjacent neighbors of Keogan Park.
- An RDOS information release to serve as a public notification to the community.
- An update to be sent to the Agricultural Land Commission.

Respectfully submitted:

Justin Shuttleworth

J. Shuttleworth, Parks & Facilities Manager



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

November 23, 2004

Reply to the attention of Elisa Martin

Monty Horton, Planner
Regional District of Okanagan Similkameen
101 Martin St.
Penticton, B.C. V2A 5J9

Dear Sir/Madam:

Re: **Application # V-35266**
Lot 1, DL 10 SDYD, Plan 34575, Except Plan KAP 45138
Your File: D-04-01122.010

Further to the Regional District's discussions with Commission staff, and a more detailed review of your revised proposal dated June 15, 2004, the Provincial Agricultural Land Commission (the "Commission") reconsidered the Regional District's application to develop playing fields on the above noted property. The application was reconsidered pursuant to section 33 of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved the revised proposal to use the entire 4.2 ha property for playing field uses and associated infrastructure (washrooms, parking etc.). The decision is subject to the construction of a 6 ft high chain link fence along the east and south boundary of the facility (to limit trespass onto adjoining farmland), and the confinement of the playing field infrastructure, such as parking and washroom/changing buildings to the northern portion of the property (away from the active agricultural edge).

The decision noted above is recorded as Resolution # 506/2004.

Prior to development, please provide the Commission with a site plan showing the location of structures and parking, as well as the playing field layout. The Commission would like to provide comments on the site plan, so as to ensure that conflict with adjoining farmland is kept to a minimum. For example, it requires that buildings and parking be located on the northerly portion of the property, and prefers that if baseball diamonds are planned, the outfield areas (rather than diamond backstops with dugouts) are located adjacent to the ALR.

The Commission also requires that photographic evidence be provided, upon completion of the facility, confirming that the fencing has been completed.

If you have any further questions regarding the Commission's decision, please contact this office at 604-660-7000.

Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

K. B. Miller, Chief Executive Officer

cc: Gordon Whatley, PO Box 197, Okanagan Falls, B.C. V0A 1R0
MC/lv/Encl.1:35266d3



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

September 25, 2019

ALC C&E File: 122783

ELECTRONIC MAIL

Attn: Justin Shuttleworth (Parks & Facilities Manager)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
101 MARTIN STREET
PENTICTON, BC
V2A 5J9

Dear Property Owner(s):

RE: Breach of ALC conditions set in resolution #506/2004 in regards to the unauthorized location of the community playing fields (baseball diamonds)

CIVIC ADDRESS: N/A

**LEGAL: LOT 1 DISTRICT LOT 10 SIMILKAMEEN DIVISION YALE DISTRICT PLAN
34575 EXCEPT PLANS KAP45138 AND KAP82150**

PID: 002-937-999

(the "Property")

This letter serves to inform you that the Agricultural Land Commission (the "ALC" or the "Commission") has received information that alleges you have breached the conditions set by ALC resolution #506/2004.

The community playing fields (baseball diamonds) were to be located on the North West and North East portion of the property per the original application (Resolution #137/2004) and the reconsideration (Resolution #506/2004). The community playing fields (baseball diamonds) were instead positioned at the South West and South East portion of the property, effecting residents and farms located near these baseball diamonds.

The ALC has received complaints from the public which initiated an inspection on July 24, 2019. The inspection was conducted with a RDOS staff member and options were discussed on how to move forward with the issues at the community park.

The following are the options available to the RDOS;

- Put the back stops (baseball diamonds) back to the original location as proposed in Resolution #506/2004
- Create a net behind the back stops (baseball diamonds) by submitting a NFUA no later than November 1, 2019
- Leave the back stops (baseball diamonds) where they are and make a NFUA by November 1, 2019
- Remove the back stops (baseball diamonds) entirely by April 1, 2020

If you choose to submit a non-farm use application, the application can be retrieved and subsequently submitted through the ALC's Application Portal via the ALC's website at: <http://www.alc.gov.bc.ca/alc/content/applications-and-decisions>

Please advise me of the Application ID once your application has been submitted.

Furthermore; please contact me upon receipt of this letter. I can be reached at Dave.Birchmore@gov.bc.ca or 604-833-4242. I look forward to hearing from you to resolve this matter in a timely fashion.

A lack of response to this letter may result in further action(s) which may include, but is/are not limited to; the recommendation of a monetary penalty and/or an order to rehabilitate the Property to a suitable agricultural standard.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Birchmore', with a long horizontal flourish extending to the right.

Dave Birchmore
Compliance and Enforcement Officer



SW Ball Field

SE Ball Field

CEDAR ST.

THOMAS PL.

RAIL RD.

HIGHWAY 97

MEYERHAUSER RD.

1440

1504

1512

1520

1528

1536

1538

1544

1556

1604

1607

5228

5213

5217

5221

5229

1612

KEOGAN SPORTS PARK

Proposed Skate Park



1141 Cedar Street, Box 366
Okanagan Falls, BC
Ph. 250.497-8188
Fx. 250.497.6495
Email. info@okfalls.net
www.okfalls.net

- Fitness Station
- Kettle Valley Railway ROW Pathway
- Ditch
- Playing Fields
- Baseball Bleachers



CEDAR STREET

PARKING LOT

Skateboard Park

CENTENNIAL
FIELD

WEYERHAEUSER
FIELD



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Award of OK Falls Boat Launch Replacement Project

Administrative Recommendation:

THAT the Regional Board award the OK Falls boat launch replacement project to TwinCon Enterprises Ltd. for an amount up to \$76,120.35 exclusive of GST.

Purpose:

The RDOS continues work to maintain and improve park facilities and to achieve the outcomes of the 2018 Strategic Plan.

Reference:

OK Falls Boat Launch Design (attached).

Background:

Currently, the OK Falls boat launch includes two boat launch ramps: a single concrete-plank style launch ramp and an adjacent cast-in place concrete ramp. The ramps are undersized and are in poor condition (see Photo 1).

The replacement boat launch has been designed with two boat launch ramps that are wider, longer, and with constant gradient. In addition, it has been designed with sufficient width to accommodate a future dock.

Ecora Engineering was retained for project engineering and procurement services.

Provincial approval under Section 11 of the Water Sustainability Act is in place for this project, and is valid until May 31, 2020.

Analysis:

A single submission was received as part of the tender process. A committee comprised of Community Services staff and Ecora Engineering evaluated the proposal based on the criteria outlined in tender documents. Criteria included timing of bid submission, price, bonding, and submission completeness.

Contractor	Bid Prices for OK Falls Boat Launch Replacement (Plus GST)
TwinCon Enterprises Ltd.	\$177,742.52

TwinCon’s tender met all mandatory requirements but was over budget. Subsequent to the tendering process, staff entered into contract negotiations with TwinCon. Substantial savings were realized through modifications to the project scope and contractor concessions (including removal of optional items and RDOS direct purchase of key materials). This resulted in TwinCon revising their overall tender price to \$76,120.35.

Overall project costs are estimated as follows:

Item	Estimated Cost
TwinCon Enterprises Ltd.	\$76,120.35
Materials	\$47,817.62
Enviro Monitor and QA	\$10,000
Total	\$133,937.97

The project will be funded through the OK Falls Recreation Service Area, 2019 capital projects budget. There is sufficient funding available for this project (primarily Area D Community Gas Tax).

TwinCon’s revised tender meets all mandatory requirements and is within the available budget.

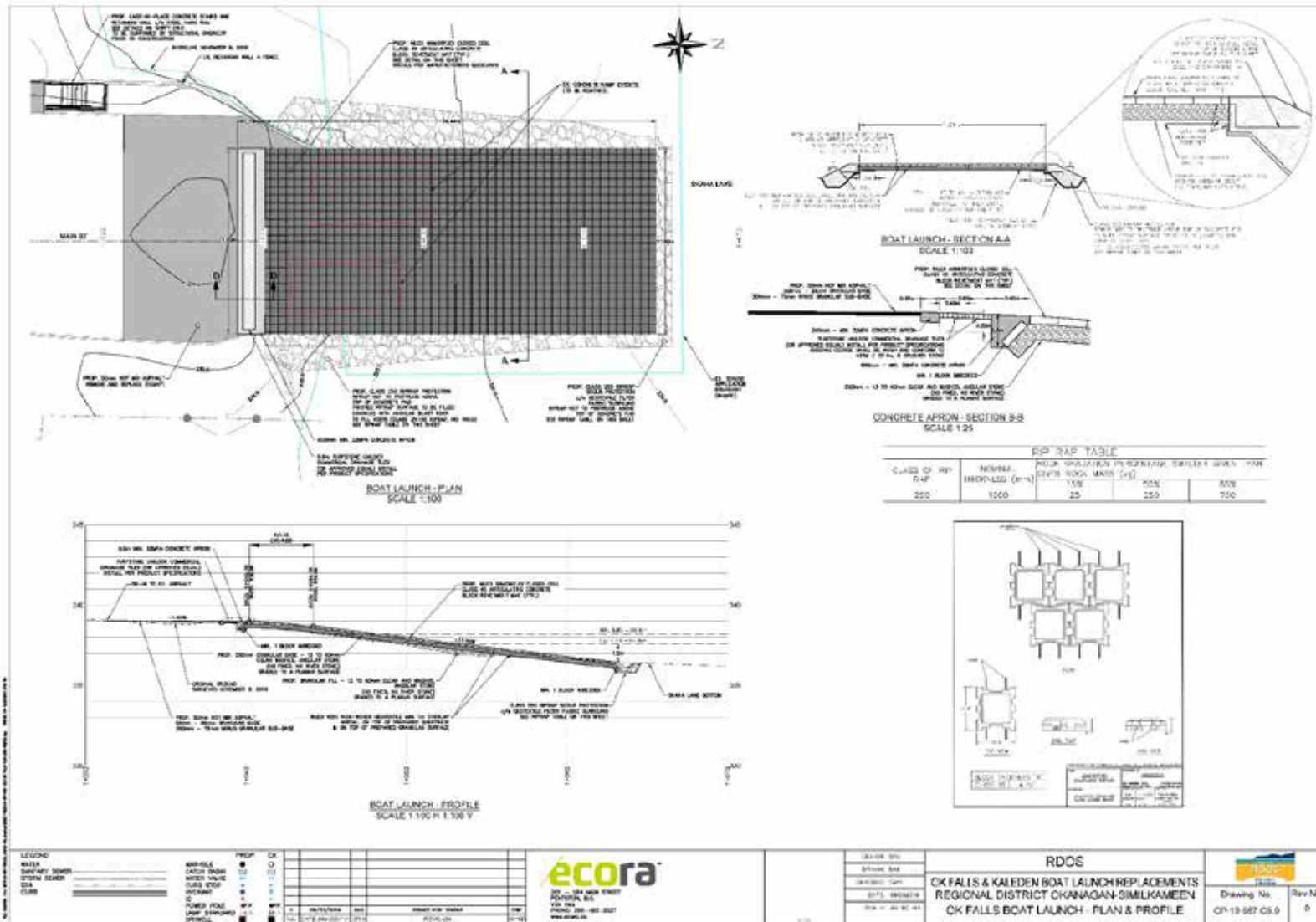
Respectfully submitted:

“Doug Reeve”

D. Reeve, Project Coordinator



Photo 1 – Current OK Falls Boat Launch Ramps



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Keremeos & District Volunteer Fire Department Fire Truck Purchase

Administrative Recommendation:

THAT the Board of Directors award the Keremeos Fire Truck purchase to HUB Fire Engines in the amount of \$545,957.59 including applicable taxes for a new 2020 Fire Apparatus,

Purpose:

The purchase of this fire truck allows the Keremeos & District Volunteer Fire Department to replace an aging Fire Truck and maintain a favorable status with the Fire Insurance Underwriters Survey (FUS).

Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.00. The 2018 referendum was passed by the area residences to approve the purchase of a new fire truck and finance \$350,000.00 with the remaining to be funded from reserves.

Background:

The Keremeos & District Volunteer Fire Department issued a Invitation to Tender for a new Fire Truck on September 5, 2019. On the closing date of October 16, 2019 there were eight (8) submissions received. The sealed tenders were opened on October 18th at the RDOS office in the presence of Finance Manager John Kurvink, PSC contractor Dale Kronebusch and the Keremeos Fire Department Truck Committee. During the evaluation process it was determined that only three (3) submissions met the minimum criteria. Due to the number of tenders received and the amount of information in each, a 15 day extension (to the end of November) was requested and granted by the 3 manufacturers below.

Analysis:

Eight (8) submissions were received. Three (3) of the submissions quoted a vehicle that was either too long or too high and wouldn't be able to fit in the existing Fire Hall. An additional 2 others quoted a vehicle that didn't meet the minimum pump capacity. The remaining three (3) quotes are listed below.

Vender	Vehicle Description	Quote
1. Commercial MaxiMetal	2020 Canadian Built Fire Apparatus	\$587,784.42 Taxes included
2. Safetek	2020 Canadian Built Fire Apparatus	\$558,662.49 plus taxes
3. HUB	2020 Canadian Built Fire Apparatus	\$545,957.59 taxes included

Of the three manufacturers listed in the table above, HUB Fire Engines is most favorable based on the following points:

- The Price is the lowest of the 3 trucks that meet our criteria,
- Truck layout has the most storage available,
- Is the same manufacturer as 2 of our current apparatus will allow for more convient and cost effective maintenance and certifications.
- Commercial maxiTruck was the most expensive option and has limited storage space.
- Safetek’s proposed truck is limited in storage space, didn’t meet all of our specifications and was higher priced than HUB.

Alternatives:

The Board of Directors may not choose the recommended bid and award the purchase to another submission from within the table above.

Respectfully submitted:

“Jordy Bosscha – Keremeos & District Fire Chief”

J. Bosscha, Fire Chief

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Willowbrook Fire Department Fire Truck Purchase

Administrative Recommendation:

THAT the Board of Directors award the Willowbrook Fire Truck purchase to Rocky Mountain Phoenix in the amount of \$64,027.00 plus applicable taxes for a used 2000 FL112 Pumper Fire Truck.

Purpose:

The purchase of this fire truck allows the Willowbrook Volunteer Fire Department to maintain a favorable status with the Fire Insurance Underwriters Survey (FUS).

Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.00

Background:

The Willowbrook Fire Department issued a Invitation to Tender for a Used Fire Truck on September 26, 2019. On the closing date of October 16, 2019 there were five (5) submissions received. During the evaluation process it was determined that Rocky Mountain Phoenix submission was most suitable submission.

Analysis:

Five(5) submissions were received as indicated the following table.

Vender	Vehicle Description	Quote
1. Firetek	Vanmon Side Mount Pumper Fire Apparatus	\$426,908.00 plus taxes
2. Safetek	2020 Metal Fab Side Mount Pumper Apparatus	\$411,460.00 plus taxes
3. WestVac	2009 Used Spartan Metro Star Chassis	\$159,432.00 taxes included
4. Fort Gary	2003 Fort Gary MXV Pumper	\$99,500.00 plus taxes

5. Rocky Mountain Phoenix	2000 FL112 Pumper	\$64,027.00 plus taxes
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This vehicle will be funded from a combination of capital reserves and current year operating surplus.

Alternatives:

The Board of Directors may not choose the recommended bid and award the purchase to another submission.

Respectfully submitted:

“Pat Lantz – Willowbrook Fire Chief”

Select report author...

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 21, 2019
RE: Electoral Area "F" Transit

Administrative Recommendation:

THAT Bylaw No. 1440.01, 2019 Electoral Area "F" Transit System Local Service Establishment Amendment Bylaw be adopted.

Purpose:

To reactivate the existing transit service bylaw to serve the residents in Electoral Area "F".

Reference:

Bylaw 1440, 1993

[Regional District Establishing Bylaw Approval Exemption Regulation](#)

Administrative Report October 3, 2019

Background:

Electoral Area "F" Director Gettens hosted a public meeting at West Bench Elementary School on September 18, 2019, to gather feedback from residents regarding reactivating a transit service in Electoral Area "F". A questionnaire was also circulated, and residents were invited to share feedback via email or an online survey which ran from September 18-25.

Of all respondents approximately 68% voted in favour of implementing a public transit service and on October 3, 2019, the Board of Directors gave three readings to a bylaw which would activate the service with a requisition limit necessary to deliver transit in West Bench.

Analysis:

The bylaw is now back before the Board for adoption. Next steps include implementation planning with BC Transit and continued discussions with the community on routing and schedule planning.

Alternatives:

That the Board of Directors rescind first, second and third reading of Bylaw No. 1440.01, 2019 and abandon the bylaw.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
BYLAW NO. 1440.01, 2019**

A bylaw to amend the service to establish and operate a transit system local service in a portion of Electoral Area "F"

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 3rd day of October, 2019.

DIRECTOR CONSENT OBTAINED this 17th day of October, 2019.

ADOPTED this ____ day of _____, ____.

Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, ____.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Consent for Fire Services delivery on Penticton Indian Band lands

Administrative Recommendation:

THAT the Regional District of Okanagan-Similkameen provide consent to the City of Penticton to supply fire services to the Penticton Indian Band on parts of Electoral Areas "F" and "I" of the Regional District of Okanagan-Similkameen.

Purpose:

To reconfirm the Board's consent for the City of Penticton to provide fire services to Penticton Indian Band lands.

Reference:

Community Charter section 13

October 7, 2019 Email from L. Watkinson, Penticton Fire Chief

Background:

Pursuant to Section 13.1 (b) of the *Community Charter*, a municipality must receive consent from the Regional District for that area when proposing to provide a service that is outside that municipality's boundary and are not treaty lands. The City of Penticton requested consent from the Regional District August 2014. Subsequently, the following motion was passed at the September 4, 2014 Regular Board meeting:

"THAT the Regional District of Okanagan-Similkameen (RDOS) provide consent to the City of Penticton to supply first responder, fire suppression and prevention services to the Penticton Indian Band (PIB) on parts of Electoral Areas "D" and "F" of the Regional District of Okanagan-Similkameen. – Carried"

The City of Penticton entered into an agreement with the Penticton Indian Band for the provision of fire services to specified areas within the Penticton Indian Band. Those areas fall within Electoral Areas "I" (previously part of Electoral Area "D") and "F" of the Regional District of Okanagan Similkameen.

Analysis:

The Regional District has no Fire Department that can provide the desired services to the Penticton Indian Band within acceptable response times. It is more appropriate for the two parties to deal directly with each other rather than through the Regional District.

With the creation of Electoral Area "I", the City of Penticton's Fire Chief has requested that the consent be renewed.

Alternatives:

THAT the Board of Directors withdraw consent for the City of Penticton to supply first responder, fire suppression and fire prevention services to the Penticton Indian Band on parts of Electoral Areas "F" and "I".

Communication Strategy:

The Board's decision will be conveyed to the Penticton Fire Chief.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Legislative Services Coordinator

Endorsed by:

"Christy Malden"

Christy Malden, Manager of Legislative Services

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Cameras Apex Mountain Waste Transfer Station

Administrative Recommendation:

THAT the Board authorize a variance to the RDOS Video Surveillance Policy to enable staff and contractors designated by the CAO to periodically access live feed cameras at the Apex Mountain Waste Transfer Station using a password protected application.

Purpose:

To allow for the restricted live monitoring of the Apex Mountain Waste Transfer Station for the purposes of operating the Transfer Station.

Reference:

RDOS Video Surveillance Policy June 15, 2017

Business Plan Objective:

Apex Waste Transfer Station - Completion of transfer station and initiate operations

Background:

The 2017 Video Surveillance Policy states 'Within the Regional District, access to video surveillance information is limited to the following individuals: Freedom of Information and Protection of Privacy Act Head or designate and the Chief Administrative Officer'. The Policy language is directed to the management of recorded video in keeping with the requirements of the Freedom of Information and Protection of Privacy Act.

Public Works Staff have identified the need to periodically view live (non-recorded) footage from the Apex Waste Transfer Station. Viewing the live feed will allow designated staff and RDOS contractors the ability to better manage this relatively remote facility. In the absence of full time attendant on site, cameras are required to monitor issues of public safety, and to ensure continuous operation of the site.

Analysis:

The live feed for the cameras will be available to designated staff and contractors through a password protected application. The Information Services Manager will provide the access and removal of accounts with the approval of the CAO. It is intended that all log-ins to the live feed will

be tracked by the designated Freedom of Information and Protection of Privacy Act Head to ensure that no one is inappropriately accessing the cameras.

Communication Strategy:

As per the specifications of the RDOS Video Surveillance Policy, signage has been placed at the entry to the facility and on the Apex Waste Transfer Station building informing users that video surveillance of the property is taking place.

Public consultation with Apex residents showed general support for surveillance cameras at the facility.

Respectfully submitted:

C. Malden, Legislative Services Manager

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Naramata Water System Development Cost Charge Amendment Bylaw

Administrative Recommendation:

THAT Bylaw No. 1804.08, 2019 Naramata Water System Development Cost Charge Amendment Bylaw be adopted.

Reference:

Local Government Act.

Background:

Naramata Water System Development Cost Charge Amendment Bylaw No. 1804.07, 2016 was inadvertently adopted prior to Ministry approval, therefore not legally enforceable. Staff prepared a new bylaw, Bylaw No. 1804.08, 2019, which was read a third time September 19, 2019.

Analysis:

Naramata Water System Development Cost Charge Amendment Bylaw No. 1804.08, 2019 received approval of the Inspector of Municipalities November 1, 2019 and can now be adopted. Bylaw No. 1804.08 repeals Bylaw No. 1804.07.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Legislative Services Coordinator

Endorsed by:

"Christy Malden"

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1804.08, 2019

A bylaw to amend the Naramata Water System Development Cost Charge Bylaw.

WHEREAS the owners of the properties described in this bylaw have petitioned the Board of the Regional District to extend the boundaries of the Naramata Water Service Area to include the properties;

AND WHEREAS the Regional District has, pursuant to that request, extended the boundaries of the Naramata Water Service Area to include the properties;

AND WHEREAS the owners have expressly agreed that, in order for the Regional District of Okanagan Similkameen to provide water to the properties, the Regional District must impose development cost charges;

AND WHEREAS the owners have agreed to pay development cost charges;

NOW THEREFORE, the Board of the Regional District of Okanagan Similkameen, in open meeting assembled, ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be cited as the "Naramata Water System Development Cost Charge Bylaw Amendment Bylaw No. 1804.08, 2019."

AMENDMENTS

2. The Naramata Water System Development Cost Charge Bylaw No. 1804, 1997, is amended by including the properties legally described as:
 - (a) Parcel Identifier No. 007-717-750
Lot 1, Plan 38207, District Lot 207,
Land District Similkameen Div of Yale,
Except Plan KAP72459 KAP84271
 - (b) Parcel Identifier No. 002-906-210
Lot C, Plan 35028, District Lot 206,
Land District Similkameen Div of Yale

The Naramata Water System Development Cost Charge Bylaw No. 1804, 1997, is further amended by altering Schedule "B" to that bylaw to include within the area shown as "Zone A" on Schedule "B" to that bylaw that portion of the lands legally described as

- (a) PID: 007-717-750, Lot 1, Plan 38207, District Lot 207, Land District Similkameen Div. of Yale, Except Plan KAP72459 KAP84271; and
- (b) PID: 002-906-210, Lot C, Plan 35028, District Lot 206, Land District Similkameen Div. of Yale,

outlined in heavy black on the plan entitled "Sketch Plan to Accompany Applications for Inclusion into the Naramata Water Service:", a reduced copy of which is attached as Schedule "A" to this bylaw.

REPEAL

- 3. Bylaw No. 1804.07, 2016 Naramata Water System Development Cost Charge Bylaw Amendment Bylaw is repealed.

READ A FIRST, SECOND AND THIRD TIME this 19th day of September, 2019.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 1st day of November, 2019.

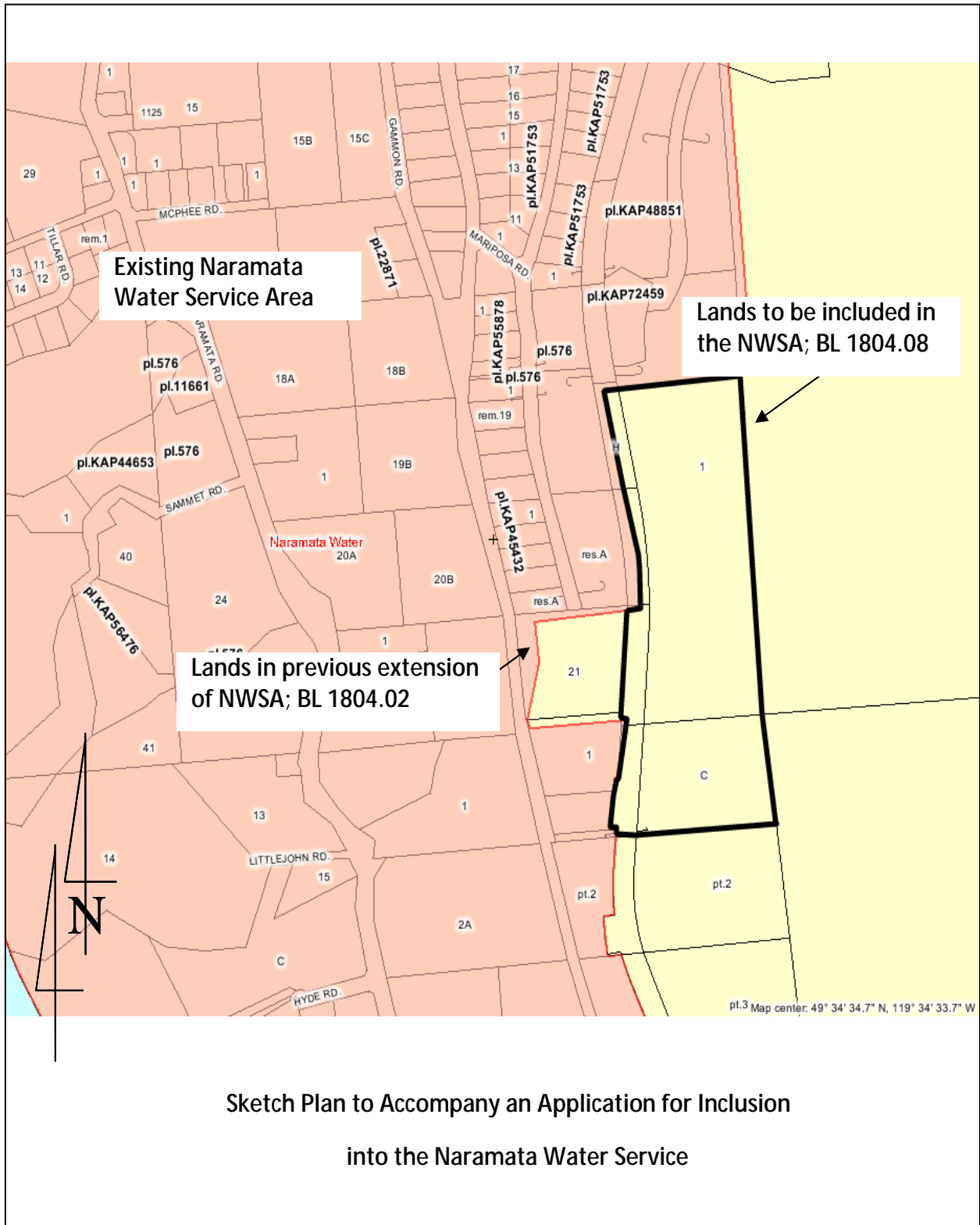
ADOPTED this day of , 20__.

Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this day of , 20__.

Schedule 'A'



Sketch Plan to Accompany an Application for Inclusion
into the Naramata Water Service

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Electoral Area "I" Economic Development Service Establishment Bylaw No. 2869, 2019

Administrative Recommendation:

THAT Electoral Area "I" Economic Development Service Establishment Bylaw No. 2869, 2019 be adopted.

Purpose:

To create a new economic development service in Electoral Area "I"

Reference:

Local Government Act

Background:

With the creation of the new Electoral Area "I", the Director for Electoral Area "I" indicated an intent to withdraw Electoral Area "I" from the Electoral Area "D" Economic Development Service and to proceed with the creation of an economic development service which is specific to Electoral Area "I" only. Bylaw No. 2869 Electoral Area "I" Economic Development Service Establishment Bylaw was read a third time August 15, 2019.

Analysis:

The Inspector of Municipalities approved Bylaw No. 2869 October 20, 2019. The Board may now adopt the bylaw.

Alternatives:

1. THAT Electoral Area "I" Economic Development Service Establishment Bylaw No. 2869, 2019 be adopted.
2. THAT the Board of Directors rescind three readings of Bylaw No.2869, 2019 and an Electoral Area "I" economic development service not be created.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Legislative Services Coordinator

Endorsed by:

"Christy Malden"

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2869, 2019

A bylaw to establish and operate the promotion of economic development as a service in the Electoral Area "I" of the Regional District of Okanagan-Similkameen.

WHEREAS the Board of Directors (the "Board") of the Regional District of Okanagan-Similkameen (the "Regional District") may adopt a bylaw to establish and operate the promotion of economic development as a service in Electoral Area "I" of the Regional District;

AND WHEREAS for a proposed electoral participating area, a board may authorize approval under section 342(2)(d) of the *Local Government Act* to be given under section 347 if, in the case of an establishing bylaw for a service referred to in section 339(2), the proposed participating area for the service includes all of the electoral area and the service can be established without borrowing;

AND WHEREAS the director for Electoral Area "I" of the Regional District has, under section 347 of the *Local Government Act*, consented in writing on behalf of the electors in the proposed electoral participating areas to adopting this bylaw;

NOW THEREFORE the Board of the Regional District, in open meeting assembled **ENACTS** as follows:

1. ESTABLISHMENT OF THE SERVICE

- (a) The promotion of economic development is established as the Economic Development Service (the "service") in Electoral Area "I" of the Regional District.
- (b) The Board may operate the service in the Economic Development Service Area (the "service area") and, without limitation, enter into a contract with a third party to implement the service.

2. SERVICE AREA

The boundaries of the service area are those of Electoral Area "I" of the Regional District.

3. PARTICIPATING AREA

Electoral Area "I" of the Regional District is the participating area for the service.

4. METHODS OF COST RECOVERY

- (a) The annual costs of the service are to be recovered by a requisition under section 387 of the *Local Government Act*.
- (b) The amount requisitioned must be collected by a property value tax imposed in accordance with section 388 of the *Local Government Act* on the basis of the net taxable value of land and improvements.

5. **CITATION**

This bylaw may be cited as the **Electoral Area “I” Economic Development Service Establishment Bylaw No. 2869, 2019.**

READ A FIRST, SECOND, AND THIRD TIME this 15th day of August, 2019.

ELECTORAL AREA “I” DIRECTOR CONSENT OBTAINED this 15th day of August, 2019.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 20th day of October, 2019.

ADOPTED this xx day of xx, 20xx.

Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 21, 2019

RE: Olalla Local Community Commission

Administrative Recommendation:

THAT Bylaw No. 2878, 2019 Olalla Local Community Commission Repeal Bylaw be read a first, second and third time;

AND THAT the Board of Directors request the Minister waive the requirement for assent of the electors to repeal the establishing bylaw, Bylaw No. 1609.

Purpose:

To initiate the dissolution process for the Olalla Local Community Commission

Reference:

Local Government Act Section 244

Bylaw No. 1609

Minutes of October 7, 2019 Olalla LCC AGM

Terms of Reference for Olalla Community Water System Advisory Committee (2012)

Background:

The Olalla Local Community Commission was established in 1995 by Bylaw No. 1609. The Commission consists of four elected commissioners and the Electoral Area "G" director. The powers and duties of the commission include the delegation of administrative powers by the Regional District with respect to the supply, treatment, conveyance, storage and distribution of water. Commissioners serve without remuneration but are entitled to reimbursement for expenses in connection to their duties.

Since the 1999 Local Government Elections, the Regional District Board has had to appoint members to the Olalla Local Community Commission because no qualified individuals put their name forward for election. In 2011, there was no interest in the community to be appointed and the commission remained dormant until an advisory committee was created through a Terms of Reference in late 2012.

Chronology

February 2002 – four commissioners appointed after unsuccessful call for nominations for election.

February 2003 – one commissioner appointed.

November 2005 – no nominations received; four commissioners appointed January 2006

November 2008 – only three nominations for four positions; one commissioner appointed December 2008.

February 2010 – two people appointed when no valid nominations received for a by-election.

November 2011 – no nominations received for election; commission dormant for a year; advisory committee established December 2012 as a temporary measure.

November 2014 – no nominations received; no expressions of interest after further advertising; Director convinced four people in 2015 to allow themselves to be appointed as commissioners.

October 2018 – only two nominations received; the Board appointed four commissioners February 2019.

Analysis:

At the October 7, 2019 Olalla Local Community Commission Annual General Meeting, the Commission resolved to support the conversion of the Commission into an advisory committee.

Given the long history of lack of individuals willing to be elected for the office of commissioner, the need for the Regional District Board of Directors to appoint commissioners to the commission, and the support of the current commission for the conversion to an advisory committee, administration believes that the community will be satisfactorily served by an advisory committee with a terms of reference similar to those adopted in 2012. Once the Repeal bylaw has been approved by the Inspector and is before the Board for adoption, the establishment of an advisory committee and the accompanying terms of reference will be brought before the Board for consideration.

Pursuant to section 244 of the *Local Government Act*, a bylaw repealing the establishment of a local community must receive the assent of the electors in the local community and be approved by the Inspector of Municipalities. However, the Minister may waive the requirement for assent of the electors to a bylaw that repeals a local community establishment bylaw. Administration recommends requesting such a waiver as the Electoral Area Director and current commissioners are in support of the conversion to an advisory committee and the Ministry had indicated a willingness to consider this option in past years.

Alternatives:

1. THAT Bylaw No. 2878 Olalla Local Community Commission Repeal Bylaw be read a first, second and third time; and that the Board of Directors request the Minister waive the requirement for assent of the electors to repeal the establishing bylaw, Bylaw No. 1609
2. THAT Bylaw No. 2878 be read a first, second and third time and seek assent of the electors.
3. THAT the Board of Directors support the continued existence of the Olalla Local Community Commission and abandon efforts to dissolve the commission.

Respectfully submitted:

"Gillian Cramm"

Endorsed by:

"Christy Malden"

G. Cramm, Legislative Services Coordinator

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2878, 2019

A bylaw to repeal Regional District of Okanagan-Similkameen Olalla Local Community Establishment Bylaw No. 1609, 1995.

WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to repeal Olalla Local Community Establishment Bylaw No. 1609, 1995, to establish the Olalla Local Community and Olalla Local Community Commission;

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

1.0 CITATION

1.1 This bylaw may be cited for all purposes as the "Olalla Local Community Commission Repeal Bylaw No. 2878, 2019".

2.0 REPEAL OF BYLAWS

2.1 "Olalla Local Community Establishment Bylaw No. 1609, 1995", and all amendments thereto, is hereby repealed.

READ A FIRST, SECOND and THIRD TIME this ___ day of _____, 2019.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this ___ day of ____, 20__

ADOPTED this ___ day of _____, 20__.

Chair

Corporate Officer

Bylaw No. 1609, 1995

Olalla Local Community Establishment Bylaw

Consolidated for convenience purposes.

Includes all amendments to the text up to:

December 13, 2007

Summary of Amendments

Bylaw No.	Adopted	Amendment	Purpose
1771, 1997	December 11, 1997	Replace Sections 6.0, 6.1 and 10.3	Provision for the inaugural election of commissioners to be held on a day set by the Chief Election Officer
2030, 2000	January 25, 2001	Replace map	Extend boundaries
1609.01	December 13, 2007	Replace Section 10.4	Amend the number of meetings held per year

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1609, 1995

Consolidated for Convenience Only

A bylaw to establish within a portion of Electoral Area 'G', the Olalla Local Community and Olalla Local Community Commission.

WHEREAS pursuant to Section 817 of the Municipal Act, the Regional District of Okanagan-Similkameen may, by bylaw, establish a local community to be administered by a local community commission;

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen has been requested to establish a local community at Olalla;

AND WHEREAS pursuant to Section 817 of the Municipal Act, the Board of Directors of the Regional District of Okanagan-Similkameen, has obtained the assent of the electors of the Olalla Local Community;

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

LOCAL COMMUNITY

- 1.0 The Board of Directors of the Regional District of Okanagan-Similkameen hereby establishes within a portion of Electoral Area 'O' a local community to be known as the Olalla Local Community.

BOUNDARIES OF THE LOCAL COMMUNITY

- 2.0 The boundaries of the Olalla Local Community are a portion of Electoral Area "G" as outlined on [Schedule 'A'](#) attached to and forming part of this bylaw.¹

LOCAL COMMUNITY COMMISSION

- 3.0 The Board of Directors of the Regional District of Okanagan-Similkameen ("Regional District") hereby establishes a local community commission, to be known as the Olalla Local Community Commission ("Commission"), which shall have the authority set out in this bylaw.

¹ Bylaw No. 2030, 2000 Olalla Local Community Establishment Bylaw

ANNUAL GENERAL MEETING

- 4.0 The Commission shall hold its annual general meeting on the first Wednesday of each December.
- 4.1 Notice of the day, hour and place of the annual general meeting of the Commission shall be given at least one month prior to the time of the meeting by mailing a notice to each property owner in the Local Community.
- 4.2 Notice of the day, hour and place of the annual general meeting of the Commission shall be published once in a newspaper circulating in the local community not more than one month prior to the annual general meeting.

STRUCTURE OF THE LOCAL COMMUNITY COMMISSION

- 5.0 The Olalla Local Community Commission shall consist of:
- (a) 4 elected commissioners, all of whom must reside in the local community and have the qualifications to hold office as a director, and
 - (b) the director for Electoral Area 'G'.

ELECTIONS FOR COMMISSIONERS²

- 6.0 Inaugural elections for the local community commissioners shall be held on a Saturday set by the Chief Election Officer as appointed by the Regional District of Okanagan-Similkameen. Subsequent elections shall be held every three years in conjunction with general local elections.
- 6.1 Part 3 of the *Municipal Act* applies to the holding of an election for the local community commissioners

TERM OF OFFICE

- 7.0 The term of office for elected commissioners is to be 3 years or until their successors are elected, whichever is later.

ELECTION OF CHAIR AND VICE-CHAIR

- 8.0 The Commissioners shall elect a Chair and Vice Chair at the meeting held on the first Wednesday of December in each year.

² Bylaw No. 1771, 1997 Olalla Local Community Establishment Bylaw Amendment Bylaw

REMUNERATION

- 9.0 The elected Commissioners shall serve without remuneration, but shall be entitled to reimbursement for expenses reasonably incurred in connection with the performance of their duties.

ADMINISTRATIVE POWERS

- 10.0 The powers and duties of the Olalla Local Community Commission shall include the delegation of administrative powers, by the Regional District with respect to the supply, treatment, conveyance, storage and distribution of water. These administrative powers do not include any of the responsibilities of the Treasurer as defined in Section 245 of the *Municipal Act*.
- 10.1 The Commission shall prepare a proposed provisional budget for the Olalla Water System Local Service established within the Olalla Local Community and submit this budget to the Board of Directors of the Regional District by September 30th in each year. The Commission shall submit proposed amendments to the provisional budget to the Board of Directors of the Regional District by February 28th in each year.
- 10.2 The Commission shall have the ability to approve payment of all current accounts for the Olalla Water System Local Service within the constraints of the provisional and final budgets adopted by the Regional District and to submit these accounts to the Treasurer of the Regional District for payment.
- 10.3 The procedure that is to be followed for the conduct of its business is governed by the bylaw adopted by the Regional District of Okanagan-Similkameen pursuant to section 794 of the *Municipal Act*, RBC 1996, Chapter 323.³
- 10.4 The Commission shall hold at least one meeting per year. The Chair or any two Commissioners may summon a meeting of the Commission by giving at least two days' notice in writing to each Commissioner, stating the time, place and purpose for which the meeting is called.⁴

³ Bylaw No. 1771, 1997 Olalla Local Community Establishment Bylaw Amendment Bylaw

⁴ Bylaw No. 1609.01, 2007 Olalla Local Community Establishment Amendment Bylaw

CITATION

11..0 This bylaw may be cited for all purposes as the "Olalla Local Community Establishment Bylaw No. 1609, 1995".

READ A FIRST, SECOND AND THIRD TIME this 20th day of July, 1995.

I hereby certify that this is a true and correct copy of the "Olalla Local Community Establishment Bylaw No. 1609, 1995.", as read a third time by the Regional Board of the Regional District of Okanagan-Similkameen, on the 20th day of July, 1995.

DATED this 20th day of July, 1995.




Administrator/Secretary

APPROVED BY THE INSPECTOR OF MUNICIPALITIES
this 5th day of September, 1995.

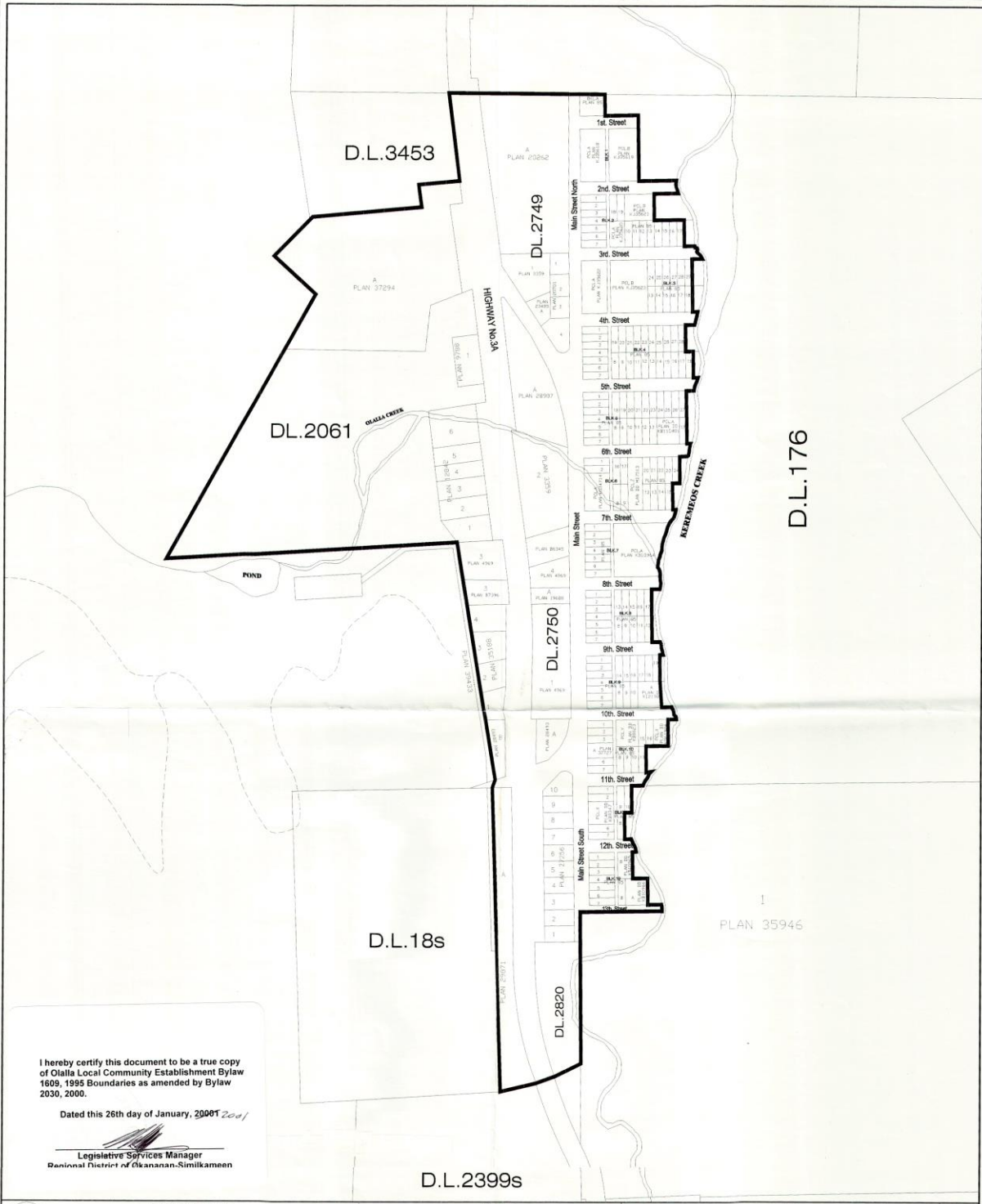
THE ASSENT OF THE ELECTORS in the Local Community was obtained
this 16th day of September, 1995.

RECONSIDERED, PASSED AND FINALLY ADOPTED
This 17th day of April, 1997



~~Administrator/Secretary~~ Deputy Secretary

FILED WITH THE INSPECTOR OF MUNICIPALITIES
this 21st day of April, 1997



I hereby certify this document to be a true copy of Olatla Local Community Establishment Bylaw 1609, 1995 Boundaries as amended by Bylaw 2030, 2000.

Dated this 26th day of January, 2000

[Signature]
 Legislative Services Manager
 Regional District of Okanagan-Similkameen

<p>Regional District of Okanagan Similkameen <small>PLANNING DEPARTMENT</small> 101 MARTIN STREET PENTICTON, B.C. V2A 5J9</p>	DRAWING TYPE	DRAWING NUMBER	
	<small>DATE OF LAST REVISION</small> 01/22/00	<small>DRAWING SCALE</small> 1:3500	



OLALLA LOCAL COMMUNITY COMMISSION ANNUAL GENERAL MEETING 2019

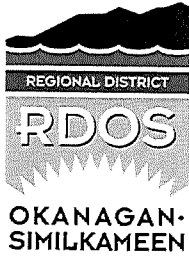
LOCATION: KEREMEOS HEALTH CENTRE
700- 3RD STREET. KEREMEOS, BC

DATE: Monday, October 7, 2019 from 1:30 PM to 3:30 PM

MEETING MINUTES

	<p>OLALLA LOCAL COMMUNITY COMMISSION Stan Bobowski, Commission Chair Bev Stewart, Commission Member- Absent Neil Gair, Commission Member James McConachie, Commission Member Tim Roberts, RDOS Director Tim Cottrill, RDOS Alternate Director</p>	<p>RDOS STAFF Neil Webb General Manager, Public Works Andrew Reeder, Public Works Operations Manager Gillian Cramm, Legislative Services Coordinator</p> <p>PUBLIC: Olalla Water System Users (3)</p>
<p>1</p>	<p>1.1 ADOPTION OF AGENDA It was moved and seconded: That the agenda for the October 7, 2019 Olalla Local Community Commission Annual General Meeting be adopted. – Carried.</p> <p>1.2 ADOPTION OF MINUTES - Minutes from December 6, 2017 Olalla Community Commission AGM It was moved and seconded: That the minutes of the December 6, 2017 Olalla Local Community Commission Annual General Meeting be adopted. – Carried.</p>	
<p>2.</p>	<p>INTRODUCTIONS</p> <p>2.1 OLALLA LOCAL COMMUNITY COMMISSION MEMBERS & RDOS STAFF</p> <p>RDOS Directors and Commission Member Tim Roberts, RDOS Director, Area G</p> <p>Commission Stan Bobowski, Commission Chair Neil Gair, Committee Member James McConachie, Committee Member</p> <p>RDOS Staff Neil Webb General Manager, Public Works Andrew Reeder, Public Works Operations Manager Gillian Cramm, Legislative Services Coordinator – Election Officer</p>	

3.	<p>ELECTION OF COMMISSION CHAIR AND VICE CHAIR – GILLIAN CRAMM</p> <p>3.1 The Commission’s Chair and Vice-Chair were elected by acclimation. Stan Bobowski was acclaimed as the new Commission Chair. Neil Gair was acclaimed as the new Commission Vice Chair.</p>
4.	<p>OLALLA WATER SYSTEM 2020 – BUDGET – NEIL WEBB</p> <p>4.1 Neil Webb provided an update regarding the 2020 Budget as well as the 5- year financial outlook (2019-2023):</p> <ul style="list-style-type: none"> • 2020 Draft Budget An explanation of the budget process including the concepts of reserve funds (capital/operational) and surplus was provided. The highlights to discuss were: • <i>Revenues – Includes \$100,000 gas tax funding. In 2018 \$140,000 was diverted away from the back up generator due to the flooding issues.</i> • <i>Expenses</i> • <i>Five Year Financial Plan</i>
5.	<p>OVERVIEW OF OPERATIONS – ANDREW REEDER</p> <p>5.1 Andrew Reeder provided a report of operations for the Olalla water system for 2018-2019. Many of the leaks in the pipe have been replaced with new mains. An audit will be done to ensure the RDOS has captured all water connections in billing.</p>
6.	<p>CAPITAL PROJECT UPDATE – ANDREW REEDER</p> <p>6.1 Andrew Reeder to provide an update on the 2018 & 2019 Capital Projects: A back up generator and new secure storage for parts project will be completed in 2020.</p>
7	<p><u>NEW BUSINESS</u></p> <p>7.1 NEW WATER REGULATION AND DRAFT CROSS CONNECTION CONTROL BYLAW</p> <p>7.2 CHANGES TO WATER RESTRICTIONS FOR 2019</p> <p>7.3 CIVIC READY – NEW CONTACT SYSTEM FOR WATER AND OTHER EMERGENCY NOTIFICATIONS</p> <p>7.4 E-BILLING NOW AVAILABLE</p> <p>7.5 COMMISSION CONVERSION TO COMMITTEE Director Roberts led a discussion on converting the current Commission into a Committee. It was moved and seconded that the Olalla Local Community Commission support the conversion of the Commission to an Advisory Committee. – Carried.</p>
8.	<p><u>ADJOURNMENT 2:50 PM</u></p>



OLALLA COMMUNITY WATER SYSTEM ADVISORY COMMITTEE

TERMS OF REFERENCE

October 22, 2012

1.0 AUTHORITY

The Regional District has the authority under S. 795 of the Local Government Act to appoint a select committee to consider or inquire into any matter and report its findings and opinion to the board and at least one member of the select committee must be a director.

2.0 MANDATE

The Olalla Water Advisory Committee (OWAC) is a select committee of the Regional Board and shall advise and assist the board in decision making for long-range planning for capital works projects, contingency plans and communication for water quality related information dissemination. This mandate shall include periodic review of Regional District policies, programs, and services to ensure the public interest is fully reflected in all decisions of the Regional District of Okanagan-Similkameen pertaining to water management within the Olalla Water Service Area.

3.0 DUTIES

The OWAC shall report to the board and shall be supported administratively by the Public Works Department. Responsibilities include the following:

- (a) Meeting at least once annually;
- (b) Attending public meetings pertaining to water related issues;
- (c) Working with staff and consultants to generate reports as required on water management issues for the Olalla Service Area including *Permit to Operate* requirements generated through the Interior Health Authority. Generally reports will recommend what issues require address, when they should be implemented, and how they should be funded.

4.0 COMPOSITION

A maximum of five (5) members consisting of:

Public Members: (Voting)

- Five members from the Olalla Water system service area, including the Director of Electoral Area "G".

Regional District Directors (Voting)

The Area "G" Director must be present at each meeting and a Chair will be chosen from the Public Members at the first meeting.

Staff Support Group (Non-Voting)

Regional District staff support as required.

5.0 QUALIFICATIONS

The Regional District Board wishes to appoint individuals who can work together to provide recommendations for a common approach to the issues pertaining to water system.

Members shall be chosen for their special expertise, experience, dedication and commitment to the mandate of the Committee.

6.0 APPOINTMENT PRINCIPLES

In order to ensure an inclusive public advisory process, the Regional Board shall consider the following:

- Vacancies must be publicly advertised and all applications must be considered.
- The methods of advertising vacancies will be tailored to the specific needs of the committee.
- The Regional District may, at its discretion, review the composition of this committee at any time.

7.0 TERM OF COMMITTEE

- Committee members shall be appointed by, and serve without term at the pleasure of the Board of Directors for the Regional District of Okanagan Similkameen.

8.0 COMMITTEE PROCEDURES

- The quorum is a majority of the voting members.
- Meetings shall be held in accordance with the Local Government Act and the Regional District of Okanagan-Similkameen Procedure Bylaw.
- Rules of debate shall be in accordance with Robert's Rules of Order Newly Revised.
- The location of meetings shall be decided by the committee.