

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

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

SCHEDULE OF MEETINGS

9:00 am	-	11:30 am	Strategic Planning
11:30 am	-	12:00 pm	Lunch
12:00 pm	-	12:45 pm	Corporate Services Committee
12:45 pm	-	1:45 pm	Planning and Development Committee
1:45 pm	-	2:00 pm	Community Services Committee
2:00 pm	-	2:30 pm	Environment and Infrastructure Committee
2:30 pm	-	3:00 pm	Protective Services Committee
3:00 pm	-	4:30 pm	RDOS Board

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

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

STRATEGIC PLANNING WORKSHOP #2

AGENDA

Thursday, 5 December 2019
Board Room

Time		Activity
09:00	1.0	Overview of the Day
09:10	2.0	Review Trends
09:45	3.0	Review Assumptions
10:30		Break
10:45	4.0	Review Rural Submissions for 2020 Business Plan
11:30		Lunch

A Discussion on

Trends for 2020

Question: What trends will have a significant impact on our preferred future?

High ranking trends identified in the Nov 14 Board workshop are identified in blue.

Social

- The population continues to age
- There will be a stable annual, but minimal, growth in population
- Family size will continue to decline
- The focus on wellness will continue to increase
- The number of single parent families will continue to increase
- Government employment levels will continue to be a stable job growth factor
- The expectations of the public for increased levels of service will continue
- Volunteers are ageing and volunteerism will continue to drop
- The need for public transit and assisted living accommodation will grow alongside ageing in place.
- The demand for citizen participation in government decision making will continue to increase
- The demand for recreational and cultural opportunities will continue to grow
- The requirement for environmental protection is increasing with an informed public
- The social safety net and connectivity will continue to erode
- The values of younger generations are shifting
- Public Safety and crime prevention are increasingly important to the ageing population
- The ethnic and cultural diversity demographic will continue to increase

Economic

- There will continue to be an increase in information-related, service and hospitality sector jobs and a decline in manufacturing/ Industrial related jobs
- Energy costs will continue to increase
- Tourism will remain strong with concentration on eco-tourism, sport tourism and wine tasting
- Demand for outdoor recreation experiences will increase
- The aging population will increase the market for active recreation
- There will be more opportunity for home-based recreation
- Innovative technology will make mining more profitable
- Spending on infrastructure replacement will continue to increase
- The lower Okanagan and Similkameen Valley's will continue to be attractive to seniors.
- The cost of health care will continue to grow
- The cost of housing will continue to be higher in the Okanagan than other areas
- A lower average income will prevail in the interior with the increasing ageing demographic
- **The proportion of seniors will increase during the "baby boomer bulge" and the middle class will decrease**
- The demand for new housing has been high over the past few years, but will stabilize

- The sharing economy will continue to grow (collaborative economy, collective consumption or peer-to-peer (P2P) networks).
- There will be structural (youth) unemployment due to global talent pool increasing and “unmanning” (automation of manufacturing and our lives)

Environmental

- Increased concern about the environment will require hazardous waste to be dealt with in a more appropriate manner
- The benefit of reuse and recycling of waste will grow
- The funding gap for replacing aging and deteriorating municipal infrastructure will persist
- Increasing standards for potable water will require additional involvement by the RDOS
- Senior levels of government will continue to focus grants on green infrastructure
- Increased sensitivity to the environment and the requirement for recycling/composting will extend the life of landfill facilities
- The local climate will continue to attract new residents
- The occurrence of natural disasters will increase with climate change
- The risk of food insecurity will increase with climate change and increased population (Parking lot)
- Attention to water recycling will increase with climate change and water insecurity
- The Okanagan-Similkameen area will be living in water-stressed conditions
- The transition to electric vehicles (EVs) in urban areas will continue and local governments will increase the percentage of their transportation fleet to electric.
- More local governments will develop self-contained energy grids to ensure a reliable electric supply when access to their normal supply is disrupted, which could be caused by extreme weather events, physical, and/or cyber attacks. (Parking lot)
- Local communities will generate more of their energy from renewable sources like wind, solar or natural gas.

Broad Municipal Trends

- The business of local government will become increasingly complex
- The demand for more involvement in municipal decision making will continue
- The demand for more and better service levels will continue
- Distrust of elected and appointed government officials will continue to grow
- The demand for increasing government transparency will increase
- The rate of change will continue to increase
- The transition towards a “Virtual City Hall” will continue
- Governments will increasingly use “Artificial Intelligence” technology, both as a regulator and as a user.
- Governments are moving to achieve end-to-end service delivery through unique digital identity to create a seamless citizen experience.
- As more data is collected and smart machines know more about us, governments must ensure that privacy, equity and transparency guides their operations.
- Health care is undergoing a tech-enabled transformation... wearable monitors, “bioinformatics”, shared records
- Tribalism and identity politics are political arguments that focus on the interests and perspectives of specific groups. These groups can turn into movements or strong voting blocs.
- Rural vs Urban: as more people move to cities, a rural versus urban split may widen
- UNDRIP – The requirement for consultation with indigenous peoples on land use will continue to increase

- Fiscal Uncertainty: As nations and states transfer more responsibilities to local governments, we have the challenge of “not enough money chasing too many needs.”
- Municipal leaders are increasingly forming their own global or regional coalitions to address their most pressing issues
- There will be more corporate and special interest influence in local government
- The environment for local governments will be more volatile, uncertain, chaotic and ambiguous as tax revenues fall.

Black: 2019 Assumption

Blue: Board suggested for changes

Red: Admin suggested for changes

Assumptions – External

- That we ~~value~~ **prioritize** our citizens' input and citizen engagement.
- **That trust in government is enhanced by communications and citizen engagement**
- That there is value in increasing the role technology will play in Regional District business.
- That by measuring staff and customer perception of service we can develop a plan to improve service.
- **That an aging demographic will impact the fiscal uncertainty of the region (Elder expense) and impact fiscal decisions**
- That infrastructure grant opportunities will continue in the foreseeable future.
- **Aging infrastructure will continue to deteriorate**
- **That technology will drive infrastructure planning and investment (i.e. planning for charging stations, bike lanes for e-bikes)**
- That impacts of sustainability decisions are important to citizens
- That citizens may be willing to pay for improvement of some services
- That senior government expectations of local government and downloading will continue to increase
- That public scrutiny of local government decisions will increase.
- ~~The Canadian economy will be stable with slight growth in the next four years~~
- ~~That interest rates will continue to rise.~~
- That there **is a public acceptance** for more of our business to be conducted on-line.
- That climate change will affect core services, infrastructure and the frequency of environmental emergencies.
- **That water shortages will affect core services**
- That high-density communities in rural areas **will** expect municipal services similar to incorporated communities.

- That our communications will be more effective tailored to specific electoral areas or issues
- That development and building permit applications will continue to rise
- That the Province will encourage local governments to expand into the provision of social services
- That ~~relations with indigenous peoples~~ intergovernmental relations will have a higher impact on our business processes
- That citizens needs are becoming more diverse according to age
- That access to high speed internet is a vital infrastructure requirement for new resident attraction
- That strengthened relationships created by city to city collaboration identifies and fosters opportunities

Assumptions – Internal

- ~~That fiscal responsibility is one of the primary drivers for organizational decisions~~
- That the Board wants to be an employer of choice
- ~~That effective and fiscally responsible do not conflict~~
- That new technologies will facilitate our business processes
- That we must build relationships to be successful
- That government effectiveness is enhanced by good communication
- That measurement is essential to good management
- ~~That the Regional District will receive increased pressure to assume ownership of more utilities~~
- That there will be financial and environmental benefit for the Regional District to explore alternative energy sources
- That the Regional District must be better prepared with data and information to capitalize on new Provincial and Federal programs for service delivery

Strategic Plan Workshop #2

Electoral Area Additional Submissions

PROJECTS REQUIRING OUTSIDE APPROVAL

- Transfer of Utilities to RDOS ownership
 - Hedley Water System
 - Sage Mesa Water System

DIRECTOR PROJECTS/ISSUES

Corporate

- Municipal Office - The Penticton CAO advised that his Council was starting to plan for a new municipal office and indicated that they would like to partner with the RDOS for a shared facility
- Sub-Regional Twin Rink Facility – The City will need to address outdated ice facilities in the next few years and they want to explore making that a shared project.
- Recording Board meetings (either video or audio only) and making them publicly accessible

Area “A”

- Paving the Canal trail between Rd 22 and Rd 9 in Area A and C. The intent is to use Gas tax funding and any other possible funding sources that may be available.

Area “C”

- Pursue tenure on the river path hike and bike from McAlpine Bridge south to Rd. 22.
- Start discussions on Similkameen hike and bike link over Fairview Rd.
- Investigate establishment of a regional police force.
- Formation of a local emergency call center for volunteers to respond to local needs during events: Through church or seniors centers. i.e. spur of the moment sand bagging crews to include filling transport and placement, fire protection raking crews.
- Explore a different funding model for the O.K. Film commission (a fee or levy of some form) I understand this may take a provincial legislative approval, should this go on the list for next years' UBCM?

ON A MORE ABSTRACT LEVEL

- Consider becoming a lobby for revamp of the criminal justice system; possibly a more meaningful form of escalating incarceration times, or a three strikes approach. This I will push at the next UBCM but is there an appetite to join up on this?
- It is probably time to look at forming a service area for the purpose of applying for mitigation grants for all perils not just flood.

Area “D”

- Create a Tourist Accommodation Demand Study for Electoral Area D.

Area “E”

- Installation of washrooms on septic and a walking path at Manitou Park
- Develop a Liquid Waste Management Plan for Naramata
- Purchase a closed road from MOTI between two pieces of Wharf Park and finalize Wharf Park design. Investigate the feasibility of new washrooms on septic for Wharf Park.
- Install fencing around the perimeter of Spirit Park.
- Creek Park trail improvements and signage
- Community wayfinding signage – partnership with Discover Naramata Society
- Planning for future drinking water pipe replacements for installations in 2021/2022

Area “F”

- Sage Mesa Water System
- Shared use agreement and/or partnership w SD67
- KVR - repair and maintenance
- Community initiatives like Age Friendly*, Bear Aware, FireSmart, update bulletin boards, etc.

Area “G”

- Need for a cemetery service.
- Heritage service to have a reserve for 2020
- Move existing Heritage service to a shared service with Area B and the Village of Keremeos
- Future view to a connection to the Similkameen in the Regional trail plan claiming a reasonable route prior to the possibility of a National Park.

Area I

Regional

For the Board of Directors to consider a non-voting first nations member/s at our board meetings for voice representation before decision making occurs at the board table.

- Paid from through General Governance

Electoral Area

- Economic Development for Area I, i.e. grant writing with staff oversight
- Investigate a Tiny home bylaw
- Consider a Shipping Container Bylaw at Apex
- Service Review on withdrawal from regional transit service
- Flood Mitigation Service with area C and I
- Work with the City of Penticton on a sub regional service for police and recreation

Apex

- Acquire land tenure for a building in collaboration with the Apex Community Association to create a Parks and Recreation service, including trail maintenance
- Investigate and work with Apex Fire Brigade towards a 2021 Fire Dept referendum
- B and B bylaw to monitor business use for fair service payment, i.e. Apex waste fees and charges

Kaleden

- 1912 Hotel stabilization project - Regional park land with a Class B designation for Heritage
- Sewer Project - Ponderosa and Lakehill
- Look at a Goose management program at Pioneer Park and shoreline of Kaleden
- Start a fire hall upgrade with designs and asset management of hall building to update structure to expand with more classroom space and office expansion
- Boat floating dock over launch grants
- Old Kaleden Road to trail use including gating the road off except for emergency vehicles with public engagement

Twin Lakes

- Clean up and establish a park area in public access areas and boat launch tenure
 - Move forward with large area of twin lakes public access points and create a formal plan on the land use.
- LNID conversion process



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, December 5, 2019

12:00 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of December 5, 2019 be adopted.

B. ELECTED OFFICIALS COMPENSATION COMMITTEE

1. UBCM Council & Board Remuneration Guide

RECOMMENDATION 2

THAT the Board of Directors accept the recommendation of the independent Elected Officials Compensation Review Committee.

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Elected Officials Compensation Committee

Administrative Recommendation:

THAT the Board of Directors accept the recommendations of the independent Elected Officials Compensation Review Committee, as submitted and attached.

Reference:

- February 21, 2019 Administrative Report to Corporate Services Committee
- May 9, 2019 Administrative Report to Corporate Services Committee with Terms of Reference
- UBCM *Council and Board Remuneration Guide* (Sept 2019) attached

Background:

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

As a result of this change, and because Board compensation had not been formally reviewed for at least 10 years, the Board of Directors resolved to create a committee comprised of citizens to consider equalization and remuneration for the Board of Directors

Five citizens responded to the call for committee members and worked together to understand local government compensation around the Province so they could bring forward informed recommendations to the Board of Directors.

The Committee benchmarked compensation rates from multiple other local governments and reviewed the newly released UBCM *Council and Board Remuneration Guide*.

Analysis:

The committee completed their analysis and formulated their recommendations by mid-November for presentation at the December 5, 2019 Corporate Services committee meeting.

Alternatives:

1. Accept the Compensation Committee recommendations.
2. Reject the Compensation Committee recommendations.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

TO: The Directors of Okanagan Similkameen Regional District

FROM: Elected Officials Compensation Committee

DATE: November 25, 2019

Committee Members: B. Ross, L. Smith, F. Armitage, T. Hodgkinson, L. Trudel

Staff Assistance: C. Malden, J. Kurvink, C. Styffe

COMMITTEE SELECTION

The Board advertised throughout the RDOS for interested parties to submit their Expression of Interest in serving on the "Elected Officials Compensation Committee." Five members were appointed by the Board to the Committee and the first meeting was held at the RDOS offices in Penticton on Sept. 11, 2019.

Subsequent meetings were held on Sept. 24, Oct. 8, and October 22, 2019.

OVERVIEW

Prior to January 2019, elected officials were able to receive a non-accountable allowance for work expenses that were not taxable. RDOS Bylaw 2621, 2013 under 3(c) covered this allowance.

The one third income tax exemption for this allowance has been eliminated effective January 1, 2019 as per the 2017 Federal Budget and Bill C44. Income Taxes and CPP premiums are now payable on this amount, resulting in a significant reduction to Board Members stipends.

A large number of Regional Districts were contacted and they have either implemented pay increases or are in the process now. The Committee received and reviewed their documents (some 20+) and the vast majority are doing increases to offset the losses re removal of the Tax Exemption.

Two documents, the UBCM Regional District Tool Kit, and the FCM Booklet were particularly helpful to our Committee members. Documentation received from other Regional Districts were invaluable in creating comparators, which we used to compare to our current Director's pay levels.

On review of the pay increases none appear to be phasing in the increases (ie:) over a three year period. It appears this is a one-time adjustment to make up for the loss of the tax exemption.

We then averaged a number of Regional Districts' percentage increases and selected ten Regional Districts, resulting in an increase as indicated hereunder.

RECOMMENDATIONS

We, the Committee, recommend an increase of 11.9%, effective January 1, 2020, to offset the increased taxation as result of the elimination of the one third non-taxable allowance.

	2019 Annual Income	Jan. 1, 2020 11.9% Increase	* Total 2020 Income
Chair	\$ 33,136.20	\$ 3,943.20	\$ 37,079.40
Vice Chair	\$ 6,038.28	\$ 718.56	\$ 6,756.84
Municipal Director	\$ 6,388.08	\$ 760.18	\$ 7,148.26
Electoral Area Director	\$ 22,095.48	\$ 2,629.36	\$ 24,724.84

*This does not include the CPI adjustment based on previous twelve months (Bylaw 2621-2013). The CPI earned in 2019 (12 months) is paid after the adjustments have been made in 2020.

Should this increase be passed by the Board, \$60,000.00 will be budgeted to cover the increased cost. These increases will equate to an annual cost of \$1.11 per Residential Residence in the Regional District per year.

On passing the increase, the Board should direct senior staff to make adjustments to Bylaw 2621-2013 to reflect the recommended changes.

We, the Committee members would like to thank the Board of Directors for the opportunity to serve.

We extend our sincere appreciation to the three staff members for their excellent assistance.

Respectfully Submitted,

Bill Ross, Frank Armitage, Lanny Smith, Lionel Trudel, Tim Hodgkinson,



UNION OF BC MUNICIPALITIES

COUNCIL & BOARD REMUNERATION GUIDE

FIRST EDITION
SEPTEMBER, 2019

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INTRODUCTION

In British Columbia, local governments are responsible for providing a broad range of local services to address infrastructure needs, regulate land use, move people and goods, tackle challenging social issues, promote active living, protect the natural environment, and deal with a host of other issues. The elected officials that sit on the municipal councils and regional district boards collectively make, and accept responsibility for, the funding, policy, and service delivery decisions that are required in order for local government to work. Local elected officials also have responsibility for ensuring that the councils and regional district boards themselves function effectively as democratic, representative governing bodies.

Effective governance requires the elected officials to make decisions regarding the structure and operation of the governing bodies. One of the more difficult decisions that must be made by the officials involves the setting of their own remuneration.

Local elected officials in BC endorsed a resolution at the 2018 Union of BC Municipalities (UBCM) Convention that tasked UBCM with developing a resource to support local decision makers in the development of remuneration packages that are defensible and fair. This *Council & Board Remuneration Guide* presents best practices for local governments to consider.

Development of Guide

The *Guide* was developed through a five-stage process:

- > *Stage 1: Background Research* — Research was conducted to identify and understand the challenges faced by local governments in setting remuneration levels for council members and board directors. Remuneration approaches for elected officials in other orders of government were briefly explored as part of the research.
- > *Stage 2: Survey* — A survey was sent to every municipality and regional district in the province to understand elected official remuneration policies and practices in place today, to learn about approaches that appear to work well, and to understand lessons learned. A total of 75 local governments responded to the survey, which translates into a response rate of 39%. Included in the list of respondents were eleven of the twenty largest municipalities (by population), five

LOCAL GOVERNMENT AUTONOMY

The best practices set out in the Guide recognize that local governments have autonomy to develop approaches to remuneration that reflect local needs and circumstances. The Guide offers practical advice, based on research findings and the experiences of municipalities and regional districts, for local governments to consider. Each local government will need to determine, based on its own review of the information, its preferred course of action.

of the smallest municipalities, and twelve regional districts. All regions of the province were well represented (see sidebar).

- > *Stage 3: Interviews* — Approximately twenty follow-up interviews were conducted with a subset of the municipalities and regional districts that responded to the survey. Written materials from these local governments were obtained and reviewed; materials from other places identified through the research were also reviewed.
- > *Stage 4: Best Practices* — Based on the background research, survey results, and discussions with individual local governments, a set of best practices was developed for the *Guide*.
- > *Stage 5: Guide* — The UBCM Executive approved the scope and approach for the *Guide*. The final draft, complete with recommended best practices, was reviewed by UBCM's Presidents Committee. Input provided by the Presidents Committee was used to finalize the document.

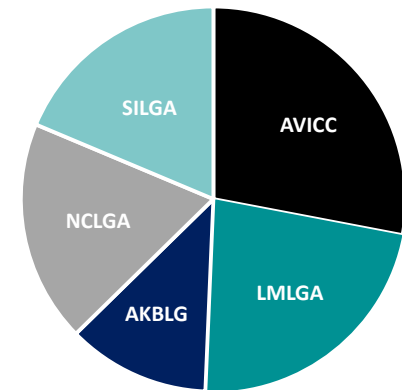
Organization of Guide

The *Council & Board Remuneration Guide* is organized into six separate sections. Section 1 sets the stage by exploring why remuneration for elected officials is important, and why local governments need to review remuneration levels periodically. Sections 2, 3, and 4 then focus on remuneration reviews themselves. Section 2 begins by considering who should conduct such reviews. Three options are identified and assessed. Section 3 addresses the question of "when" — specifically, when to review remuneration, and when to implement the results of a review. The distinction between a full review and an adjustment is explained in this section. Section 4 examines how to conduct a review. The development of comparison groups, the collection of data, and the use of simple formulas are all topics that are addressed the text. Advice on expenses and benefits is also provided. Section 5 addresses the importance of communication. Information to communicate, audiences to reach, and methods of communication to consider are outlined.

Best practices for local governments to consider in addressing remuneration for elected officials are presented throughout the *Guide*. Section 6 brings the practices together into one summary table.

SURVEY OF LOCAL GOVERNMENTS

In total, 75 municipalities and regional districts participated in the survey on elected official remuneration. As illustrated in the accompanying chart, all regions of the province (identified using UBCM Area Associations) were represented.



Use by Local Governments

It is important to emphasize that the *Guide* does not prescribe or suggest specific levels of remuneration or particular expense and benefits packages for local elected officials. The *Guide* is focused, instead, on helping local governments develop approaches that can be used by decision-makers to establish compensation programs that are fair both for elected officials and local taxpayers.

It should be noted, as well, that the *Guide* recognizes the autonomy of local governments in the development of approaches that reflect local needs and circumstances. The *Guide* offers practical advice for local governments to consider, based on research findings and the experiences of municipalities and regional districts around the province. Each local government, however, will need to determine, based on its own review of the information, its preferred course of action.

On a related note, the *Guide* recognizes that there is significant variability among local governments in British Columbia. Considerable differences in population, area, scope of services, size of administration, location, growth rate, local economy, and other factors mean that local governments will need to apply the best practices in ways that respond to local needs and are sensitive to local conditions. To assist local governments in this task, care has been taken to provide advice that can be applied in a variety of local settings.

Key Terms

Certain terms are used repeatedly throughout the *Guide*. Key terms and their meanings are presented in Figure I.1 in alphabetical order.

VARIABILITY AMONG LOCAL GOVERNMENTS

Considerable differences among local governments in population, area, scope of services, size of administration, location, economy, growth rate, and other factors mean that jurisdictions will need to apply the best practices in ways that respond to local needs and are sensitive to local conditions. Care has been taken to provide advice that can be applied in a variety of local settings.

**Figure I.1
Key Terms in the Guide**

Term	Meaning
Benefits	Benefits are the incentives, services and protections provided to local government elected officials during their time in office.
Expenses	Expenses are charges incurred by local government officials in the course of their duties, and are necessary in order to perform their duties.
Local Governments	Local governments include municipalities, governed by councils, and regional districts, governed by boards of directors.
Local Government Elected Officials	Local government elected officials include members of municipal councils, and directors of regional district boards. Members of council include mayors and councillors. Regional district directors include chairs and vice chairs.
Remuneration	In a narrow sense, the term remuneration in the <i>Guide</i> refers specifically to money that is paid to local elected officials as compensation for the duties they perform. Remuneration in this sense includes base salaries, but also supplemental payments that typically take the form of per-meeting stipends. Remuneration is also used in a broader sense to include expenses and benefits packages, in addition to money. The exact usage of the term throughout the text is context-specific.
Remuneration Adjustment	This term refers to increases that are automatically applied, usually on an annual basis, to an elected official's base salary. The level of adjustment is determined by a pre-determined index (e.g., consumer price index), or combination of indices.
Remuneration Review	A remuneration review is a formal assessment of existing remuneration provided to elected officials. In most cases, reviews include a consideration of pay, expenses, and benefits.

SECTION 1

IMPORTANCE OF REMUNERATION

Most people who seek election to a municipal council or regional district board are driven, first and foremost, by a strong sense of public service and a desire to make their communities better. Remuneration is not, in most cases, an important motivating factor. Individuals who do make the commitment to serve as local elected officials, however, should be able to expect fair and reasonable compensation. This section of the *Guide* explains why remuneration is both warranted and important.

FACTORS TO CONSIDER

Time Commitment

Local government elected officials are expected to commit considerable time (and energy) to their roles on municipal councils and regional district boards. In larger municipalities and in some regional districts, the roles of mayor and chair are full-time positions in which incumbents typically work more than full-time hours. Even in places where such positions are part-time in nature, the time requirements can be significant, as they are for councillors and directors. Time must be spent reviewing comprehensive agenda packages, attending council or board meetings and public hearings, engaging with residents, participating in civic events, and handling a variety of other tasks. For elected officials who serve on more than one governing body, on committees and commissions, and as appointees to external agencies and associations, the time commitment is even greater.

Councils and boards need people who are willing and able to commit the time needed to serve. Remuneration reflects and compensates individuals for the time they must spend to do the job.

Employment and Financial Impacts

The time required to serve on a municipal council or regional district board will reduce the amount of time available to spend on other paid work. For individuals who are mid-career, this reality can negatively impact their current employment situation, as well as their total earned income. In some cases the impact may extend to affect future career development and earning potential, since time spent on a council or board translates into less time available to apply to building a career path.

TIME COMMITMENT

“Municipal politics is different than the rest in that Council members are always on the clock. Businesses close at the end of a day, people go home from work and provincial and federal politicians have staff and deputies to assist with their very demanding schedules. City Council members are on their own and take ownership of all issues and concerns from the community. They are never off the clock.”

*Remuneration Task Force
City of Kamloops*

Remuneration for local elected officials will not fully offset the employment and financial impacts experienced in every case. In keeping with the public service motivation of people who choose to run for local office, there is arguably a tacit acceptance by those in office of some level of sacrifice. Remuneration should, however, be fair as well as sufficient in order to mitigate any sacrifice required. Unfair and insufficient remuneration may render elected office off-limits to a variety of prospective candidates.

Responsibility

Municipal councils and regional district boards are responsible for increasingly broad and complex portfolios of local government services. The elected officials who sit on these governing bodies contribute to and accept responsibility for funding, policy, and service delivery decisions that are taken to meet infrastructure needs, promote land use goals, tackle social issues, provide opportunities for sport and recreation, protect sensitive environments, regulate activities, and deal with a host of other issues. These decisions, which even in small jurisdictions can be weighty and contentious, affect the lives of residents and the long-term prosperity of communities. Fair remuneration for persons who are willing to accept such responsibility is warranted.

Representative Government

As representative governing bodies, it is important that municipal councils and regional district boards reflect, to the extent possible, the diversity of the communities they serve. Inadequate remuneration, either in terms of pay and/or benefits, stands as a potential barrier to participation for people who are without other sources of income. Fair remuneration is important in helping to reduce barriers, and in attracting capable people from a variety of backgrounds, demographic groups, socio-economic classes, and employment types.

IMPORTANCE OF REVIEWS

The factors outlined thus far help to explain why remuneration for local government elected officials is both warranted and important. The factors also highlight the need for local governments to regularly review their elected official remuneration programs in order to ensure that they remain fair over time as expectations and circumstances change. Remuneration levels that are left static in the face of changing circumstances, including shifts in the cost-of-living, risk becoming barriers to participation.

GOVERNING BODY DIVERSITY

Municipal councils and regional district boards are representative governing bodies. Their legitimacy is strengthened when they reflect the diversity of the communities they serve. Inadequate remuneration is a potential barrier to participation for individuals who may wish to serve, but who lack other sources of income and/or benefits. In these cases, diversity in the membership of local governing bodies may be difficult to achieve.

SECTION 2

WHO SHOULD CONDUCT REVIEWS?

In an effort to ensure that remuneration levels for local elected officials remain fair over time, local governments undertake remuneration reviews. Reviews are the focus of Sections 2, 3, and 4 of the *Guide*. Section 2 — this section — begins by exploring who should conduct a review.

OPTIONS TO CONSIDER

In some jurisdictions, elected official remuneration is reviewed by the municipal council or regional district board itself, or by a committee of the council or board. In most places, however, reviews are assigned to other parties in order to relieve elected officials from the difficult task of having to develop their own levels and terms of compensation. The three most common options are local government staff, an independent task force, and experienced consultants.

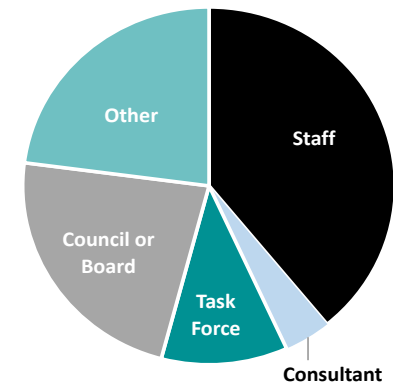
- > *Local Government Staff* — According to the survey of local governments that was conducted for the *Guide*, the use of local government staff to review elected official remuneration is the most popular option.¹ Most of the jurisdictions that reported using their own staff, it is worth noting, are small in size.
- > *Experienced Consultant* — This decision to assign a review to an outside, external consultant is less common, but is used in certain communities. Under the approach, a consultant is hired to conduct the relevant research, examine options, and recommend remuneration and benefit levels.
- > *Independent Task Force* — This option of an independent task force, comprised largely or entirely of local residents, is used by some local governments across the province, including large cities, small villages and towns, and regional districts.² The size and composition of the task force are important points to consider; so, too, is the mandate of the committee, its methodology, and the support it is provided.

¹ In all, 39% of responding local governments reported using local government staff to conduct reviews.

² The body is referred to as a Working Group, Advisory Group, Panel, Task Force, or Committee.

ASSIGNMENT OF REVIEWS

The accompanying chart based on the survey results shows that many jurisdictions today assign local elected official remuneration reviews to local government staff.



Pros & Cons

The choice of option may be informed by past experiences, and by local expectations and views regarding elected official compensation. The choice will also be influenced, however, by an assessment of the pros and cons that are associated with each of the alternatives. Figure 2.1 presents some of the key pros and cons that local governments may wish to consider.

Figure 2.1
Options to Consider

Options	Pros	Cons
Local Government Staff	<ul style="list-style-type: none"> > understand roles, responsibilities, and workload of elected officials > understand local context > easy access to data from other communities, particularly where benchmark group exists > cost effective 	<ul style="list-style-type: none"> > perceived as being less-than-independent from governing body > may be perceived or actual conflict of interest in cases where linkage (formal or informal) between elected official and staff remuneration
Experienced Consultant	<ul style="list-style-type: none"> > independent from elected officials > familiar with use of data and metrics, and with local government practices > option enables decision-makers to point to and rely on expert advice 	<ul style="list-style-type: none"> > may not understand or be sensitive to local context > may be costly
Independent Task Force	<ul style="list-style-type: none"> > independent from elected officials > places in hands of community (members from community) > understands local context > cost effective > different perspectives involved > potential to raise profile of local government, and importance of remuneration 	<ul style="list-style-type: none"> > may lack understanding of the roles, responsibilities, and workload of elected officials > relies on credibility of committee members > governing body may have difficulty rejecting recommendations

INDEPENDENT TASK FORCE

The use of an independent task force provides for a high degree of separation for elected officials from the development of their own remuneration packages.

PREFERRED APPROACH

The independent task force emerges in Figure 2.1 as the preferred option for undertaking elected official remuneration reviews. The task force's independence from decision-makers, as well as staff, enables it to operate in a way that is free of local government involvement and — more importantly — *perceived* to be free of such involvement. This freedom adds to the credibility of recommendations that come forward, and protects elected officials and their staff from conflict of interest issues and other controversies. The independence also allows the task force to speak to the roles, responsibilities and expectations of elected officials, and the importance of appropriate remuneration, in ways that the elected officials and staff would find difficult to do.

It is worth noting that the use of independent task forces and panels to determine elected official remuneration is widespread at the provincial and federal government levels in Canada. These jurisdictions recognize the value of the approach in protecting elected officials from challenges related to conflict of interest that inevitably arise in the development of their own remuneration.

SUCCESS FACTORS

The choice of the independent task force option will not, on its own, guarantee a successful outcome. Careful attention needs to be given to the appointment of members to the task force, the development of task force terms of reference, and the provision of support to the task force's work.

Membership

To the extent possible, diversity in the membership of the task force is important. A common practice is to include, at a minimum, representation from the local business community, as well as the non-profit or public sector. Many governments also find the appointment of an individual with past experience in local government as an elected official or senior staff person to be advantageous. These individuals bring a local government perspective, and can help ensure a clear understanding on the task force of the roles and responsibilities of elected officials. Individuals with human resources experience or a legal background are considered to add value in some places. Citizens-at-large are included on many task forces.

SUCCESS FACTORS

The choice of the independent task force option will not, on its own, guarantee a successful outcome. Careful attention needs to be given to the appointment of members to the task force, the development of task force terms of reference, and the provision of support to the task force's work.

Other considerations related to membership are as follows:

- > *Size* — Some places (e.g., Tofino, Metro Vancouver, Alberni-Clayoquot Regional District) limit the number of members to three; others (e.g., Abbotsford) allow for a maximum of five; still others (e.g., Kamloops) appoint seven. Larger bodies allow for greater diversity and a broader range of perspectives; smaller groups may be more nimble and able to reach consensus more easily. In relatively small jurisdictions, smaller task forces may be more practical to assemble given the smaller number of candidates relative to the situation in larger centres.
- > *Appointment* — In most jurisdictions that use independent task forces, members are appointed by the Chief Administrative Officer of the local government. This approach reinforces the group's independence from the governing body whose remuneration the task force is reviewing.

Terms of Reference

As with any advisory body, formal terms of reference for the task force are important. Task force terms should set out:

- > the purpose of the task force
- > the task force's membership, including number and qualifications of members, and the designation of a chair
- > the method and term of appointment
- > the task force's mandate, or scope of review, including the specific items (e.g., base remuneration, expenses, benefits, annual adjustments) on which the task force is expected to provide recommendations
- > a methodology to guide the task force, including any specific factors, bases of comparison, and criteria for the task force to consider in developing its recommendations
- > expectations regarding consultation, including consultation with the public
- > the expected number of task force meetings, and the meeting procedures to follow
- > support resources available to the task force in conducting its work
- > the task force's reporting schedule

GUIDANCE TO TASK FORCE

Even when task forces are free to choose their own approaches, it is useful for jurisdictions to provide guidance on methodology, and identify specific items for task forces to consider in their work.

The terms of reference for Abbotsford's Council Remuneration Citizen Task Force state that "the Task Force will research and consider all aspects of compensation that it believes are relevant to making its recommendations, but will specifically consider [certain] matters..."

- > policies, bylaws, and other documents of the local government that govern the task force's work and conduct

To underscore the importance of autonomy, some jurisdictions allow their task forces to themselves choose the data, factors, and criteria to use in developing recommendations. Even in these cases, however, jurisdictions will provide guidance on methodology or, more commonly, identify specific items for task forces to consider in addition to any others that the task forces determine to use.

Task Force Support

The primary value of a remuneration task force is its independence from the local government. The elected officials who receive and who are affected by the task force's recommendations benefit from this independence. The task force is not expected, however, to conduct its work completely on its own, without assistance from the organization. Indeed, for the task force to succeed, it must be able to rely on staff to collect and analyze data, organize meetings, conduct research, and draft the task force's report. It is important for local governments to assign a senior manager as a liaison to the task force, and sufficient staff resources to give the task force the support it needs to fulfill its mandate.

Another form of support for the task force is education. To make meaningful recommendations that reflect the duties, workload, and expectations of elected officials, task force members need to have a good understanding of local government, and of the roles and responsibilities of mayors/chairs, and councillors/directors. Local government staff can assist by providing an orientation to task force members at the beginning of their mandate. Alternatively, or in addition, task force members can be given reference materials such as the booklet available online at the Ministry of Municipal Affairs, titled *Thinking About Running for Local Office?*

BEST PRACTICE

- > *Local governments should consider establishing an independent task force to conduct reviews of elected official remuneration.*

TASK FORCE SUPPORT

*"The District Chief
Administrative Officer and
Director of Financial Services
shall serve as non-voting
resources to the [citizen]
Advisory Group."*

*Council Remuneration
Advisory Group
District of Tofino*

SECTION 3

TIMING AND FREQUENCY OF REVIEWS

Local governments interviewed for the *Guide* highlighted the need to consider timing and frequency in the review of elected official remuneration. These issues are explored in this section of the text. Also explored is the question of timing as it relates to the implementation of the outcomes of reviews.

TIMING OF REVIEWS

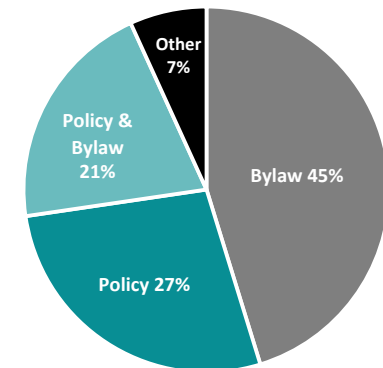
Local governments do not follow a single common practice with respect to the timing of remuneration reviews. An examination of existing approaches over the past decade shows that some councils and boards (e.g., Vancouver) have conducted reviews early in their terms, whereas others (e.g., Comox Valley Regional District, Oak Bay, Esquimalt, Prince George) wait until the final year of their mandate. Some local governments (e.g., Kamloops, Abbotsford, Metro Vancouver) initiate reviews closer to the middle of their terms. In general, most councils and boards that undertake reviews initiate them in the second half of their terms.

The preferred timing for a review will depend on a number of factors, including local economic conditions, reliance on established policy, the election cycle, and tax system changes over which local governments have no control. Each of these points is considered, as follows:

- > *Local Conditions* — In all of their initiatives, remuneration reviews included, councils and boards need to be sensitive to local economic conditions. Elected officials' compensation and benefits, it is important to remember, are paid for by local taxpayers. In times of economic growth and optimism, when local employment is strong and consumer confidence is high, news of a remuneration review for elected officials will be greeted much differently than during periods of economic stress. A council or board would be well-advised, for example, to postpone a review, no matter how warranted one may be, in a single-industry community that is dealing with the loss of a major employer.
- > *Established Policy* — The survey conducted for the *Guide* found that 27% of responding local governments have a formal policy in place on elected official remuneration, 45% have a remuneration bylaw, and 21% have both (see sidebar). Several of these policies and bylaws

ESTABLISHED POLICY

Most local governments that responded to the survey have either a formal policy in place on elected official remuneration, a bylaw, or both. Several policies and some bylaws address the timing and frequency of reviews.



speak to the timing of future remuneration reviews. When such schedules are applied consistently, local governments are perceived to have less discretion over the question of when to review. The issue of timing in these cases tends to attract less attention than it would otherwise.

- > *Election Cycle* — Change to elected officials' remuneration is an item of interest and discussion in many communities across the province. It is important for local governments to recognize remuneration as a legitimate issue for scrutiny and discussion, and to allow opportunities for discussion to occur. It may not be useful, however, for remuneration to dominate public discourse, particularly in the lead-up to an election when other important issues also deserve attention. To avoid this situation, local governments should consider conducting reviews, and reporting results, at least one year before the next election.
- > *Tax System Changes* — Changes to the *Federal Income Tax Act* were introduced by the federal government in 2017 to eliminate a long-standing federal tax exemption for local government elected officials, effective January 1, 2019. This change resulted in substantial changes to the after-tax income for elected officials, and prompted many local governments to adjust elected officials' 2019 pre-tax compensation in order to maintain after-tax 2018 remuneration. The need to review remuneration and change base amounts to maintain after-tax compensation was driven by changes that were beyond local government control. The timing of the review to initiate the changes was also driven by events outside of local government.

BEST PRACTICE

- > *Local governments should consider conducting remuneration reviews, and reporting the results, at least one year before the next election.*

FREQUENCY OF REVIEWS

Regular reviews of elected official remuneration levels should be undertaken in order to ensure that remuneration remains fair over time as job conditions, expectations, and circumstances change.

ELECTION CYCLE

Change to elected officials' remuneration is a legitimate issue for public scrutiny and discussion. To avoid having remuneration dominate public discourse in the lead-up to elections, however, at the expense of other important issues, local governments should consider conducting reviews, and reporting results, at least one year before the next election.

Failure to do so may undervalue the time spent by elected officials, and the level of responsibility associated with the job. Failure could also result in remuneration becoming a barrier to participation, and make it difficult for a diverse range of individuals to stand for election.

As noted earlier, several local governments that responded to the survey have policies or bylaws that set out schedules for formal reviews of base remuneration levels. In some of these documents the frequency of reviews is set out — once-per-term appears to be the most commonly prescribed schedule in these documents. Regular adherence to these schedules ensures that reviews happen on a regular basis, and helps to ensure that remuneration does not become a barrier to elected office. Local governments with policies and/or bylaws that do not identify a specific frequency typically experience longer intervals between reviews.

Relying on policies and bylaws to automatically trigger a review, in keeping with a prescribed frequency, is a useful practice to follow. It relieves councils and boards — as well as their individual members — from having to take the politically-difficult decision to request a review.

BEST PRACTICES

- > *Local governments should consider conducting remuneration reviews once per term.*
- > *Local governments should consider setting out the timing for subsequent reviews in remuneration policies or bylaws.*

Annual Adjustments

Local governments undertake remuneration reviews to assess the fairness of elected officials' pay, expenses, and benefit packages. When done properly, reviews take time, energy, and other resources to complete. A best practice, identified earlier, is to conduct a full review once per term — it is neither necessary nor reasonable to schedule reviews more frequently.

In the years between reviews, it is common for councils and boards with policies and/or bylaws in place to automatically adjust elected official pay to reflect changes in the cost of living. In almost

ANNUAL ADJUSTMENTS

It is common for municipalities and regional districts with policies and/or bylaws in place to automatically adjust remuneration to reflect changes in the cost of living. The year-over-year change to the consumer price index is the default adjustment factor.

every case, the previous year's Consumer Price Index (CPI) for British Columbia, Vancouver, or Victoria is the adjustment factor applied by local governments, depending on their location within the province.³ Automatic adjustments, defined and set out in policies and/or bylaws, ensure that the real value of elected officials' remuneration remains stable between formal reviews, and can help to reduce the need for more significant increases at the time of review. Failure to make annual adjustments may place a burden on future councils and boards to address remuneration levels that have been left to stagnate in the face of regular cost-of-living increases. For these reasons, annual adjustments using a CPI index is a best practice.

BEST PRACTICE

- > *Local governments should consider including in their policies or bylaws provision for an automatic cost-of-living adjustment, using the CPI, to elected officials' base remuneration.*

IMPLEMENTATION OF CHANGES

When considering the issue of timing as it relates to the implementation of changes, it is important to distinguish among the types of changes being put forward. The three key types include: changes to base remuneration that emerge from full reviews; changes that are prompted by shifts in the tax system; and annual adjustments to reflect increases in the cost of living.

- > *Base Remuneration* — Councils and boards have full control over the timing of their remuneration reviews, even in cases where timing is prescribed by policy and/or bylaw. Similarly, councils and boards have full authority to choose when to implement any changes that emerge from reviews. In general, it is preferable to have such changes take effect at the beginning of the following term. This best practice is particularly important to follow when reviews conclude that significant increases to base pay and/or benefit packages are warranted. A decision to implement changes immediately, or even during the existing term, can create perceived conflicts of interest.

³ Other indices include annual increases to general wages in BC, and increases to unionized or exempt staff wages.

IMPLEMENTATION

It is preferable for councils and boards to implement the outcomes of remuneration reviews at the beginning of the following council or board term. A decision to implement changes earlier, during the existing term, can easily create perceived conflicts of interest.

There will be some cases where implementation during the existing council or board term is considered necessary, perceptions of conflict notwithstanding. Consider the situation in which a council or board entered office following an election in which stagnant compensation was portrayed as a barrier to participation. The council or board could decide that implementation of changes that emerged from a review conducted early in the new term is necessary.

- > *Tax System* — Councils and boards have no control over changes to the income tax system — the elimination of the federal tax exemption for local government elected officials that took effect on January 1, 2019, is an example of one such change. In anticipation of this change — it was announced in 2017 — some local governments designed remedies, before the 2018 local general election, to take effect on January 1, 2019, in the new term. Several local governments, however, delayed taking action until after the federal tax change came into force. Immediate implementation of changes designed to protect elected officials from financial loss is considered reasonable and defensible by most.

- > *Annual Adjustments* — As explained earlier, annual adjustments to remuneration are designed to protect base rates from erosion as a result of inflation. These adjustments, which result in nominal rather than real increases, are expected to be implemented immediately.

BEST PRACTICES

- > *Local governments should consider having changes to base levels, determined through remuneration reviews, take effect at the beginning of the following term.*
- > *Local governments should consider allowing for immediate implementation of changes to remuneration that are designed to protect elected officials from financial loss that would otherwise occur as a result of tax system shifts.*
- > *Local governments should consider allowing for immediate implementation of annual cost-of-living adjustments.*

FEDERAL TAX SYSTEM

Local governments have no control over shifts in the federal income tax system. Offsetting changes to base remuneration levels that are designed to protect council and board members from financial loss are reasonable. Local governments should consider implementing such changes immediately.

SECTION 4

SETTING REMUNERATION

On a regular or periodic basis, local governments undertake remuneration reviews to determine the remuneration, expense payments, and benefits to provide to elected officials. The previous two sections of the *Guide* tackled a number of issues related to remuneration reviews, including:

- > who should conduct the reviews
- > when, during an elected body's term of office, reviews should be initiated
- > how frequently reviews should occur
- > when changes to remuneration that result from reviews should be implemented

This section of *Guide* — Section 4 — explores the factors that local governments should consider using in their reviews to determine remuneration levels that are fair and defensible. The text deals separately with the three main components of a complete remuneration package, namely remuneration (i.e., pay), expenses, and benefits.

REMUNERATION

Remuneration consists, first and foremost, of a base amount of pay for mayors, board chairs, councilors, municipal directors, and electoral area directors. Base amounts are intended to reflect the expectations and duties associated with the specific roles, and for that reason are expected to differ by role. Remuneration also includes any payments that are made to elected officials, on top of base pay, for attending different types of meetings, leading committees, sitting as appointees on external bodies, performing the roles of deputy mayor or deputy chair, and undertaking other duties. These supplemental payments, where offered, recognize differences in workload and responsibility among elected officials in the same role.

Bases of Comparison

For many jobs in our economy, wages and salaries are set through a process of comparison — that is, a process that takes into account remuneration associated with other jobs that are deemed to be comparable. The approach to setting remuneration for local elected officials is no different. The most common basis of comparison used by local governments across the province is remuneration paid to

elected officials in other, similar local governments. Some councils and boards, however, look to additional bases for guidance. Four bases to consider, including remuneration paid in similar jurisdictions, are as follows:

- > *Similar Jurisdictions* — Remuneration levels paid to elected officials across a set of other, similar local governments can be used to approximate an "industry rate". The use of comparable remuneration data, as noted, is widespread across municipalities and regional districts, and is considered a defensible approach. The challenge faced by those who use the approach, however, comes in choosing jurisdictions that are truly comparable. Population, the most common factor, goes some way toward establishing similarity, but may not be adequate on its own. Other factors may need to be combined with population to establish a more valid comparison group. Such factors could include location, geographic size, scope of services provided, growth rate, the urban (vs. suburban or rural) nature of a jurisdiction, economic make-up, tax base, average house price, size of operating budget, and number of staff (full-time equivalents).
- > *Local Labour Force* — A few jurisdictions in the province determine remuneration for council and board members using local earnings data collected by Statistics Canada — specifically, the average employment income earned by individuals aged 15 and over, who work year-round and full-time.
- > *Provincial MLAs* — Only one of the local governments in the survey pointed to remuneration paid to Members of the Legislative Assembly as a basis for determining local elected official pay. A few other jurisdictions, however, believe the comparison may be useful.
- > *Local Government Staff* — Changes to staff pay are used in some jurisdictions as an index to adjust council and board pay each year. Base pay for staff, however, is not generally used to help set elected official pay.

Each of the four bases identified here — as well as others not identified — has both strengths and shortcomings. Figure 4.1 highlights some of the pros and cons.

COLLECTING DATA

It is important to ensure that data on other local governments are comparable. Care must be taken to confirm that data have been collected using similar methodologies, and that data sets measure the same factors. Sources of data include CivicStats (accessed through CivicInfo), and Statistics Canada. Direct contact with comparison group local governments may be warranted in some cases to produce "apples to apples" comparisons.

**Figure 4.1
Pros and Cons of Alternative Bases**

Alternative Bases	Pros	Cons
Similar Jurisdictions	<ul style="list-style-type: none"> > jobs of local elected officials in similar jurisdictions, while not identical, are comparable ("apples to apples") > large enough comparison set can neutralize outliers 	<ul style="list-style-type: none"> > difficult to establish truly comparable set of jurisdictions (may be subject to accusations of "cherry picking") > potential for salary escalation if other places in comparison set initiate significant increases
Local Labour Force	<ul style="list-style-type: none"> > attempts to create strong linkage to local community that pays elected body's remuneration > sensitive to local economic conditions 	<ul style="list-style-type: none"> > jobs of elected officials not comparable to majority of other jobs in the community in terms of time commitment, duties, responsibility > not clear that average salary of entire workforce reflects value of elected officials' work
Provincial MLAs	<ul style="list-style-type: none"> > remuneration reflects need in both orders of government to attract diversity of people to serve in elected office 	<ul style="list-style-type: none"> > role of MLA considerably different than roles of mayor and chair (much different than councillor/director) > invites linkage to full MLA remuneration and benefits package
Local Government Staff	<ul style="list-style-type: none"> > both groups (elected officials and staff) involved in same organization > comparison to staff used in other orders of government to help set elected official remuneration 	<ul style="list-style-type: none"> > roles of staff considerably different than roles of elected officials > perceived conflict on part of elected officials who approve staff salaries > invites linkage to full staff remuneration and benefits package

Arguably, there may be no single best basis of comparison to use in setting council and board remuneration. As suggested in Figure 4.1, however, some bases are better than others.

Remuneration levels paid to elected officials in similar local government jurisdictions represents the preferred basis, and the best practice for local governments.

BEST PRACTICE

- > *Local governments should consider using base remuneration paid to elected officials in similar local government jurisdictions as the preferred basis for determining remuneration.*

Comparison Group

In establishing a valid comparison group of similar jurisdictions, local governments will need to give careful thought to the most important measures to use. Population is a good starting point in every case — it is a useful proxy for elected official workload, and is easy to explain. As well, data on population are easy to obtain. Other measures can be combined with population to make the comparison set more defensible. Factors that influence elected officials' workload and level of responsibility are particularly useful to consider. The list of such factors will vary by jurisdiction, but may include:

- > location
- > geographic size
- > scope of services
- > growth rate
- > operating budget

Finally, local governments will need to give some thought to the number of jurisdictions to include in the comparison set. Larger sets will allow for a more robust comparison, and will make it easier to neutralize the impact of outliers (i.e., jurisdictions that have significantly high or low pay levels, relative to those of other places). If the set is too large, however, it may be difficult to obtain the necessary comparative data, especially in cases where a range of measures, in addition to population, are used. Given these points, a practicable and defensible minimum size is five to seven jurisdictions. The maximum size will depend on the number of factors being considered, and the capacity of the body conducting the remuneration review. Comparison set sizes vary considerably across local

SIZE OF COMPARISON GROUP

The size of comparison groups that are used to help determine elected official remuneration varies considerably across local governments. The City of Prince George uses a peer review group of ten municipalities for the purposes of its quadrennial review. The group includes cities with similar populations — Chilliwack, Kelowna, Saanich, Langley Township, Delta, Kamloops, North Vancouver District, Nanaimo, Victoria, and Coquitlam.

governments. Kamloops has used 14 municipalities; Comox Valley Regional District recently used nine. Metro Vancouver bases the salary of its Chair on the median salary of mayors in 21 municipalities (all Metro municipal jurisdictions).

BEST PRACTICE

- > *Local governments should consider establishing comparison groups using population, combined — as deemed necessary — with other factors that influence elected official workload and level of responsibility.*
- > *Local governments should consider including at least five jurisdictions (preferably more) in the comparison groups.*

Using the Data

Once the remuneration data from comparable jurisdictions have been obtained, local governments need to determine how to best use the data to determine pay levels for the range of elected officials in place. It is useful at this stage to make the exercise as straightforward as possible so that it can be undertaken easily (and relatively quickly), and so that it is easy to explain and understand. Simple formulas can be effective in meeting these goals.

For municipal councils, the following formula-based approach — or variations of it — is used in a number of places:

- > Set the salary for the mayor as the median value of all mayors' salaries from the comparison set of municipalities. Calculate the salary for councillors as a percentage (e.g., 40%) of the mayor's salary to reflect the part-time nature of the councillor position, as well as its lower workload and level of responsibility relative to those of the mayor.

Figure 4.2 illustrates, using hypothetical data from a comparison set of seven municipalities, how this formula works in practice. To be clear, all numbers, including the percentage factor, are hypothetical examples only, presented solely for the purpose of illustration.

SIMPLICITY

When determining how to use comparison data to calculate remuneration levels, it is preferable to apply simple formulas. Formulas allow the exercise to be undertaken easily and relatively quickly. Approaches based on formulas are easy to explain, easy to understand, and defensible.

Figure 4.2
Sample Formula for Municipal Elected Officials

Comparison Set		Subject Municipality		
Mayors	Median Value	Mayor's Salary	%	Councillor Salary
\$ 101,000	\$ 92,000	\$ 92,000	40	\$ 36,800
\$ 92,000				
\$ 100,500				
\$ 90,000				
\$ 72,500				
\$ 93,000				
\$ 83,000				

In applying the formula, local governments should consider the following points:

- > *Percentage Factor* — The percentage factor that is applied to identify an appropriate councillor salary needs to be set after careful consideration of the position's workload, time commitment, and level of responsibility relative to those of the mayor. In municipalities where the mayor's role is full-time (or greater), the difference between the positions may be greater, and the percentage factor may be lower than 40%. Jurisdictions that use this formula (or variations of it) tend to apply percentages that range from 30% to 50%, depending on local conditions. Forty percent is a reasonable starting point.
- > *Median Value* — The median value effectively neutralizes low and high outliers, and is therefore preferable to the average value.
- > *Applying the Outcome* — It is possible, particularly if a new comparison set is used, that the resulting, recommended salaries for mayor and councillor will be lower than the actual salaries being paid. If the difference is significant, local governments may choose to "red circle" existing salaries for a period of time. In the calculated salaries are higher than those being paid, either a one-time adjustment, or a phased increase may be required.

- > *Alternative Percentile* — The median value represents the 50th percentile in the comparison set. Some local governments may determine, based on local circumstances, that remuneration should be set higher — for example, at the 75th percentile. In this situation, careful thought would need to be given to the rationale for such an approach.

While less common among regional districts, formulas may be just as useful in providing a relatively simple, easy to understand, defensible approach. In developing a formula for regional boards, provision needs to be made for a greater number of elected roles. In most cases, four specific roles should be considered, including the chair, vice chair, electoral area director, and municipal director. The distinction between electoral area and municipal directors is particularly important to recognize. Regional districts are the local government for electoral areas, responsible for providing all basic local services. Electoral area directors are accountable directly to their local electors, and are expected to consult directly with electors on local service and other topics. Many electoral area directors represent vast geographic areas, often with numerous small communities or settlements to serve. The time commitment required to provide proper contact and representation can be considerable. Electoral area directors' full local government salary comes from their regional districts.

The role of municipal director is also important and can be demanding. Municipal directors, however, are accountable to their councils and do not face the same expectations as their electoral area counterparts regarding consultation with residents on regional district matters. Residents of municipalities receive most of their local services from their municipal councils. Municipal directors sit on these councils, and are paid separately as council members to perform municipal duties.

A reasonable formula that takes into account the differences between electoral area and municipal directors, as well as the unique duties, expectations, and responsibilities of the chair and vice chair, is as follows:

- > Set the salary for municipal director based on the median value of all municipal directors' salaries from the comparison set of regional districts. Calculate the salary for electoral area director by applying a multiplier (e.g., 2.0). Calculate a stipend for the chair by applying a multiplier (e.g., 2.5) to the municipal director salary. Use a separate multiplier (e.g., 0.5) to determine a stipend for vice chair.

Figure 4.3 illustrates how this formula works in practice, using hypothetical data for a comparison set of seven regional districts. All numbers, including the multipliers, are examples only.

Figure 4.3
Sample Formula for Regional District Elected Officials

Comparison Set		Subject Regional District				
Municipal Director	Median Value	Mun Director Base Salary	X	EA Director Base Salary	Chair Stipend*	Vice Chair Stipend*
\$ 17,000	→ \$ 12,500	\$ 12,500	2.0	\$ 25,000	\$ 31,250	\$ 6,250
\$ 11,000						
\$ 12,200						
\$ 9,000						
\$ 12,500						
\$ 15,000						
\$ 16,500						

* These stipends would be paid in addition to the base director pay.

The considerations raised for municipal council remuneration formulas regarding percentage factor, median value, applying the outcome, and alternative percentile apply to the regional board formula as well. In addition, it is important in the regional district context to consider the need for supplemental payments, over and above the base salary amounts.

BEST PRACTICE

- > *Local governments should consider using simple formulas that make the calculation of remuneration levels as straightforward as possible, easy to explain, and easy to understand.*

Regional District Supplemental Payments

On a municipal council, the expectations on a councillor in terms of workload, time commitment, and responsibilities, are, in general, the same for all councillors. Almost all councils, as a consequence, pay councillors the same base salary without additional payments for committee meetings. Supplemental fees may be paid in some cases to councillors who participate in external agencies on behalf of council; however, these payments are the exception rather than the rule. Approximately 25% of municipalities that responded to the survey pay stipends to council members for time spent as deputy mayor or acting mayor. In most cases, these stipends tend to be nominal in value.

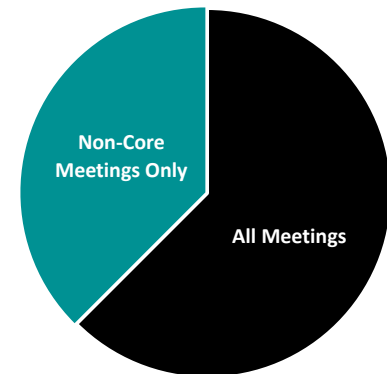
The situation for regional district directors is different. As noted already, the base remuneration for role of electoral area director is typically greater than the base remuneration paid to the municipal director role — the gap is intended to reflect the inherent differences in the roles. Differences in workload, time commitment, and level of responsibility, and level of interest also exist, however, among individual directors. Some directors may represent large jurisdictions that participate in a broad range of regional district services, some of which may have committees or commissions in place. These directors may be compelled to play, or be interested in playing, an especially active role in regional district service governance. Other directors will represent jurisdictions that are less involved in, or reliant on, their regional districts. These directors may not be involved in regional district matters to the same degree as others.

To account for differences among individual directors, regional districts may choose to provide supplemental payments, over and above base remuneration levels. Where provided, payments take the form of per-meeting stipends that are paid to directors who attend specified regional district meetings, as well as external meetings to which directors are sent to represent their local governments. The amounts of the supplemental payments vary; most regional districts, however, pay between \$75 and \$200 per meeting.⁴

⁴ An exception is Metro Vancouver, which pays \$397 to each director for every board, committee and other approved meeting attended. For all Metro Vancouver directors other than the (sole) electoral area director, board chair, board vice chair, committee chairs, and committee vice-chairs, however, the meeting stipend constitutes the entire remuneration (i.e., there is no base amount). Central Coast Regional District and Peace River Regional District also pay higher per-meeting rates in lieu of base salaries for directors.

SUPPLEMENTAL PAYMENTS

Fifteen of the 24 regional districts that pay base remuneration to directors also provide supplemental payments for board, committee of the whole, and all other meetings. Nine of the regional districts provide supplemental payments for non-core meetings only.



The use of supplemental, per-meeting payments is not uniform across regional districts. A review of the 24 regional districts in the province that pay base remuneration to directors shows that, while almost all provide payments to attend meetings of external agencies, 15 of the 24 also provide payments to attend board and committee of the whole meetings. Nine (9) regional districts provide no supplemental payments for these "core" regional district meetings — remuneration for attendance at these meetings is included in the directors' base salaries.⁵

Supplemental payments are intended to reflect workload differences among individual directors. It is not clear that such payments are also intended, however, to provide additional compensation to directors for attending core regional district meetings of the board, including committee of the whole meetings. Indeed, it may be argued that all board members are expected to attend these meetings as a basic requirement of their roles as directors.

In setting regional district board remuneration, careful attention needs to be given to the use of supplemental payments. Regional districts may wish to consider targeting such payments to non-core meetings, and structuring base levels to include attendance at board, committee of the whole, and any other core meetings.

BEST PRACTICE

- > *Local governments should consider targeting supplemental payments to non-core meetings, and structuring base remuneration levels to include attendance at board and committee of the whole meetings.*

Alternate Directors

It is important to note that all regional districts use per-meeting payments to remunerate alternate directors for attendance at all meetings, including core meetings, that the director would normally

⁵ Travel expenses for all meetings are paid (see later).

attend. These payments are the only form of remuneration for alternate directors; alternates do not receive a base salary.

EXPENSES

Local government elected officials regularly incur expenses to travel to meetings, attend conferences and sanctioned events, communicate with residents and the local government office, and deal with the broad variety of other duties associated with the job. It is both important and legitimate that expenses which are incurred by council and board members on the job, and in order to do the job, be reimbursed by the local government. Policies and bylaws on expenses are used to set out the types of expenses that are eligible for reimbursement, the conditions under which reimbursements will be made, and the procedures that must be followed to obtain reimbursement.

A guiding principle for councils and boards on the matter of expenses is as follows:

- > Local elected officials should not themselves be expected to pay expenses that are incurred in order to perform their roles.

A related principle, however, is that compensation paid to elected officials for expenses incurred on the job should not be viewed as an additional source of remuneration. This point requires local governments, first, to identify the specific types of expenses for which elected officials can expect reimbursement.

Eligible Expenses

Local governments have similar, but not identical, lists of expenses that are eligible for reimbursement. In the case of municipalities, expenses that are reimbursed by councils tend to be limited to those that are incurred by members on out-of-town business. Such expenses include:

- > travel by personal automobile (paid as a rate per kilometre) to out-of-town meetings
- > travel by taxi, bus, train, ferry, rental car, or air to out-of-town meetings
- > accommodation
- > conference fees
- > per diem payments for meals and incidentals

GUIDING PRINCIPLES (EXPENSES)

Local elected officials should not themselves be expected to pay expenses that are incurred in order to perform their roles. Compensation paid to elected officials for expenses incurred on the job should not, however, be considered or pursued as an additional source of remuneration.

Some councils also provide funding for a smartphone, tablet, and/or computer (or provide the hardware itself), and the associated communications plan. Some will provide transportation costs within the municipality, including a mileage rate for personal car use, taxi and/or transit fees, and parking. Monthly car allowances for mayors are common; similar allowances for councillors are less common but do exist in some centres.

Regional district boards, similar to councils, reimburse members for smartphones and for attendance at out-of-town meetings. Most regional districts also, however, pay for travel, travel time, meals, and accommodation for attendance regional district board and committee meetings. These additional items reflect the large geographic size of many regional districts, and the need for directors to spend considerable time to travel to core meetings. Monthly transportation allowances provided by some regional districts to electoral area directors also reflect geographic realities.

Most local governments provide additional expense amounts for their mayors or chairs. A monthly car allowance, noted earlier, is standard for mayors and is becoming common for chairs. Hosting allowances are also recognized by several jurisdictions.

Regional district expense policies should anticipate and provide special direction to municipal directors to avoid instance of "double dipping". In some cases, expenses that are incurred by municipal directors can and should be reimbursed by the directors' municipal councils, not charged to the regional district. An example of such an expense is attendance at the UBCM annual conference. Council members who serve as municipal directors attend the annual conference, first and foremost, as representatives of their municipalities.

Local Considerations

Lists of eligible expenses are common across most jurisdictions, as noted earlier. When developing expense policies and bylaws for a specific local government, however, it may be important to explore particular types of expenses that, while less widespread, are appropriate given the local context. Some regional districts (e.g., Squamish Lillooet) provide differential mileage rates to account for travel on unpaved roads. Others (e.g., Cariboo) provide reimbursement to replace car windshields that are damaged during regional district travel on winter roads. Parking in many urban centres is expensive.

FEDERAL TAX SYSTEM

Changes to the Federal Income Tax Act were introduced by the federal government in 2017 to eliminate a long-standing federal tax exemption for local government elected officials, effective January 1, 2019. The exemption was in place to recognize that, in the course of their duties, elected officials incur various expenses for which they may not be reimbursed (e.g., home office costs, meals while meeting with constituents, etc.). This change resulted in substantial changes to the after-tax income for elected officials, and prompted many local governments to adjust elected officials' 2019 pre-tax compensation in order to maintain after-tax 2018 remuneration.

Municipalities and regional districts in these centres may feel it necessary to reimburse parking costs to elected officials.

Evolving Lists

Finally, local governments should not view eligible expense lists as static documents. Indeed, in order to ensure that costs do not become barriers to participation, it is incumbent on local governments to periodically consult elected officials and review eligibility considerations. One potential expense that stands out is childcare. Councils and boards that have, or that seek to attract, young parents as members may find it both fair and necessary to reimburse child care expenses that are incurred to attend council and board meetings.

BEST PRACTICES

- > *Local governments should provide clarity in regional district expense policies/bylaws to ensure that municipal expenses incurred by municipal directors are reimbursed by the appropriate municipal governments.*
- > *Local governments should consider including in their expense policies and/or bylaws the principle that elected officials should not themselves be expected to pay expenses that are incurred in order to perform their roles.*
- > *Local governments should recognize that the range of legitimate expenses incurred to perform the roles of mayor and board chair will be greater than that incurred to perform the roles of councillor and board director.*
- > *Local governments should ensure that lists of eligible expenses reflect unique local conditions.*
- > *Local governments should periodically re-examine decisions on eligibility to ensure that lists of eligible expenses evolve to reflect changing needs and to reduce barriers to participation.*

BENEFITS

Medical services plan premiums, extended health and dental plans, employee and family assistance programs, and life and accidental death insurance are common examples of benefits that local governments may choose to make available to all or some of their elected officials. Current practices across the province vary with respect to the provision of benefits. Some local governments provide full benefits to all elected officials at no cost to the members. In a number of places, benefits are made available only to the mayor, since this position is the only one considered full-time. Councillors and directors in some of these places may opt-in to packages, but only at their own cost, or on a cost-share basis with the municipality. Certain regional districts provide benefit packages at the local government's cost to electoral area directors, but require municipal directors to pay all premiums. Other regional districts pay 50% of the cost of packages for all directors who opt-in. Family members of elected officials are entitled to join benefit programs in some jurisdictions, but must pay the full cost. Almost all local governments provide personal accident insurance to elected officials who are traveling on local government business.

Provision of Benefits

The provision of benefits to elected officials is becoming an increasingly important topic of consideration in local governments, particularly because of the potential barriers — real or perceived — that a lack of benefits pose for some. In an effort to avoid this situation, local governments may wish to consider making benefits available. Eligibility and responsibility for cost are two factors to include in any such consideration.

- > *Eligibility* — There is a strong rationale for providing benefits to mayors, and to other elected officials who occupy what are considered to be full-time positions. Many individuals who may wish to put their names forward for these positions would need, upon election to office, to leave other full-time employment in which they may receive benefits coverage. The prospect of giving up such coverage, and facing four or more years without replacement benefits, would prevent some from running.

The argument for benefits may not be as strong for elected positions that are structured and paid as part-time roles. In these cases, there is an assumption that individuals with access to benefits through their employment will be able to retain at least some access to those benefits

simply because they will not be need to leave their existing employment entirely. This reasoning fails in cases where existing benefits would be lost as a result of an individual being converted to part-time status with their employer after being elected to office.

An additional point in the discussion on eligibility concerns the position of municipal director on regional district boards. Municipal directors are, first and foremost, municipal councillors. The municipalities, as the local governments to which the councillors are elected to serve, should be responsible for addressing the benefits issue with these elected officials. Electoral area directors, by contrast, are directly elected to the regional district boards. Electoral area directors should look to these bodies for benefits.

- > *Responsibility for Cost* — Local governments should consider paying for elected official benefits on a pro-rated basis. Using this approach, municipalities would pay 100% of the benefit premiums for mayors, and 50% of the premiums for councilors. Regional districts would pay 50% of the cost of benefits for electoral area directors. Regional districts could also choose to pay 100% of the cost of premiums for regional district chairs who are deemed to occupy full-time roles, irrespective of whether the chairs are also electoral area or municipal directors.

In all, the principle governing the provision of benefits is that, in an effort to reduce barriers to participation, local governments should make benefits available to their elected officials, and should contribute to the cost of associated premiums on a pro-rated basis, in accordance with the full- or part-time nature of the positions.

Smaller Jurisdictions

Smaller local governments who wish to provide some level of benefits coverage for their elected officials may have concerns regarding the cost of premiums. In an effort to minimize costs, local governments may consider extending existing staff programs to include elected officials, or joining with other local governments to create larger beneficiary pools. To that end, UBCM offers comprehensive group insurance coverage to all local government elected officials in the province. To join the plan, however, at least three officials from a local government must opt-in to the coverage.

Evolving Range of Benefits

Finally, as with expenses, the list of benefits provided to local elected officials will change over time in response to local needs, societal trends, and other forces. In many jurisdictions today, standard benefits such as extended health and dental coverage, counselling services, and accidental death and dismemberment insurance will address needs. Some other local governments, however, may be under pressure to provide some form of parental leave, RRSP contributions, education allowances, and other benefits that prospective candidates for election receive in their existing careers. In the coming years, the number of local governments that will need to consider these types of benefits is likely to increase. And, to the extent that failure to provide them creates barriers to participation, local governments may need to consider taking action.

► Transition Payments

One specific benefit that may receive greater attention in the coming years is a transition allowance for local elected officials who leave office at the end of a term, either through their own choice, or as the result of an unsuccessful re-election bid. This benefit, which may be referred to as a retirement allowance, a separation payment, a pension, deferred remuneration, or a retraining and adjustment payout, is not offered in many jurisdictions today in the province — indeed, there are only eight municipalities that provide the benefit, and all of them are within Metro Vancouver. The benefit is provided to local elected officials on a broader basis, however, in other parts of Canada, namely Quebec and Ontario.

In some of the BC jurisdictions that offer a transition allowance, the benefit is intended as a bridge to help individuals re-enter the workforce, either in a new occupation, or back into a career that may have been placed on hold. In other cases, the benefit is presented in lieu of pension contributions that would have been paid by an employer if the elected officials had been considered employees and eligible for the existing municipal pension plan. Some transition allowances are intended to achieve both purposes. Consider some current examples:

- > The City of Vancouver provides one week of salary for every year of office served (provided that the departing council member served his or her full term). This benefit translates to 1.9% of the member's annual salary, and is intended to help facilitate the member's return to the workforce.

TRANSITION ALLOWANCES

Elected official transition allowances — referred to in some places as retirement allowances, separation payments, pensions, deferred remuneration, or adjustment payouts — are not common in British Columbia's local government system today. Experiences in other provinces and in the Metro Vancouver area, however, suggest that the benefit may become a matter for greater attention, at least for larger cities, in the coming years. The lack of transition and pension-like benefits could be a barrier to participation for different groups of individuals (e.g., mid-career professionals).

- > The City of Port Coquitlam provides one month of salary for every year in office to the departing mayor (persons who served as councillors are not eligible). The benefit payment is capped at six months.
- > The City of New Westminster provides the equivalent of 10% of the annual indemnity for each year of service, to a maximum of 12 years of service. This benefit is a form of pension.
- > The City of Burnaby structures its benefits as an ongoing, annual payment to service council members. The payments reflect the employer contributions to the municipal pension plan that would be made if the council members were eligible for the plan. Payments can be invested by members as annual RRSP contributions.

Transition allowances may be most relevant and defensible in local governments with elected officials in roles that require a *de facto* full-time commitment (even though some roles may be paid at part-time rates). Individuals in these positions place their existing careers and jobs on hold while in office, and may not, as a consequence, be able to participate in a work-related pension or savings program. Individuals in full-time elected positions may also have more difficulty than others in transitioning back into the workforce following their time in elected office.

Experience in Ontario and Quebec supports the view that such benefits may be of most interest to positions that require significant time commitments. In Ontario, the majority of municipalities with populations over 100,000 offer pensions to elected officials, whereas only 7% of centres with populations under 10,000 provide the benefit.⁶ It is generally the case that elected positions in larger centres are more demanding in terms of time than the same positions in smaller centres. In Quebec, the municipal pension plan is made available to all municipalities; however, local governments in centres with populations under 20,000 may choose to provide the benefit to the position of mayor only — the one position that typically requires a greater time commitment than others.

⁶ Metro Vancouver, *Board Remuneration Review Findings and Recommendations*, Board Remuneration Independent Review Panel, April 17, 2019, Page 9.

This *Guide* does not provide advice to local governments on whether or not to provide a transition allowance to departing, or serving, elected officials. The *Guide* recognizes, however, that the lack of such a benefit may discourage some individuals from considering public office, and may become more of a barrier in future years, at least in some centres. Local governments that wish to explore the development of a transition allowance, may want to consider the following questions:

- > Does the lack of a transition benefit stand as a significant barrier to participation? Which groups of individuals may view the benefit as being particularly important?
- > What is the primary purpose of the benefit? Is it to provide a bridge for departing elected officials to re-enter the workforce? Or is it to provide pension contributions in lieu of contributions that elected officials could earn outside of office?
- > What is a reasonable cap on the benefit, expressed either in terms of benefit paid, or eligible service time?
- > Is there any rationale for regional districts to provide the benefit to municipal directors, or should the issue of transition allowance to municipal elected officials be addressed directly by the local governments (i.e., the municipalities) to which the officials are elected?

BEST PRACTICES

- > Local governments should consider providing access to extended health, dental, vision and insurance benefits to all local elected officials.*
- > Local governments should consider contributing to the cost of benefit premiums on a pro-rated basis, in accordance with the full- or part-time nature of elected positions.*
- > Local governments should consider extending benefits coverage to family members of elected officials, provided that the elected officials themselves pay the full incremental cost of such coverage.*
- > Local governments should periodically re-examine the benefits provided to ensure that benefits programs reflect changing needs, and reduce barriers to participation.*

SECTION 5 COMMUNICATION

Local governments in British Columbia have long recognized the importance of strong communication in local governance. Municipalities and regional districts regularly communicate in proactive ways with their communities on a broad range of public policy, service, and governance matters. Remuneration for elected officials is one additional item on which clear communication is necessary. This section of the *Guide* highlights information that is important to communicate, identifies audiences with which to communicate, and provides advice on how to communicate.

As in all communication efforts, information on elected official remuneration is provided, in part, as a way to report on actions and decisions that are underway or that have been taken. Communication is also undertaken, however, to explain why initiatives are important to take, and to promote transparency in local government.

INFORMATION TO COMMUNICATE

The pieces of information that are important to communicate have been identified in the earlier sections of the *Guide*. In all, the key pieces are as follows:

- > *Nature of Elected Official Roles* — The level of knowledge in communities on the roles of local elected officials is not uniformly high across the province. Information to help residents understand the duties and responsibilities of the roles, the expectations on council members and regional board directors, and the time required to perform the jobs properly may provide important context for reviews of remuneration, and may help to pave the way for broad acceptance of their outcomes.
- > *Purpose of Remuneration* — The reasons for providing remuneration to elected officials, and the factors that inform the setting of remuneration levels, are important to communicate. Residents and prospective candidates, in particular, may find it helpful to understand the importance of representative decision-making bodies, and the need to identify and reduce barriers to participation that some groups in the community may encounter.

EXPLAINING IMPORTANCE

The Cariboo Regional District opens its Directors' Remuneration and Expenses Bylaw with a statement of principles. The statement begins as follows:

"It is important for local governments to ensure their elected official positions are compensated fairly and equitably to attract and encourage a variety of citizens from different economic and demographic backgrounds... to run for office and represent their communities..."

- > *Guiding Principles* — The communication of principles to guide council and board decisions on remuneration can help to speak to the purpose of remuneration, and can also minimize any suggestion of arbitrariness in the remuneration levels selected.
- > *Remuneration Details* — Clear and complete listings of base remuneration levels, supplemental payments, the situations in which supplemental payments are made, annual adjustments, eligible expenses and the process for claiming them, and benefit programs are important to communicate. Such details bolster transparency.
- > *Remuneration Reviews* — Where determined, the process and timing of remuneration reviews, along with any guiding principles for reviews to follow, can help to de-politicize the efforts. Details on reviews underway, as well as the results of such reviews, are also important.
- > *Expenditures Made* — Finally, efforts above and beyond basic statutory reporting requirements to make available information on remuneration received and expenses claimed can enhance transparency and build trust.

AUDIENCES TO REACH

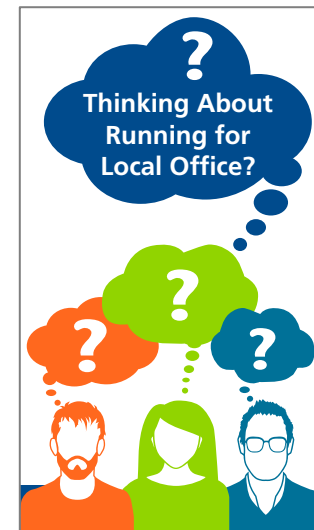
Residents in the community constitute the primary audience for communication efforts on elected official remuneration. Other audiences that may be targeted in communication strategies include ratepayer associations, business associations, and any other defined group that has expressed, or that may express, strong views on remuneration. An additional audience is the pool of prospective candidates for upcoming local government elections. This group should clearly understand the nature and level of the work involved, and the remuneration that is provided for the work.

COMMUNICATION TOOLS

Many local governments regularly make use of a range of different tools to connect with different audiences. For information on remuneration, councils and boards may find a combination of written materials, presentations, and information meetings to be most effective. Consider the following points:

UNDERSTANDING ROLES

Prospective candidates for local government elected office should clearly understand the nature and level of the work involved, and the remuneration that is provided for the work. Resources such as "Thinking About Running for Local Office?" can help.



- > *Written Materials* — Providing information in writing is a useful way to ensure accuracy of message, and to promote transparency. Written materials can also be made available in a number of formats in order to allow for distribution to various audiences. Examples of written materials to provide include:
 - remuneration policies and bylaws, complete with user-friendly introductions to explain the purpose and contents of the documents
 - information pamphlets on the reasons for, importance of, and principles in place to guide elected official remuneration
 - education booklets on the duties and responsibilities of local elected officials, as well as the time commitment involved
 - terms of reference to guide remuneration reviews
 - reports on the outcomes of remuneration reviews
 - regular disclosure of remuneration and expenses paid

Public surveys represent an additional written item that can be used not only to solicit public views on remuneration, but also to communicate the reasons for remuneration, and the existing remuneration, expense, and benefit programs in place.

- > *Presentations* — Public presentations (i.e., at open council and board meetings) of the results of remuneration reviews are effective communication methods, particularly when reviews have been completed by an independent panel, and presentations are made by the panel chair.
- > *Information Meetings* — Information meetings are used in several local governments to help prospective candidates understand the duties and responsibilities of the elected official jobs. Where not already the case, these meetings could include a component on remuneration. The reasons for remuneration, and the principles guiding remuneration, would be important to communicate in addition to the remuneration levels.

PUBLIC INVOLVEMENT

Kamloops' Council Remuneration Task Force solicited input from the public through a carefully-constructed and -implemented engagement program. Five community events were attended by Task Force members. A survey was also provided for all interested residents.

Information meetings can also be used as part of remuneration reviews. Such meetings are held in some centres to educate audiences on elected official remuneration, and to solicit views on appropriate packages to provide.

BEST PRACTICES

- > *Local governments should consider including in their communications programs information on the nature of elected official roles, the purposes of remuneration, principles to guide the setting of remuneration, details on remuneration levels, remuneration reviews, and expenditures made.*
- > *Local governments should consider using a range of tools to communicate information, including written materials, presentations, and information meetings.*

SECTION 6

BEST PRACTICES SUMMARY

This *Guide* has presented a series of best practices to assist local governments in setting elected official remuneration. Figure 6.1 pulls the best practices together into one table.

Figure 6.1
Remuneration Best Practices

Section	Topic	Best Practices
Section 2: Conducting Reviews	Independent Task Force	<ul style="list-style-type: none"> > Local governments should consider establishing an independent task force to conduct reviews of elected official remuneration.
Section 3: Timing and Frequency	Timing of Reviews	<ul style="list-style-type: none"> > Local governments should consider conducting remuneration reviews, and reporting the results, at least one year before the next election.
	Frequency of Reviews	<ul style="list-style-type: none"> > Local governments should consider conducting remuneration reviews once per term. > Local governments should consider setting out the timing for subsequent reviews in remuneration policies or bylaws.
	Annual Adjustment	<ul style="list-style-type: none"> > Local governments should consider including in their policies or bylaws provision for an automatic cost-of-living adjustment, using the CPI, to elected officials' base remuneration.
	Implementation of Changes	<ul style="list-style-type: none"> > Local governments should consider having changes to base levels, determined through remuneration reviews, take effect at the beginning of the following term. > Local governments should consider allowing for immediate implementation of changes to remuneration that are designed to protect elected officials from financial loss that would otherwise occur as a result of tax system shifts.

Section	Topic	Best Practices
Section 3: Timing and Frequency	Implementation of Changes	<ul style="list-style-type: none"> > Local governments should consider allowing for immediate implementation of annual cost-of-living adjustments.
Section 4: Setting Remuneration	Bases of Comparison	<ul style="list-style-type: none"> > Local governments should consider using remuneration paid to elected officials in similar local government jurisdictions as the preferred basis for determining remuneration.
	Comparison Group	<ul style="list-style-type: none"> > Local governments should consider establishing comparison groups using population, combined — as deemed necessary — with other factors that influence elected official workload and level of responsibility. > Local governments should consider including at least five jurisdictions (preferably more) in the comparison groups.
	Using the Data	<ul style="list-style-type: none"> > Local governments should consider using simple formulas that make the calculation of remuneration levels as straightforward as possible, easy to explain, and easy to understand.
	Regional District Supplemental Payments	<ul style="list-style-type: none"> > Local governments should consider targeting supplemental payments to non-core meetings, and structuring base remuneration levels to include attendance at board and committee of the whole meetings.
	Eligible Expenses	<ul style="list-style-type: none"> > Local governments should consider including in their expense policies and/or bylaws the principle that elected officials should not themselves be expected to pay expenses that are incurred in order to perform their roles. > Local governments should recognize that the range of legitimate expenses incurred to perform the roles of mayor and board chair will be greater than that incurred to perform the roles of councillor and board director.

Section	Topic	Best Practices
Section 4: Setting Remuneration	Eligible Expenses	<ul style="list-style-type: none"> > Local governments should provide clarity in regional district expense policies/bylaws to ensure that municipal expenses incurred by municipal directors are reimbursed by the appropriate municipal governments. > Local governments should ensure that lists of eligible expenses reflect unique local conditions. > Local governments should periodically re-examine decisions on eligibility to ensure that lists of eligible expenses evolve to reflect changing needs and to reduce barriers to participation.
	Benefits	<ul style="list-style-type: none"> > Local governments should consider providing access to extended health, dental, vision and insurance to all local elected officials. > Local governments should consider contributing to the cost of benefit premiums on a pro-rated basis, in accordance with the full- or part-time nature of elected positions. > Local governments should consider extending benefits to family members of elected officials, provided that the elected officials themselves pay the full incremental cost of such coverage. > Local governments should periodically re-examine the range of benefits provided to ensure that benefits programs reflect changing needs, and reduce barriers to participation.
Section 5: Communications	Information to Communicate	<ul style="list-style-type: none"> > Local governments should consider including in their communications programs information on the nature of elected official roles, the purposes of remuneration, principles to guide the setting of remuneration, details on remuneration levels, remuneration reviews, and expenditures made.
	Methods of Communication	<ul style="list-style-type: none"> > Local governments should consider using a range of tools to communicate information, including written materials, presentations, and information meetings.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, December 5, 2019

12:45 pm

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

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. Bylaw No. 2793.01
2. 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. Bylaw No. 2876
2. Bylaw No. 2500.14

RECOMMENDATION 4

THAT Bylaw No. 2876, Watercourse Development Permit Area Update and Bylaw No. 2500.14, 2019, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be brought forward for consideration of first reading.

**E. DEVELOPMENT PROCEDURES BYLAW AMENDMENT - OCP BYLAW AMENDMENT
APPLICATIONS & QUESTIONS OF RGS CONSISTENCY**

1. Bylaw No. 2500.13

RECOMMENDATION 5

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

F. ADJOURNMENT

ADMINISTRATIVE REPORT



TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 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.

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 engaged 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. Amend the policy
2. 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.

DRAFT

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.

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 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.

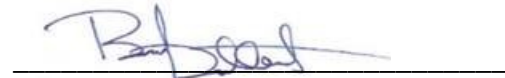
Alternatives:

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

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

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

Administrative Recommendation:

THAT Bylaw No. 2876 and Amendment Bylaw No. 2500.14, 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.

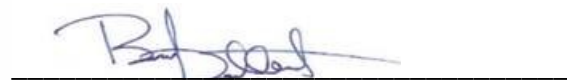
The Regional District is not currently in compliance with the regulation due to the absence of zoning or land use bylaws in Electoral Areas “B” & “G”.

Alternatives:

- .1 THAT Bylaw No. 2876 and Amendment Bylaw No. 2500.14, 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. 2500.14, 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. 2500.14

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 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 "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

BYLAW NO. 2500.14, 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. 2500.14, 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

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Development Procedures Bylaw Amendment
OCP Bylaw Amendment Applications & Questions of RGS Consistency

Administrative Recommendation:

THAT Amendment Bylaw No. 2500.13, 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 a proposed amendment to the Development Procedures Bylaw No. 2500, 2011, to address the referral of bylaw amendment applications involving an Official Community Plan (OCP) or Zoning Bylaw to the Board for a determination of consistency with the Regional Growth Strategy (RGS) Bylaw.

Background:

Under Section 428 of the *Local Government Act* the purpose of an RGS is “to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.”

Section 445(1) of the Act further states that “all bylaws adopted by a regional district board after the board has adopted a regional growth strategy ... must be consistent with the regional growth strategy [emphasis added].”

At its meeting of April 1, 2010, the Board adopted the South Okanagan Regional Growth Strategy (RGS) Bylaw, which included, amongst other things, seven (7) policies areas and supporting goals intended to ensure the Regional District and member municipalities are working towards their stated vision.

One of these policy areas, Housing & Development, holds that “the majority of future growth in the south Okanagan should be directed to Primary Growth Areas” (being Penticton, Summerland, Oliver, Osoyoos and Okanagan Falls). Whereas Rural Growth Areas have been identified as accommodating a limited amount of future development in the Electoral Areas.

Importantly, for those communities not shown as comprising either a Primary or Rural Growth Area, the RGS holds that “some infill development may be anticipated in rural areas”, provided that such development:

- *Does not significantly increase the number of units or the established density of the area; and*
- *Respects the character of the communities.*

To date, the Regional District has established Growth Area boundaries for Kaleden, Apex, Twin Lakes, Okanagan Falls, Eastside Road, Greata Ranch and Gallagher Lake. The Rural Growth Areas that have

yet to have their boundaries established include Willow Beach, Anarchist Mountain and Naramata. In the decade following the adoption of the RGS, development requiring rezoning has generally occurred within these Primary and Rural Growth Areas.

There have, however, now been three (3) instances of bylaw amendment applications that involve lands outside of these growth areas where Administration has sought Board direction regarding RGS consistency.

The first of these occurred in 2012 and involved the parcel at 3500 Highway 97 (Electoral Area "D"), with the two more recent proposals occurring in 2019 (Electoral Areas "A" & "E") and it is anticipated that additional applications will be brought forward in the near future.

Analysis:

In light of the trend in which a greater number of OCP amendment applications are being brought forward for a Board determination on RGS consistency, Administration considers it timely to amend the Development Procedures Bylaw to include a step in the processing procedure that speaks to this possibility.

Administration is further recommending that this step occur early in the application process and prior to an applicant potentially having to supply additional studies in support of an amendment application (i.e. environmental impact, geotechnical assessment, traffic impact study, etc.).

Recent experiences have shown that such studies can be expensive and time consuming to prepare and would be for naught if the Board deems an application to be inconsistent with an RGS. Administration recognizes, however, that an applicant may have already prepared such studies in anticipation of making an application.

Similarly, Administration has concerns about spending unnecessary time and staff resources going through a public consultation process and APC review if the Board is prepared to deem a proposed amendment bylaw as "inconsistent" with the RGS. Further, only the members of the Board that participate in the Regional Growth Strategy service can determine whether a proposed bylaw amendment is consistent or not, so public consultation would not seem to aid in this decision.

Accordingly, Administration is recommending that the following step be introduced into the Development Procedures Bylaw:

- .3 If an application involves an amendment to an Official Community Plan (OCP) and/or Zoning Bylaw, Development Services staff may refer the application to the Regional District Board for a determination of consistency with the Regional Growth Strategy (RGS) Bylaw, and prior to an additional information request made under sub-section 2.2.*

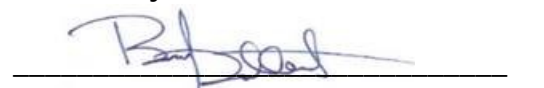
Alternative:

THAT Amendment Bylaw No. 2500.13, 2019, Regional District of Okanagan-Similkameen Development Procedures Bylaw, not be brought forward for consideration of 1st reading.

Respectfully submitted:


C. Garrish, Planning Manager

Endorsed by:


B. Dollevoet, G.M. of Development Services

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:

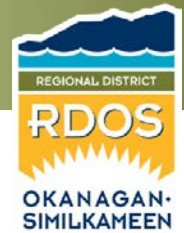
1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.13, 2019."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) adding a new sub-section 3 under Section 2 (Processing Procedure) of Schedule 2 (Application to Amend an OCP Bylaw, Zoning Bylaw or Land Use Contract) to read as follows and renumbering all subsequent sections:
 - .3 If an application involves an amendment to an Official Community Plan (OCP) and/or Zoning Bylaw, Development Services staff may refer the application to the Regional District Board for a determination of consistency with the Regional Growth Strategy (RGS) Bylaw, and prior to an additional information request made under sub-section 2.2.

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

ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, December 5, 2019

1:45 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

**B. SOUTH OKANAGAN CREATIVE AND PERFORMING ARTS CENTRE –
LEIGHTON MCCARTHY, SOPAC CHAIR**

Leighton McCarthy will provide a workshop report and return unused grant funds.

1. Presentation
-

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, December 5, 2019

2:00 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

B. SAGE MESA OPERATION AND MAINTENANCE AGREEMENT

1. Agreement

RECOMMENDATION 2

THAT the Regional District approve the revised "Sage Mesa Water Operation and Maintenance Agreement" with the Province and the Sage Mesa Water & Public Service Co. Ltd.

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Sage Mesa Operation and Maintenance Agreement

Administrative Recommendation:

THAT the Regional District approve the revised “Sage Mesa Water Operation and Maintenance Agreement” with the Province and the Sage Mesa Water & Public Service Co. Ltd.

Purpose:

The purpose of this report is to authorize a revised agreement that will compensate and protect the RDOS for the maintenance and operation of the Sage Mesa Water system.

Background:

On June 10, 1968 the Public Utilities Commission issued a Certificate of Public Convenience and Necessity (CPCN) to the Sage Mesa Public Service Company Ltd. On June 27, 1990, the Province took the water system into receivership and has been managing the water system ever since.

The aforementioned agreement covers wages and expenses plus an administration fee to cover RDOS overhead costs. The revised agreement attached strengthens the indemnity clauses and reduces liability exposure.

The current contract is set to expire December 31, 2019. The Province has committed \$500,000 out of the Sage Mesa Water System Reserve to replace some of the deteriorating infrastructure in 2020.

Analysis:

The Regional District provides an efficient and cost effective service for the Sage Mesa residents. Previously, when other options for service to the Sage Mesa community were explored, the operation and maintenance of the Sage Mesa water system by the RDOS was determined to be the most cost effective solution.

Alternative:

Exercise S. 3.4 of the Agreement to provide 6 months notice to exit the Agreement.

Respectfully submitted:

Andrew Reeder, Manager of Operations

//attached

OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT dated for reference the 1st day of January 2020

BETWEEN:

SAGE MESA WATER & PUBLIC SERVICE CO. LTD.

A company duly incorporated under the laws of the Province of British Columbia
c/o Deputy Comptroller of Water Rights, Ex-officio Director
3rd Floor-395 Waterfront Crescent, Victoria, B.C. V8T 5K7

(hereinafter referred to as "Sage Mesa")

AND:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

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

(hereinafter referred to as the "RDOS")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTRY OF THE ENVIRONMENT AND CLIMATE CHANGE STRATEGY with offices at the Parliament Buildings, Victoria, British Columbia

(hereinafter referred to as "the Ministry")

WHEREAS:

- A. Sage Mesa owns a domestic water system located within the geographical boundaries of the RDOS.
- B. The Ministry, pursuant to an order of the Deputy Comptroller of Water Rights under Section 97 of the Utilities Commission Act RSBC 1996 c. 473 dated the 27th day of June 1990 seized the business and property of Sage Mesa and has taken overall management, operation and maintenance of the Water System owned by Sage Mesa.
- C. The Water System services approximately 270 water connections.
- D. RDOS has experience in the operation, management, maintenance and repair of domestic water systems; and
- E. The Ministry engaged the RDOS on January 1, 2010 to operate, maintain and repair the Water System and wishes to renew that agreement in accordance with the terms of this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that for and in consideration of the mutual covenants, promises and agreements hereinafter set forth, and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by each party hereto) the Parties, intending to be legally bound hereby, agree as follows:

ARTICLE 1 INTERPRETATION

1.1 Definitions

- (a) **"Agreement"** means this agreement and includes the recitals and schedules.
- (b) **"Applicable Law"** means all public laws, statutes, codes, acts, permits, licenses, ordinances, orders, by-laws, rules, regulations, and standards which now or at any time hereafter may be applicable to and enforceable against the relevant work or activity in question, or any part thereof, including without limitation, those relating to life, safety, environment and health;
- (c) **"Capital Expenditures"** means an expenditure for repairs or improvements and for purchases of additional or replacement machinery or equipment where the cost of such expenditure is greater than five thousand dollars (\$5,000.00) and the depreciable life of the applicable item is, according to GAAP, in excess of five (5) years;
- (d) **"Claim"** means any actual, potential or threatened claim, demand, suit, action, cause of action, accusation, cost recovery action, proceeding, investigation, charge, ticket, summons, citation, direction, inquiry, order and any other assertion of or with respect to liability or responsibility of any kind arising, asserted or threatened, formally or informally, pursuant to or based upon any enactment, any agreement or contract or at common law or in equity (whether arising in respect of tort, contract or otherwise);
- (e) **"Comptroller"** means the Comptroller of Water Rights, *Water Utility Act* and, under the *Water Act*, and includes the Deputy Comptroller or person appointed by the Minister of the Environment as Acting Comptroller;
- (f) **"Emergency Repair"** means the repair of a condition which, if not performed immediately, creates an imminent danger to Persons or property and/or an unsafe condition at the Water System threatening Persons or property;
- (g) **"Emergency Response and Contingency Plan"** means as described in Section 10 of the Drinking Water Protection Act (SBC 2001) c.9;
- (h) **"Environmental Liability"** means any Claim or Expense resulting from the violation or alleged violation of any federal, provincial or municipal laws, statutes, ordinances, codes, regulations, rules, orders, or decrees regulating, relating to or imposing liability or standards of conduct concerning any environmental matters including, but not limited to the Canadian Environmental Protection Act, the Fisheries Act, and the British Columbia Environmental Management Act and any similar, replacement or supplemental acts and all regulations, orders or decrees, now or hereafter made pursuant to any of the foregoing.
- (i) **"Event of Force Majeure"** means any circumstances or acts beyond the reasonable control of the party claiming force majeure and which could not have been avoided or prevented by due diligence and the use of reasonable efforts by the party claiming force majeure, including, without limitation, labour disputes, strikes, lockouts, unavoidable casualties, riots, insurrection or

terrorism, which have the effect of preventing or hindering performance, if such circumstances or events are beyond the reasonable control of the party claiming force majeure and could not have been avoided or prevented by due diligence and the use of reasonable efforts by the party claiming force majeure, provided that in no event will a lack or insufficiency of funds or failure to make payment of monies on the part of the party claiming force majeure, be or be allowed to give rise to an Event of Force Majeure and in no event will a circumstance or act arising out of the default by a party claiming force majeure of its obligations under this Agreement be or be allowed to give rise to an Event of ForceMajeure;

- (j) **“Expenses”** means all liabilities, obligations, duties, losses, damages, costs, expenses (including legal fees and expenses on a solicitor and own client basis, and fees and disbursements of experts, consultants and contractors, and costs and expenses with respect to or related to security bonds, investigation, survey, sampling, testing, remediation, reclamation, monitoring and reporting and other services), penalties, fines and monetary sanctions, cost of remedial action, and all amounts paid to settle a Claim, or to satisfy any judgment, order, decree, directive, award or other obligation to pay any amount of whatever nature or kind;
- (k) **“GAAP”** means Canadian Generally Accepted Accounting Principles applied on a consistent basis and which are in accordance with recommendations from time to time of the Canadian Institute of Chartered Accountants, at the date on which such generally accepted accounting principles are applied;
- (l) **“Governmental Authority”** means any present or future government or legislature (whether Federal, Provincial, or regional district), court, regulatory authority, agency, tribunal, department, commission, board or other like authority;
- (m) **“IHA”** means Interior Health Authority;
- (n) **“Indemnified Parties”** means the RDOS and included members of its Board of Directors and its officers, employee, agents, successors and assigns and all others for whom RDOS is, at law, responsible;
- (o) **“Major Repairs”** means a repair or replacement, or a related series of repairs or replacements to the Water System, or any part thereof, having a cost of repair or replacement in any Operating Year in excess of Five Thousand Dollars (\$5,000.00) and the depreciable life of the applicable item is, according to GAAP in excess of five (5) years;
- (p) **“Ministry”** means Her Majesty the Queen in Right of the Province of British Columbia as represented by the Ministry of the Environment;
- (q) **“Operating Year”** means the period of twelve (12) months starting on the 1st day of January and ending on the 31st day of December.;
- (r) **“Parties”** means the Ministry, Sage Mesa and the RDOS;
- (s) **“Person”** means an individual, corporation, partnership, limited partnership, joint venture, association, trust, pension fund, union, governmental agency, board, tribunal, ministry, commission or department, and the heirs, beneficiaries, executors, legal representatives or administrators of an individual;
- (t) **“RDOS”** means the Regional District of Okanagan-Similkameen;

- (u) "Report" has the meaning set forth in Section 3.6;
- (v) "Sage Mesa" means Sage Mesa Water & Public Service Co. Ltd.;
- (w) "Term" has the meaning set forth in Section 3.2; and
- (x) "Water System" means the domestic water system owned by Sage Mesa.

1.2 Interpretation

For the purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

- (a) all references in this Agreement to designated "Articles", "Sections" and other subdivisions are to be designated Articles, Sections and other subdivisions of this Agreement;
- (b) the words "herein", "hereof" and "hereunder" and other words of similar import refer to this Agreement as a whole or not to any particular Article, section or other subdivision;
- (c) the headings are for convenience only and do not form a part of this Agreement nor are they intended to interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof;
- (d) the word "including", when following any general statement, term or matter, shall not be construed to limit such general statement, term or matter to the specific items or matters set forth immediately following such word or to similar items or matters, whether or not non-limiting language (such as "without limitation" or "but not limited to" or words of similar import) is used with reference thereto but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest possible scope of such general statement, term or matter;
- (e) words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa;
- (f) all payments of funds shall be in and references to \$(dollar) amounts shall mean lawful Canadian currency; and
- (g) the language in all parts of this Agreement is for convenience and shall not affect the construction or interpretation of this Agreement.

ARTICLE 2 OWNERSHIP OF WATER SYSTEM

2.1 Ownership

The Parties agree that the Water System will at all times be owned by Sage Mesa and the Ministry and that this Agreement does not grant or convey to the RDOS any legal or equitable title, claim, interest or estate in the Water System.

ARTICLE 3 THE RDOS TO OPERATE AND MAINTAIN THE WATER SYSTEM

3.1 Engagement of the RDOS

The Ministry engages the RDOS, during the Term, to operate, maintain and repair the Water System for and on behalf of Sage Mesa and the Ministry, in

accordance with the terms of this Agreement. Notwithstanding the aforesaid, the right of control of overall authority of management, operation and control will be maintained by Sage Mesa or the Ministry.

3.1.1 Term

The Term of this Agreement shall be for a period commencing on the 1st day of January 2020 and expiring at midnight on the 31st day of December 2024, unless terminated earlier pursuant to the terms of this Agreement.

3.2 Renewal

This Agreement may be renewed for a further term of five (5) years upon mutual agreement between the parties, and either party wishing to renew this Agreement shall advise the other party accordingly in writing not less than six (6) months prior to the expiry date as provided herein.

3.3 Limitation of RDOS' Duties

The RDOS' obligations under this Agreement are contingent upon and subject to Sage Mesa making available, in a timely fashion, the funds budgeted for and/or reasonably required by the RDOS to carry out such obligations during the Term.

3.4 Termination

Notwithstanding anything herein to the contrary, a Party to this Agreement may terminate this Agreement on six (6) months prior written notice to the other and in such event, each Party shall be unconditionally released from any further obligations herein save and except any existing obligations as of the date of termination.

3.5 Emergency Response and Contingency Plan

Sage Mesa or the Ministry shall, upon execution of this Agreement, provide to the RDOS the Emergency Response and Contingency Plan.

ARTICLE 4

USE OF THE WATER SYSTEM

4.1 Operations

Subject to the current state of repair of the Water System as of the date of this Agreement and anytime during the Term, the RDOS covenants and agrees to exercise all reasonable efforts to cause the Water System to be actively and diligently utilized to Applicable Standards.

ARTICLE 5

OPERATION AND MAINTENANCE OF THE WATER SYSTEM

5.1 General Operations

Subject to the current limitations of the operational condition of the Water System, the RDOS intends to exercise all reasonable efforts to operate the Water System in order to insure a continuous supply of water to such subscribers of the Water System as is affordable and that meets current water quality guidelines.

5.2 Maintenance and Operation

The RDOS shall carry out regular maintenance, repair and replacement matters (i.e. maintenance, repair and replacement which does not constitute Major Repairs) of the following with respect to the Water System:

- (a) maintain and clean the chlorine residual meter;
- (b) annually locate and exercise mainline valves;
- (c) alarm testing;
- (d) provide system flushing where possible;
- (e) weed clearing around pump house reservoir, fire hydrants and air relief valves;
- (f) record Water System program to check trending information daily;
- (g) install and record all new service connections as required on a cost plus basis;
- (h) supervise any authorized contracts on waterworks as required on a cost plus basis;
- (i) maintain and clean pump stations;
- (j) flushing and maintenance of fire hydrants;
- (k) maintenance, keep daily logs, record data, perform minor equipment repairs as needed, preventive pump maintenance including oil changes and lubrications of equipment in accordance with equipment manufacturers' specifications, order and receive supplies as needed, all in accordance with Workers' Compensation Board regulations;
- (l) conduct water sampling and reporting in accordance with current Permit to Operate issued by Interior Health Authority;
- (m) furnish the tools, computer equipment, labor and transportation necessary to perform the services as referred to herein;
- (n) regular maintenance and minor maintenance of the Water System; and
- (o) such other duties, testing and reporting as may be reasonably required from time to time by Sage Mesa or the Ministry, including water meter reading as required for billing purposes.

5.3 Maintenance - Availability

The maintenance in section 5.2 is, at all times, subject to the availability of equipment and personnel.

ARTICLE 6 EMERGENCY SERVICE

6.1 Emergency Work

Emergency work to the Water System that arises during normal operating hours will be accommodated during the normal operating hours providing scheduled work can be re-scheduled and, in the event, scheduled work cannot be re-scheduled, the emergency work will be performed on overtime after normal operating hours or a suitable contractor will be engaged to perform the work.

6.2 On Call

The RDOS will provide to Sage Mesa, the Ministry and the public an on-call person that will respond to all Water System emergencies after regular business hours.

6.3 Emergency Telephone Number

The RDOS will provide to Sage Mesa and the public a twenty-four hour emergency telephone number, and be available at all times in the event of an emergency.

6.4 Contact Personnel

The RDOS will provide to Sage Mesa and the Ministry a list of contact and on-call personnel complete with emergency telephone numbers and updates as changes occur.

ARTICLE 7

WATER SYSTEM BREAK/LEAK

7.1 Break or Leak

In the event of a Water System break or leak, the RDOS will make reasonable efforts to isolate the problem and make a decision as to whether to repair the break immediately, throttle down the Water System or repair the following day and, as time permits, advise all affected residents of the problem and estimated time of outage.

7.2 Water System Compromise

Any Water System compromise after normal working hours will be repaired by the RDOS, acting reasonably, that day, provided the work can be safely performed under natural light conditions, otherwise the work will be performed the following day commencing normal operating hours.

ARTICLE 8 WATER QUALITY ISSUES

8.1 Bacteriological Test

In the event that the IHA cancels the boil water advisory, as set out in Section 8.2 and a positive bacteriological test is recorded:

- (a) the RDOS shall follow the procedures as set out in the Emergency Response and Contingency Plan;
- (b) the RDOS shall notify IHA, follow the procedure set out in the Emergency Response and Contingency Plan and provide any follow up notification as required by IHA;
- (c) the RDOS will notify the Ministry and collect any additional information, testing etc. that the Ministry requires that is not required pursuant to the Emergency Response and Contingency Plan;
- (d) all bacteriological tests will be performed at an accredited laboratory and may be supplemented by the RDOS using Lex Colilert twenty-four hour system;

- (e) the RDOS staff will discuss instructions from the Ministry and IHA with respect to the location and results of any additional tests that may be required including flushing or additional chlorination; and
- (f) the RDOS will continue sampling water quality until water quality parameters are at approved levels and IHA has determined that the Water System is safe and water advisory orders rescinded.

ARTICLE 9

OPERATION AND MAINTENANCE FEE

9.1 Operation and Maintenance Fee

As compensation to the RDOS for providing operation and maintenance services to the Water System as provided herein, Sage Mesa or the Ministry shall pay the RDOS, during the Term, a fee based upon the actual costs of the RDOS in carrying out its obligations pursuant to this Agreement plus 15 % calculated on the labour and labour load component of costs and 10% calculated on all other actual costs. For the purposes of this Agreement "actual costs" shall mean actual labour costs plus current labour load at time of billing (which, as of the date of this Agreement, is 25% for union staff and 25% for management/exempt staff) plus any cost of supplies and services that may be incurred pursuant to Article 5. The RDOS shall invoice Sage Mesa monthly for the operation and maintenance fee and the said invoice shall be payable by Sage Mesa within fifteen (15) days after receipt thereof.

9.2 Callouts and Emergencies

The RDOS shall invoice Sage Mesa monthly for the operation and management fee. The said invoice shall be payable by Sage Mesa or the Ministry within fifteen (15) days after the receipt thereof.

9.3 Additional Services

Should Sage Mesa or the Ministry request additional services from RDOS staff which the RDOS considers to be above and beyond normal administration of this contract, a fee will be charged therefor. The fees therefor shall be negotiated at the time of request by Sage Mesa or the Ministry.

ARTICLE 10

PERSONNEL AND EMPLOYEES

10.1 Selection and Employment of Personnel

Unless otherwise mutually agreed in writing, all staff and other personnel of the RDOS shall not be employees, agents or independent contractors of Sage Mesa.

ARTICLE 11

OBSERVANCE OF APPLICABLE LAWS

11.1 Observance of Applicable Laws

Subject to the condition of the Water System as of the date hereof or during the Term, the RDOS covenants that it will comply with or cause to be complied with all Applicable Laws, which relate to the Water System and to the equipment, maintenance, operation and use of the Water System and

improvements in the making of, repairs, replacements, alterations, additions, changes, substitutions or improvements of or to the Water System, or any part thereof covenants to comply with or cause to be complied with all lawful, police, fire and sanitary regulations imposed by any federal, provincial or regional district authorities and to observe and obey all lawful governmental and regional district regulations and other requirements governing the conduct of the Water System.

ARTICLE 12 INDEMNIFICATION

12.1 Indemnification of the RDOS

The Ministry and Sage Mesa jointly and severally covenants and agrees to defend, indemnify and save harmless the Indemnified Parties from and against all Claims which may arise or accrue to any person against the Indemnified Parties which the Indemnified Parties may pay, incur, sustain or be put to arising out of or in any way connected with, or that would not or could not be made or incurred but for, this Agreement or the Water System.

12.2 Indemnity of Sage Mesa

Without limiting the generality of Section 12.1, the Ministry agrees to defend, indemnify and save harmless the Indemnified parties from and against:

(a) all manner of Claims relating to:

- i. bodily injury or death;
- ii. property damage;
- iii. or other loss or damage;

resulting from:

- i. the conduct of any work by the RDOS or any assignee, subtenant, agent, employee, contractor, subcontractor, invitee or licensee of the RDOS;
- ii. any act or omission by the RDOS or any assignee, subtenant, agent, employee, contractor, subcontractor, invitee or licensee of the RDOS;
- iii. the Deficiencies or any other defect, whether known or unknown, with respect to the Water System or a portion thereof;
- iv. a Geological Event; or;
- v. Environmental Liability;
- vi. Claim incurred by the Indemnified Parties in connection with or in any connected to a Claim referred in Section 12.1(a);
- vii. any breach, violation or non-performance by the RDOS of any covenant or obligation of the RDOS set out in this Agreement.

12.3 Limitation of Liability of the RDOS

The Ministry and Sage Mesa acknowledge and agree that the RDOS is not liable for losses or damages of any nature (including, without limitation, any Expense) sustained by the Ministry or Sage Mesa arising out of or in any way connected with, or that would not or could not be made or incurred but for, the Water System or this Agreement.

12.4 Release

The Ministry and Sage Mesa hereby remise, release and forever discharge, the RDOS against all Claims arising out of or in any way connected with, or that would not or could not be made or incurred but for, the Water System or this Agreement.

12.5 Indemnification Services: Termination of Agreement

The obligations of the Ministry to defend, indemnify and save harmless the RDOS and the Indemnified Parties under the provisions of this Agreement will apply and continue notwithstanding the termination of this Agreement or breach of this Agreement by any Party.

12.6 Claims of Indemnity

Notwithstanding the right of indemnity referred to herein, the RDOS agrees, provided a claim for indemnity is not prejudiced, not to enforce the said indemnity for a matter that is the subject of the said indemnity until the earlier of:

- (i) such time as Sage Mesa and/or the Ministry have had a reasonable opportunity to advance a claim upon Sage Mesa's insurer(s); or
- (ii) seven (7) days after a judgment or order from a court or tribunal having jurisdiction which orders payment of moneys by the RDOS thereon.

12.7 Survival

The obligation of the Parties contained in this Article 12 shall survive the termination or expiry of this Agreement.

ARTICLE 13 RELEASE

- 13.1 Release**
INTENTIONALLY DELETED

ARTICLE 14 INSURANCE

14.1 General Liability Insurance - RDOS

- (a) The RDOS will obtain, provide, maintain and pay for Commercial General Liability Insurance relating to the use, operation, maintenance and repair of the Water System during the Term.
- (b) The policy of insurance will have limits of not less than Thirty-Five Million Dollars (\$35,000,000.00) in respect of any one accident or occurrence, with no aggregate limit and a deductible amount of not more than Ten Thousand Dollars (\$10,000.00) per accident or occurrence.
- (c) Policy coverage shall include, but will not be limited to, personal injury, bodily injury and death resulting therefrom, property damage, products and completed operations.
- (d) The policy shall include Sage Mesa and the Ministry as an additional insured, and the policy shall also include a cross-liability clause and a waiver of subrogation clause in favour of Sage Mesa and the Ministry.
- (e) The policy shall be taken out with an insurance company licensed to carry

on the business of insurance in British Columbia.

- (f) The policy shall be endorsed to provide that Sage Mesa and the Ministry is to receive not less than Thirty (30) days' notice in writing in advance of any cancellation, material amendment, or change restricting coverage.
- (g) The policy shall be endorsed to provide that if the insurance provided under the policy is cancelled or changed to the detriment of Sage Mesa and the Ministry, the insurer shall provide the required notice to Sage Mesa and the Ministry by registered mail.
- (h) No modification or changes from these specifications shall be made without Sage Mesa's and the Ministry's prior written approval.
- (i) A valid certificate of insurance evidencing the required liability insurance coverage outlined herein shall be forwarded to Sage Mesa and the Ministry on the commencement date of the Term or shortly thereafter.

14.2 General Liability Insurance - SageMesa

- (a) Sage Mesa will obtain, provide, maintain and pay for Commercial General Liability Insurance relating to the use, operation, maintenance and repair of the Water System during the Term.
- (b) The policy of insurance will have limits of not less than Five Million Dollars (\$5,000,000.00) in respect of any one accident or occurrence, with no aggregate limit and a deductible amount of
- (c) not more than One Thousand Dollars (\$1,000.00) per accident or occurrence.
- (d) Policy coverage shall include, but will not be limited to, personal injury, bodily injury and death resulting therefrom, property damage, products and completed operations.
- (e) The policy shall include RDOS and the Ministry as an additional insured, and the policy shall also include a cross-liability clause and a waiver of subrogation clause in favour of RDOS and the Ministry.
- (f) The policy shall be taken out with an insurance company licensed to carry on the business of insurance in British Columbia.
- (g) The policy shall be endorsed to provide that RDOS and the Ministry is to receive not less than Thirty (30) days' notice in writing in advance of any cancellation, material amendment, or change restricting coverage.
- (h) The policy shall be endorsed to provide that if the insurance provided under the policy is cancelled or changed to the detriment of RDOS and the Ministry, the insurer shall provide the required notice to RDOS and the Ministry by registered mail.
- (i) No modification or changes from these specifications shall be made without RDOS's and the Ministry's prior written approval.
- (j) A valid certificate of insurance evidencing the required liability insurance coverage outlined herein shall be forwarded to RDOS and the Ministry

on the commencement date of the Term or shortly thereafter.

ARTICLE 15

TERMINATION

15.1 Termination for Default

- (a) The following shall constitute Events of Default:
 - (i) in the case of Sage Mesa or the Ministry, the failure of Sage Mesa or the Ministry to pay any amount to the RDOS when the same is payable; or
 - (ii) the failure of any Party to perform, keep or fulfill any of the other covenants, undertakings, obligations or conditions set forth in this Agreement.
- (b) If there is an Event of Default, the non-defaulting party may give to the defaulting party notice of its intention to terminate this Agreement after the expiration of a period of fifteen (15) days from the date of such notice. Upon the expiration of such period, this Agreement shall be at an end. Notwithstanding the foregoing, if with respect to Events of Default referred to herein, upon receipt of such notice the defaulting party promptly and with all due diligence cures the default within the said fifteen (15) day period, then that Event of Default ceases to exist and the Agreement shall not be so terminated. However, with respect to any default, if such default is not susceptible of being cured within a fifteen (15) day period, but is capable of being cured within a longer period of time, and provided that the defaulting party is taking and continuing on an uninterrupted basis action to cure such default with all due diligence until the same is cured, the cure period may be extended by such additional period not to exceed ninety (90) days from such notice. Once a cure has been effected, the notice shall be of no effect.
- (c) The remedies granted in this Section 14.1 shall not be in substitution for, but shall be in addition to any rights and remedies otherwise available for breach of contract.

15.2 Obligations on Termination

Upon termination of this Agreement, all fees and payments due and owing by Sage Mesa or the Ministry to the RDOS under this Agreement which are computed on a monthly or other periodic basis shall be annualized, prorated and paid within thirty (30) days after termination of this Agreement, including all deferred, accrued and unpaid fees.

ARTICLE 16

ASSIGNMENT

16.1 Prohibition on Assignment

The RDOS will not assign any of its rights and obligations under this Agreement without the Ministry's prior written approval which approval may arbitrarily withheld.

ARTICLE 17

COVENANTS, REPRESENTATIONS AND WARRANTIES

17.1 Covenants

All of the terms and provisions of this Agreement shall be deemed and construed to be "covenants" to be performed by the respective Parties as though words specifically expressing or importing covenants and conditions were used in each separate term and provision hereof.

17.2 Representations and Warranties of the Parties

Each of the Parties represent to the other that it has the full legal right, power and authority to enter into this Agreement- and that this Agreement has been duly executed and delivered by each of the Parties and constitutes a valid and binding obligation of the Parties, enforceable in accordance with its terms.

ARTICLE 18

NOT A PARTNERSHIP OR JOINT VENTURE

18.1 Not a Partnership or Joint Venture

Nothing contained in this Agreement, nor any acts of Sage Mesa, the Ministry or the RDOS are or were intended by Sage Mesa, the Ministry or the RDOS to constitute, nor shall they be deemed to constitute, Sage Mesa, the Ministry and the RDOS as partners, joint ventures, or principal and agent, beyond what is set out specifically in this Agreement.

ARTICLE 19 MISCELLANEOUS

19.1 Notice

Except in the case of emergency, when notice may be given by telephone with later confirmation in writing, any notice, request, approval, demand or other communication which may be or is hereby required or permitted to be given under this Agreement shall be in writing and either be delivered by hand or sent by facsimile transmission addressed as follows:

(a) if to SageMesa:

c/o Ministry of the Environment
Water Stewardship Division
Management & Standards Branch 3rd
Floor - 395 Waterfront Crescent
Victoria, B.C. V8T 5K7
Attention: Head, Utility Engineering
Utility Regulation Section

(b) if to the Ministry:

c/o Ministry of the Environment
Water Stewardship Division Management & Standards Branch
3rd Floor - 395 Waterfront Crescent Victoria, B.C. V8T 5K7
Attention: Head, Utility Engineering
Utility Regulation Section

(c) if to the RDOS:
101 Martin Street
Penticton, B.C., V2A 5J9 Fax: (250) 492-0063
Attention: Manager of Public Works

or at such other address or facsimile number, which notice has been given as provided in this section. Any notice which is delivered by hand will be deemed to have been given on the first day on which it is delivered. Any notice which is sent by facsimile transmission will be deemed to have been given on the first day after it is transmitted, provided that the sender obtains written confirmation of successful transmission. If a Party changes its address or facsimile number or both, such Party will promptly give notice of its new address or facsimile number, or both, to such other Parties provided in this section, whereupon such notice to such Party will thereafter be sent to such new address or facsimile number. While the telephone numbers of the Parties in this Agreement are set out herein, notice or other formal communication between them must be in writing and delivered or transmitted as set out in this section.

19.2 Force Majeure

If a Party is prevented or delayed from performing any of the obligations on its part to be performed hereunder by reason of an Event of Force Majeure then and in every such event, any such prevention or delay shall not be deemed a breach of this Agreement but performance of any of the said obligations or requirements shall be suspended during such period or disability and the period of all such delays resulting from any such thing required or permitted by either party to be done is to be done hereunder, it being understood and agreed that the time within which anything is to be done, or made pursuant hereto shall be extended by the total period of all such delays unless as otherwise provided herein.

19.3 Approvals

Whenever any Party is requested to give its approval to any matter, such approval shall not be withheld or delayed unreasonably. If a Party shall desire the approval of the other Party hereto to any matter, such Party shall give notice to such other Party that it requests such approval, specifying in such notice the matter (in reasonable detail) as to which such approval is requested.

19.4 No Waiver of Breach

No failure by the RDOS or Sage Mesa to insist upon the strict performance of any covenant, agreement, term or condition of this Agreement, or to exercise any right or remedy consequent upon a breach, shall constitute a waiver of any such breach or any subsequent breach of such covenant, agreement, term or condition. No waiver of any breach shall affect or alter this Agreement, but each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach.

19.5 Governing Law

This Agreement and the rights and obligations and relations of the Parties shall be governed by and construed in accordance with the Applicable Laws of the

Province of British Columbia and the federal laws of Canada applicable therein. The Parties agree that the Courts of British Columbia shall have jurisdiction to entertain any action or other legal proceedings based on any provisions of this Agreement. Each Party does hereby attorns to the jurisdiction of the Courts of the Province of British Columbia.

19.6 Severability of Provisions

If any provision of this Agreement or the application thereof to any Person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to Persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

19.7 Entire Agreement

Unless otherwise provided herein, this Agreement, together with the Schedules, shall constitute the entire agreement between the Parties with respect to the operation, management, maintenance and repair of the Water System and shall replace all other agreements entered into prior to the commencement date of the Term.

19.8 Waiver - Remedies

No failure or delay by any party hereto to insist on the strict performance of any term of this Agreement, or to exercise any right or remedy consequent to a breach thereof, shall constitute a waiver of any breach or any subsequent breach of such term. No waiver of any breach hereunder shall affect or alter the remaining terms of this Agreement, but each and every term of this Agreement shall continue in full force and effect with respect to any other than existing or subsequent breach thereof. The remedies provided in this Agreement are cumulative and not exclusive of the remedies provided by law or equity.

19.9 Time of the Essence

Time shall be of the essence of this Agreement and of every part hereof and no extension or variation of this Agreement shall operate as a waiver of this provision.

19.10 Counterparts

This Agreement may be executed in any number of counterparts, and all such counterparts shall for all purposes constitute one agreement, binding on the Parties, provided each Party has executed at least one counterpart, and each shall be deemed to be an original, notwithstanding that both Parties are not signatory to the same counterpart. This Agreement may be executed and delivered by either of the Parties by transmitting to the other a copy of this Agreement (executed by such delivering Party) by telecopier or similar means of electronic communication, and delivery in that manner by a Party shall be binding upon such Party and deemed to be an original.

19.11 Rights and Remedies

The duties and obligations imposed by this Agreement and the rights and remedies available under this Agreement are in addition to and not a limitation of any duties, obligations, rights and remedies otherwise

imposed or available by law.

19.12 Other Assurances

The Parties will do everything reasonably necessary to give effect to the intent of this Agreement, including the execution of further instruments.

19.13 Amendments

Neither this Agreement or any of its terms may be changed or modified, waived, terminated (unless as otherwise provided hereunder) except by an instrument in writing signed by an authorized representative of the party against whom the enforcement of the change, waiver or termination is sought.

19.14 Enurement and Binding Effect

This Agreement shall enure to the benefit of the Parties and their respective successors and permitted assigns and shall be binding upon the successors and assigns.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the year and date first above written.

SAGE MESSA WATER AND PUBLIC SERVICE CO. LTD
By its authorized signatory(ies)

REGIONAL DISTRICT OF OKANAGAN-SILMILKMMEN
By its authorized signatories

HER MAJESTY THE QUEEN IN RIGHT OF THE MINISTRY OF THE PROVINCE OF BRITISH COLUMBIA AS
REPRESENTED BY THE MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY
By its authorized signatory (ies)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, December 5, 2019

2:30 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

B. EMERGENCY PROGRAM ACT

RECOMMENDATION 2

THAT the Regional District provide a formal letter of recommendations to Emergency Management BC in regards to the Modernizing BC's Emergency Management Act Discussion Paper prior to the January 31, 2020 deadline.

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Protective Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Modernizing the British Columbia Emergency Management Act

Administrative Recommendation:

THAT the Regional District provide a formal letter of recommendations to Emergency Management BC in regards to the Modernizing BC's Emergency Management Act Discussion Paper prior to the January 31st, 2020 deadline.

Purpose:

The discussion paper has been developed in response to direction that Emergency Management BC has received to repeal and replace the current *Emergency Program Act* to strengthen emergency management within the province. As local authorities have a critical role in emergency management, your feedback is essential. This is the RDOS Board's first of two opportunity's to let the provincial ministry understand the issues front line local government staff and officials deal with when an emergency occurs.

Reference:

Modernizing BC's Emergency Management Legislation – 2019
Emergency Program Act, RSBC 1996
Local Government Act, RSBC 2015
Local Authority Emergency Management Regulation
Bylaw 2375/06 - Emergency Planning Program Establishment Bylaw
Bylaw 2423/07 - Emergency Planning Program Regulatory Bylaw

Business Plan Objective:

3.1.1.1 To update the Regional District Emergency Management Regulatory Bylaw

Background:

On October 28, 2019 Minister Mike Farnworth publicly released a discussion paper explaining the need for new legislation and outlining the proposed policy direction for modernized emergency management legislation. The Emergency program Act, RSBC 1996, C. 111 was passed in 1993 and has its roots in Canada's War Measures Act, particularly the declaration of states of emergency and the powers available to the provincial government and Local Authorities through those declarations. The

EPA has guided the province through events such as the Kelowna interface fires in 2003, the Johnson's Landing landslide in 2012, and the Grand Forks flooding in 2018.

Analysis:

Emergency Management B.C. (EMBC) is modernizing the Emergency Program Act, RSBC 1996, C. 111 (the "Act") to support more effective management of emergencies in B.C. by incorporating international best practices, including the United Nations (UN) Sendai Framework for Disaster Risk Reduction (Sendai Framework); the UN Declaration on the Rights of Indigenous Peoples (the Declaration); and the draft principles that guide the Province's relationship with Indigenous Peoples. The proposals outlined in the discussion paper will provide the legislative framework to build on these measures and will position B.C. as a leading jurisdiction in emergency management.

The updated Act will reflect the lessons learned from the unprecedented flood and wildfire seasons in 2017 and 2018, address all four pillars of emergency management (mitigation, preparedness, response and recovery), and place more emphasis on up-front disaster risk reduction in order to prevent events from happening and to lessen the impact when they do occur. The overhaul in the Emergency Program Act results in four areas of improvement that focus on Preparedness, Response, Recovery, and Mitigation. This analysis will focus only on proposed actions the mandate of the Local Authority, it should be noted that there is significant updates to First Nations, Volunteers, and Non-Governmental organizations that are not fully represented in this report.

1. Preparedness Proposed Considerations

The Act modernization proposes to standardize emergency management programs, plans and regulations to better align neighboring communities. This will benefit the RDOS Regional Emergency Management program by ensuring all Local Authorities and First Nations emergency management programs are aligned and use an "all-of-Society Approach" to share plans, collaborate, and work together.

The Act also proposes to establish a critical infrastructure registry that captures specific critical infrastructure and their respective plans, produce "Statement of Assurances" to allow subject matter experts to validate response plans, and conduct mandatory exercises.

2. Response Proposed Considerations

Emergency Management British Columbia is proposing various changes to State of Local Emergencies (SoLE), duration requirements, and transition periods. Currently a SoLE is 7 days and a Provincial State of Emergency (PSoLE) is 14 days which requires frequent renewals. The Province is proposing a 14 day period for a SoLE and 28 day period for a PSoLE.

EMBC is proposing a new provision defined as a "Transition Period" that will enable Local Authorities to use specific powers related to recovery works for a "90 day transition period". The Modernization report proposes that Local Authorities are advised to enter into emergency management agreements

with First Nations to better respond to emergency and recovery activities. This will assist in facilitating partnership with First Nations.

3. Recovery Proposed Considerations

The Province recognizes that following the 2017 and 2018 wildfire and flood season, recovery policy needs to be improved. In 2017, the RDOS and the Province spent over 1.2 Million dollars in response and recovery costs associated to flooding and wildfires and in 2018 the costs increased to 8 million. Recovery is becoming a vital part of emergency management, thus changes are proposed to enable regulations that would require post disaster needs assessment, recovery plans, and conditions of receiving Provincial recovery funds by Local Authorities. It should be noted, that conditions may include taking responsibility of critical infrastructure and/or programs that may not be the normal business of the RDOS and partner communities.

4. Mitigation Proposal considerations

Currently, the RDOS has yet to develop formal taxation service for mitigation. The proposed update would require the RDOS to establish mitigation plans for risks and consequences. This change would require significant funding and coordination to mitigate identified risks within the RDOS.

It is proposed that Local Authorities will be required to give greater consideration of current and future risk for new development approvals in hazard areas. More importantly, it is suggested to require sustainable long-term mitigation measures in hazardous areas. It is proposed that local authorities should collaborate and coordinate at a regional scale for Risk assessments, mitigation planning and mitigation works. It should be noted that without a change to the Local Government Act, Community Charter, and various other regulations, the required actions in the updated Emergency Program Act will have limited impact.

The considered changes indicated in Modernizing BC's Emergency Management Legislation discussion paper will require revisions to current RDOS and municipal bylaws and emergency plans in regards to emergency management, once the updated Emergency Program Act replaces the current 1997 act.

Alternatives:

Not to provide feedback to EMBC and SILGA

Communication Strategy:

Should the Board provide feedback to EMBC in regards to modernization of the Emergency Program Act, staff will provide feedback in a formal letter to the province from the RDOS Board, before January 31st 2020. The feedback provided by the Board during the December 5th board meeting may also provide direction to the December 6th SILGA meeting with EMBC.

Respectfully submitted:

"Sean Vaisler"

S. Vaisler, Emergency Services Manager



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, December 5, 2019
3:00 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of December 5, 2019 be adopted.

1. Consent Agenda – Corporate Issues

a. Advisory Planning Commission Electoral Area “D” – November 12, 2019

THAT the Minutes of the November 12, 2019 Advisory Planning Commission Electoral Area “D” meeting be received.

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

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

c. Advisory Planning Commission Electoral Area “H” – November 19, 2019

THAT the Minutes of the November 19, 2019 Advisory Planning Commission Electoral Area “H” meeting be received.

d. Corporate Services Committee – November 21, 2019

THAT the Minutes of the November 21, 2019 Corporate Services Committee meeting be received.

e. Environment and Infrastructure Committee – November 21, 2019

THAT the Minutes of the November 21, 2019 Environment and Infrastructure Committee meeting be received.

f. RDOS Regular Board Meeting – November 21, 2019

THAT the minutes of the November 21, 2019 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services**a. Temporary Use Permit Application — 3628 Highway 3, Electoral Area “A”**

- i. Permit
- ii. Representation

THAT the Board of Directors approve Temporary Use Permit No. A2019.010-TUP.

b. Temporary Use Permit Renewal Application — 2155 Carmi Road, Electoral Area “D”

- i. Permit
- ii. Representation

THAT the Board of Directors approve Temporary Use Permit No. D2019.006-TUP.

c. Development Variance Permit Application — 4257 Mill Road, Electoral Area “E”

- i. Permit

THAT the Board of Directors approve Development Variance Permit No. E2019.028-DVP.

d. Development Variance Permit Application — 132 Kereluk Road North, Electoral Area “F”

- i. Permit

THAT the Board of Directors approve Development Variance Permit No. F2019.025-DVP.

e. Development Variance Permit Application — 155 Snow Mountain Place, Electoral Area “I”

- i. Permit

THAT the Board of Directors approve Development Variance Permit No. I2019.032-DVP.

f. Electoral Area “F” Advisory Planning Commission (APC) Appointment

THAT the Board of Directors appoint Richard A. Johnson as a member of the Electoral Area “F” Advisory Planning Commission until October 31, 2022.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

THAT the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. **Official Community Plan (OCP) & Zoning Bylaw Amendment – 1612 Highway 97, Electoral Area “D”**
 - a. Bylaw No. 2603.19
 - b. Bylaw No. 2455.41
 - c. Public Hearing Report – November 18, 2019
 - d. Responses Received

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)
THAT the public hearing report be received.

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2603.19, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time, as amended; and,

THAT Bylaw No. 2455.41, 2019, Electoral Area “D” Zoning Amendment Bylaw be read a third time.

2. **Floodplain Exemption Application — 3420 8th Street, Naramata, Electoral Area “E”**
 - a. Flood Hazard Assessment Report

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)
THAT the Board of Directors approve a floodplain exemption for Lot 1, Plan KAP26434, District Lot 210, SDYD, in order to permit the development of an addition to a single detached dwelling below the flood construction level of Naramata Creek, subject to the following condition:

- i) a statutory covenant is registered on title in order to:
 - a) “save harmless” the Regional District against any damages as a result of a flood occurrence; and
 - b) secure the recommendations contained within the flood protection report, dated September 30, 2019, prepared by Caleb Pomeroy (P.Eng.) of Watershed Engineering Limited.
-

- 3. Official Community Plan & Zoning Bylaw Amendments – 257 Dogwood Avenue, Electoral Area “I”**
- a. Bylaw No. 2683.04
 - b. Bylaw 2457.30
 - c. Responses Received

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2683.04, 2019, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.30, 2019, Electoral Area “I” 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 December 5, 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. 2683.04, 2019, in conjunction with its Financial and applicable Waste Management Plans; and,

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

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

- 4. Zoning Bylaw Amendment – Administrative and Institutional (AI) Zone Update Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”**
- a. Bylaw No. 2873
 - b. Responses Received

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2873, 2019, Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update 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 January 9, 2020; 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

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2849, 2019, Electoral Area Official Community Plan and Zoning Amendment Bylaw be adopted.

C. PUBLIC WORKS

1. Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades Tender Award

a. Recommendation

RECOMMENDATION 10 (Weighted Corporate Vote – Majority)

THAT the Board of Directors receive the November 21, 2019 Award Recommendation Letter for the "Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades" tender from AECOM Canada Ltd.; and,

THAT the Regional District award the "Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades" project to Greyback Construction Ltd. in the amount of \$311,991.03 plus applicable taxes.

D. FINANCE

1. Area "G" Community Works (Gas Tax) Reserve Expenditure Bylaw 2856.01

a. Bylaw No. 2856.01

RECOMMENDATION 11 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2856.01, 2019, being the Electoral Area "G" Community Works Program Reserve Fund Expenditure Amendment Bylaw to authorize expenditures for pumphouse equipment upgrades, distribution system improvements and detailed design of water system upgrades for the Olalla Water System from the previously approved \$225,000 from the Reserve for the back-up generator be read a first, second, and third time, and be adopted.

2. **Keremeos and District Fire Protection Capital Works, Machinery and Equipment Reserve Fund Expenditure**
 - a. Bylaw No. 2882

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

THAT Bylaw 2882, being the Keremeos Fire Protection Service Equipment Reserve Expenditure Bylaw to expend \$12,000.00 from the Reserve for the purchase of an intrusion and access control system be read a first, second and third time and be adopted.

3. **Area “H” Community Works (Gas Tax) Reserve Expenditure Bylaw 2881**
 - a. Bylaw No. 2881

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

THAT Bylaw No. 2881, 2019, Electoral Area “H” Community Works Program Reserve Fund Expenditure Bylaw for the expenditure of up to \$50,000 for the capital upgrades for the controls and chlorine treatment system of the Missezula Lake Water System be read a first, second and third time and be adopted.

E. LEGISLATIVE SERVICES

1. **Missezula Lake Water Service Conversion & Continuation Bylaw / Missezula Lake Water Service – Electoral Area “H”**
 - a. Bylaw No. 2879
 - b. Bylaw No. 2880
 - c. Order in Council No. 600

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT Regional District of Okanagan-Similkameen Missezula Lake Water Service Conversion and Continuation Bylaw No. 2879, 2019 be read a first, second and third time; and further,

THAT Regional District of Okanagan-Similkameen Missezula Lake Capital Reserve Bylaw No. 2880 be read a first, second and third time.

2. Faulder Community Water System Service Establishment Amendment Bylaw – Electoral Area “F”

- a. Bylaw No. 1177.04

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)
THAT Faulder Community Water System Service Establishment Amendment Bylaw No. 1177.04, 2019 be adopted.

3. Regional Economic Development

- a. Bylaw No. 2734.01

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)
THAT Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Amendment Bylaw 2734.01 be given first, second and third readings and be forwarded to the Inspector of Municipalities for approval.

4. Twinning Initiative (Pouzols, France) Information Report

5. 2020 RDOS Schedule of Meetings

RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)
THAT the 2020 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings remain as approved at the November 7, 2019 Board meeting.

F. CAO REPORTS

1. Verbal Update
-

G. OTHER BUSINESS

1. Chair’s Report
-

2. Directors Motions

- a. Motion – Director Montieth

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

THAT administration investigate the effects of changing the definition of "vehicle" bylaws to include utility trailers, horse trailers and other similar light trailers, but not to include commercial highway tractor trailers be defined in zoning for C1.

3. Board Members Verbal Update

H. ADJOURNMENT

Minutes

Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, November 12, 2019

Okanagan Falls Community Centre (Gymnasium)

1141 Cedar Street, Okanagan Falls, BC

Present: Ron Obirek, Director, Electoral Area “D”
Members: Doug Lychak, Jerry Stewart, Alf Hartviksen, Kelvin Hall, Navid Chaudry, Don Allbright, Malcolm Paterson, Almira Nunes
Absent: Norm Gaumont, Kurtis Hiebert, Jill Adamson, Tom Styffe
Staff: JoAnn Peachey, Planner
Sue Gibbons, Recording Secretary

Delegates: Elkjar, Lars & Monalee
Guests: Irwin, Robin, Economic Development Coordinator

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 October 8, 2019 be approved.

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

CARRIED

4. DEVELOPMENT APPLICATIONS

4.1 D06788.470 / (D2019.006-TUP) – Temporary Use Permit Application

Delegates: Elkjar, Lars

Discussion

MOTION

It was Moved and Seconded that the APC recommends to the RDOS Board that the proposed temporary use be approved.

CARRIED

5. OTHER

5.1 MOTION

It was Moved and Seconded that the APC ask the RDOS Board to lobby the Province to improve the safety of Eastside Road, between Heritage Hills and Okanagan Falls, with special attention to the area of the bluffs.

CARRIED UNANIMOUSLY

5.2 Director Obirek introduced Robin Irwin, Economic Development Coordinator, to the Commission.

6. ADJOURNMENT

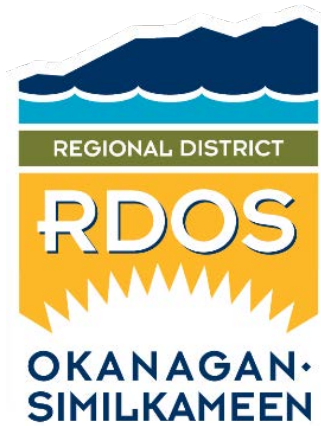
MOTION

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

CARRIED

Advisory Planning Commission Chair

Advisory Planning Commission Recording Secretary



Minutes

Electoral Area 'E' Advisory Planning Commission

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

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

Present:

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

Absent: Don Mancell

Staff: None

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

Recording Secretary: Heather Lemieux

Delegates: None

1. ADOPTION OF AGENDA

The meeting was called to order at 7:32 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 October 15th, 2019 be approved.

CARRIED

3. DELEGATIONS

- 3.1 Robertson, James and Gail, not present, for Development Variance Permit Application E00754.030 (E2019.028-DVP)

4. DEVELOPMENT APPLICATIONS

- 4.1 E00754.030 (E2019.028-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 Christmas Volunteer Dinner – December 3rd, 2019 at 6:00 p.m. at the Naramata Pub. Area 'E' APC Members asked to RSVP Karla Kozakevich.
5.2 Date of next meeting – January 13, 2020 at 7:30 p.m.

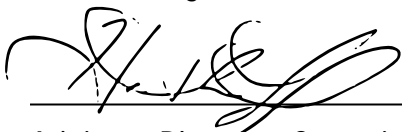
6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 7:45 p.m.

CARRIED

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



Advisory Planning Commission Recording Secretary / minute taker

Minutes

Area H Advisory Planning Commission
Meeting of 2019 November 19, Tuesday
Riverside Centre – 148 Old Hedley Road, Princeton, BC

Present: Bob Coyne

Members: Lynne Smyth, Marg Reichert, Gail Smart, Tom Rushworth (Acting Chair)

Absent: Ole Juul, Rob Miller

Recording Secretary: Tom Rushworth

1 - Call to order

After waiting for any late arrivals, the meeting was called to order Tue 19 November 2019 19:10 PST.

2 - Approval of minutes

Motion: It was moved and seconded that the minutes of the previous meeting (August) be approved.
CARRIED.

3 - Development Variance Permit Application

Lot 11, Plan KAP8079, District Lot 2697, KDYD (Civic: 3008 Highway 5A, Allison Lake) was requesting to increase the maximum height for an accessory building from 4.5 metres to 7.8 metres.

Motion: That the APC recommends to the RDOS Board of Directors that the subject development application be denied.
CARRIED.

4 - Discussion regarding Nature's Trust acquiring Currie Ranch.

There was discussion of the status and reasons but no motion since the presentation was for information only.

5 - Adjournment

Motion: It was moved and seconded that the meeting be adjourned at Tue 19 November 2019 19:45 PST.
CARRIED.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, November 21, 2019

9:26 am

MINUTES

MEMBERS PRESENT:

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

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

MEMBERS ABSENT:

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

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

B. CLOSED SESSION – LABOUR RELATIONS**RECOMMENDATION 2****It was MOVED and SECONDED**

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. - **CARRIED**

The meeting was closed to the public at 9:26 am.

The meeting opened to the public at 10:38 pm.

C. ADJOURNMENT

By consensus, the Corporate Services Committee meeting adjourned at 4 pm.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, November 21, 2019
10:39 am

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

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

B. CLOSED SESSION**RECOMMENDATION 2****It was MOVED and SECONDED**

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. - **CARRIED**

The meeting was closed to the public at 10:39 am.

The meeting was opened to the public at 11:17 am.

C. MINISTRY OF TRANSPORTATION – Jeff Wiseman, Operations Manager

Jeff Wiseman provided an update to the Committee regarding ongoing projects.

1. [Presentation](#)

D. ADJOURNMENT

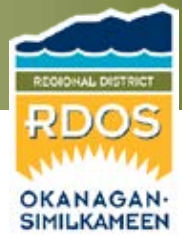
By consensus, the Environment and Infrastructure Committee meeting adjourned at 12:00 pm.

APPROVED:

CERTIFIED CORRECT:

G. Bush
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 12:33 pm on Thursday, November 21, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

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

Director R. Knodel, Electoral Area "C"
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:

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 November 21, 2019 be adopted. –
CARRIED

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)

It was MOVED and SECONDED

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

- 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)

It was MOVED and SECONDED

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

B. DEVELOPMENT SERVICES – Building Inspection

1. **Building Bylaw No.2333 and 2805 Infraction - 415 Robinson Avenue, Electoral Area “E”**

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

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT a Section 302 Notice on Title, pursuant to Section 302 of the Local Government Act and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 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. - **CARRIED**

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

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

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 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. - **CARRIED**

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

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

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

THAT injunctive action be commenced. - **CARRIED**

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

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

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

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

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

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 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. - **CARRIED**

C. DEVELOPMENT SERVICES – Untidy/Unsightly Bylaw Enforcement**1. Untidy and Unsightly Property Contravention - 525 Dagur Way, Electoral Area “H”**

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

RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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-Similkameen’s Untidy and Unsightly Premises Regulatory Control Bylaw No. 2637, 2013. - **CARRIED**

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

RECOMMENDATION 10 (Unweighted Participant Vote – Simple Majority)

Participants: Oliver, Osoyoos, Penticton and Summerland, and Electoral Areas “A”, “C”, “D”, “E”, “F” and “I”

It was MOVED and SECONDED

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. – **CARRIED**

Opposed: Directors Bloomfield, McKortoff, Boot, Veintimilla, Kimberley

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

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

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. – **CARRIED**

Opposed: Directors B. Coyne, Bush

Reconsideration

The Chair requested a reconsideration due to the fact that the applicant was not provided an opportunity to speak to the matter.

It was MOVED and SECONDED

THAT that the resolution regarding Official Community Plan (OCP) & Zoning Bylaw Amendment – 730 Golden Currant Road be reconsidered. - **CARRIED**

Applicant addressed the Board.

It was MOVED and SECONDED

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.

CARRIED

Opposed: Directors Obirek, B. Coyne, Bush, Monteith

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

Director Obirek asked that the applicant be allowed to address the Board.

It was MOVED and SECONDED (Unweighted Corporate Vote – 2/3 Majority)
THAT the applicant be permitted to address the Board. - **CARRIED**

RECOMMENDATION 12 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

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.

CARRIED

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

RECOMMENDATION 13 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

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

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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*.

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. Responses Received

RECOMMENDATION 15 (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 third time. - **CARRIED**

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

RECOMMENDATION 16 (Unweighted Rural Vote – 2/3 Majority)

It was MOVED and SECONDED

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.

CARRIED

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

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

It was MOVED and SECONDED

THAT Bylaw No. 2459.36, 2019, Electoral Area “E” Zoning Amendment Bylaw be read a third time, as amended, and adopted. - **CARRIED**

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

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

It was MOVED and SECONDED

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.

CARRIED

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

RECOMMENDATION 19 (Unweighted Rural Vote – 2/3 Majority)

It was MOVED and SECONDED

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. - **CARRIED**

10. Housing Needs Report Grant Application - RDOS Electoral Areas, City of Penticton, District of Summerland and the Village of Keremeos.

RECOMMENDATION 20 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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. - **CARRIED**

E. PUBLIC WORKS

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

RECOMMENDATION 21 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Regional District award the pre-purchase of the centrifuge equipment, related appurtenances 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. - **CARRIED**

F. COMMUNITY SERVICES

1. 2020 UBCM Community Resiliency Investment Grant Program

RECOMMENDATION 22 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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. - **CARRIED**

2. Coalmont Park Naming

a. Coalmont Community Association letter – December 12, 2018

b. [Presentation](#)

RECOMMENDATION 23 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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, YDYG (PID: 004-470-508 & 004-470-541). - **CARRIED**

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

RECOMMENDATION 24 (Weighted Corporate Vote – Majority)**It was MOVED and SECONDED**

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. -

CARRIED

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

RECOMMENDATION 25 (Unweighted Corporate Vote – Simple Majority)**It was MOVED and SECONDED**

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). - **CARRIED**

5. Award of Okanagan Falls Boat Launch Replacement Project

RECOMMENDATION 26 (Weighted Corporate Vote – Majority)**It was MOVED and SECONDED**

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. - **CARRIED**

G. FINANCE

1. Keremeos & District Volunteer Fire Department Fire Truck Purchase

RECOMMENDATION 27 (Weighted Corporate Vote – Majority)**It was MOVED and SECONDED**

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. - **CARRIED**

2. Willowbrook Fire Department Fire Truck Purchase

RECOMMENDATION 28 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

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. – **CARRIED**

Director Bauer left the Board Meeting at 2:30 pm.

H. LEGISLATIVE SERVICES

1. Electoral Area “F” Transit

a. Bylaw No. 1440.01

RECOMMENDATION 29 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

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

RECOMMENDATION 30 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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. - **CARRIED**

3. Apex Mountain Waste Transfer Station Cameras

RECOMMENDATION 31 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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. - **CARRIED**

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

RECOMMENDATION 32 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 1804.08, 2019 Naramata Water System Development Cost Charge Amendment Bylaw be adopted. - **CARRIED**

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

RECOMMENDATION 33 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Electoral Area "I" Economic Development Service Establishment Bylaw No. 2869, 2019 be adopted. - **CARRIED**

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)

RECOMMENDATION 34 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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.

CARRIED

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. Intergovernmental Indigenous Joint Council - *Kozakevich, Bauer, Pendergraft*
 - c. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - i. [MFA Activities Report](#)
 - d. Municipal Insurance Association – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - e. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
 - f. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
 - g. Okanagan Regional Library – *Kozakevich, Roberts (Alternate)*
 - h. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
 - i. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
 - j. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
 - k. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
 - l. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
 - m. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
-

3. Directors Motions

Notice of Motion - Director Monteith

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 be defined in zoning for C1.

4. Board Members Verbal Update

K. CLOSED SESSION

RECOMMENDATION 35 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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. – **CARRIED**

The meeting was closed to the public at 3:20 pm.

The meeting was opened to the public at 4:00 pm.

L. ADJOURNMENT

By consensus, the meeting adjourned at 4:00 pm.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Temporary Use Permit Application — Electoral Area “A”

Administrative Recommendation:

THAT the Regional District approve Temporary Use Permit No. A2019.010-TUP.

Purpose: To allow for the renewal of an existing TUP authorising a short-term vacation rental use.

Owner: Christopher and Beata Tolley Applicant: Christopher Tolley Folio: A-01172.000

Civic: 3628 Highway 3 Legal: Lot 3, Plan 6022, District Lot 41, SDYD

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

Proposed Development:

This application seeks approval for the renewal of Temporary Use Permit (TUP) No. A2018.071-TUP, which authorizes the operation of a short-term vacation rental use at the subject property. The proposal is to authorize a short-term vacation rental use of a three-bedroom dwelling for a three-year term from January 1, 2020 to December 31, 2022.

Site Context:

The subject parcel is approximately 2.4 ha in area, is situated on the west side of Highway 3 East, approximately 250 metres east of the Town of Osoyoos. The property is seen to be comprised of a single detached dwelling, winery, vineyard, and a storage building.

The surrounding pattern of development is characterised by agriculture and residential uses.

Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on April 24, 1953, while available Regional District records indicate that Building Permit has previously been issued for storage building (1975), single detached dwelling (1977), storage building renovations (2004), tasting room (2005), fruit stand demolition (2005), tank hall renovations (2007), single detached dwelling renovations (2009) and tasting room conversion (2018).

At its meeting of September 6, 2018, the Regional District Board resolved to approve TUP application No. A2018.071-TUP.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, the property is designated Agriculture (AG). It is also within the Agricultural Protection Area – Area ‘A’.

Section 22.2 of the Electoral Area "A" 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 17.3 of Electoral Area "A" OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 17.3.5 and 17.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUP for the subject property included conditions to limit or require the following:

- . Period of use (May-October);
- . Posting of specified information within vacation rental (re: noise, water conservation, fire, garbage, septic system care and pet control);
- . Maximum number of bedrooms (3);
- . Maximum occupancy (6);
- . Minimum number of on-site parking stalls (3);
- . 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 "A" Zoning Bylaw No. 2451, 2008, the property is currently zoned Agriculture One Zone (AG1) which allows for single detached dwellings, among other uses, as a principal use.

The subject property has been assessed as "residential" (Class 01), "light industry" (Class 05), and "business and other" (Class 06).

Public Process:

A Public Information Meeting was held on November 12, 2019, at Sonora Centre in Osoyoos and was attended by the applicant and no members of the public.

This item was referred to the Electoral Area "A" Advisory Planning Commission (APC) in the November 12, 2019 meeting agenda; however, it was not reviewed by the APC due to meeting cancellation.

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 and the applicant has indicated that there have been no changes to the use since the permit was issued in 2018 (i.e. the use remains limited to three (3) bedrooms and six (6) paying guests between May 1st and October 31st) and ownership remains unchanged.

While it is recognised that the Electoral Area "A" 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. A2018.071-TUP in 2018.

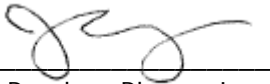
Further, the Electoral Area "A" OCP Bylaw recognizes "on-going" vacation rental uses through temporary use permits.

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 a further three years (to December 31, 2022), provided the TUP includes the same conditions as the previously issued TUP.

Alternative:

1. That the Board deny Temporary Use Permit No. A2019.010-TUP.
2. That the Board directs that the proposal be considered by the Electoral Area "A" Advisory Planning Commission (APC).

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

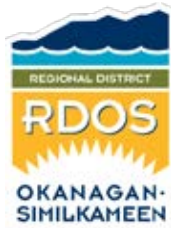
Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board consideration of TUP No. A2019.010-TUP:

p	Agricultural Land Commission (ALC)	p	Fortis
p	Interior Health Authority (IHA)	○	City of Penticton
p	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.
p	Osoyoos Fire Department		

Attachment No. 2 – Site Photo (Google Streetview)



View of Subject Property from Highway 3



TEMPORARY USE PERMIT

FILE NO.: A2019.010-TUP

Owner: Christopher John Tolley &
Beata Katarzyna Tolley
3628 Highway 3
Osoyoos, BC, V0H 1V6

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', 'B', and 'C' and described below:

Legal Description: Lot 3, Plan 6022, District Lot 41, SDYD
Civic Address: 3628 Highway 3, Osoyoos
Parcel Identifier (PID): 010-231-854 Folio: A-01172.000

TEMPORARY USE

6. In accordance with Section 17.0 of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "A" 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 "A" 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 three (3);
 - (d) the number of paying guests that may be accommodated at any time shall not exceed six (6);
 - (e) a minimum of three (3) on-site vehicle parking spaces shall be provided for paying guests, in accordance with Schedule 'B';
 - (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

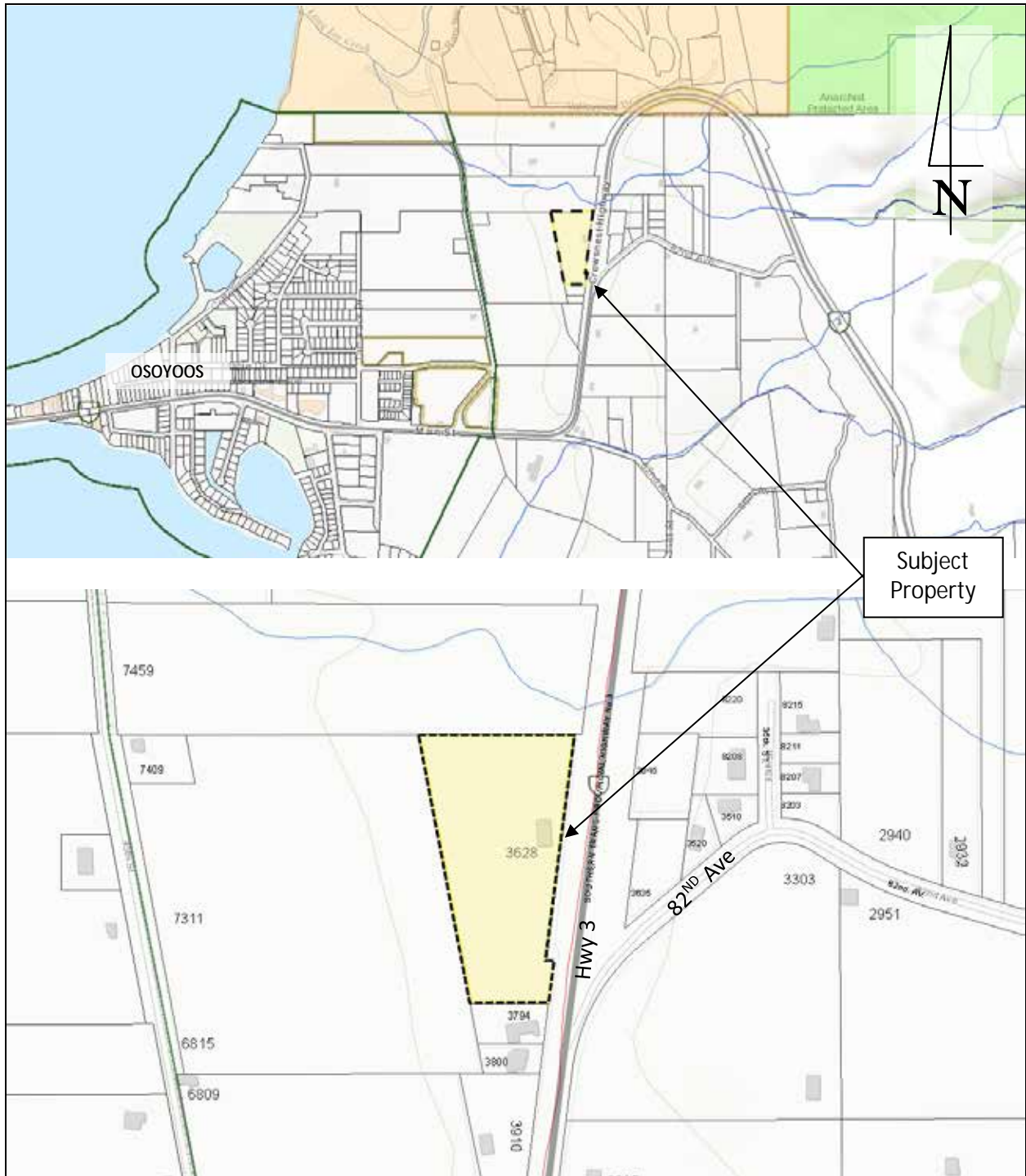
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2019.010-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

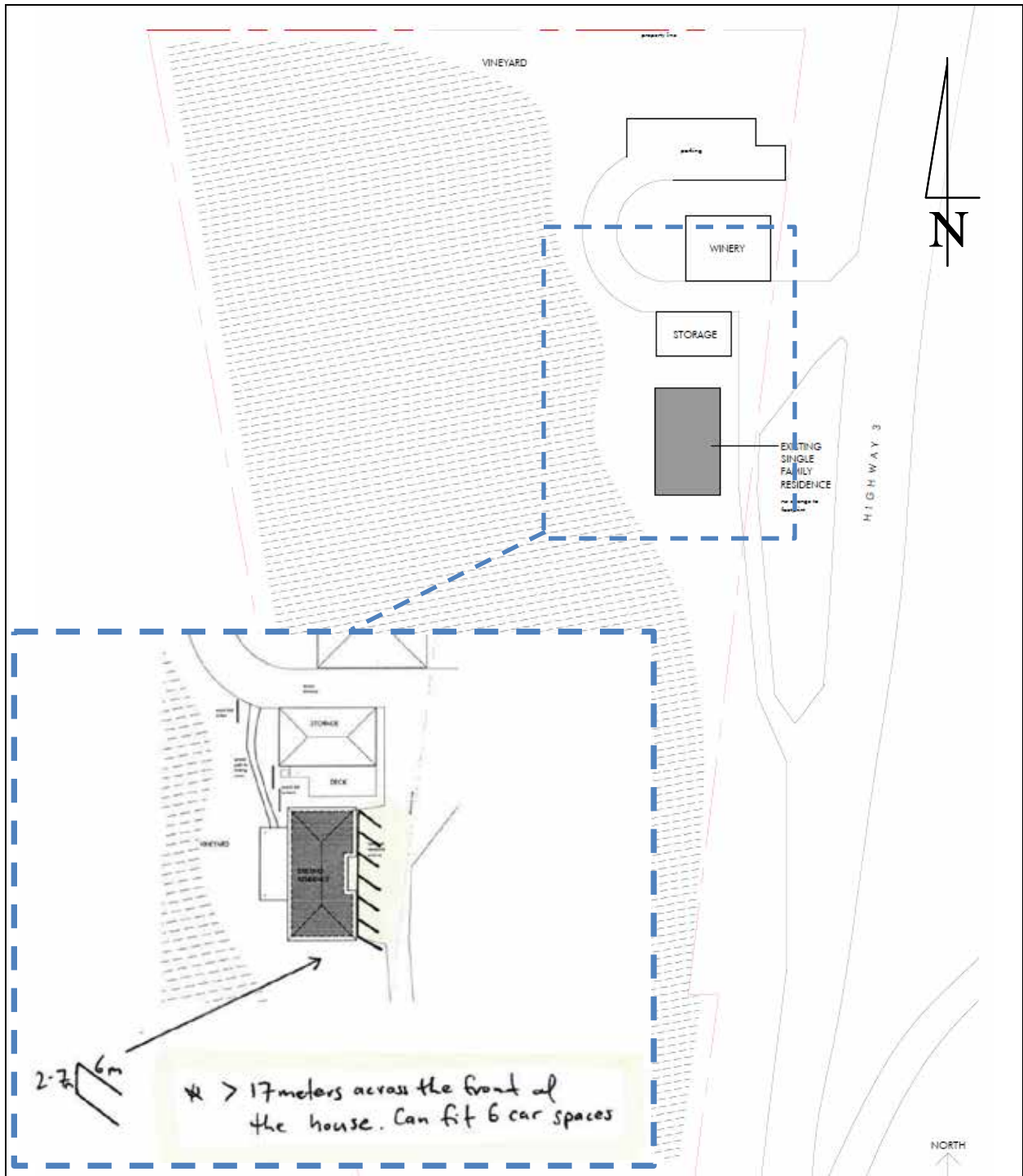
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2019.010-TUP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

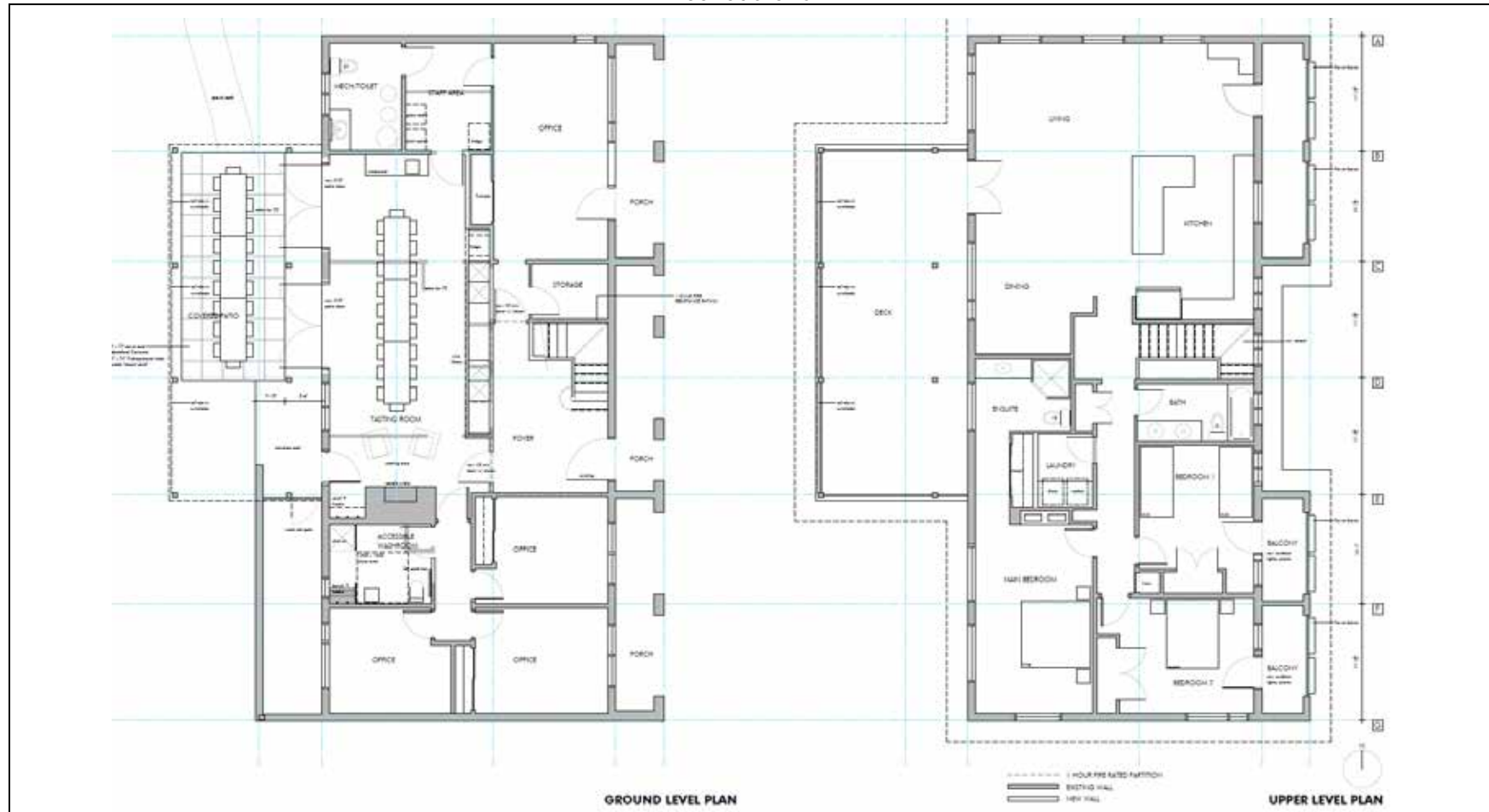
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2019.010-TUP

Schedule 'C'



JoAnn Peachey

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 31, 2019 11:48 AM
To: Planning
Subject: Highway 3, 3628 (A2019.010-TUP)

Follow Up Flag: Follow up
Flag Status: Flagged

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Highway 3. 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





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

November 5, 2019

Reply to the attention of Sara Huber
ALC Issue: 51584
Local Government File: A2019.010-TUP

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

Delivered Electronically

Re: Regional District of Okanagan Similkameen Temporary Use Permit 2019.010

Thank you for forwarding a copy of Regional District of Okanagan Similkameen (RDOS) Temporary Use Permit 2019.010 (the "TUP") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the TUP 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 TUP proposes to continue to allow the operation of a three-bedroom short-term vacation rental within the principal residence on the property identified as 3628 Highway 3, Osoyoos; PID: 010-231-854 (the "Property"). Moon Curser Vineyards is currently operated on the Property, including a winery building, a storage building, and the "principal residence", which houses the tasting room and office spaces for the winery on the ground level and the vacation rental located above.

ALC staff recognizes that the principal residence was constructed lawfully under a building permit. The ALC does not regulate the tenure of principal residences and thus, the ALC has no objection to the proposed TUP.

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', is written over the typed name.

TOLLEY
Page 1 of 2





Interior Health

Every person matters

October 8, 2019

Planning Department
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9
planning@rdos.bc.ca

Dear Planning Department:

**RE: File #: Temporary Use Referral A2019.010-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

Bus: 1-855-744-6328, Option 4
Email: hbe@interiorhealth.ca
Web: interiorhealth.ca

Kamloops Health Unit
519 Columbia Street
Kamloops, BC V2C2T8

TOLLETTUP
CC Applicant 11/04/19





October 9 2019

File No: A2019.010-TUP

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

Re: Temporary Use Permit at 3628 Highway 3

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the Temporary Use Permit application for 3628 Highway 3, Osoyoos. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- Ministry staff recognize the ALC permitted residential uses on this parcel as described in ALR Use Regulation sections 33 and 34 for both tourist and agri-tourism accommodation. It appears however that this TUP reapplication does not identify which section this accommodation is categorized.
- If the proposed temporary use is categorized as ALR agritourism accommodation, Ministry staff encourage the RDOS to request information on the agri-tourism activities to be conducted on site. The list of designated agri-tourism activities can be found under section 12(2) of the ALR Use Regulation.
- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged, and non-agricultural uses are restricted.

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

In accordance with the RDOS Board Policy for vacation temporary use permits, Temporary Use Permit No. D2018.177-TUP was issued to allow for operation of one full “season” and expires on December 31, 2019.

Section 23 of Electoral Area “D” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 23.2.5 and 23.2.6 specify conditions for temporary use permits and short-term vacation rentals respectively. The previously issued TUP for the subject property included conditions to limit or require the following:

- Period of use (May-October);
- Posting of specified information within vacation rental (re: noise, water conservation, fire, garbage, septic system care and pet control);
- 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.

Public Process:

A Public Information Meeting was held on November 12, 2019, at the Okanagan Falls Community Centre and was attended by the applicant and two members of the public.

At its meeting on November 12, 2019, the Electoral Area “D” 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 and that the applicant has indicated that there have been no changes to the use since the permit was issued in January 2019 (i.e. the use remains limited to two (2) bedrooms and four (4) paying guests between May 1st and October 31st) and ownership remains unchanged.

While it is recognised that the Electoral Area “D” OCP Bylaw No. 2603, 2013, 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. D2018.177-TUP earlier this year.

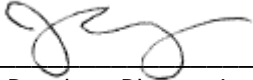
Further, the Electoral Area “D” OCP Bylaw recognizes “on-going” vacation rental uses through temporary use permits.

Accordingly, in light of the Board's previous decision to allow two vacation rental units in an accessory structure, and in absence of any change to the use or received complaints regarding its operation, Administration supports the renewal of this permit for a further three years (to December 31, 2022), provided the TUP includes the same conditions as the previously issued TUP.

Alternative:

1. That the Board deny Temporary Use Permit No. D2019.006-TUP.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, GM of Development Services

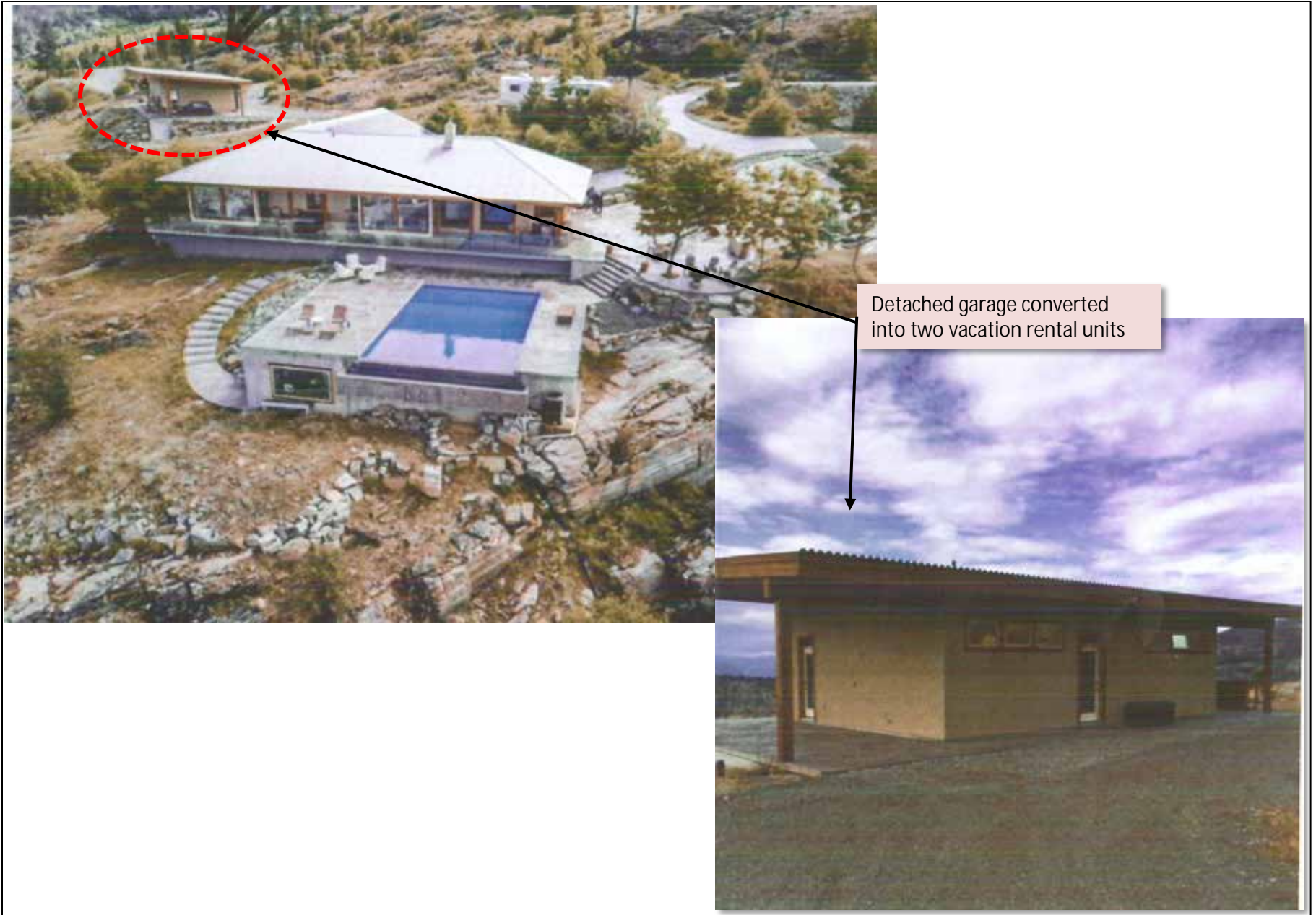
- Attachments: No. 1 – Agency Referral List
No. 2 – Applicant's Site Photos

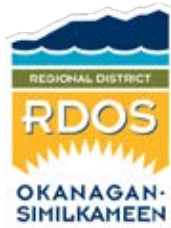
Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board consideration of TUP No. D2019.006-TUP:

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

Attachment No. 2 – Applicant's Site Photos





TEMPORARY USE PERMIT

FILE NO.: D2019.006-TUP

Owner: Lars Elkjar
2155 Carmi Road
Penticton, BC V2A 8V5

Agent: n/a

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', 'B', and 'C' and described below:

Legal Description: Lot 17, District Lot 2710, SDYD, Plan 31786

Civic Address/location: 2155 Carmi Road, Penticton, BC

Parcel Identifier (PID): 003-608-611 Folio: D-06788.470

TEMPORARY USE

6. Despite Section 7.13 .3 and 7.13.4, of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, the land specified in Section 5 may be used as a residential use within an accessory structure for the purposes of accommodating two units for sleeping and living facilities and a bathroom of up to 8.36 m² in area in each of the two units.
7. In accordance with Section 23.0 of the Electoral Area "D" 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 "D" 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 "D" 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, in accordance with Schedule 'B';
 - (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 31st, 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

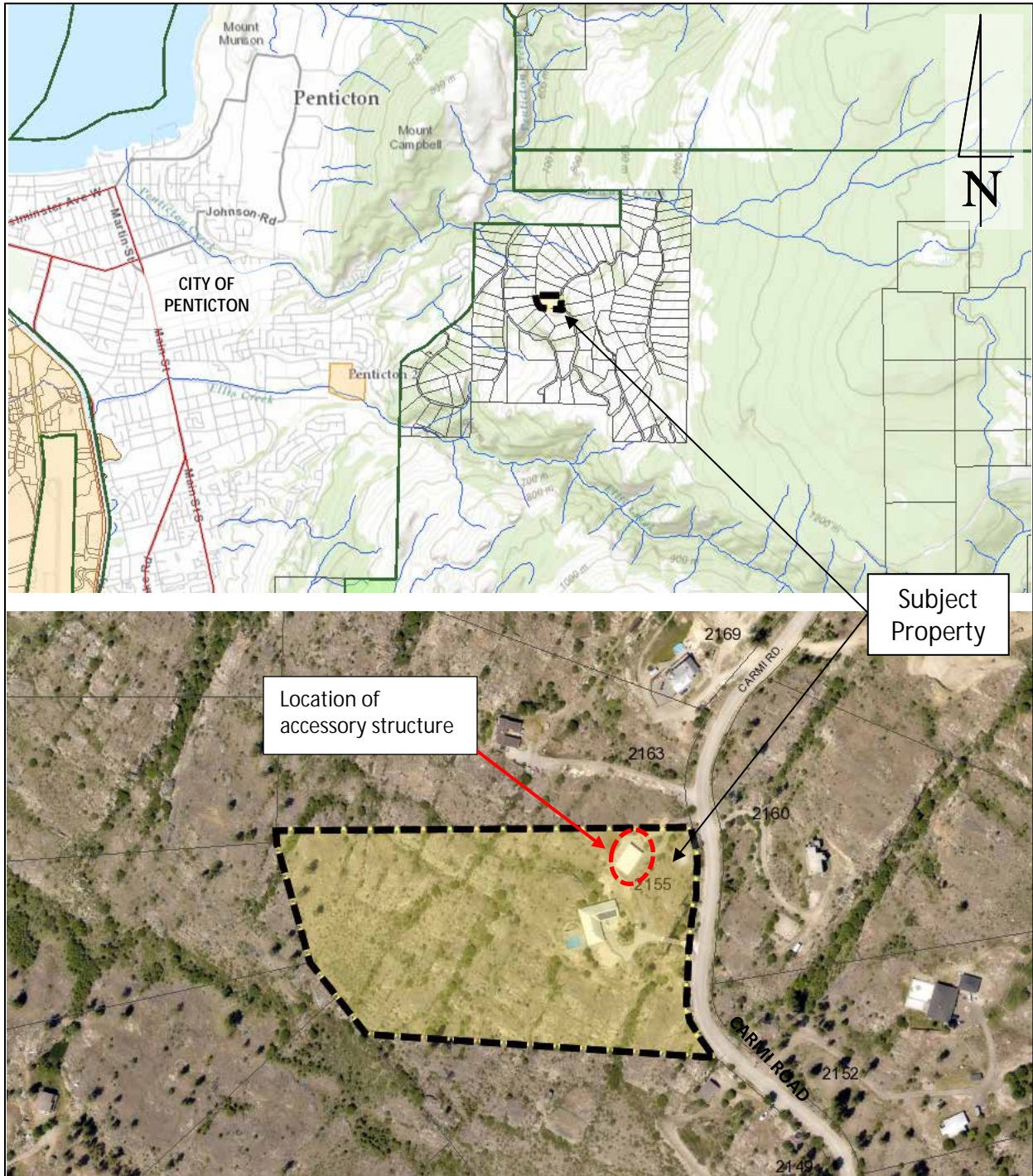
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. D2019.006-TUP

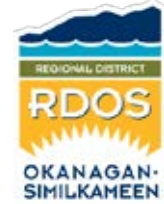
Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

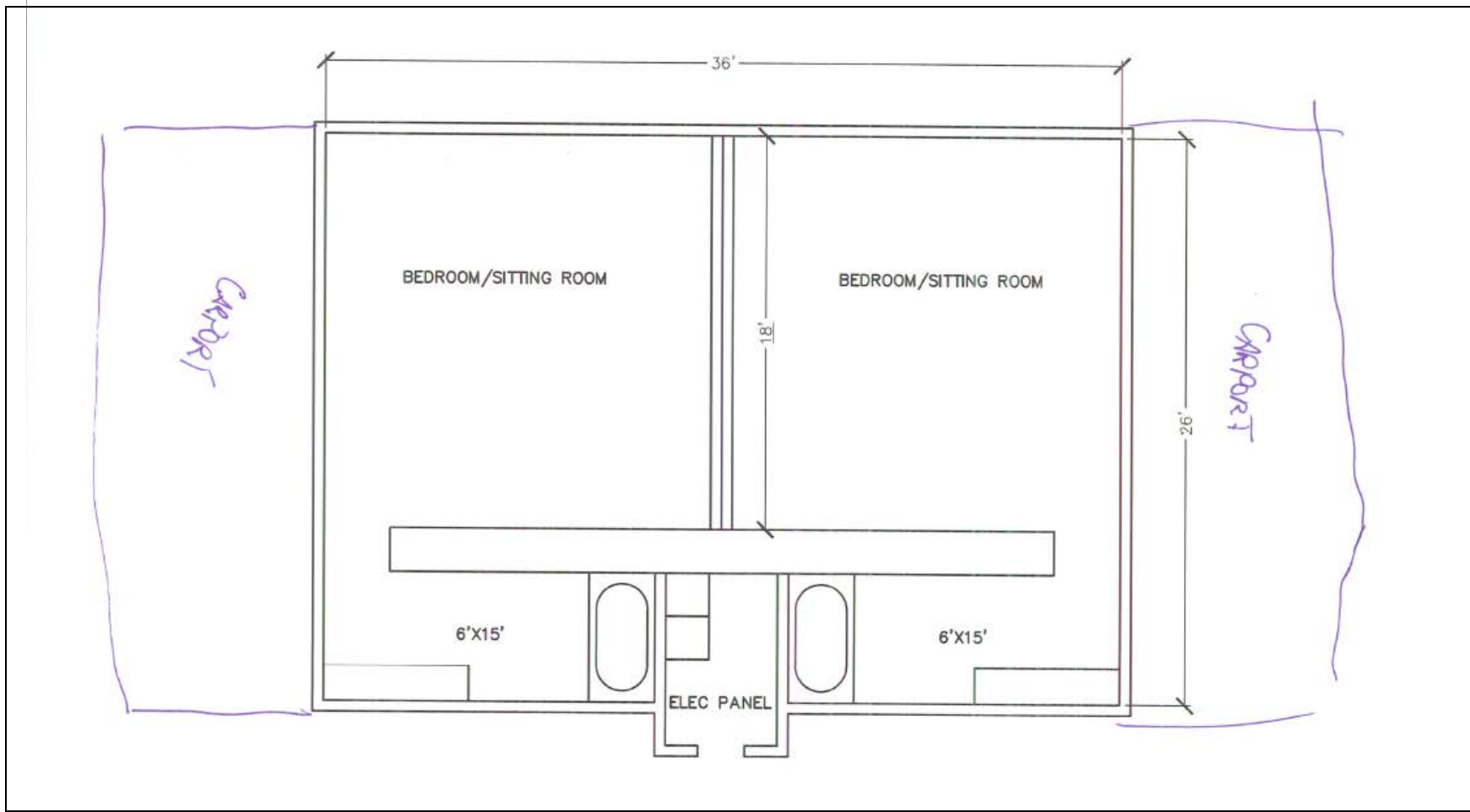
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. D2019.006-TUP

Schedule 'B'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

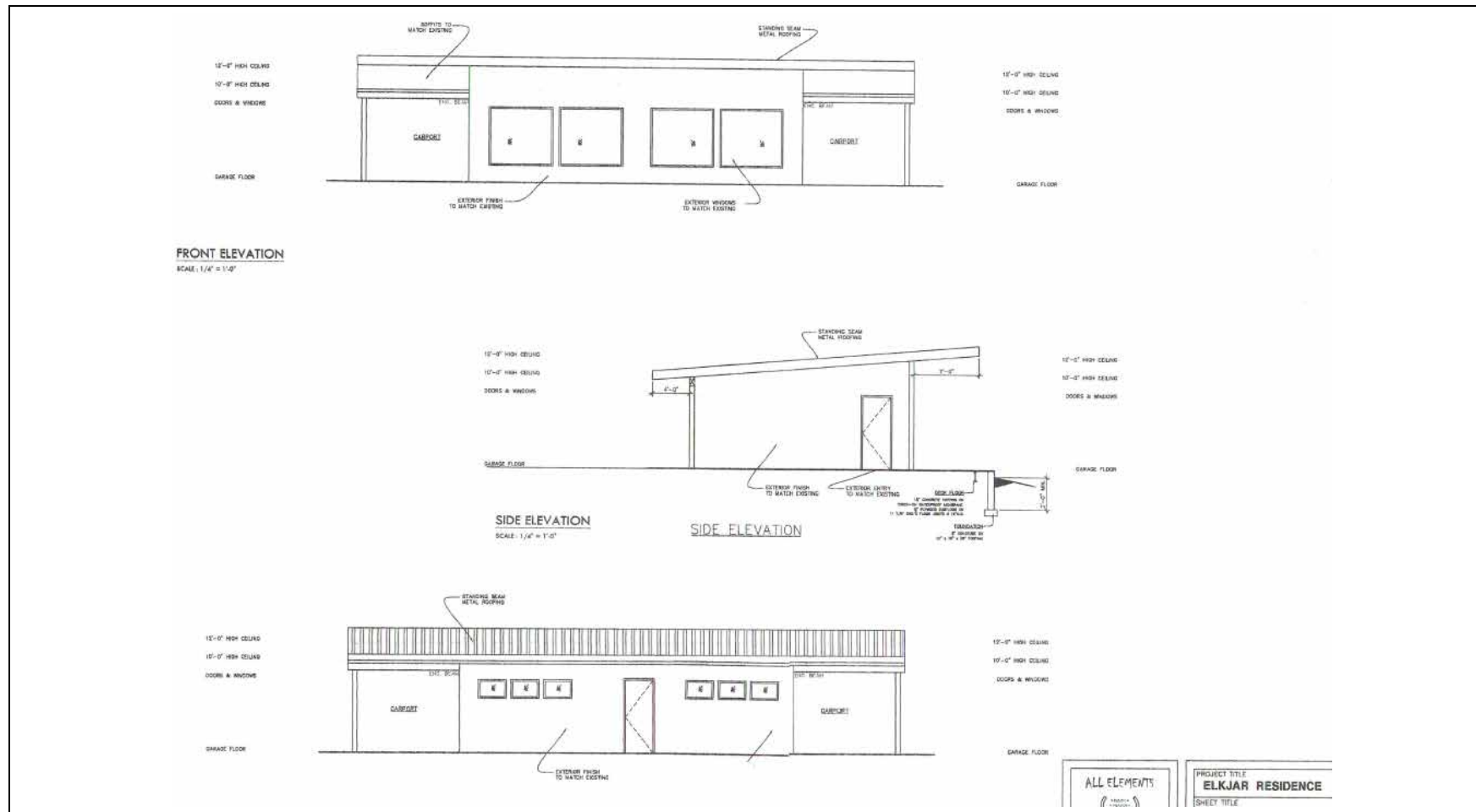
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. D2019.006-TUP

Schedule 'C'



Temporary Use Permit No. D2019.006-TUP

Page 6 of 6

Lauri Feindell

Subject: FW: D2019.006-TUP - 2155 Carmi Rd - MFLNRORD District Okanagan Shuswap comments

From: FLNR DOS Referrals CSNR:EX <FLNRDOSReferrals@gov.bc.ca>
Sent: September 23, 2019 12:01 PM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: D2019.006-TUP - 2155 Carmi Rd - MFLNRORD District Okanagan Shuswap comments

Hello,
MFLNRORD District Okanagan Shuswap comments

DOS Lands Team:
Our interests are unaffected.

Please note that MFLNRORD Ecosystems is not on your distribution list and would possibly make comments:
ReferralAppsREG8@gov.bc.ca

Regards,
Mary Ellen

Mary Ellen Grant, BSc
Natural Resource Specialist
Okanagan Shuswap Resource District
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
2501 14th Ave | Vernon, BC V1T 8Z1
Tel: 250-260-4621 | Fax: 250-549-5485
FLNRDOSReferrals@gov.bc.ca



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: September 16, 2019 10:49 AM
To: Planning
Subject: Carmi Rd, 2155 (D2019.006-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Carmi 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

Email: Steven.Danielson@fortisbc.com



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Interior Health

Every person matters

September 12, 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 #: D2019.006-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.

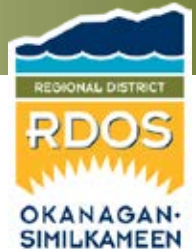
Sincerely,

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

EKJAR



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Regional District approve Development Variance Permit No. E2019.028-DVP

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

Owners: James & Gail Robertson Agent: NA Folio: E-00754.030

Civic: 4257 Mill Road, Naramata Legal: Lot C, Plan KAP48883, District Lot 210, SDYD

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

Variance to reduce the interior side parcel line setback from 3.0 metres to 1.5 metres

Proposed Development:

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

Specifically, it is being proposed to reduce the interior side parcel setback from 3.0 metres to 1.5 metres.

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

- *Decrease side setback from 3.0 m to 1.5 m as per the conditions when the original building was constructed in 1994. A setback of 3 m was provided on the North side with an understanding that the setback on the South side would be 1.5 m. We are requesting that the south setback be as per the 1994 conditions.*
- *The space requested is a minimum for a garage. The setback of 5 feet [1.5 m] will allow for an adequate width for this garage.*

Site Context:

The subject property is approximately 1,997 m² in area and is situated on the west side of Mill Road and bounded by Okanagan Lake to the east. The property is currently developed and contains a single detached dwelling and tennis court.

The surrounding pattern of development is characterised by low density residential to the east and west as well as agricultural uses to the south.

Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on January 20, 1993, while available Regional District records indicate that Building Permits have previously been issued for a new single detached dwelling (1994).

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

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

The property is also situated within the floodplain associated with Okanagan Lake.

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

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

Public Process:

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

Analysis:

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

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

In this instance, the use of property adjacent to the subject property is used for residential purposes and a reduced side parcel line setback for an attached garage is unlikely to adversely affect this use. Administration also notes that the proposed garage will be mostly hidden from view from the street.

Administration also notes that the proposed garage will be situated outside of the riparian area boundary, therefore no Watercourse Development Permit will be required.

With regard to the applicant's assertion "that the south setback be as per the 1994 conditions", it is Administration's understanding that this is a reference to the previous Tourist Commercial (CT-2) Zone that applied to the property in 1994, and which allowed for an interior side parcel line setback of 5 feet (or 1.5 metres). It is believed that the change from CT-2 to the current RS1 occurred as part of the Review of the Electoral Area "E" OCP & Zoning Bylaws completed between 1993-95.

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

Alternative:

1. That the Board deny Development Variance Permit No. E2019.028-DVP.

Respectfully submitted

Jeff Thompson

J. Thompson, Planning Tech

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:

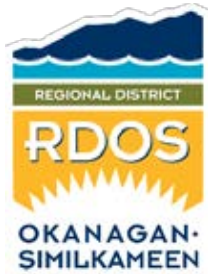


B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Aerial Photo (2017)

Attachment No. 1 – Aerial Photo (2017)





Development Variance Permit

FILE NO.: E2019.028-DVP

Owner: James & Gail Robertson
6 Hoyle Ave
Toronto, ON, M4S 2X6

Agent: NA

GENERAL CONDITIONS

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

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A', 'B', 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 C, Plan KAP48883, District Lot 210, SDYD

Civic Address: 4257 Mill Road

Parcel Identifier (PID): 018-064-311 Folio: E-00754.030

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 a principal building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(a)(iv), is varied:
 - i) from: 3.0 metres

to: 1.5 metres to the outermost projection as shown on Schedule 'B'.

COVENANT REQUIREMENTS

7. Not Applicable

SECURITY REQUIREMENTS

8. Not applicable

EXPIRY OF PERMIT

9. 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

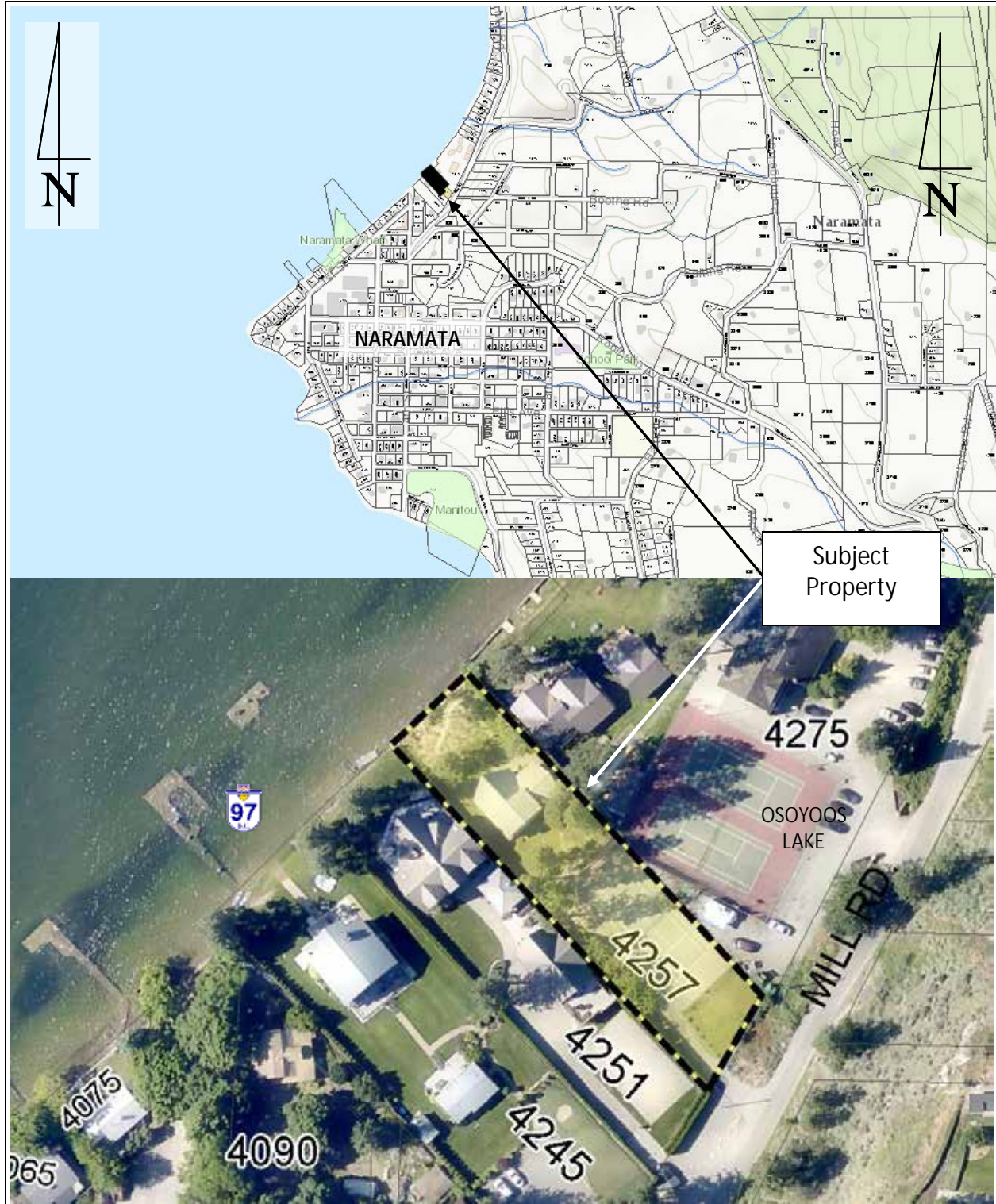
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.028-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

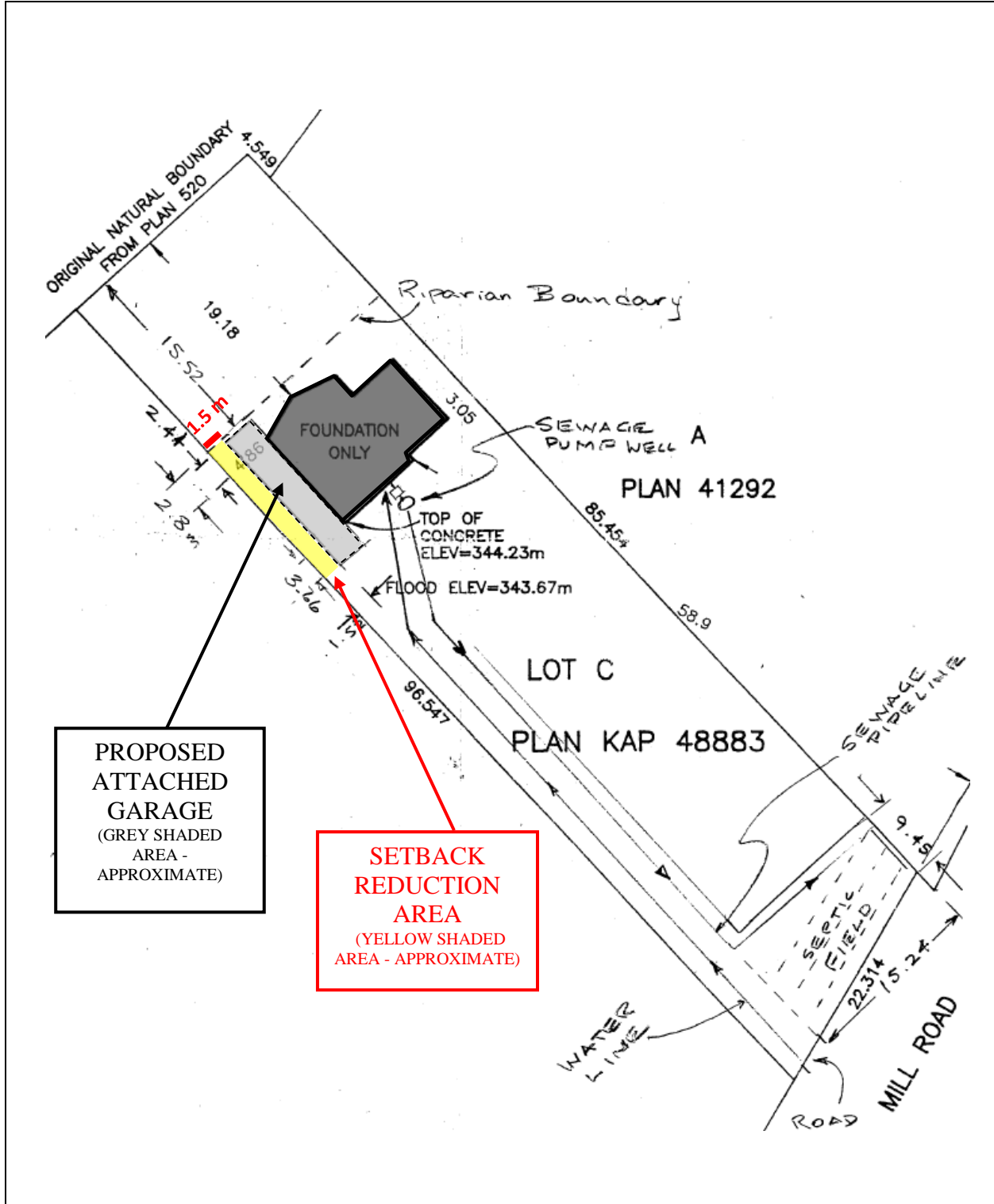
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.028-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

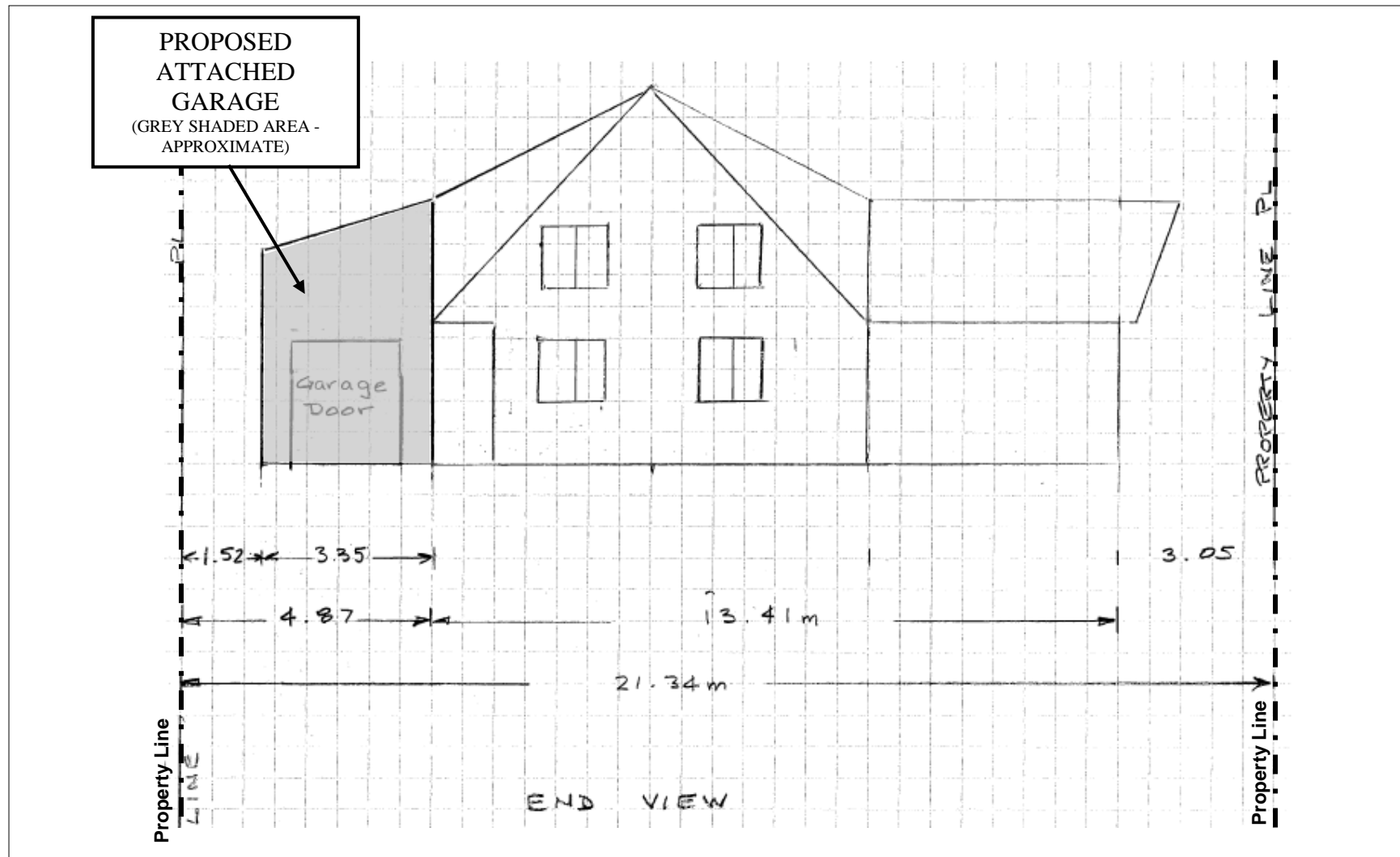
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2019.028-DVP

Schedule 'C'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: Decemeber 5, 2019
RE: Development Variance Permit Application — Electoral Area “F”

Administrative Recommendation:

THAT the Regional District approve Development Variance Permit No. F2019.025-DVP

Purpose: To allow for the construction of a detached garage.

Owners: Allan & Lauren Johns Agent: N/A Folio: F-06934.010

Civic: 132 Kereluk Road North Legal: Lot 12, Plan KAP647, District Lot 2888, ODYD

OCP: Small Holdings (SH) Zone: Small Holdings Two Zone (SH2)

Variance Request: To reduce the minimum front parcel setback from 7.5 metres to 4.5 metres.

Proposed Development:

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

Specifically, it is being proposed to vary the minimum front parcel line setback for an accessory building or structure from 7.5 metres to 4.5 metres.

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

- *The request for this variance represents the best solution for the proposed construction because we have no other location available to us on which to construct the garage.*
- *The intent is to build the garage outside the SPEA, litter fall and LWD ZOS and floodplain setback.*

Site Context:

The subject property is approximately 3,265 m² in area and is situated on the west side of Kereluk Road North. The property is currently developed and contains the following: manufactured home, vehicle storage structure, RV storage structure, greenhouse, detached washroom structure, storage structure, storage structure, and pump house structure.

The surrounding pattern of development is characterised by very low density residential use.

Background:

It is unknown when the current boundaries of the subject property were created, while available Regional District records indicate building permits have previously been issued for the placement of manufactured home (2015).

A Stop Work Notice involving the construction of the garage that is the subject of this application was issued in June of 2019 as a Building Permit has not been approved for the works.

Under Electoral Area "F" Official Community Plan No. 2790, 2018, the subject property is designated as Small Holdings (SH) and is the subject of a Watercourse Development Permit (WDP) Area designation. A Watercourse Development was issued to the property in June of 2015.

Under the Electoral Area "F" Zoning Bylaw No. 2461, 2008, the property is zoned as Small Holdings Two Zone (SH2), which lists "single detached dwellings" as a principal permitted use, and accessory buildings and structures as permitted secondary uses.

The property is also situated within the floodplain associated with Trout Creek.

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

At its meeting on October 28th, 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 considering this proposal, Administration notes that the intent behind the Zoning Bylaw's use of setbacks is varied, however, in the context of a residential front setback it is generally to provide a physical separation between the road and residential dwellings; to improve traffic and pedestrian safety and to maintain an attractive streetscape by ensuring a uniform building line and discouraging encroachments.

It is considered to be poor urban design to place garages into a front setback area, particularly when doing so will also result in the structure being forward of the building line for the principle dwelling.

Where staff have supported reduced front setbacks 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.

In this instance, development of Kereluk Road North has not generally conformed to the front setback requirements of the SH2 Zone as the road is rural (consists of gravel), meaning property lines are not easily recognizable.

The use of adjacent properties is for rural residential purposes and a reduced front setback for an attached garage is highly unlikely to adversely affect these uses.

Finally, Administration notes that due to the narrow lot shape and presence of Trout Creek, which is located immediately west of the subject property and runs parallel to it, the buildable area of the subject property is somewhat constrained.

As a result, a variance to site the detached garage in the east corner of the subject property (and within the front setback are), is considered a reasonable approach because it locates development further away from the riparian area.

Conversely, other options are available to the property owner such as: sitting the accessory building in the north of the property where the building could be sited in accordance with the setbacks and Streamside Protection and Enhancement Area (SPEA) that was determined from the previous Watercourse Development Permit.

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

Alternative:

1. That the Board deny Development Variance Permit No. F2019.025-DVP.

Respectfully submitted

Endorsed by:

Endorsed by:

Jeff Thompson

CG

B. Dollevoet

J. Thompson, Planning Tech

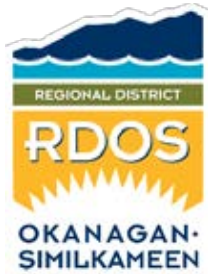
C. Garrish, Planning Manager

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

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

Attachment No. 1 – Site Photo (Google Streetview)





Development Variance Permit

FILE NO.: F2019.025-DVP

Owner: Allan & Lauren Johns
132 Kereluk Road North
Summerland, BC, V0H 1Z8

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 12, Plan KAP647, District Lot 2888, ODYD

Civic Address: 132 Kereluk Road North

Parcel Identifier (PID): 002-243-598 Folio: F-06934.010

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 2461, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum front parcel line setback for an accessory building in the Small Holdings Two (SH2) Zone, as prescribed in Section 10.5.7(b)(i), is varied:
 - i) from: 7.5 metres

to: 4.5 metres to the outermost projection as shown on Schedule 'B'.

COVENANT REQUIREMENTS

7. Not Applicable

SECURITY REQUIREMENTS

8. Not applicable

EXPIRY OF PERMIT

9. 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

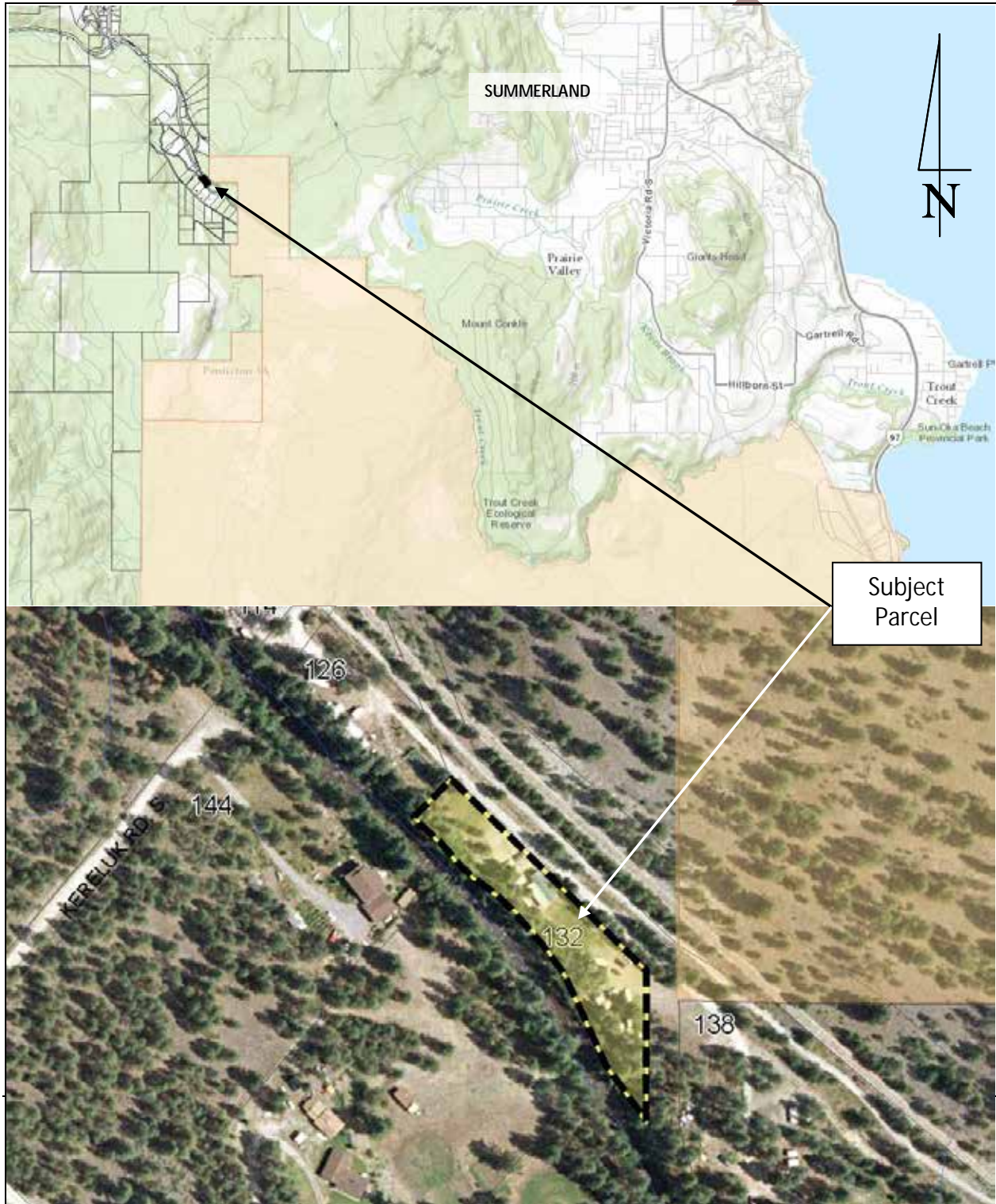
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. F2019.025-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

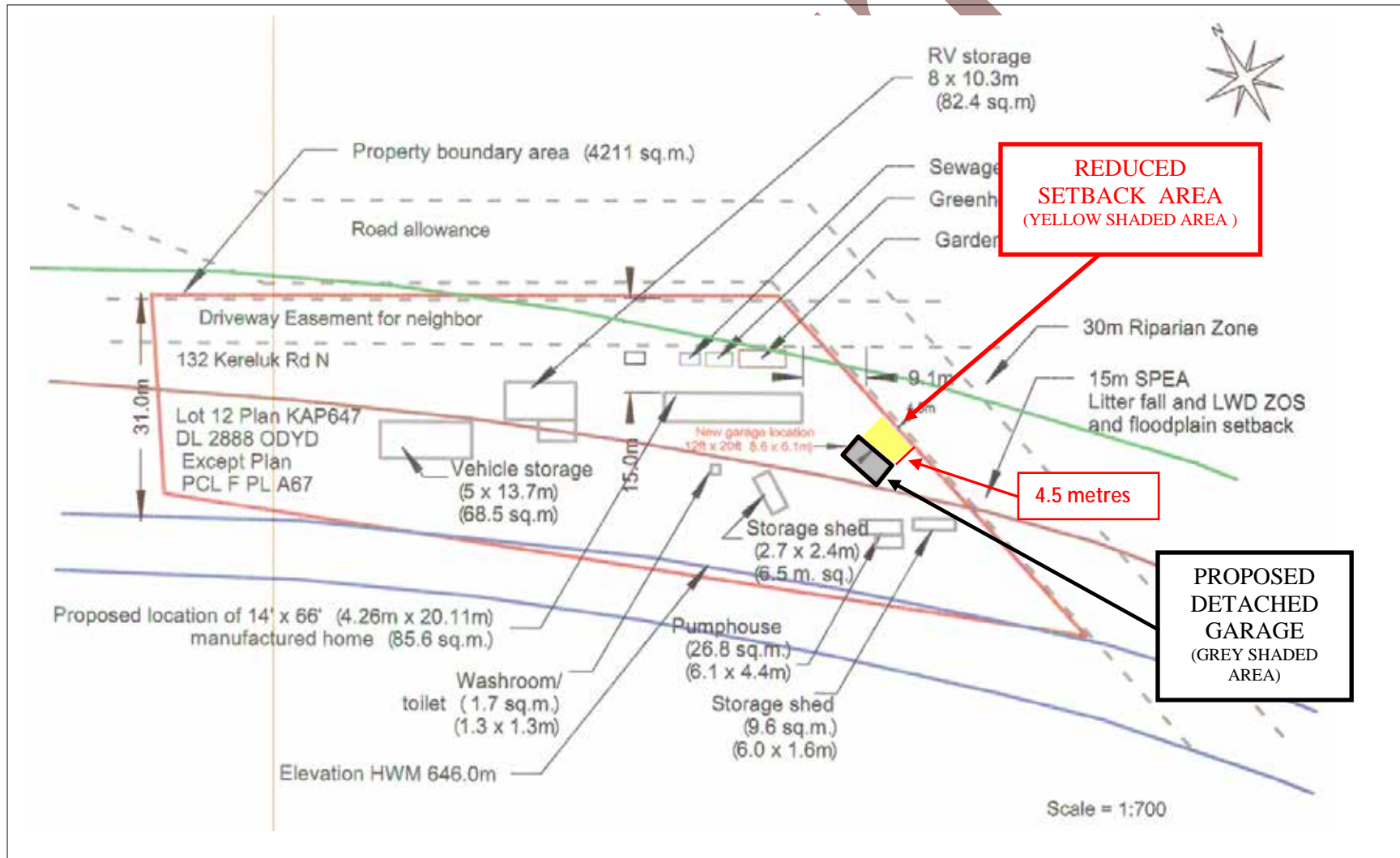
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2019.025-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

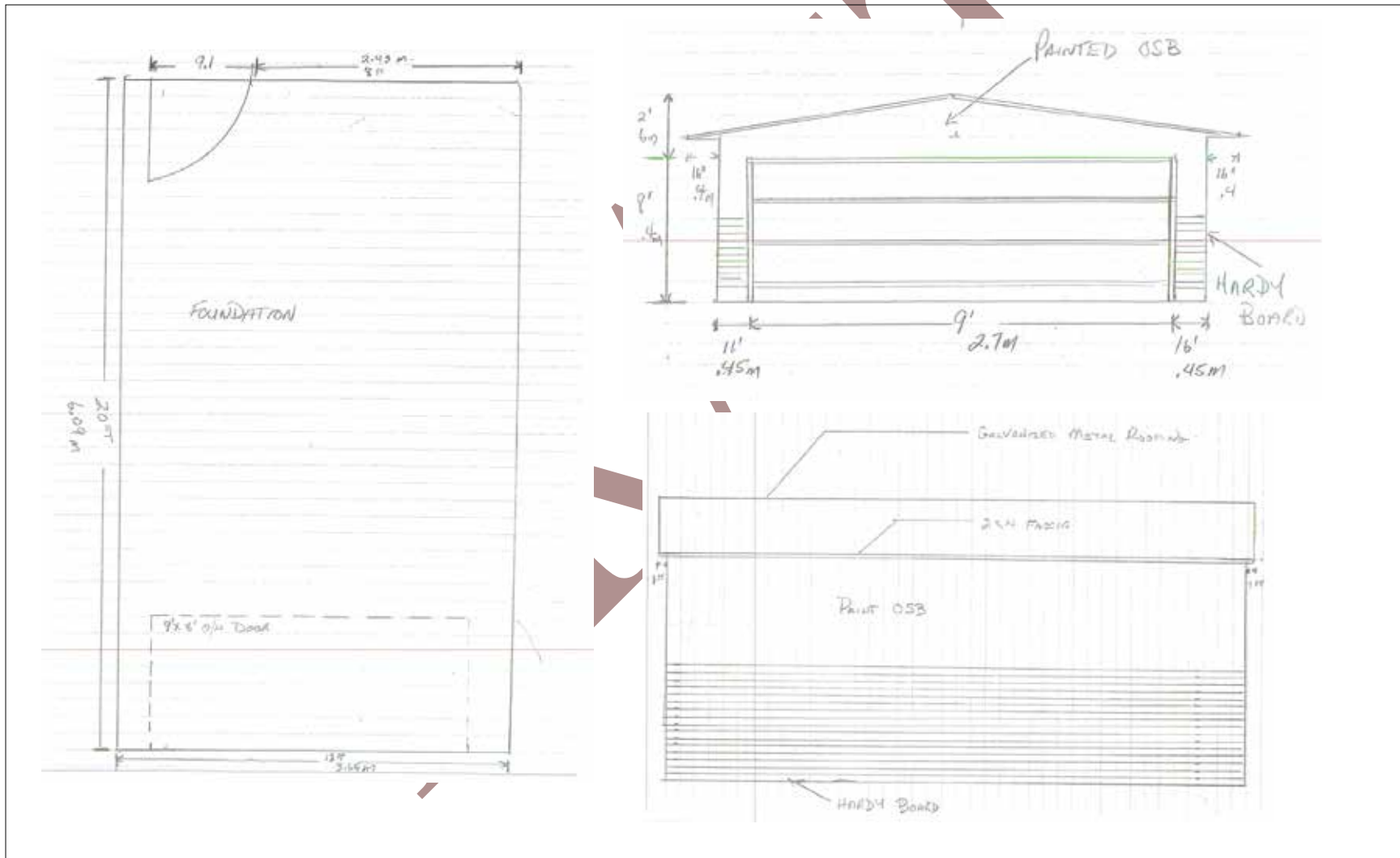
Telephone: 250-492-0237 Email: info@rdos.bc.ca



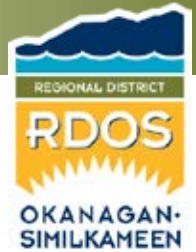
Development Variance Permit

File No. F2019.025-DVP

Schedule 'C'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Development Variance Permit Application — Electoral Area “I”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. I2019.032-DVP

Purpose: To allow for the development of an over-height duplex building

Owners: James and Janice Johnston/
Jason and Sherie-Lynn Seddon Applicant: James Johnston Folio: I-02807.866

Civic: 155 Snow Mountain Place Legal: Strata Lot 9, Plan KAS3172, District Lot 395S, SDYD

OCP: Medium Density Residential (MR) Zone: Residential Multiple Unit Three Zone (RM3)

Requested Variance: to increase the maximum height for a duplex building from 10.0 metres to 11.72 metres

Proposed Development:

This application seeks a development variance permit to increase the maximum height for a duplex building to accommodate a 638 m² three-storey duplex building.

Specifically, it is proposed to increase the maximum height for a duplex building in the RM3 zone from 10.0 metres to 11.72 metres.

The applicants have stated that “initial approved plans were for triplex allowing 12 m height” and “the building is on a complex sloped lot on mountain side. Rear lot line is on ski run which is higher in elevation than roof line allowing to see over roof peak”.

Site Context:

The subject strata lot is approximately 602.5 m² (0.06 ha) in area, and accessed from a common access road from Creekview Road and abutting Apex Mountain Resort lands.

The property currently has an active building permit issued for a duplex. The surrounding pattern of development is characterised by a mix of single detached, duplex and multi-family residential and recreational land (Apex Mountain Resort).

Background:

The current boundaries of the subject property were created by Strata Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 29, 2007, while available Regional District records indicate an active Building Permit application for a duplex building.

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the property is designated Medium Density Residential (MR).

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the property is currently zoned Residential Multiple Unit Three Zone (RM3) which allows for duplex dwellings, among other uses, as a principal use.

The subject property is within the Apex Fire District and has a high fire risk rating in the Community Wildfire Protection Plan.

BC Assessment has classified the property as "Residential" (Class 01).

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.

At its meeting November 20, 2019, the Electoral Area "I" Advisory Planning Commission made a motion to recommend to the Board that the subject development application be approved.

Analysis:

The purpose of a maximum height regulation is primarily to establish a uniform built environment with consistency of streetscape and reasonable expectations of built form within a neighbourhood.

In this instance, the increase in height is generally consistent with the expectations of built form for neighbourhood, given that multi-unit buildings are permitted up to 12 metres, and conceivably any neighbouring lot in the RM3 zone could build a triplex to the higher height maximum.

Administration notes that the Electoral Area "I" Zoning Bylaw is unique in the Okanagan Electoral Areas in that it is the only one that has a two height standards in a medium density residential zone. This has created an unusual scenario where approved building elevations necessitated a variance after changes were made to the building's floor plans (i.e. reducing the number of units from three to two) and has therefore limited reasonable alternatives to a variance request.

Although it is acknowledged that a 10.0 metres height requirement is more appropriate for a duplex dwelling, this duplex building features a sloped roof, which reduces the building massing along the street frontage (north elevation) and the building height along the elevation abutting Apex Mountain Resort's skiing trail (south elevation) is less than 10.0 metres.

Conversely, the intent of the two-tier height requirements is to ensure that duplex dwellings are of a lower height than multi-unit residential buildings. Allowing a duplex that exceeds the height standard may be perceived as inconsistent with how the neighbourhood is being (or should be) developed given that no multi-unit buildings have been built along Snow Mountain Place.

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

Alternative:

1. That the Board deny Development Variance Permit No. I2019.032-DVP.

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 (October 2019)

No. 2 – Site Photo (October 2019)

Attachment No. 1 – Site Photo (October 2019)

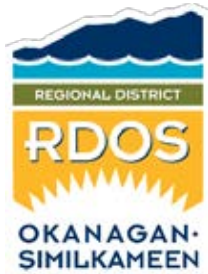


View from Snow Mountain Place (Facing Northwest)

Attachment No. 2 – Site Photo (October 2019)



View from Snow Mountain Place (Facing East)



Development Variance Permit

FILE NO.: I2019.032-DVP

Owners: James and Janice Johnston
171 Highland Drive
Okanagan Falls, BC, V0H 1R3

Agent: James Johnston
171 Highland Drive
Okanagan Falls, BC, V0H 1R3

Jason and Sherie-Lynn Seddon
402 Eckhardt Ave W
Penticton, BC, V2A 2B2

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Strata Lot 9, Strata Plan KAS3172, District Lot 395S, SDYD
Together with an interest in the common property in
proportion to the unit entitlement of the strata lot as shown
on Form V

Civic Address: 155 Snow Mountain Place

Parcel Identifier (PID): 026-963-841 Folio: I-02807.866

CONDITIONS OF DEVELOPMENT

- 6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "I" Zoning Bylaw No. 2457, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the maximum height for a duplex building in the Residential Multiple Unit Three Zone (RM3) Zone, as prescribed in Section 12.3.7(b), is varied:
 - i) from: 10.0 metres
 - to: 11.72 metres as shown on Schedule 'B'.

7. COVENANT REQUIREMENTS

- a) Not Applicable

8. SECURITY REQUIREMENTS

- a) Not applicable

9. EXPIRY OF PERMIT

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

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

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

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

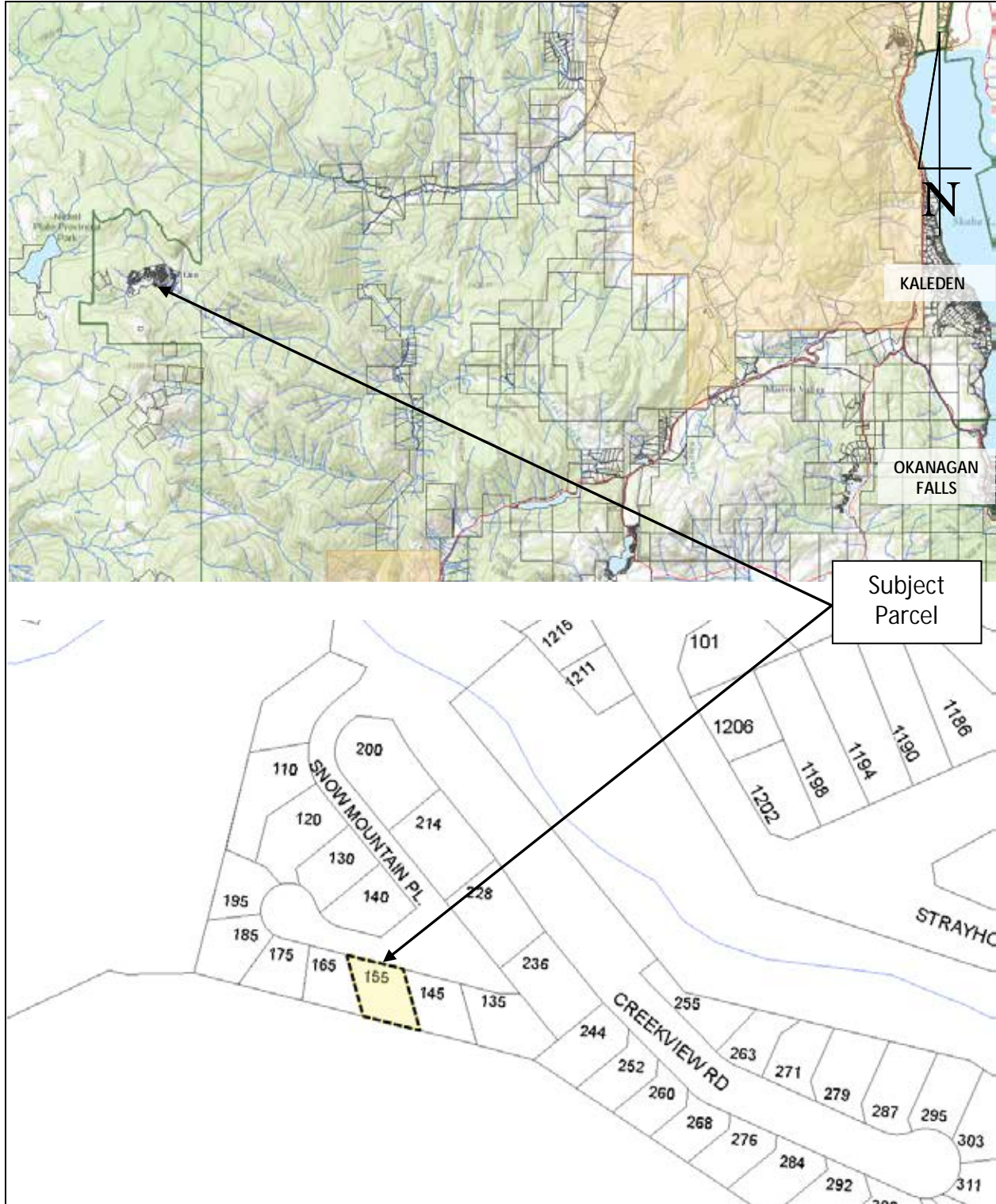
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. I2019.032-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

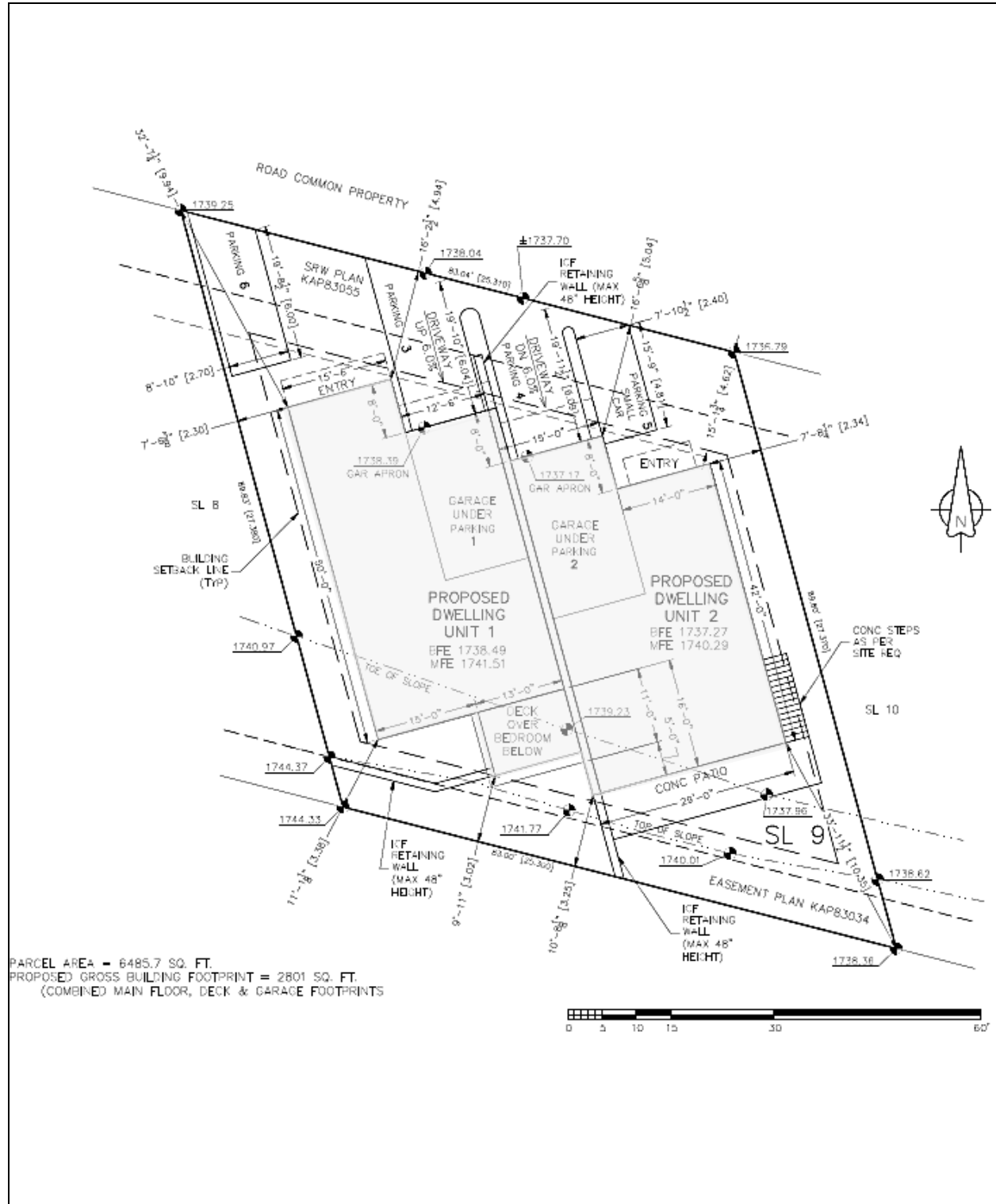
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. I2019.032-DVP

Schedule 'B'



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. I2019.032-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

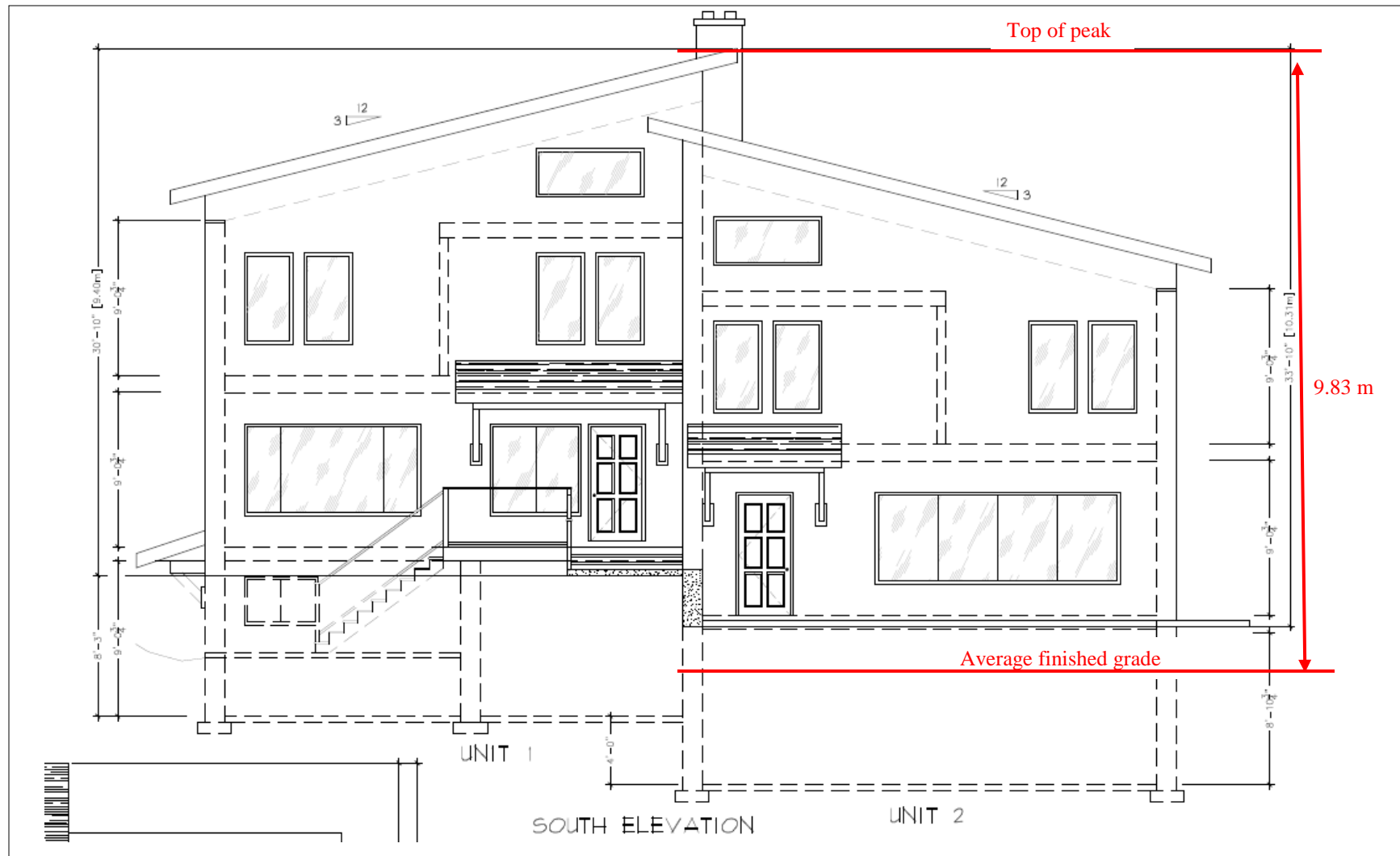
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. I2019.032-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

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

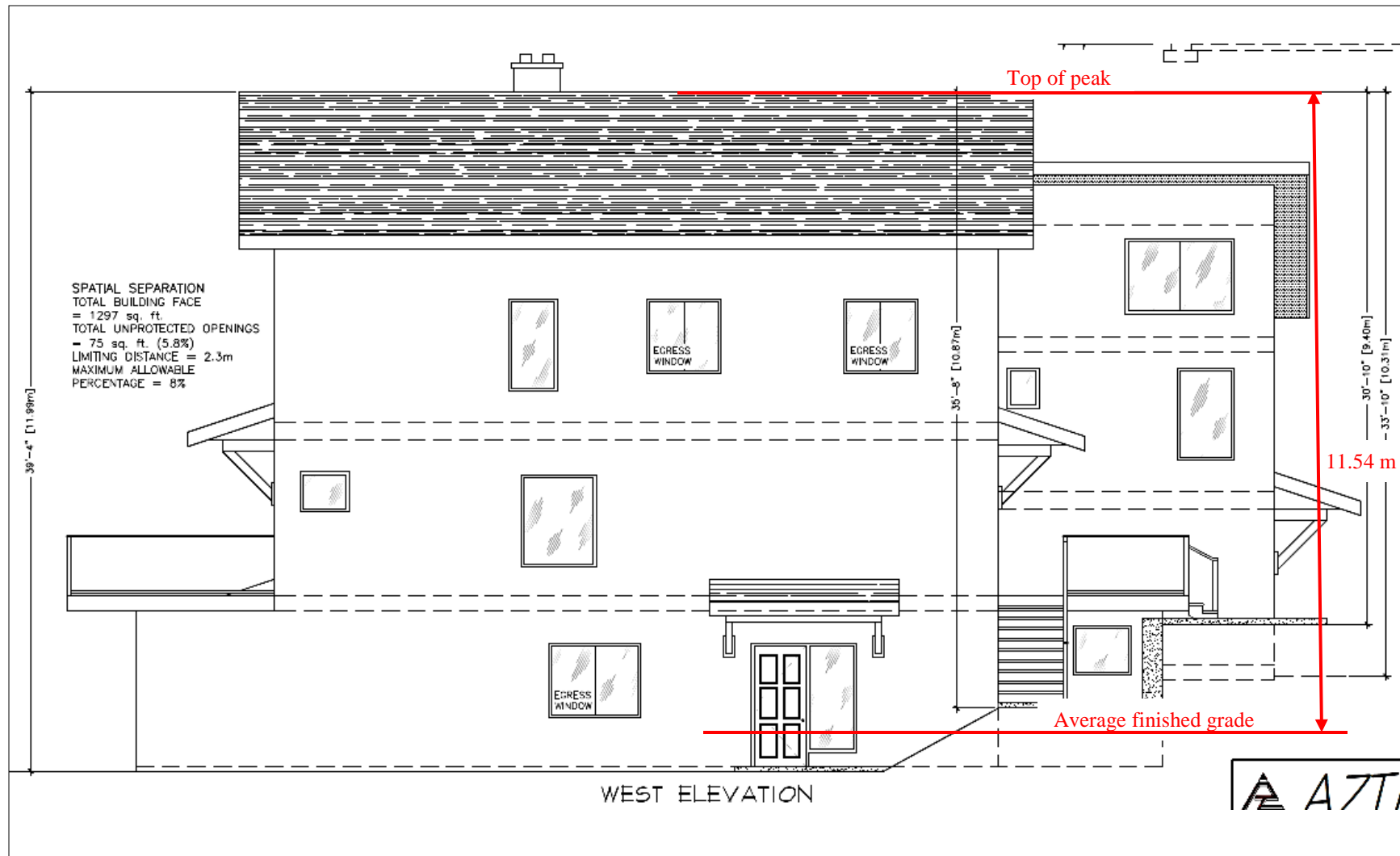
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. I2019.032-DVP

Schedule 'E'



Regional District of Okanagan-Similkameen

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

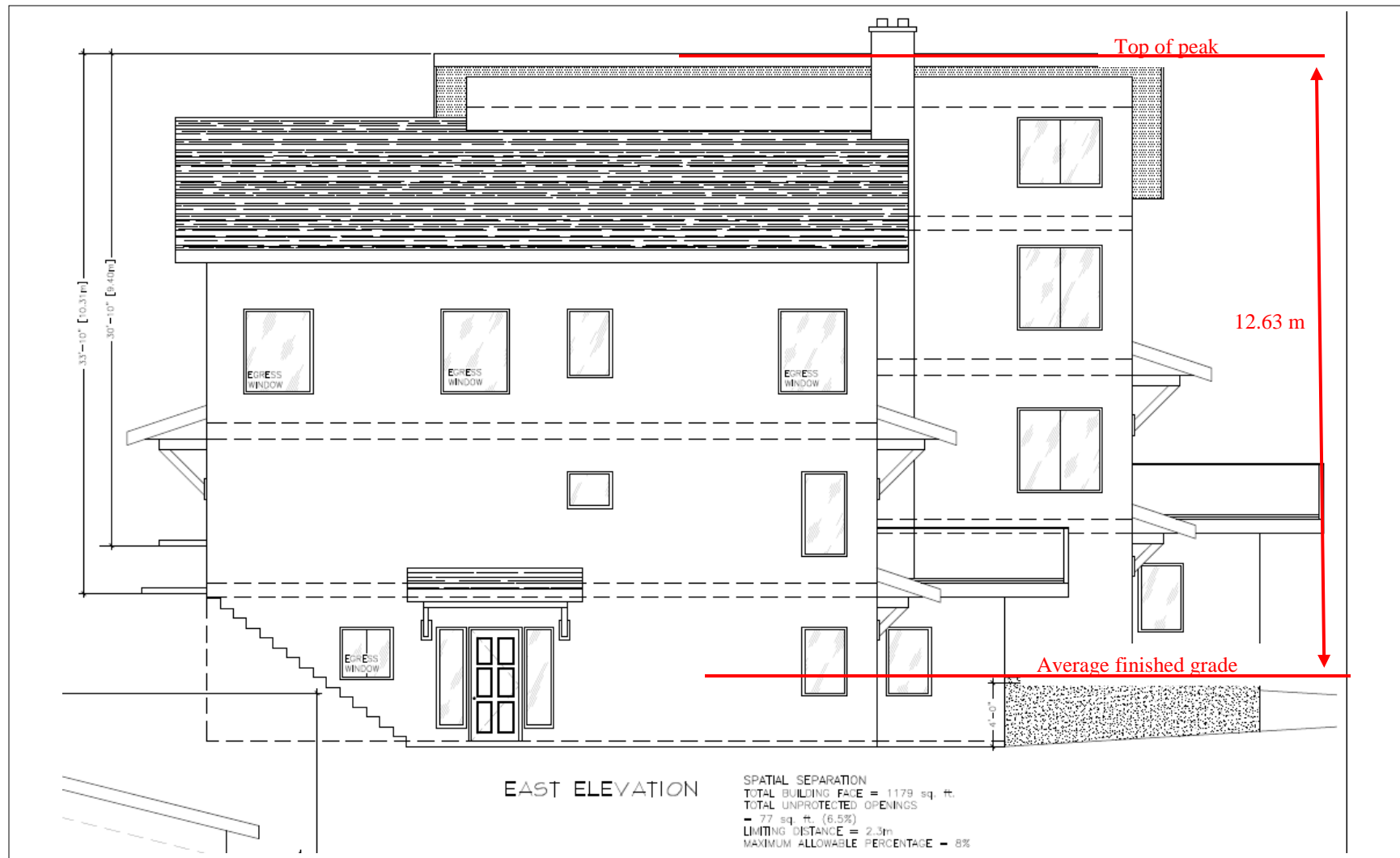
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. I2019.032-DVP

Schedule 'F'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Electoral Area "F" Advisory Planning Commission (APC) Appointment

Administrative Recommendation:

THAT the Board of Directors appoint Richard A. Johnson as a member of the Electoral Area "F" Advisory Planning Commission until October 31, 2022.

Purpose:

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

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

Background:

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

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

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

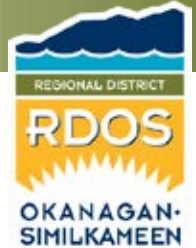
Analysis:

Mr. Richard Johnson has submitted an application to sit on the APC for Electoral Area "F" and Director Gettens has recommended that his application be brought forward for appointment by the Board.

Respectfully submitted:

B. Dollevoet, General Manager, Development Services

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2603.19, 2019, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time, as amended;

AND THAT Bylaw No. 2455.41, 2019, Electoral Area “D” Zoning Amendment Bylaw be read a third time.

Purpose: To allow for a service commercial business

Owners: Robert and Heather Pearce Agent: Brad Elenko (McElhanney) Folio: D-01109.150

Legal: Lot A, Plan 21205, DL 10, SDYD Civic: 1612 Highway 97

OCP: Small Holdings (SH) Proposed OCP: Commercial (C)

Zone: Small Holdings Five (SH5) Proposed Zoning: Site Specific Service Commercial One (CS1s)

Proposed Development:

This application is seeking to amend the Official Community Plan land use designation and zoning of the subject property in order to allow the existing service commercial business, and other uses, to operate.

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 “D” Official Community Plan (OCP) Bylaw No., 2603, 2013, from Small Holdings (SH) to Commercial (C);
 - amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “D” Zoning Bylaw No. 2455, 2008, from Small Holdings Five (SH5) to Site Specific Service Commercial One (CS1s); and
 - add site specific regulation to permit only the following principal uses: contractor’s office, service industry establishment and single detached dwelling; and only the following secondary uses: agriculture, and accessory buildings/structures; and
 - reduce the minimum rear parcel line setback in the CS1 zone from 7.5 m to 1.5 m for an agricultural accessory buildings/structures.
 - Limit the permitted signage to two non-illuminated signs not to exceed 8 m² nor a height of 3 m.
-

In support of the application, the applicant has stated that “the purpose of the OCP and rezoning request is to allow the existing business and other current uses to continue to operate from the property...nothing will change with the operation of the business as a result of the zoning change to Service Commercial 1 site-specific.

“The only change that will occur is the ownership and operation of the business will over time be transferred to the owner’s son. The proposed change in the zoning of the property would allow the existing business to continue to operate on the property as a permitted use and would allow the owner to retire in his home and be accessible to help in the family business when needed. This would mean the business would not have to incur the expense of acquiring land elsewhere to relocate their business, and they wouldn’t have to worry about potential staff loss that may occur from a business relocation.”

The applicant has also noted the intent to remove the storage tents and construct a 275 m² storage building to provide secured storage for the service trucks and business inventory, if the rezoning is approved.

Site Context:

The subject property is approximately 1.03 ha in area and is situated on the west side of Highway 97, abutting Rail Road to the north, and the Kettle Valley Railway trail to the west. It is understood that the parcel is comprised of a single detached dwelling, pole barn, hay pasture, and a contractor’s office for a well pump company utilizing two temporary storage structures.

The surrounding pattern of development is generally characterised by agriculture to the north and west, industrial to the east, and rural residential to the south. It is also in close proximity to Keogan Park.

Background:

On September 10, 2019, a Public Information Meeting (PIM) was held at the Okanagan Falls Community Centre at 1141 Cedar Street in Okanagan Falls and was attended by no members of the public.

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

At its meeting of October 17, 2019, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to Director Obirek, or their delegate.

On November 18, 2019, a public hearing was held at 1141 Cedar Street, Okanagan Falls (Okanagan Falls Community Centre) and was attended by the agent and property owner and no members of the public.

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).

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 the application aligns with the goals and objectives of the Regional Growth Strategy (RGS) and Electoral Area "D" OCP Bylaw.

It is acknowledged that the existing contractor's office provides employment opportunities to local residents and positively contributes to the local economy (RGS Supporting Policy 5A-4).

The subject parcel is within the Okanagan Falls Primary Growth area, and is therefore identified as an appropriate area to direct office, service and general business commercial uses (OCP Policy 13.3.5).

The proposed uses are limited to office and service commercial uses under the site specific CS1 zone and does not allow for any highway commercial uses to be introduced on the subject parcel (OCP Policy 13.3.3).

To harmonize with the natural surroundings and the rural character of the Plan area (OCP Objective 13.2.5), the commercial uses in the proposed Site Specific CS1 zone are limited to a service industry establishment (e.g. businesses providing non-personal goods and services) and a contractor's office, which have lower volume of customer visits compared to highway commercial/retail traffic. Further, signage is limited to balance advertising a commercial business and align with the rural character of the area.

Further, the subject parcel does not contain any physical site constraints, such as environmentally sensitive areas, floodplain, or steep slopes.

In addition, the parcel does not directly abut agricultural lands, as Rail Road and the KVR trail right of ways provide additional distance of more than 15 metres between the subject parcel and neighbouring properties within the Agricultural Land Reserve to the north and west.

It is also noted that a service commercial business has operated at this location as a non-conforming home industry for over two decades.

Conversely, Administration recognises that it is not generally considered good planning practice to allow "spot zoning". "Spot zoning" is a non-comprehensive approach to zoning that introduces discrepancies between permitted uses within a specific area. The proposed zoning would introduce a commercially-zoned parcel next to agricultural and rural residential lands in perpetuity. It may introduce competing interests between commercial businesses, residential use and agriculture.

However, the subject parcel is considered to be more appropriate for small-scale service industry commercial development than existing CS1 properties that are within or close to the Okanagan Falls Town Centre that are generally encouraged to contain retail and tourist-oriented uses, and I1 properties in the Industrial Park that generally are encouraged to have more intensive manufacturing uses.

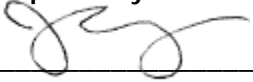
With regard to the proposed amendment of Bylaw No. 2603.19, 2019, this is in relation to a typographical error in which the proposed designation was incorrectly described as "General Commercial" when the correct reference is "Commercial".

In summary, Administration generally supports the proposed OCP and Zoning Bylaw amendments, as there are supportive policies in the RGS and Electoral Area "D" OCP bylaw for limited commercial use at this location.

Alternatives:

1. THAT third reading of 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 deferred; or
2. THAT first and second readings of the Electoral Area "D" Official Community Plan Amendment Bylaw No. 2603.19, 2019, and Electoral Area "D" Zoning Amendment Bylaw No. 2455.41, 2019, be rescinded and the bylaws abandoned.

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 Plan

No. 2 – Aerial Photo (2014)

Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Aerial Photo (2014)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2603.19, 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" East-Skaha Vaseux Official Community Plan Amendment Bylaw No. 2603.19, 2019."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by changing land use designation on the land described as Lot A, Plan 21205, District Lot 10, SDYD and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Small Holdings (SH) to Commercial (C).

READ A FIRST AND SECOND TIME this 17th day of October, 2019.

PUBLIC HEARING held on this 18th day of November, 2019.

READ A THIRD TIME, AS AMENDED, this ____ day of _____, 2019.

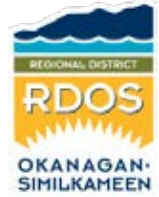
ADOPTED this this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

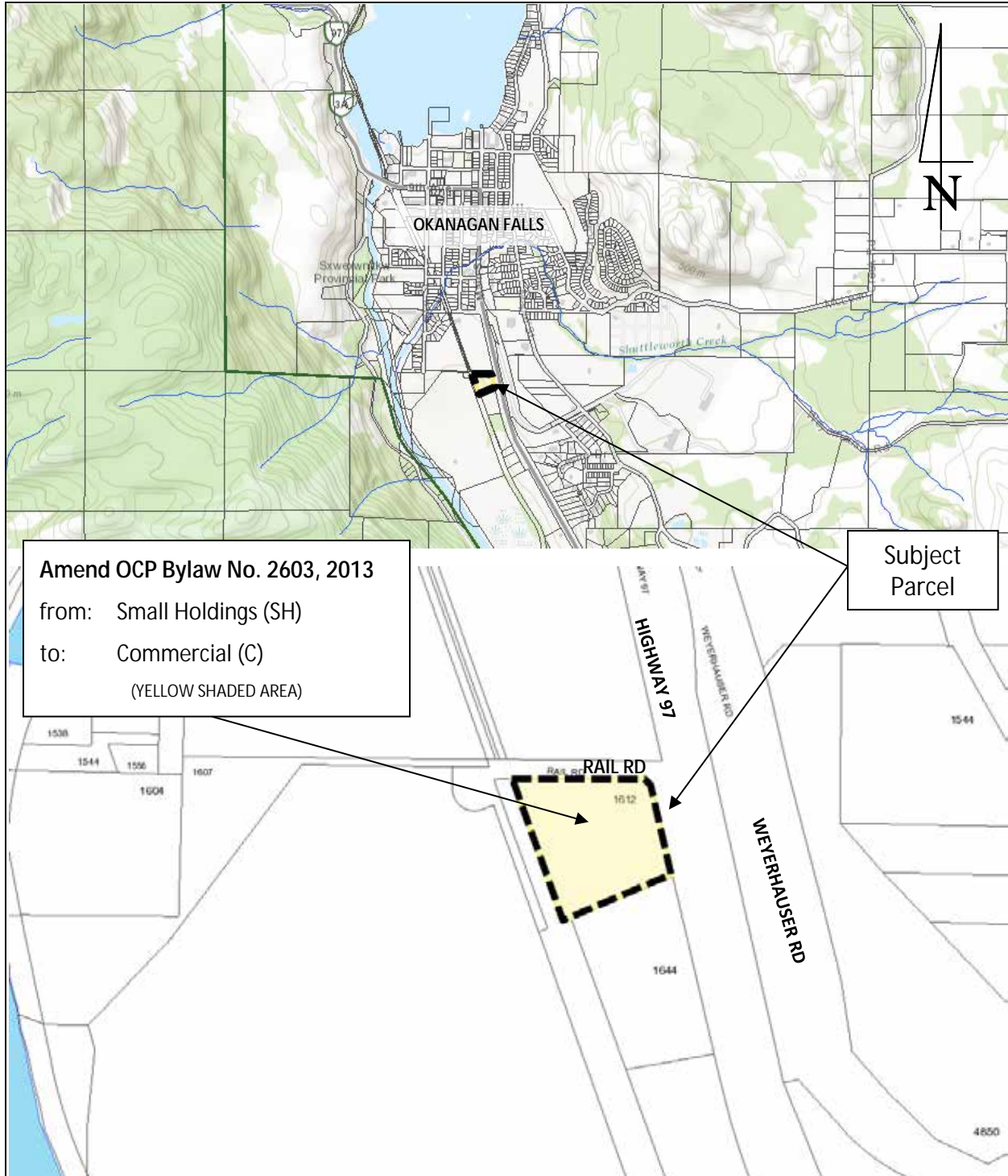
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2603.19, 2019

File No. D2019.006-ZONE

Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.41, 2019

A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 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 "D" Zoning Amendment Bylaw No. 2455.41, 2019."
2. The Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by adding a new Section 19.31.1 (Site Specific Service Commercial Provisions) under Section 19.0 Site Specific Designations to read as follows:
 - .1 in the case of the land described as Lot A, Plan 21205, District Lot 10, SDYD (1612 Highway 97), and shown shaded yellow on Figure 19.31.1:
 - a) the following principal uses and no others shall be permitted on the land:
 - i) contractor's office;
 - ii) service industry establishment;
 - ii) single detached dwelling.
 - b) the following secondary uses and no others shall be permitted on the land:
 - i) agriculture, subject to Section 7.23; and
 - ii) accessory buildings and structures, subject to Section 7.13.
 - c) Despite Section 14.9.6 (a), the minimum rear parcel line setback for an accessory building or structure in association with agriculture shall be 1.5 metres.
 - d) Despite Section 7.20.5, signs permitted are limited to two per parcel and must not exceed a total sign area of 8 m² nor a height of 3.0 metres.
 - e) Despite, Section 7.20.7, illuminated signs are not permitted.

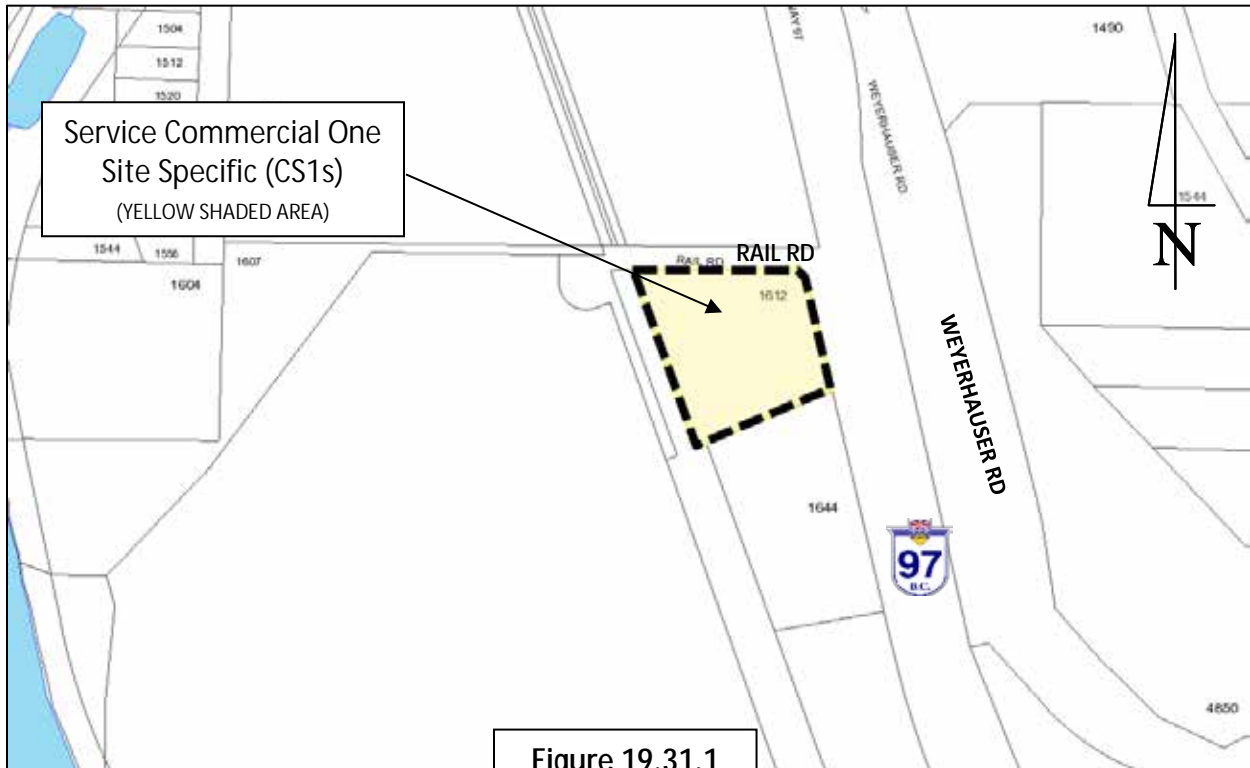


Figure 19.31.1

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the land described Lot A, Plan 21205, District Lot 10, SDYD and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Small Holdings Five Zone (SH5) to Site Specific Service Commercial One Zone (CS1s).

READ A FIRST AND SECOND TIME this 17th day of October, 2019.

PUBLIC HEARING held on this 18th 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 "Electoral Area "D" Zoning Amendment Bylaw No. 2455.41, 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

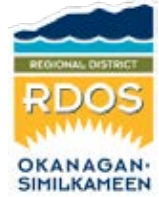
ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

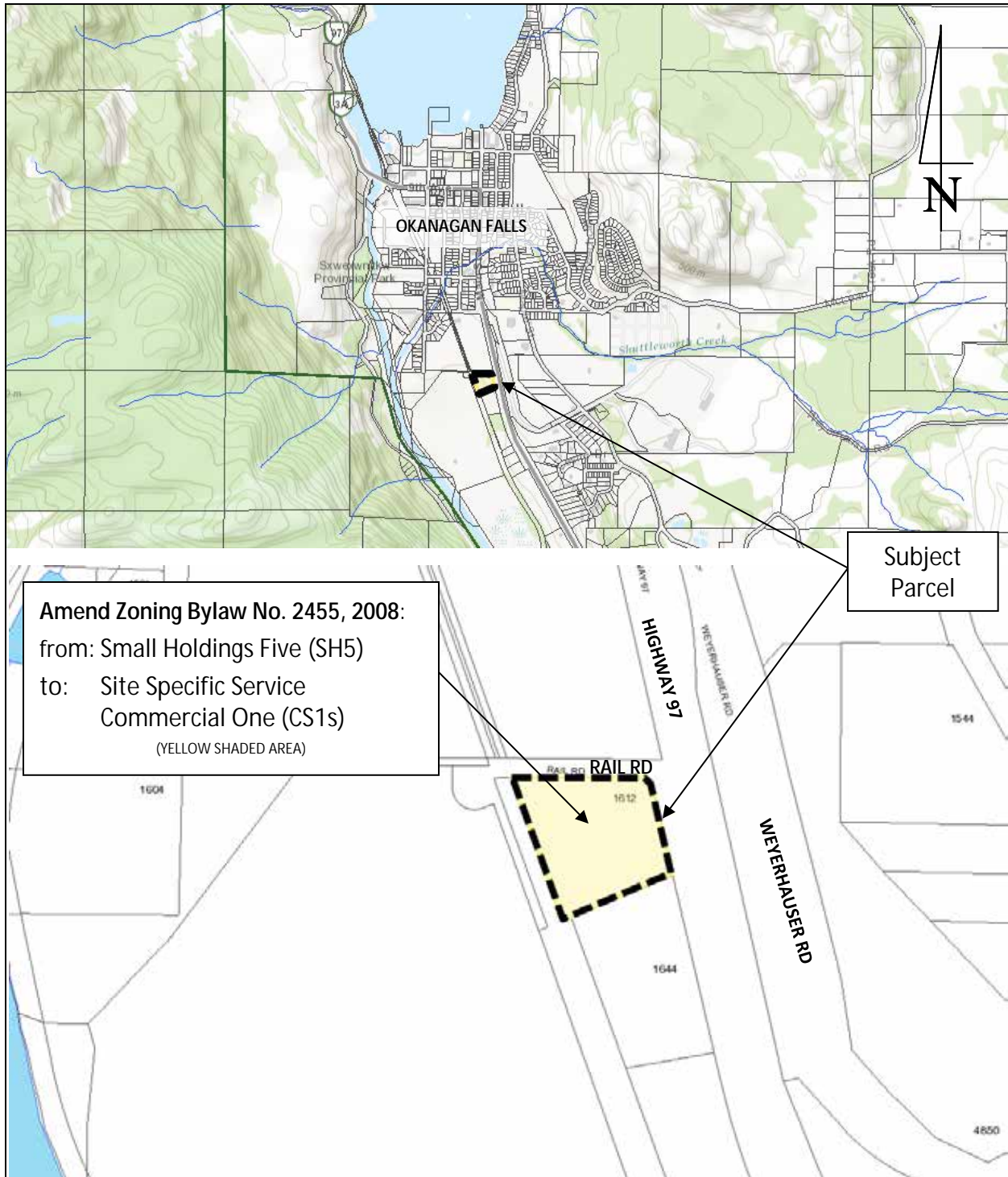
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca

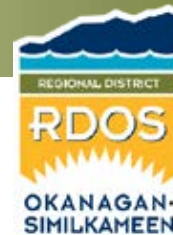


Amendment Bylaw No. 2455.41, 2019

File No. D2019.006-ZONE

Schedule 'A'





TO: Regional Board of Directors

FROM: Director Ron Obirek

DATE: November 18, 2019

RE: Public Hearing Report - Amendment Bylaw Nos. 2603.19, 2019 and 2455.41, 2019

Purpose of Bylaws:

The proposed amendments to the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013, and Zoning Bylaw No. 2455, 2008, are related to change of land use designation and zoning of the parcel at 1612 Highway 97 in Okanagan Falls, Electoral Area "D".

Public Hearing Overview:

The Public Hearing for Bylaw No. 2603.19 and 2455.41, 2019 was scheduled for Monday, November 18, 2019, at 7:00 p.m., at the Okanagan Falls Community Centre, 1141 Cedar Street, Okanagan Falls.

Members of the Regional District staff present were:

- JoAnn Peachey, Planner I

There were two (2) members of the public present.

Chair Obirek called the Public Hearing to order at 7:03 p.m. at the Okanagan Falls Community Centre, 1141 Cedar Street, Okanagan Falls, pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Bylaw No. 2603.19 and 2455.41, 2019.

In accordance with Section 466, the time and place of the public hearing was advertised in the November 8, 2019, and November 13, 2019, editions of the Penticton Western.

Copies of reports and correspondence received related to Bylaw No. 2603.19 and 2455.41, 2019, were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There was one written brief submitted at the public hearing.

Director Obirek called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

J. Peachey, Planner I, outlined the proposed Bylaw.

Director Obirek asked if anyone wished to speak to the proposed bylaw.

Director Obirek asked a second time if there was anyone who wished to speak further to the proposed bylaw.

Director Obirek asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 7:07 p.m..

Recorded by:



JoAnn Peachey
Planner I

Confirmed:

Ron Obirek

Ron Obirek
Chair



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: D2019.006-
ZONE (Pearce)
2455.41
eDAS File #: 2019-05090
Date: Sep 10, 2019

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2455.41, 2019 for:
Lot A, District Lot 10, SDYD, Plan 21205
1612 Highway 97, Okanagan Falls, 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



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 4, 2019

Reply to the attention of Sara Huber
ALC Issue: 51456
Local Government File: D2019.006-ZONE

JoAnn Peachey
Planner 1, Regional District of Okanagan Similkameen
jpeachey@rdos.bc.ca

Delivered Electronically

Re: Regional District of Okanagan Similkameen Official Community Plan and Zoning Amendment Bylaw Nos. 2603.19 and 2455.41 *RE-REFERRAL*

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2603.19 and 2455.41 (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.

In July 2019, the ALC reviewed a draft copy of Zoning Amendment Bylaw No. 2455.41 which proposed to rezone the property identified as 1612 Highway 97, PID: 004-642-074 (the "Property") from Small Holdings 5 (SH5) to Small Holdings 5 – Site Specific (SH5s) in order to allow the existing home industry to continue to operate on the Property. The Property currently contains a residence, a shop, pole barn and two storage tents. The business, Value Contracting, is a well pump company that provides well drilling and well and pumps service and installation. The business has operated on the Property for 27 years and since that time has expanded to the present operation which employs 11-15 people depending on the season and has up to 10 service vehicles stored on site. Due to this growth, the scale of the business exceeds the home industry regulations in the SH5 zone.

In order to better reflect the scale and nature of the commercial business, Bylaw No. 2455.41 has been amended to rezone the Property to Site Specific Commercial 1 (CS1s), rather than Small Holdings 5 – Site Specific (SH5s). The CS1s zone would allow for principal commercial uses (service industry establishment and contractor's office) and residential use (single-detached dwelling). As a result, the proposal requires an amendment to the OCP. Bylaw No. 2603.19 proposes to amend the OCP from Small Holdings (SH) to General Commercial (C).

ALC staff confirms that the Property is not within the Agricultural Land Reserve (the "ALR") and that the north and west Property boundaries, which lie closest to the ALR boundary, are buffered from the ALR by gravel roads. For this reason, ALC staff has no objection to the proposed Bylaw.



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: Bylaw Referral Sheet (Pearce) D2019.006-ZONE

CC: Ministry of Agriculture – Attention: Christina Forbes

51456m2



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 Issue: 51456
Local Government File: D2019.006-ZONE

JoAnn Peachey
Planner 1, Regional District of Okanagan Similkameen
jpeachey@rdos.bc.ca

Delivered Electronically

Re: RDOS Zoning Amendment Bylaw No. 2455.41

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Zoning Amendment Bylaw No. 2455.41 (the "Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw 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 Bylaw proposes to rezone the property identified as PID: 004-642-074 (the "Property") from Small Holdings 5 (SH5) to Small Holdings 5 – Site Specific (SH5s) in order to allow the existing home industry to continue to operate on the property. The business, Value Contracting, has operated on the Property for 27 years and since that time has expanded to the present operation which employs 11-15 people depending on the season and has up to 10 service vehicles stored on site. Due to this growth, the scale of the business exceeds the home industry regulations in the SH5 zone.

The ALC recognizes that the Property is not within the Agricultural Land Reserve (the "ALR") and that the north and west Property boundaries, which lie closest to the ALR boundary, are buffered from the ALR by gravel roads. For this reason, ALC staff has no objection to the proposed Bylaw.

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

CC Agent - July 8, 2019
Page 1 of 2





Sara Huber, Regional Planner

Enclosure: Bylaw Referral Sheet (Pearce) D2019.006-ZONE

CC: Ministry of Agriculture – Attention: Christina Forbes

51456m1



Sept 5/19

File No: D2019.006-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. D2019.006-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 bylaw for 1612 Highway 97 to allow an existing home industry to continue operating. Ministry staff have reviewed the documents you have provided and our comments have not changed from our previous submission. From an agricultural perspective we can provide the following comments for your consideration:

- The property is not located in the ALR but does appear to have some agricultural activity in the form of hay production.
- The siting of the buildings has maximized the amount of land available for agriculture.
- Ministry staff note that there is ALR land bordering the property and recommend these properties be contacted to determine if there are any impacts of allowing the site specific zoning.
- Ministry staff also note that the road on the north and west sides of the property does appear to provide at least 15 metres of separation between the subject property and the adjacent ALR land. While the Ministry's Guide to Edge Planning does recommend a minimum 30 metre setback and 15 metre vegetative buffer to provide separation between residential zones and the ALR boundary, the use of this property is more of a hybrid of residential and light industrial type use.
- The recommended setback for industrial use in the Guide to Edge Planning is 15 metres, which in this case is met by the road. The minimum recommended vegetative buffer is 8 metres. In this case, we note that it may be difficult to put in a vegetative buffer due to the road and that this may curtail the use of the subject property for agriculture.
- While this appears to be a family run business with a long term succession plan Ministry staff are unclear the implications of the site specific zoning should this property be sold in the future. Residential lands in particular are not very compatible with agricultural lands and therefore it would be expedient to require some sort of edge planning in conjunction with the rezoning, to mitigate any future impacts. There are a number of options outlined in the Guide to Edge Planning that may be of assistance in this case.



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



June 17 2019

File No: D2019.006-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. D2019.006-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 bylaw for 1612 Highway 97 to allow an existing home industry to continue operating. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

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cc Agent June 25/19



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



Interior Health

Every person matters

September 5, 2019

JoAnn Peachey, Planner I
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton BC V2A 5J9

Email: planning@rdos.bc.ca

Dear Ms. Peachey:

RE: File #: D2019.006-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



Interior Health
Every person matters

June 11, 2019

JoAnn Peachey, Planner I
Regional District of Okanagan-Similkameen
Planning Department
101 Martin Street
Penticton BC V2A 5J9

<mailto:planning@rdos.bc.ca>

Dear Ms. Peachey:

**RE: File #: D2019.006-Zone BL 2455.41 (Lot A, DL 10, SDYD, Plan 21205)
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

cc: Agent - June 25/19
Kamloops Health Unit
519 Columbia Street
Kamloops, BC V2C2T8



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: June 26, 2019 2:28 PM
To: Planning
Subject: Highway 97, 1612 (D2019_006-Zone)
Categories: Pending Info

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Highway 97. 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,

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

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

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



JoAnn Peachey

From: Cameron Baughen
Sent: October 1, 2019 2:40 PM
To: JoAnn Peachey
Subject: RE: Bylaw Referral D2019.006-ZONE (SWMP or Financial Plan Comments)

No issue SWMP.

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 information.

JoAnn Peachey

From: John Kurvink
Sent: October 1, 2019 2:58 PM
To: JoAnn Peachey
Subject: RE: Bylaw Referral D2019.006-ZONE (SWMP or Financial Plan Comments)

Hi JoAnn,

No issues from a financial plan perspective.

Maybe a larger tax bill for the property if it is classified as commercial but it doesn't net the RDOS any additional money, just splits the pie differently.

John

Site Specific Request	Rationale
Limit Principal Permitted Uses to “Contractors Office”, Service Industry Establishments and “Single Detached Dwelling”.	This will allow the business to continue to operate from the property and will allow the existing home on the property to remain as a permitted use, not a legal conforming use.
Limit Secondary Uses to “Agriculture” and “Accessory Buildings and Structures”.	This will allow the existing small-scale agricultural operation to be maintained on the property and will allow the existing agricultural building (pole barn) that is used for hay and agricultural implement storage to remain on the property.
Reduce rear yard parcel line setback to 1.5 m for agricultural accessory Building / Structure.	This will allow the agricultural accessory structure (pole barn) that is used for hay and agricultural implement storage to remain on the property. with the setbacks allowed in the existing SH5 zone.
Limit permitted signage to two non-illuminated signs not to exceed 8 m ² nor a height of 3 m.	This will keep signage on the site at a scale appropriate to the location of the property.

NOV 18, 2019 1/2
 PUBLIC HEARING REPRESENTATION
 RECEIVED AT PUBLIC HEARING
 FROM: AGENT, B. ELENKO
 APPLICATION: PEARCE D201 9.006-ZONE

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Floodplain Exemption Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve a floodplain exemption for Lot 1, Plan KAP26434, District Lot 210, SDYD, in order to permit the development of an addition to a single detached dwelling below the flood construction level of Naramata Creek, subject to the following condition:

- i) a statutory covenant is registered on title in order to:
 - a) “save harmless” the Regional District against any damages as a result of a flood occurrence; and
 - b) secure the recommendations contained within the flood protection report, dated September 30, 2019, prepared by Caleb Pomeroy (P.Eng.) of Watershed Engineering Limited.
-

Purpose: To allow the construction of a dwelling addition below the flood construction level of Naramata Creek.

Owners: Rene and Melanie Mehrer Agent: Not applicable Folio: E-02174.105

Civic: 3420 8th Street, Naramata Legal: Lot 1, Plan KAP 26434, District Lot 210, SDYD

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

Proposed Development:

This application seeks to vary the floodplain construction level regulations contained within the Electoral Area “E” Zoning Bylaw No. 2459, 2008, in order to allow for the construction of an addition to the single detached dwelling below the flood construction levels of Naramata Creek.

In support of the proposal, the applicant has provided a flood hazard assessment, prepared by Caleb Pomeroy (P.Eng) of Watershed Engineering Ltd. which concludes that “various flood hazard do exist at the subject site with the governing hazard being from an upstream blockage and channel avulsion,” and makes recommendations to mitigate this risk.

Site Context:

The subject property is approximately 1642 m² in area and is situated on the east side of 8th Street, Naramata, approximately 4 km north from the boundary with the City of Penticton. The property is understood to contain one (1) single detached dwelling.

The surrounding pattern of development is generally characterised by similar residential uses. Naramata Creek borders the northern boundary of the subject property.

Background:

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on November 12, 1975. Available Regional District records indicate that building permits have previously been issued for a single detached dwelling (1976) and an addition to the single detached dwelling (1985).

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject area is designated Low Density Residential (LR) and is also the subject of a Watercourse Development Permit (WDP) Area designation related to Naramata Creek.

With regard to the WDP Area, the applicant successfully applied and obtained a Watercourse Development Permit Area (D2019.019 WDP) for the proposed addition.

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the subject area is zoned Residential Single Family One (RS2). The Residential Single Family One Zone permits for a single detached dwelling as a principal permitted use.

Under Section 8.1 (Floodplain Regulations) of the Zoning Bylaw, lands below 1.5 metres above the natural boundary of any watercourse are designated floodplain, and under Section 8.3.2, no person must construct, reconstruct or extend a floor system or pad that supports a habitable area below the flood level specified in Section 8.1.

In response to this application, Building Inspection Services have stated that a geotechnical engineer report will be required if habitable space is below the flood plain levels. This may be required to be registered on title if there are significant mitigation requirements.

Statutory Requirements

Section 524(7) of the *Local Government Act* allows the Regional District to consider exempting a specific parcel from its floodplain regulations if the Board considers it advisable and either:

- (a) *considers that the exemption is consistent with the Provincial guidelines, or*
- (b) *has received a report that the land may be used safely for the use intended, which report is certified by a person who is*
 - (i) *a professional engineer or geoscientist and experienced in geotechnical engineering, or*
 - (ii) *a person in a class prescribed by the environment minister under subsection (9).*

Analysis:

In considering this floodplain exemption request against the requirements of Section 524(7) of the *Local Government Act*, Administration notes that the property owners have submitted a flood hazard protection report prepared by a professional engineer experienced in geotechnical engineering which has concluded:

various flood hazards do exist at the subject site with the governing hazard being from an upstream blockage and channel avulsion. The below recommendations have been made to mitigate this risk.

These recommended flood protection measures include the following:

- *The recommended minimum habitable floor level must be at or above the existing garage slab elevation;*

- *Construct a flood protection landscape wall along the east and north side of the existing building as shown on Figure 4.0. The wall will extend vertically 1.0m above the existing garage flood slab elevation and be constructed from cast-in-place concrete or mortared masonry blocks. The proposed landscape wall and lot grading provides protection to the building equivalent to raising the floor elevation 1.0 m above grade as required in Zoning Bylaw 2459, Section 8.3.3a.*
- *Re-grade the site to the east and north of the existing building to re-direct surface drainage to the west as illustrated on Figure 4.0.*
- *Monitor erosion on the outside bend, and seek a professional opinion as to whether additional armouring is required. Placement of armouring would require a Water Sustainability Act Section 11 Approval permit, which can take 150 days to process.*
- *Monitor Naramata Creek channel adjacent to the site for debris blockages and arrange to have them removed in a timely manner.*
- *The design and construction of this mitigative work should be undertaken and inspected by a suitably qualified Professional Engineer.*

Conversely, it is noted that the OCP speaks to preventing or minimizing “property damage as a result from natural hazards” and to discouraging “development of land susceptible to flooding”. In this instance, there appear to be no site constraints that warrants the placement of habitable space within the floodplain and that other options are available to the applicant.

In summary, and based upon the recommendations contained within the flood protection report, Administration is recommending that the floodplain exemption request be approved, and that the applicant enter into a statutory covenant in order to “save harmless” the Regional District in the event of future flood events, with a restrictive clause added into the covenant that “the crawl space not be used as habitable area”.

Alternative:

THAT the Regional Board deny the Floodplain Exemption request.

Respectfully submitted

Endorsed by:

Endorsed by:

Jeff Thompson

J. Thompson, Planning Tech



C. Garrish, Planning Manager



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

Attachments: No. 1 – Context Maps

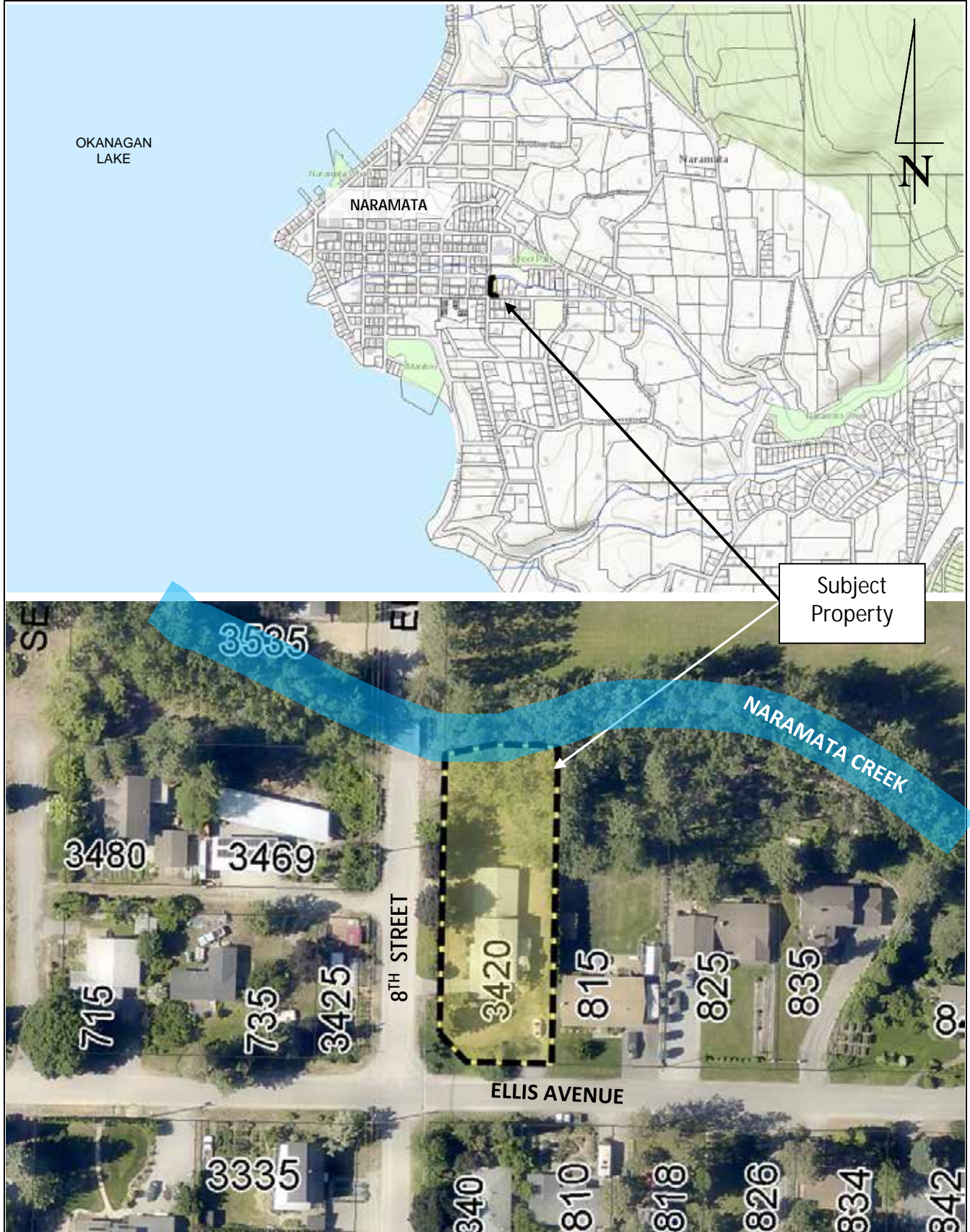
No. 2 – Applicant’s Site Plan

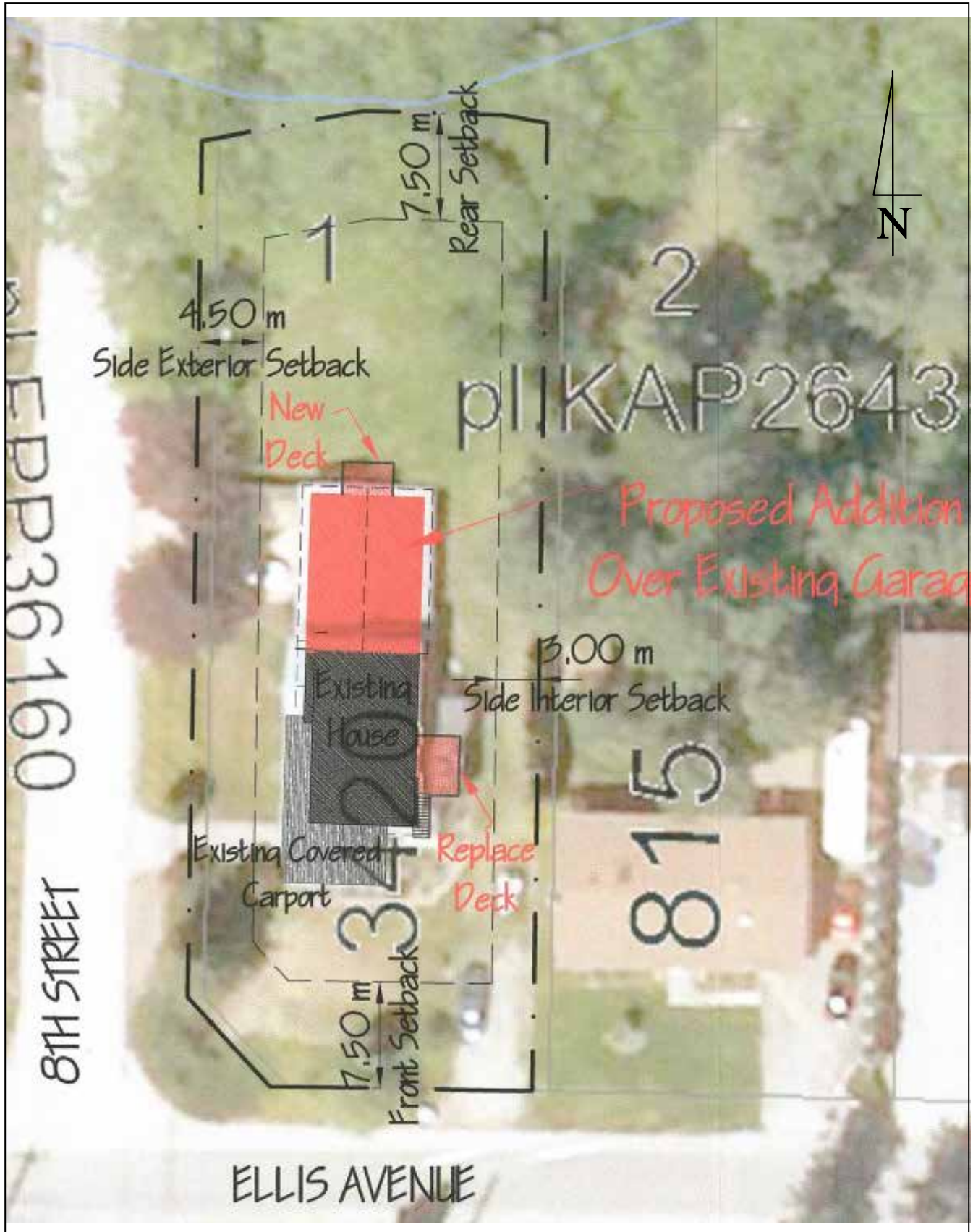
No. 3 – Engineer’s Proposed Flood Protection Landscape Wall

No. 4 – Site Photo (Google Streetview - 2012)

No. 5 – Flood Protection Report (September 30, 2019)

Attachment No. 1 – Context Maps





Attachment No. 3 – Engineer’s Proposed Flood Protection Landscape Wall

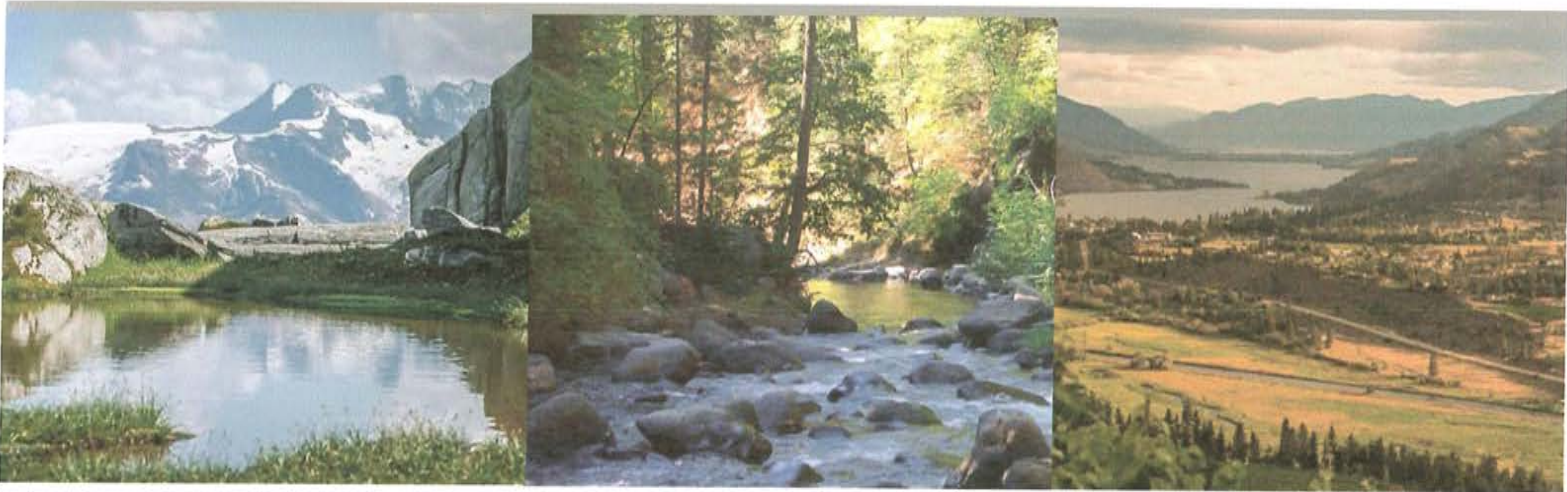


Attachment No. 4 – Site Photo (Google Streetview - 2012)



Location of proposed
garage conversion to
habitable space and
second story addition

Flood Hazard Assessment Report
3420 – 8th Street, Naramata, British Columbia



PRESENTED TO

Melanie & Rene Mehrer

SEPTEMBER 2019

ISSUED FOR USE

FILE: 2019.010.8TH ST NARAMATA

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Limitations of Report

This report and its contents are intended for the sole use of Melanie & Rene Mehrer and their agents. Watershed Engineering Ltd. does not accept any responsibility for the accuracy of any of the data, the analysis, or the recommendations contained or referenced in the report when the report is used or relied upon by any Party other than Melanie & Rene Mehrer or for any Project other than the study area. Any such unauthorized use of this report is at the sole risk of the user. Use of this document is subject to the Limitations on the Use of this Document attached in the Appendix or Contractual Terms and Conditions executed by both parties.

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Appendix Sections

Figures

- Figure 1 Site Map
- Figure 2 Site Plan
- Figure 3 Historic Channel Locations
- Figure 4 Flood protection Landscaping Wall

Photographs

- Photo 1 Looking south from left bank towards existing structure
- Photo 2 Directly upstream (east) from subject property looking downstream at outside bend
- Photo 3 Looking downstream 40m upstream for east property line
- Photo 4 Looking downstream from left bank at 8th Street bridge
- Photo 5 Looking upstream from 8th Street bridge at the site
- Photo 6 Looking downstream at weir below 8th Street bridge and view downstream

- Photo 7 Looking south along east building wall at lot grading towards the structure
- Photo 8 Looking northwest towards 8th Street bridge

1. Introduction

Watershed Engineering Ltd. was retained by Melanie & Rene Mehrer to prepare a Flood Hazard Assessment report to support the building permit submission for a renovation at the property legally described as Lot 1, Plan KAP26434, DL 210, SDYD located at 3420 – 8th Street Naramata, BC. A Flood Protection Report was requested by the Regional District of Okanagan-Similkameen as part of their development permit process. The scope of Watershed Engineering's works was as follows:

- Prepare a Flood Hazard Assessment/Flood Protection Report for the subject property in accordance with EGBC Legislated Flood Assessments in a Changing Climate in BC Version 2.1- August 28 2018; and,
- Develop site recommendations based on the investigation as required.

The proposed renovations include: conversion of the garage area into living space; a second storey addition over the garage; and a second story deck measuring 2.4m x 3.6m (8.6m²) on the creek side of the property. The building envelope of the existing residential building is not being modified (see Figure 1.0).

2. Methodology

Based on the guidelines 'Legislated Flood Assessments in a Changing Climate in BC' Version 2.1, the following FHA is considered a Class 0 study, which is intended for building permit applications related to renovations and new single-family home or duplex construction. The assessment methods include the following:

- Complete a background review of available relevant information
- Site visit and qualitative assessment of Flood Hazard
- Define the site and study area
- Characterise flood process and sources of risk
- Conclusions and recommendations based on findings of the study
- Limitations, qualifications, assumptions and uncertainties at the time
- Considerations for land use and climate change

3. Site Description and Study Area

The subject property is located in the Village of Naramata on an existing lot which was developed in the 1970s (see Figure 2.0). The current house was originally constructed in 1976. The property is located on the south bank of Naramata Creek directly upstream from the 8th Street Bridge. The Village of Naramata is located on an active alluvial fan on the east side of Okanagan Lake. The study area for this assessment includes the Naramata Creek watershed.

Naramata Creek watershed is 35.2 km² with an average gradient of 8.6% and receives an average of approximately 346mm of rainfall per year. Peak flows in Naramata Creek are typically driven by snowmelt and rain on snow events. The Naramata fan is on the edge of the Okanagan Highland and the local geology has been strongly influenced by glacial occupation and retreat causing massive deposits over the original bedrock (Barlow 1994). There are no reservoirs or

lakes within the Naramata Creek watershed however there is an existing diversion on Robson Creek that can divert to Naramata Creek should irrigation demands require it.

The Naramata fan is approximately 5.9 ha. confined by terrace remnants on the south and north. The creek lengths from the apex of the fan down to the delta as the edge of Okanagan Lake is approximately 1500m. A rock canyon to the east provides a natural upper limit to the fan (Barlow 1994).

4. Background Review

A background review of available information on Naramata Creek related to hydrology and flooding in the watershed was completed. The following relevant reports and bylaws were reviewed as part of this study:

- RDOS Electoral Area 'E' Zoning bylaw 2459, 2008
- Naramata Fan Study – Ministry of Environment, Lands and Parks, Floodplain Management Branch, December 1994
- Naramata Master Drainage Plan – Earth Tech, September 2006
- Naramata & Robson Creeks Stream Assessments, Summit Environmental Consultants, December 1995
- Naramata Creek, Robson Creek & Upper Chute Creek Watersheds, Dobson Engineering Ltd., September 1999

Based on the review of the above reports the following information was noted as relating directly to the assessment of the subject property:

- Section 8.0 of the Electoral Area 'E' zoning bylaw designates the flood construction level as a minimum of 1.5m above the natural boundary of any watercourse.
- Section 8.3.3a of the Electoral Area 'E' zoning bylaw states that dwelling units must be located with the underside of a wooden floor system or top of pad be 1.5m above the natural boundary or 1.0m above the natural ground elevation at a point on the perimeter of the building, whichever is greater.
- Pack (1993) determined that slide activity into Naramata Creek is relatively benign and there are no large point sources of sediment.
- The creek was relocated in the early history of the Naramata settlement to avoid a flooding problem at the mouth of the creek to an alignment where the level of settlement was low enough that damage was insignificant.
- There has been historic flooding recorded: In 1948, a breakout to the north of Bartlett Street was reported (directly upstream of the subject site), There was also flooding in 1973, 1987 and 1990. In 1987 a avulsion occurred which was subsequently straightened by equipment. It was reported that, prior to the avulsion, 200m³ of boulders had been dumped into Naramata Creek which restricted the channel section, contributing to the breakout. In 1990 two flooding events occurred ten days apart due to heavy rainfall. The flow was estimated at 10m³/s and the Ministry of Transportation and Highways responded by clearing blockages at 1st, 3rd and 8th Street bridges (8th Street is directly downstream from the subject property). During the peak flow the road was excavated to create a bypass channel. Following the 1990 flood event an estimated 3000m³ of material was excavated from the stream channel and was deposited in low areas on the fan, which is reported to have prevented further damage during the second 1990 event. Following flooding the channel was extensively ripped above the 8th Street bridge.
- There have been significant modifications to Naramata Creek on the fan which include: channelization of the creek, removal of deposited bedload in the lower reaches to control meandering, construction of berms,

riprapping channels, construction of bridges and culverts, and the construction of a settling basin on Naramata Creek, which has reduced the sediment load reaching the fan.

- Naramata Creek is an active fan and in the 1994 Naramata Fan study was reported to have insufficient channel capacity to contain flood events and channel avulsion due to channel blockages is a likely hazard on the fan.
- Ministry of Transportation and Infrastructure drainage standards for subdivision requires a minor system (10-yr peak flows) to be handled either by storm sewer, or in the case of Naramata where no storm drainage system exists, with on-site detention and overland grading, which must be designed to handle up to a 100-yr event.
- The Naramata Drainage Plan (Earth Tech 2006) recommended that due to deficiencies in the Arawana watershed (directly south of Naramata Creek) a diversion to Naramata Creek should be constructed. It is understood that a bypass infrastructure was constructed as part of the Stonebrook Subdivision on Arawana Road; to the author's knowledge, the bypass has never been activated. This infrastructure was intended for future development which has yet to proceed. Based on the peak flows calculated in this report Earth Tech concluded that Naramata Creek has additional capacity available.
- Small landslides have occurred in the upper watershed and bank erosion due to cattle grazing has occurred, however no major sources of erosion have been recorded.
- The 1999 Dobson Engineering report identified that Naramata Creek valley contains an active landslide with the potential for initiation of major landslides.
- The peak flow hazard rating is moderate in the Naramata watershed due to an Equivalent Cut Area of 21.9%, which results in moderate increases in watershed yield due to loss of forested area; and,
- Culvert crossings on the KVR are aging and consequences of failure on the KVR along large fill sections are high.

4.1 Site Inspection

Site inspections were completed by Caleb W. Pomeroy, P.Eng. on July 18, 2019 and on August 29, 2019 to review the site and inspect the upstream and downstream conditions on Naramata Creek, complete a level survey and record site conditions. Following is a summary of observations from the July 18 inspection:

- The existing structure is located 23.5m from the south top of bank of Naramata Creek.
- The elevation difference from the natural boundary of the stream to the minimum floor elevation was determined by level survey to be 1.75m.
- Naramata Creek at the subject property is well defined trapezoidal channel with a channel width of 2.8m and overbank width of 8.2m and an approximate top of bank to top of bank width of 13.5m.
- The Naramata Creek channel is lined on both banks with mature cottonwoods and smaller riparian shrubs.
- The existing grade on the property slopes down from east to west which grades towards the structure on the eastern side of the structure.
- The northeast property corner is on an outside bend of Naramata Creek.
- The 8th Street bridge directly downstream of the site has a span of 5.56m and the distance from the bottom of girder to water level on July 18, 2019 was 1.8m; the bridge is constructed with wood girders and deck and creosoted abutment walls.

- The Naramata Creek crossing at Bartlett Road is a 2300mm x 1830mm arch and at Naramata Road the existing crossing is a 2200mm multi-plate CSP circular culvert.
- Downstream of the site existing crossings include 1st, 3rd and 4th which are clear span wood bridges.

5. Hydrology

The project site is located approximately 15km north of the Environment Canada Penticton Airport climate station which was considered to be representative of the climate at the project site. According to the 1981 to 2010 Climate Normals data on the Environment Canada website, the mean annual precipitation at the Penticton A station is 346 mm (298.5 mm rainfall and 58.7 cm snowfall depth). Precipitation is well distributed throughout the year with the exception of May and June where 25% of the annual precipitation occurs over two months. Snowfall mainly occurs in winter (November to March). Mean daily temperatures range from -0.6°C in January to 21°C in July. The Penticton A climate station is located at an elevation of 344.4m, and the subject property is located 367m above sea level.

There is no available historic hydrometric data on Naramata Creek. Several regional hydrometric stations, as listed in Table 5-1, were reviewed for reference in developing the hydrology for this study. The below stations were chosen based on proximity to the site, adequate period of record for completing statistical analysis and relative size of the watershed.

Table 5-1 Regional Hydrometric Stations

Station ID	Station name	Drainage Area (km ²)	Period of Record	Status
08NM168	PENTICTON CREEK ABOVE DENNIS CREEK	35.5	1970-1999	Inactive
08NM015	VASEUX CREEK ABOVE DUTTON CREEK	255	1911-1982	Inactive
08NM037	SHATFORD CREEK NEAR PENTICTON	101	1911-2019	Active
08NM035	BELLEVUE CREEK NEAR OKANAGAN MISSION	73.3	1911-1986	Inactive

Design Flood Event

A standards-based design approach was adopted and the design flood event was selected as a 200-year flood in accordance with EGBC's Legislated Flood Assessments in a Changing Climate in BC Version 2.1

Regional Analysis

A regional hydrological analysis was carried out to establish 200-year maximum instantaneous discharge and 200-year maximum daily flow for Naramata Creek. Flood frequency analyses were conducted for the selected regional hydrometric stations using the HYFRAN-PLUS software Version 2.2. RTAC Drainage Manual Volume 1 (1982) p.2.1 recommends three different frequency distributions; Extreme Value Type 1 (Gumbel), the Three Parameter Lognormal and Log Pearson Type III distributions, all of which were applied to the data. The maximum instantaneous flows were plotted against drainage areas and a logarithmic regression equation was fitted for the 200-yr flood (see Figure 5-1).

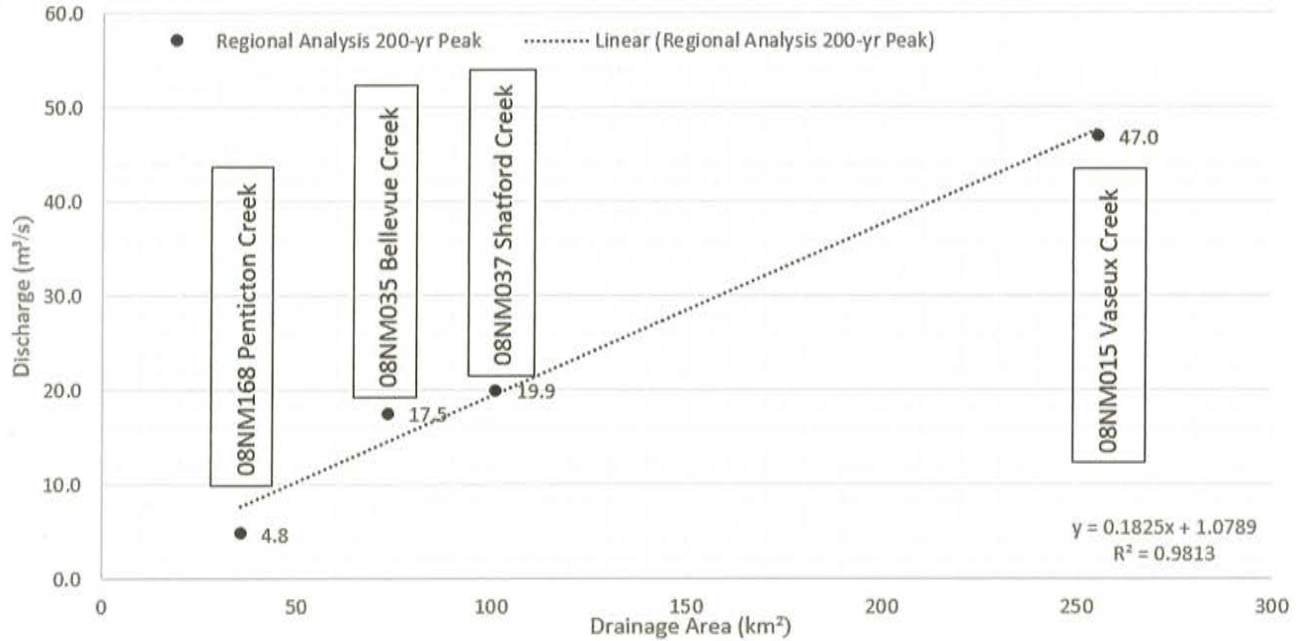


Figure 5-1: 200-yr Maximum Instantaneous Regional Analysis Results

The linear regression above shows a good correlation between drainage area and discharge for the stations selected for the regional analysis, which were Penticton Creek, Bellevue Creek, Shatford Creek and Vaseux Creek. The results of the regional analysis, as applied to Naramata Creek, including an estimate allowing for climate change are provided in Table 5-2 below.

Table 5-2 Flood Estimates for Naramata Creek

Return Period Years	Naramata Creek Flood Estimate (m³/s)	Q ₂₀₀ + 10% for Climate Change (m³/s)
200-Peak Instantaneous	7.5	8.3

5.1 Previous Hydrology Study Results

A review of available peak flows analyses was undertaken for comparison purposes. Peak flows in Naramata Creek historically result from rapid snowmelt or rain on snow events. A summary of other instantaneous peak flow estimates is provided below.

Table 5-3 Historic Instantaneous Peak Flows for Naramata Creek

Date	Study	Method	Q ₁₀₀ (m³/s)	Q ₂₀₀ (m³/s)
1994	Naramata Fan Study – Ministry of Environment, Lands and Parks, Floodplain Management Branch	Regional Analysis	20	21
2006	Naramata Master Drainage Plan	Regional Analysis	4.8-5.6	Not available

5.2 BC Streamflow Inventory Method

In 1996, a hydrology inventory project was initiated by the Water Inventory Section of the Resources Inventory Branch of the Provincial government for the purpose of compiling an inventory of streamflow information for hydraulic estimates

which included estimation of peak instantaneous flow for 10-year and 100-year events in BC (Coulson, 1998). Peak instantaneous follows for 10-year and 100-year recurrence intervals were normalized for a 100km² watershed. The following formula applies to adjust the values obtained from this method for catchments of different areas:

$$Q(site) = Q(100km^2) * \left(\frac{Area}{100}\right)^{0.785}$$

A comparison to the BC Streamflow Inventory method was completed on Naramata Creek for a 100-year peak event. Based on the Isolines available from iMap BC, the centroid of the watershed falls on Isoline value 20. A summary of the results from the BC Streamflow Inventory Method as provided in Table 5-2 below. A scaling factor of 1.1 was applied to derive the Q₂₀₀ which was calculated using the average ratio between the peak instantaneous Q₂₀₀/Q₁₀₀ for local hydrometric stations.

Table 5-4 BC Streamflow Inventory Method 100-Year Flood Estimates

Q ₁₀₀ Flood Estimate (m ³ /s)	Q ₂₀₀ Flood Estimate (m ³ /s)
8.8	9.6

It should be pointed out that this method is also based on regional streamflow analysis, but as it was published in 1996, is based on less hydrometric data than is available today. Consequently the estimated value of 8.3 m³/s is used, which considers climate change, and was derived for the purpose of this report..

The measured channel geometry and grade of the stream indicate that the Naramata Creek channel has capacity to convey the calculated 200-yr event of 8.3m³/sec.

6. Hazard Assessment

The proposed renovation is location on an active alluvial fan, which by definition, is subject to various natural hazards. A review of the potential hazards is provided below based on observations made at the site, a review of background information and key findings from analysis. The hazards are:

- The north east property corner is on an outside bend, which shows evidence of erosion.
- Climate change and land use change causing increases in peak flows, potential increasing the likelihood and severity of flooding.
- The lot grading on the eastern portion of the site slopes towards the building.
- A debris blockage and channel avulsion have occurred on the left bank directly upstream of the site.
- A debris blockage at the 8th Street bridge causing backwatering onto the site is possible.
- Failure of upstream drainage structures causing debris floods in Naramata Creek could impact the site.
- Landslides in Naramata Creek could cause debris floods.

The main hazard for the structure is that the existing grading around the structure directs water toward the foundation. Should an upstream blockage occur on the upstream property which routed water over the left bank, flood waters could impact the structure.

The garage of the existing structure where living space is planned was calculated to be 1.0m above the Q₂₀₀ water-profile in the creek adjacent to the structure. A simplified trapezoidal channel was assumed with uniform flow, a Manning's roughness coefficient of 0.045, and a channel slope of 4%. This is an approximate method only but is considered to be

conservative. Based on this calculation the Q₂₀₀ would be contained in the channel at the site, but not necessarily at points upstream.

6.1 Debris Flood and Debris Flow Assessment

Changes to land cover could affect geomorphic hazards including debris flows, debris floods and clear water floods.

Debris flows are very rapid to extremely rapid flows of fully saturated non-plastic debris in steep channels (Hungr et al., 2001) that have considerable momentum and high destructive potential with peak discharges up to 40 times the 1 in 200-year flows.

Debris floods are characterized as sediment-charged flood events with sediment concentrations between 20% and 47% by volume (Hungr et al., 2001) and peak discharges of up to 2 times the 1 in 200-year flows. Debris floods may be triggered by extreme precipitation events, or by the blockage and subsequent release of creek flows impounded by landslides or debris flows entering the creek channel further upstream.

Debris flow, debris flood, and flood hazard were reviewed for the Naramata Creek watershed and assessed using the Melton ratio (Wilford et al., 2004). The Melton ratio was developed to determine whether a stream is likely to be subject to a debris flow, a debris flood, or a flooding hazard. The Melton ratio is calculated using the equation below:

$$\text{Melton Ratio} = \frac{\text{Watershed Relief (km)}}{\sqrt{\text{Watershed Area (km}^2\text{)}}}$$

Where: Watershed relief is the elevation difference between the top and bottom of the watershed.

Typical ranges for Melton ratios corresponding to each hazard type are presented in Table 5-1.

Table 6-1 Typical Hazard for Melton Ratios

Hazard	Melton Ratio
Flood	< 0.3 for all watershed lengths
Debris Flood	0.3 to 0.6 for all watershed lengths > 0.6 for watershed lengths ≥ 2.7 km
Debris Flow	> 0.6 for all watershed lengths < 2.7 km

For a watershed relief of 1.55 km and an area of 35.2 km², the calculated Melton ratio for the McLean Creek watershed was 0.26, indicating that the Site is likely subject to a flood hazard only.

6.2 Debris Blockage at 8th Street Bridge

A debris blockage was assessed at the 8th Street bridge to determine if, during a debris flood should the bridge become blocked, would there be enough capacity to route the flood without impacting the structure. The 8th Street bridge and road were assumed to behave like a broad crested weir for the purpose of the calculation with a weir length of 35m and an available depth of 0.43m (vertical distance between bridge deck and garage slab) were used based on a level survey completed by Borsheim Construction Ltd on September 11, 2019. The Q₂₀₀ was increased by a factor of two (to 16.6m³/sec) as a rough estimate of the possible magnitude of a debris flood. Based on this calculation the available capacity was 16.9m³/sec. This is an approximate check only which assumed no other obstructions and a level road surface. So, in the event of the debris flood assumed, the flood level could reach 0.42 m above the deck of the 8th Street bridge, or about 0.01 m below the existing garage floor.

7. Recommendations

Based on the results of this study, various flood hazards do exist at the subject site with the governing hazard being from an upstream blockage and channel avulsion. The below recommendations have been made to mitigate this risk:

- The recommended minimum habitable floor level must be at or above the existing garage slab elevation
- Construct a flood protection landscape wall along the east and north side of the existing building as shown of Figure 4.0. The wall will extend vertically 1.0m above the existing garage floor slab elevation and be constructed from cast-in-place concrete or mortared masonry blocks.
- Re-grade the site to the east and north of the existing building to re-direct surface drainage to the west as illustrated on Figure 4.0.
- Monitor erosion on the outside bend, and seek a professional opinion as to whether additional armouring is required. Placement of armouring would require a Water Sustainability Act Section 11 Approval permit, which can take 150 days to process.
- Monitor Naramata Creek channel adjacent to the site for debris blockages and arrange to have them removed in a timely manner.
- The design and construction of this mitigative work should be undertaken and inspected by a suitably qualified Professional Engineer.

The proposed landscape wall and lot grading provides protection to the building equivalent to raising the floor elevation 1.0m above grade as required in Zoning bylaw 2459, Section 8.3.3a.

8. Closure

We trust this document meets your present requirements. If you have any questions, please contact the undersigned

Sincerely

Prepared by:



2019-09-30

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Hydrotechnical Engineer
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Reviewed by:

Adrian G. Chantler, Ph.D, P.Eng.
Consulting Hydrotechnical Engineer

9. References

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FIGURES

Figure 1	Site Plan
Figure 2	Project Site Overview
Figure 3	Historic Channel Locations
Figure 4	Proposed Flood Protection Landscape Wall

Photographs

Photo 1	Looking south from left bank towards existing structure
Photo 2	Directly upstream (east) from subject property looking downstream at outside bend
Photo 3	Looking downstream 40m upstream for east property line
Photo 4	Looking downstream from left bank at 8 th Street bridge
Photo 5	Looking upstream from 8 th Street bridge at the site
Photo 6	Looking downstream at weir below 8 th Street bridge and view downstream
Photo 7	Looking south along east building wall at lot grading towards the structure
Photo 8	Looking northwest towards 8 th Street bridge



Photo 1 Looking south from left bank towards existing structure



Photo 2 Directly upstream (east) from subject property looking downstream at outside bend



Photo 3 Looking downstream 40m upstream for east property line



Photo 4 Looking downstream from left bank at 8th Street bridge



Photo 5 Looking upstream from 8th Street bridge at the site



Photo 6 Looking downstream at weir below 8th Street bridge and view downstream



Photo 7 Looking south along east building wall at lot grading towards the structure

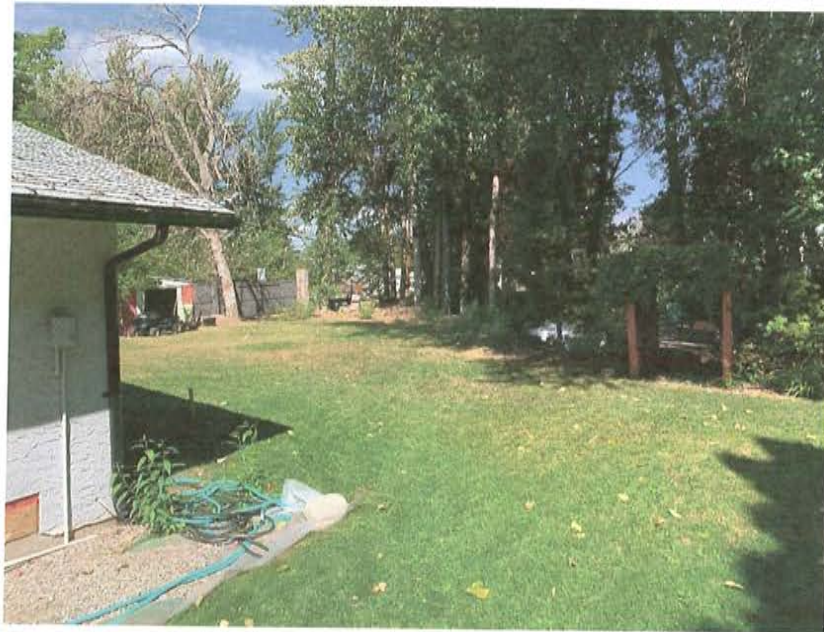
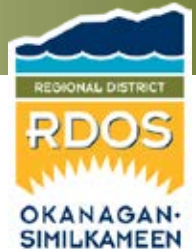


Photo 8 Looking northwest towards 8th Street bridge

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: Official Community Plan & Zoning Bylaw Amendments – Electoral Area “I”

Administrative Recommendation:

THAT Bylaw No. 2683.04, 2019, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.30, 2019, Electoral Area “I” 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 December 5, 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. 2683.04, 2019, in conjunction with its Financial and applicable Waste Management Plans;

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

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

Purpose: To facilitate the development of a fire training facility.

<u>Owner:</u> RDOS	<u>Agent:</u> Not applicable	<u>Folio:</u> I-05016.100
<u>Civic:</u> 257 Dogwood Avenue, Kaleden	<u>Legal:</u> Lot 138, Plan KAP719, District Lot 106S, SDYD	
<u>OCP:</u> Agriculture (AG)	<u>Proposed OCP:</u> Administrative, Cultural and Institutional (AI)	
<u>Zone:</u> Residential Single Family Two (RS2)	<u>Proposed Zone:</u> Administrative and Institutional (AI)	

Proposed Development:

It is proposed that the Regional District Board initiate an amendment to the zoning of the subject property in order to facilitate the development of a fire training facility by the Kaleden Volunteer Fire Department.

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

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, from Agriculture (AG) to Administrative, Cultural and Institutional (AI); and
 - amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “I” Zoning Bylaw No. 2457, 2008, from Residential Single Family Two (RS2) to Administrative and Cultural (AI).
-

Site Context:

The subject property is approximately 2.1 ha in area, is located on the east side of Dogwood Avenue in Kaleden and currently comprises of vacant land. It is understood, however, that the site was previously the location of a landfill.

The surrounding pattern of development is generally characterised by agricultural operations to the north, conservation area lands to the east and rural-residential development.

Background:

The subject property was created by a plan of subdivision prepared in 1910, while available Regional District records indicate that no Building Permits (BPs) have been issued for development on this site.

The Kaleden Volunteer Fire Department (KVFD) previously had an informal agreement with the Kaleden Irrigation District (KID) to utilize the subject property for fire training purposes.

In July of 2017, the KVFD proposed to formalize its use of this land and the KID agreed to donate the subject property to the RDOS for \$1.00, for the express purpose of establishing a fire and rescue training site, on an ongoing basis.

In 2017, the Regional District commissioned an Environmental Site Assessment of the property, which determined that "the south portion of the Property was an active community dump site during the 1960's – 1970's. Since the 1980's most of the exposed waste has been covered with fill from unknown sources."

At its meeting of June 21, 2018, the Board resolved to accept the donation of the subject property from the KID and further directed Administration to "make application to the Agricultural Land Commission to have the subject property excluded from the Agricultural Land Reserve."

At its meeting of March 21, 2019, the Board resolved to "authorize" the application to exclude 257 Dogwood Lane, Kaleden (Lot 138, Plan KAP719, District Lot 106S, SDYD), in Electoral Area "I" to proceed to the Agricultural Land Commission" (ALC).

On October 9, 2019, the ALC refused the application to exclude the property from the ALR but approved the non-farm use of the property as a fire and rescue training facility subject to the following conditions:

- a) *The structures and training props associated with the non-farm use must be in accordance with Schedule B (KVFD's 5-Year Plan);*
- b) *The exclusive use of the Property by the Kaleden Volunteer Fire Department; and*
- c) *No expansion beyond the uses described in Schedule B without further Commission approval.*

Under the Electoral Area "I" OCP Bylaw No. 2683, 2016, the subject property is currently designated as Agriculture (AG).

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the subject property is zoned Residential Single Family Two (RS2) which lists "single detached dwelling" (i.e. residential) as the only principal permitted use.

Referrals:

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 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. 67 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

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 November 20, 2019, a Public Information Meeting (PIM) was held at the Kaleden Community Hall at 320 Lakehill Road, Kaleden and was attended by the applicant, members of the Advisory Planning Commission (APC) and approximately two (2) members of the public.

At its meeting of November 20, 2019, the Electoral Area "I" APC resolved to recommend to the RDOS Board that the subject development application be approved.

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 to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Further to the direction provided by the Board at its meeting of June 21, 2018, and the October 9, 2019, decision by the ALC regarding the subject property, the proposed rezoning to "AI" will facilitate the future use of this land for fire training purposes.

Alternatives:

1. THAT Bylaw No. 2683.04, 2019, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2457.30, 2019, Electoral Area "I" 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 December 5, 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. 2683.04, 2019, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Monteith, or their delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Monteith;

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

2. THAT Bylaw No. 2683.04, 2019, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2457.30, 2019, Electoral Area "I" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2683.04, 2019, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2457.30, 2019, Electoral Area "I" Zoning Amendment Bylaw be, be denied.

Respectfully submitted



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, General Manager of Dev. Services

Attachments: No. 1 – Agency Referral List

No. 2 – Site Plan

No. 3 – KVFD 5-Year Plan

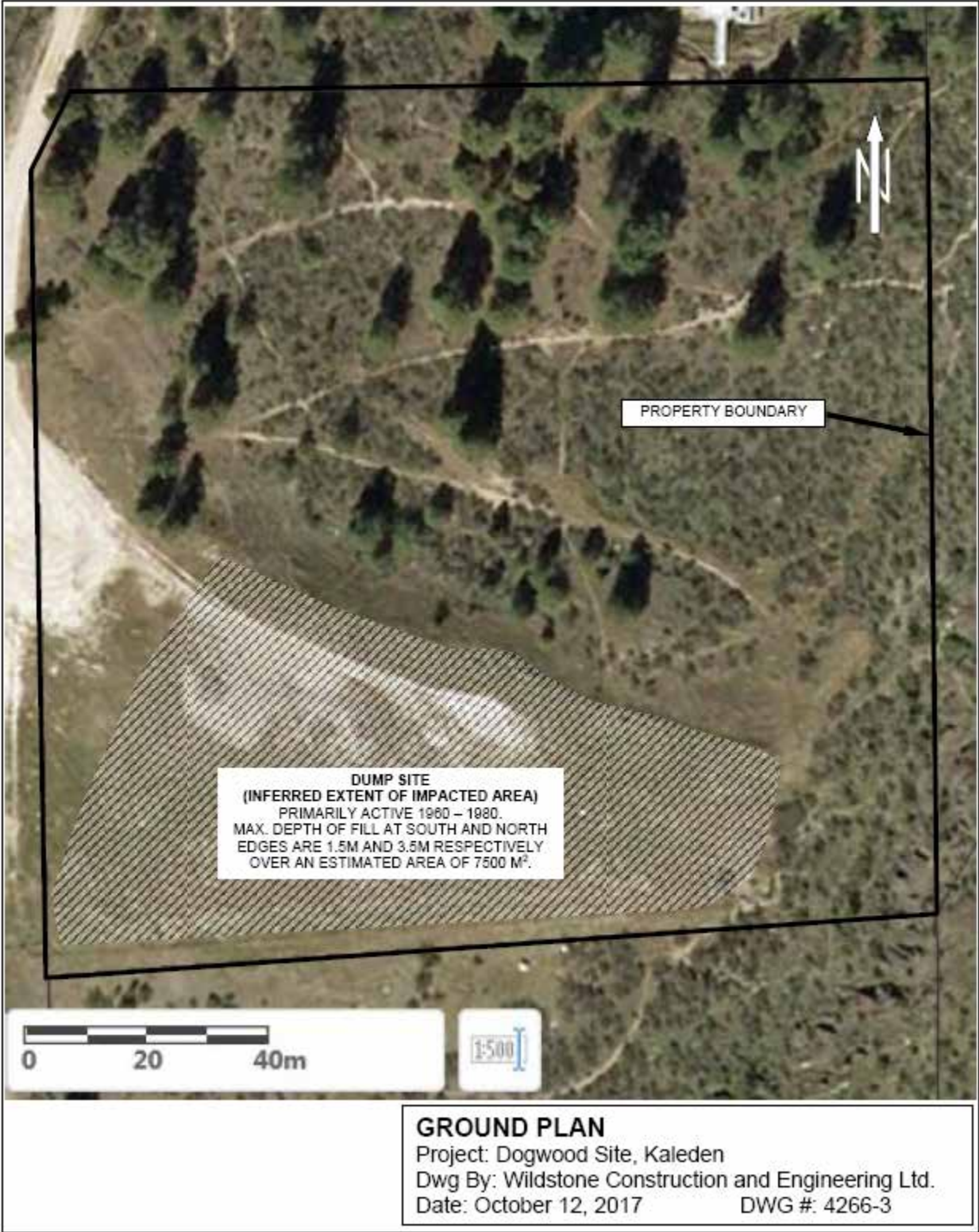
No. 4 – Site Photos

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a **p**, prior to the Board considering first reading of Amendment Bylaw No. 2683.04, 2019.

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

Attachment No. 2 – Site Plan



SCHEDULE B - KVFD 5-Year Plan

Training Ground -5-year plan (please see attached Map of the site).

Goal within 5 years is too make the **site fully operational to meet KVFD training and recurrency requirements by establishing simulation props and specific exercise areas.** The site to be used will only be the area that was occupied by the Old Dump site. The non-dump area will remain natural and the only disturbance to the Ponderosa Pine overstory and Antelope Brush will be Firesmart pruning of the Ponderosa Pine.

The site of the Training Ground has been **fenced and gated for security and safety reasons** on the North and West sides as shown on attached map. No further fencing is foreseen in the next 5 years.

The site has been **capped with compactable soil.** The underlay was uneven and a sandy type soil. On more than 2 occasions the Fire Apparatus were stuck and needed to be pulled out. The area near the entrance will have compactable material placed for parking of heavy Fire Apparatus while training occurs. The remainder of the site will be grass seeded.

Cost estimates have been requested to run both **power and seasonal water to the site.**

Structure Fire fighting props include “12 by 50” mobile home that is configured to act as a “**smoke filled” structure environment for search and rescue practise in simulated smoke scenarios.** Chimney fire prop will be built into the trailer. The trailer will also be use for ladder practise. No power or water will be run to the trailer and it will not be used for anything other than training. The trailer is on wooden blocks. (see attached map- #1).

Low and medium angle rescue area prop will be established on the original fill slope in the Northwest corner of the old Dump. KVFD has used this area for many years. (see attached map -#3.).

Motor Vehicle Extrication Prop area will be established. This site will see wrecked cars coming and going. The vehicles come from a local auto wrecker. For practices the vehicles will be positioned to simulate various accidents where Auto Extrication practices can occur particularly including securing the vehicles, the use of auto extrication tools and extraction of accident victims. Once the vehicles are cut up and no longer used they are returned to the Auto wrecker. Currently this is done in a confined area behind the Fire hall. (see attached Map-#4).

Motor Vehicle Fire prop site will be established. A concrete slab will be established and a pre-burned out stripped vehicle will be positioned on the site. Propane fittings will be installed. Wood pallets will be used along with the propane to simulate actual Vehicle fires. The propane will be portable tanks and removed from the site during non fire times. (see attached map #5).

Dumpster Fire and Propane Barbeque Fire site will be established. A concrete slab will be established and a pre-burned out Dumpster, Barbeque will be positioned on the site. Propane fittings will be

Attachment No. 3 – KVFD 5-Year Plan

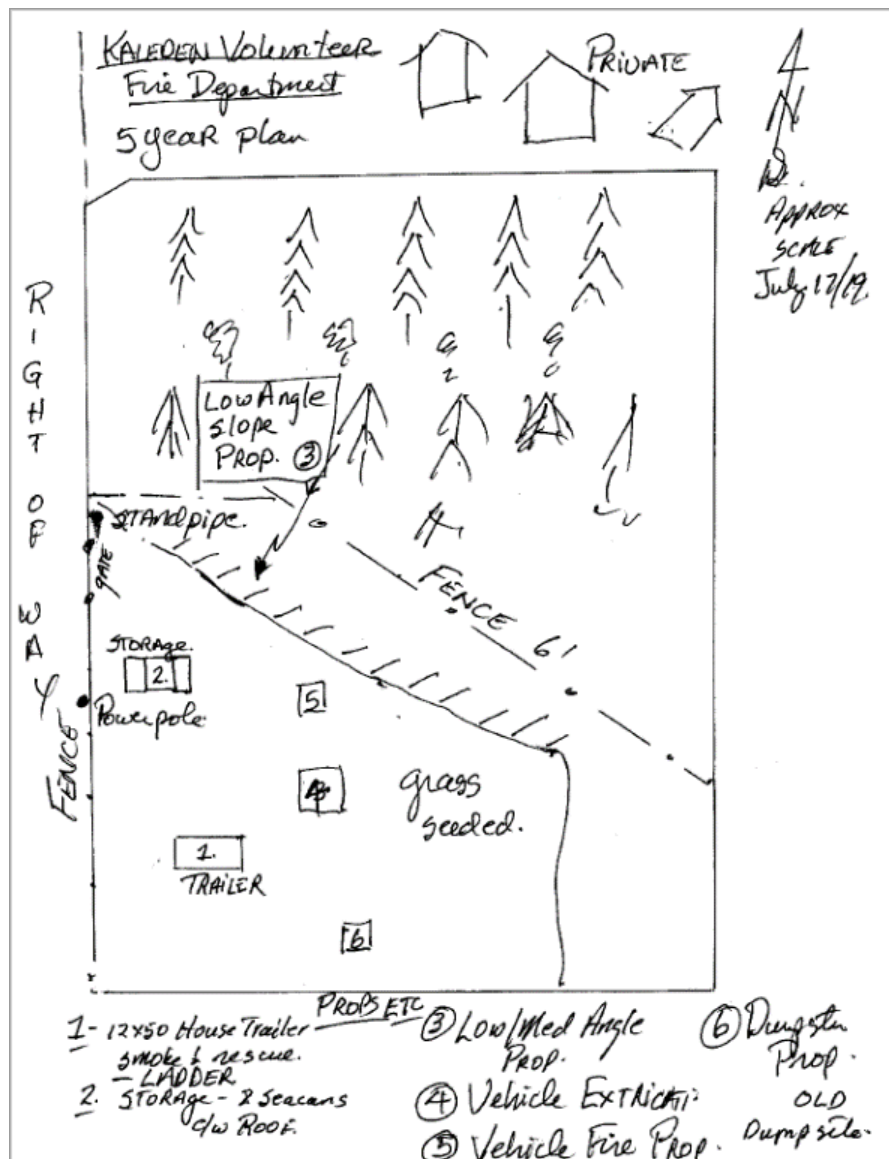
installed. Wood pallets will be used along with the propane to simulate actual Dumpster and BBQ fires. The propane will be portable tanks and removed from the site during non fire times. (see attached map #6).

Firesmart site where community brush and tree debris can be gathered once a year, chipped and trucked off site as mulch. No special work required other than clean-up afterwards.

Two Portable Storage Containers will be set on concrete slab. The Containers will be positioned to allow for parking a single apparatus between them. A roof, back and front door will be built to secure the apparatus- Electric heat will be established in the parking area to keep the equipment from freezing in off season. (See attached map #2).

Site not covered in props will be disked and grass seeded. If water is brought too site, the grass will have some irrigation.

Vehicle Usage on Site will include all firefighting apparatus, hose and equipment



Attachment No. 4 – Site Photos



Dump site. View from east



Road frontage, south end of the Property. View from northwest

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2683.04, 2019

**A Bylaw to amend the Electoral Area "I"
Official Community Plan Bylaw No. 2683, 2019**

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" Oliver Rural Official Community Plan Amendment Bylaw No. 2683.04, 2019."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by changing land use designation on the land described as Lot 138, Plan KAP719, District Lot 106S, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture (AG) to Administrative, Cultural and Institutional (AI).

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.

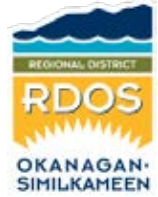
ADOPTED this this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

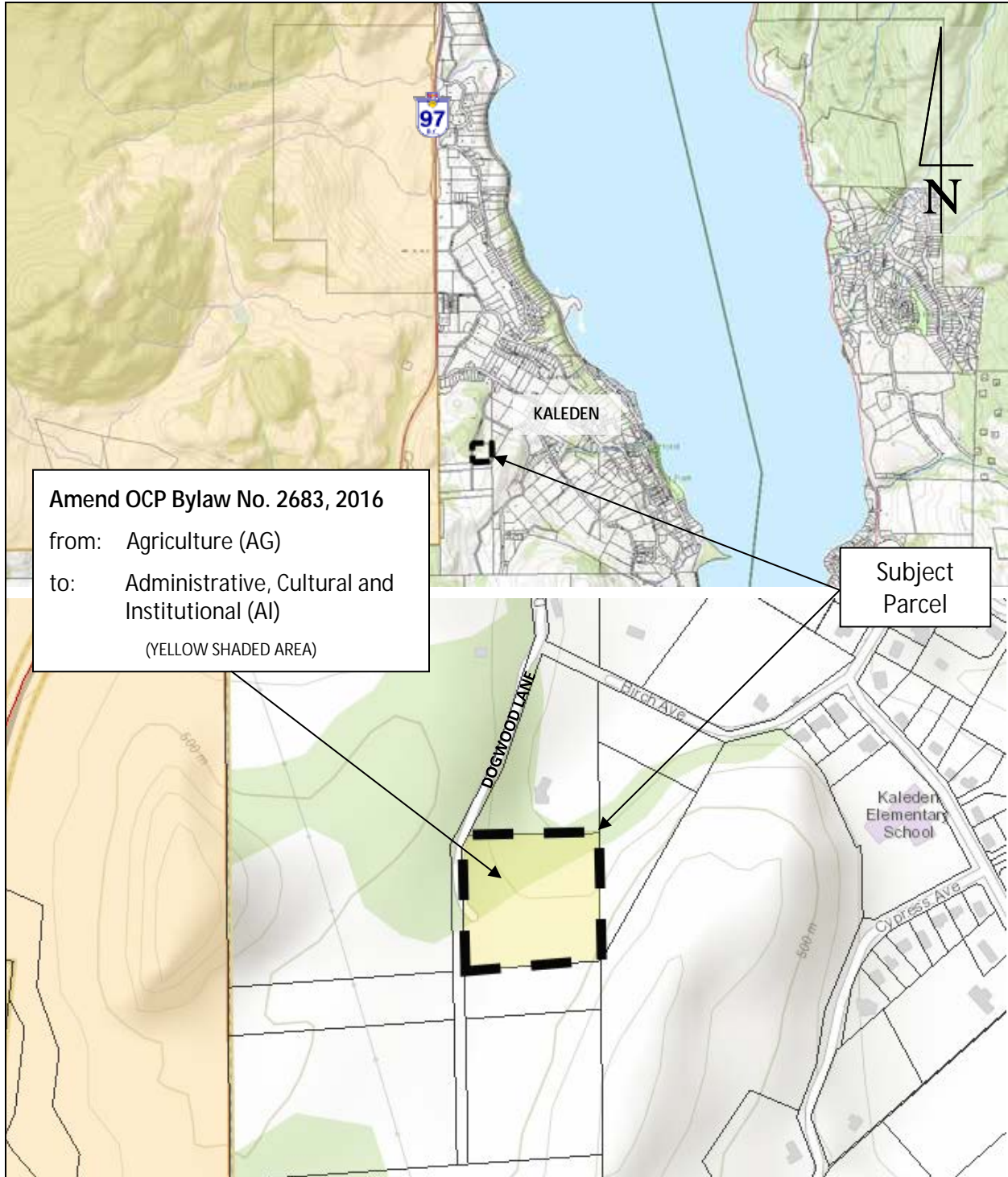
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2683.04, 2019

File No. I2019.018-ZONE

Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2457.30, 2019

A Bylaw to amend the Electoral Area "I" Zoning Bylaw No. 2457, 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 "I" Zoning Amendment Bylaw No. 2457.30, 2019."
2. The Official Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended by changing the land use designation on the land described Lot 138, Plan KAP719, District Lot 106S, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Residential Single Family Two (RS2) to Administrative and Institutional (AI).

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.

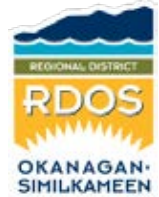
ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

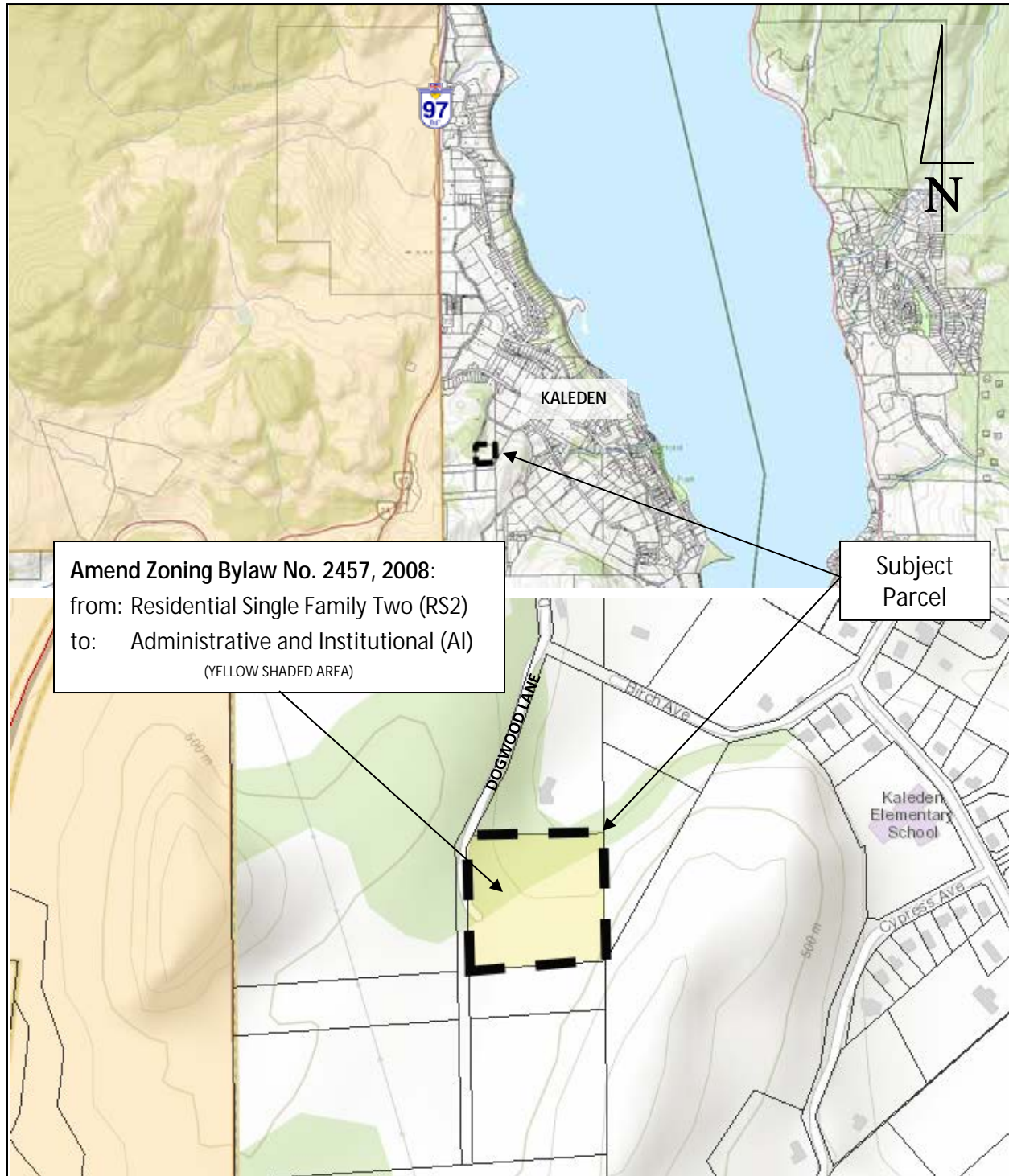
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.30, 2019

File No. I2019.018-ZONE

Schedule 'A'





October 21 2019

File No: I2019.018-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. I2019.018-ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the amendment of Electoral Area “I” OCP Bylaw No.2683 and Zoning Bylaw No. 2457 for the zoning change of RS2 to AI for the property located at 257 Dogwood Ave. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- It is noted that in October of 2019 the ALC rejected the proposed ALR exclusion of the parcel, however approved the nonfarm use of the property for its use as a fire and rescue training facility subject to specific conditions.
- The Ministry’s [Guide for Bylaw Development in Farming Areas](#) states, “When non-agricultural zoning is required to reflect non-farm uses, the zone should be as specific as possible in order to prevent further encroachment of non-farm uses on agricultural land, even to the point of split-zoning the lot.” (p.11)
- Given the 2.6-hectare size of this parcel, Ministry staff encourage RDOS to pursue the suggested option above and amend this proposal for the future long-term benefit 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: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca

I2019.018-ZONE



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: October 31, 2019 5:15 PM
To: Planning
Subject: Dogwood Ave, 257 (I2019.018-ZONE)

With respect to the above noted file,

There are no FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities immediately adjacent to the subject property. There are facilities north and east of the subject property within Dogwood Avenue and Birch Avenue. **Bringing electrical service to the subject lot will require significant extension work the cost of which may be substantial.** The applicant is responsible for costs associated with changes to the subject lot'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



Lauri Feindell

Subject: FW: Bylaw Referral I2019.018-ZONE

From: John Kurvink <jkurvink@rdos.bc.ca>
Sent: October 15, 2019 10:12 AM
To: Lauri Feindell <lfeindell@rdos.bc.ca>; Cameron Baughen <cbaughen@rdos.bc.ca>
Cc: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: RE: Bylaw Referral I2019.018-ZONE

No issues.

John

From: Lauri Feindell <lfeindell@rdos.bc.ca>
Sent: October 14, 2019 11:32 AM
To: John Kurvink <jkurvink@rdos.bc.ca>; Cameron Baughen <cbaughen@rdos.bc.ca>
Cc: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: FW: Bylaw Referral I2019.018-ZONE

Good Morning, please review the OCP Bylaw amendment and forward any comments you may have,

Thank you,

Lauri

Lauri Feindell

Subject: FW: Bylaw Referral I2019.018-ZONE

From: Cameron Baughen <cbaughen@rdos.bc.ca>
Sent: October 15, 2019 10:05 AM
To: Lauri Feindell <lfeindell@rdos.bc.ca>; John Kurvink <jkurvink@rdos.bc.ca>
Cc: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: RE: Bylaw Referral I2019.018-ZONE

This application would not impact the Solid Waste Management Plan.

As stated, the property may have waste in situ. I am not aware of this being a RDOS managed site but a historic dumping area. An assessment of the property may be warranted.

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

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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2683.04 & 2457.30

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: Cheer E. Nalla

Signed By: CHEER E. NALLA

Agency: KALEDEN IRRIGATION DISTRICT

Title: Financial Administrator

Date: October 24, 2019.

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Zoning Bylaw Amendment – Administrative and Institutional (AI) Zone Update
Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”

Administrative Recommendation:

THAT Bylaw No. 2873, 2019, Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update 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 January 9, 2020;

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

Proposed Development:

The purpose of Bylaw No. 2873, 2019, is to update the Administrative and Institutional (AI) zones as part of on-going work related to the preparation of an Okanagan Valley Electoral Area Zoning Bylaw.

Background:

At its meeting of October 16, 2008, the Board considered an Administrative Report proposing the creation of a single Electoral Area Zoning Bylaw and directed staff to investigate the preparation of such a bylaw.

Since that time, Administration has balanced work on a consolidated Okanagan Valley zoning bylaw with competing demands related to current planning (i.e. rezoning and permit applications) and other long-range planning projects (i.e. RGS, OCP & Area Plan reviews).

In support of this project, the Regional District’s recent Business Plan’s have included the development of “a consolidated Okanagan Valley Zoning Bylaw” and ensuring “all existing bylaws and policies are kept in a current and useful form ...” as on-going projects.

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

At its meeting of October 3, 2019, the Planning and Development (P&D) Committee of the Board resolved that Bylaw No. 2873 proceed to first reading.

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 & 3).

Public Process:

On October 18, 2019, the Regional District sent letters to all owners of land currently zoned AI advising of the proposed changes contained within Bylaw No. 2873, and offering to meet to discuss any questions or comments they may have had. In response, approximately two (2) persons contacted the Regional District.

The bylaw was also notified on the Regional District's web-site, social media accounts and by inclusion in the "bi-weekly" advertisement in local newspapers.

Analysis:

Administration is proposing that more general definitions be used to describe permitted uses in order to improve consistency and reduce existing duplication and overlap across Electoral Areas.

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

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

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

With regard to the development regulations contained within the AI Zone, Administration is proposing that these be made consistent for minimum parcel size and width for subdivision, setbacks, building height and parcel coverage.

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


Alternatives:

1. THAT Bylaw No. 2873, 2019, Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update Zoning Amendment Bylaw be deferred; or
2. THAT Bylaw No. 2873, 2019, Regional District of Okanagan-Similkameen Administrative and Institutional Zone Update Zoning Amendment Bylaw be denied.

Respectfully submitted:


C. Garrish, Planning Manager

Endorsed By:


B. Dollevoet, G.M. of Development Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2873, 2019

A Bylaw to amend the Electoral Area "A", "C", "D", "E", "F" & "I" 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 Administrative and Institutional Zone Update Zoning Amendment Bylaw No. 2873, 2019."

Electoral Area "A"

2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
 - i) deleting the definitions of "charitable, fraternal or philanthropic institution", "community care and/or social care facility", "community hall", "integrated housing", "institutional use" under Section 4.0 (Definitions).
 - ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:

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

"**community care facility**" means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;
 - iv) replacing the definition of "church" under Section 4.0 (Definitions) in its entirety with the following:

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

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

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

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

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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- x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Community Care Facility	1 per 2 sleeping units	0
-------------------------	------------------------	---

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

16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

16.1.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

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

16.1.2 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 17.14

16.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

16.1.4 Minimum Parcel Width:

- a) 30.0 metres

16.1.5 Minimum Setbacks:

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

16.1.6 Maximum Height:

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

16.1.7 Maximum Parcel Coverage:

- a) 40%

Electoral Area "C"

3. The "Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:
 - i) deleting the definitions of "charitable, fraternal or philanthropic institution", "community care and/or social care facility", "community hall", "integrated housing", "institutional use" under Section 4.0 (Definitions).
 - ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:

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

"community care facility" means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;
 - iv) replacing the definition of "church" under Section 4.0 (Definitions) in its entirety with the following:

"church" means a building or structure used for religious worship or organized religious services and associated accessory uses which may include an auditorium, child care centre and one (1) accessory dwelling unit;
 - v) adding a definition of "child care centre" under Section 4.0 (Definitions) to read as follows:

"child care centre" means a building or structure in which child care services are provided for more than eight (8) children in accordance *Child Care Licensing Regulation* under the *Community Care and Assisted Living Act*;
 - vi) adding a definition of "civic facility" under Section 4.0 (Definitions) to read as follows:

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
-------------------	---	---

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

Community Care Facility	1 per 2 sleeping units	0
-------------------------	------------------------	---

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

16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

16.1.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

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

16.1.2 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 17.24

16.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

16.1.4 Minimum Parcel Width:

- a) 30.0 metres

16.1.5 Minimum Setbacks:

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

16.1.6 Maximum Height:

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

16.1.7 Maximum Parcel Coverage:

- a) 40%

Electoral Area "D"

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

- i) deleting the definitions of "charitable, fraternal or philanthropic institution", "community hall", "congregate care housing", "group home" "integrated housing", "institutional use" and "retirement home" under Section 4.0 (Definitions).
- ii) adding a definition of "assembly" under Section 4.0 (Definitions) to read as follows:
"assembly" means a building or land used for the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes, and includes a church and community hall;

iii) adding a definition of “community care facility” under Section 4.0 (Definitions) to read as follows:

“**community care facility**” means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;

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

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

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

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

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

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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- x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Community Care Facility	1 per 2 sleeping units	0
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- xi) replacing Section 10.1.1(c) (Permitted Uses – Resource Area (RA) Zone) under Section 10.0 (Rural) in its entirety with the following:
 - c) *deleted.*
- xii) replacing Section 13.1.1(a) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:
 - a) assembly.
- xiii) replacing Section 13.1.1(c) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:
 - c) civic facility.
- xiv) replacing Section 13.1.1(d) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) in its entirety with the following:
 - d) cultural facility.
- xv) adding a new Section 13.1.1(c) (Permitted Uses – Okanagan Falls Town Centre (OFTC) Zone) under Section 13.0 (Town Centre) to read as follows and renumbering all subsequent sections:
 - c) child care centre.
- xvi) replacing Section 14.2.1(a) (Permitted Uses – Okanagan Falls Town Centre Transition (C4) Zone) under Section 14.0 (Commercial) in its entirety with the following:
 - a) *deleted.*
- xvii) replacing Section 17.1 (Administrative and Institutional Zone (AI)) under Section 17.0 (Administrative and Open Space) in its entirety with the following:

17.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

17.1.1 Permitted Uses:

Principal Uses:

- a) assembly;
- b) cemetery;

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

Secondary Uses:

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

17.1.2 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 19.27

17.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

17.1.4 Minimum Parcel Width:

- a) 30.0 metres

17.1.5 Minimum Setbacks:

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

17.1.6 Maximum Height:

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

17.1.7 Maximum Parcel Coverage:

- a) 40%

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

- ii) assembly.

Electoral Area "E"

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

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

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

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

- iii) adding a definition of "community care facility" under Section 4.0 (Definitions) to read as follows:

"community care facility" means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;

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

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

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

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

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

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Community Care Facility	1 per 2 sleeping units	0
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xi) replacing Section 13.1.1(a) (Permitted Uses – Naramata Village Centre (NVC) Zone) under Section 13.0 (Village Centre) in its entirety with the following:

a) assembly;

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

c) civic facility;

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

d) cultural facility;

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

c) child care centre;

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

16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

16.1.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

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

16.1.3 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 17.13

16.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

16.1.4 Minimum Parcel Width:

- a) 30.0 metres

16.1.5 Minimum Setbacks:

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

16.1.6 Maximum Height:

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

16.1.7 Maximum Parcel Coverage:

a) 40%

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

e) assembly.

Electoral Area "F"

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

i) deleting the definitions of "care centre, minor", "care centre major", "community recreation services", "congregate care facility", "daycare", "place of worship", "public facilities" under Section 4.0 (Definitions).

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

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

iii) adding a definition of "community care facility" under Section 4.0 (Definitions) to read as follows:

"community care facility" means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;

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

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

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

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

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

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Community Care Facility	1 per 2 sleeping units	0
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xi) replacing Section 10.1.1(m) (Permitted Uses – Resource Area (RA) Zone) under Section 10.0 (Rural) in its entirety with the following:

m) church;

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

i) church;

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

e) *deleted*;

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

xvii) church;

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

xviii) *deleted*;

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

16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

16.1.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

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

16.1.4 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 17.20

16.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

16.1.4 Minimum Parcel Width:

- a) 30.0 metres

16.1.5 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres

- ii) Rear parcel line 7.5 metres
- iii) Interior side parcel line 4.5 metres
- iv) Exterior side parcel line 4.5 metres

16.1.6 Maximum Height:

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

16.1.7 Maximum Parcel Coverage:

- a) 40%

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

- e) assembly.

Electoral Area “I”

7. The “Electoral Area “I” Zoning Bylaw No. 2457, 2008” is amended by:

- i) deleting the definitions of “administrative, culture and institutional”, “care centre, minor”, “care centre major”, “care centre intermediate”, “community hall” and “special needs housing” under Section 4.0 (Definitions).
- ii) adding a definition of “assembly” under Section 4.0 (Definitions) to read as follows:

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

“**community care facility**” means premises for the accommodation and care of persons who require continuing assistance due to age, medical infirmity or disability. A community care facility may or may not be licensed under the *Community Care and Assisted Living Act*;
- iv) adding a new definition of “church” under Section 4.0 (Definitions) to read as follows:

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

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

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

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

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

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

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

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

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

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

Child Care Centre	0.75 space per employee on duty; and 1 space per 10 children in care	0
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x) replacing the reference to “community care and social case facilities” at Table 9.2 (Off-Street Parking and Loading Requirements) under Section 9.0 (Off-Street Parking, Loading Requirements) in its entirety with the following:

Community Care Facility	1 per 2 sleeping units	0
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xi) replacing Section 16.1 (Administrative and Institutional Zone (AI)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

16.1 ADMINISTRATIVE AND INSTITUTIONAL ZONE (AI)

16.1.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

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

16.1.5 Site Specific Administrative and Institutional (AIs) Provisions:

- a) see Section 17.21

16.1.3 Minimum Parcel Size:

- a) 500.0 m², subject to servicing requirements.

16.1.4 Minimum Parcel Width:

- a) 30.0 metres

16.1.5 Minimum Setbacks:

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

16.1.6 Maximum Height:

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

16.1.7 Maximum Parcel Coverage:

a) 40%

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

e) assembly;

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

PUBLIC HEARING held on this ____ day of _____, 2019.

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

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

Dated at Penticton, BC this ____ day of _____, 2019.

Corporate Officer

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

For the Minister of Transportation & Infrastructure

ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Lauri Feindell

Subject: FW: Bylaw Referral - X2019.015-ZONE

From: Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>
Sent: October 9, 2019 3:19 PM
To: Planning <planning@rdos.bc.ca>
Subject: FW: Bylaw Referral - X2019.015-ZONE

Hello,

I have reviewed the files and based on the information provided it does not appear that the bylaw referral will impact agriculture. No further comments required.

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





Your File #: X2019.015-
ZONE (AI
Zones)
eDAS File #: 2019-05930
Date: October 15, 2019

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2873, 2019 for:
Electoral Areas A, C, D, E, F 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
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231





Interior Health
Every person matters

October 16, 2019

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9
planning@rdos.bc.ca

Dear Planning Department:

RE: File #: Bylaw Referral – X2019-.015.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



From: [Sikh Temple](#)
To: [Christopher Garrish](#)
Subject: bhav sagar sikh temple
Date: October 23, 2019 5:47:47 PM

Bhav Sagar Sikh Temple
Oliver B.C.

The temple received a letter in the mail, regarding AI Zone changes just wanted to know if that effects the temple in any way , please let me know.

Thanks
parm dhaliwal



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 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 adopted.

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.

The first part of the public hearing held on November 6, 2019, was preceded by a Question and Answer (Q&) Session attended by approximately 15-20 people. 14 persons subsequently spoke at the public hearing and expressed support for Bylaw No. 2849, 2019.

The second part of the public hearing was held on November 21, 2019, at the RDOS Boardroom in Penticton and was attended by approximately five (5) members of the public.

At its meeting of November 21, 2019, the Regional District Board resolved to approved third reading of the amendment bylaw.


Approval from the Ministry of Transportation and Infrastructure (MoTI) due to the amendment applying to land within 800 metres of a controlled area, was obtained on November 25, 2019.

Alternatives:

- .1 THAT first reading, second and third reading of Bylaw No. 2849, 2019, be rescinded and the bylaw abandoned.
- .2 THAT adoption 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 6 day of November, 2019, and re-convened on this 21st day of November, 2019.

READ A THIRD TIME this 21st day of November, 2019.

Approved pursuant to Section 52(3) of the *Transportation Act* this 25th day of November, 2019.

ADOPTED this __ day of ____, 2019.

Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades Tender Award

Administrative Recommendation:

THAT the Board of Directors receive the November 21, 2019 Award Recommendation Letter for the “Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades” tender from AECOM Canada Ltd.; and

THAT the Regional District award the “Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades” project to Greyback Construction Ltd. in the amount of \$311,991.03 plus applicable taxes.

Purpose:

To approve the award of construction to a contractor to complete the Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades.

Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.
Recommendation letter dated November 21, 2019 from AECOM Canada Ltd.

Background:

The Regional District operates the Oliver Landfill and Keremeos Transfer Station. Both sites are experiencing aging scale and/or scalehouse infrastructure that is impacting the level of service currently offered to the public.

Oliver Landfill (OLF)

The OLF scalehouse no longer serves the needs of the landfill staff and a new larger structure is required to support staff in their efforts to effectively serve customers. The 40’ scale has seen several repairs in recent years and service technicians are unable to effectively perform further repairs.

A new 80’ scale will need to be installed to report accurate and reliable weights and to accommodate the increase of truck and trailer traffic.

Keremeos Transfer Station (KTS)

The existing KTS scalehouse was previously in use at another RDOS landfill and installed almost 10 years ago. Further repairs to the aging structure are unlikely to improve the working conditions within the structure. This old scalehouse will be removed and replaced with the existing OLF scalehouse which is in significantly better condition and can better serve the needs of the transfer station.

Analysis:

Two tenders were received by the Closing Time on November 20, 2019. The following table provides the contractor name and total tender price provided including \$20,000 contingency excluding GST.

Tender Result Summary

Tenderer	Bid Price Provided
Greyback Construction Ltd.	\$311,991.03
Wildstone Construction and Engineering Ltd.	\$443,920.00

The design consultant, AECOM Canada Ltd., completed a review of the submitted tenders for compliance and provided a letter of recommendation for contract award. The recommended contractor for the construction of the Oliver Landfill and Keremeos Transfer Station Scalehouse and Scale Upgrades is Greyback Construction Ltd.

Funding:

OLF: In the 2019 budget, the replacement of the scalehouse and some entranceway upgrades was estimated at \$105,000 in 2019 with a further \$80,000 in 2020. Once the design work was underway, the project was expanded to relocate the scalehouse completely and do a major realignment of the entrance way inside the landfill gates. Additionally, the additional component to replace the weigh scale has significantly increased the required funds to complete the entire project compared to the 2019 estimate. The current project estimate is approximately \$490,000 which has been accounted for in the 2020 budget. All of the funds are to be from the Capital Reserve and are available at this time for the entire project.

KTS: In the 2019 budget, the amount allocated for the relocation and installation of the old Oliver scalehouse to the transfer station was \$40,000. After the consultant refined the work required and the construction was tendered, the total budget is estimated at \$51,000. The additional funds will be budgeted in for 2020.

Alternatives:

The Board of Directors may choose to not award the project to the recommended contractor and provide a different direction for staff.

Communication Strategy:

Upon Board approval, Greyback Construction Ltd. will be contacted to begin the agreement process. Communications will be released to the public throughout the process to keep the community informed of any impacts to regular operational hours at OLF and KTS.

Respectfully submitted:

Liisa Bloomfield

L. Bloomfield, Manager of Engineering

Approved:

Neil Webb

N. Webb, Public Works Manager

November 21, 2019

Laure Nielsen, AScT
Regional District of Okanagan-
Similkameen
101 Martin Street, Penticton, BC V2A 5J9
lnielsen@rdos.bc.ca

Dear Laure,

Two tenders were received for the Oliver Landfill and Keremeos Transfer Station Infrastructure Upgrades project. The two tenders were received from Greyback Construction Ltd. (Greyback) and Wildstone Construction and Engineering Ltd. (Wildstone). Both tender submissions met the minimum requirements including:

- Acknowledgement of addendums;
- Previous experience listed;
- Project staff listed;
- Project schedule included;
- Supply contract (acknowledging novation agreement) included;
- Bid bond included; and,
- Surety bond included.

A tender review table is attached with this letter including additional details for the submissions.

Not including contingency or GST, Greyback had a total tender price of \$291,991.03 and Wildstone had a total tender price of \$423,920.00. Wildstone included supply and installation of an alternate piling system for the truck scale, with an agreement to reduce their tender price by \$59,441.00. If this alternate piling system was accepted, that would reduce Wildstone's total tender price to \$364,470.00.

Provided that both bidders included the necessary submittal documents, including a bid bond and surety bond, it is recommended to award the project to Greyback.

Yours sincerely,



John MacKenzie, P.Eng.
Project Engineer
AECOM Canada Ltd.
E: john.mackenzie@aecom.com

Bidder	Tender Price (Excluding Contingency and GST)	Heating and Hoarding Daily Rate	Addenda Acknowledged	Previous Experience	Project Staff	Project Schedule	Supply Contract	Bid Bond	Surety
Greyback Construction Ltd.	\$291,991.03	\$650.00	Yes	Three projects listed including new solid waste transfer station for RDOS	Included project manager, site foreman/superintendent, quality control manager, and safety officer	Included with completion in March 2020.	Included	Included	Included
Wildstone Construction and Engineering Ltd.	\$423,920.00	\$1,559.60	Yes	Three projects listed including landfill operations contract	Included project manager, site foreman/superintendent, quality control manager, and safety officer	Included with completion in April 2020.	Included	Included	Included

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Area G Community Works (Gas Tax) Reserve Expenditure Bylaw 2856.01

Administrative Recommendation:

THAT Bylaw No. 2856.01, 2019, being the Electoral Area "G" Community Works Program Reserve Fund Expenditure Amendment Bylaw to authorize expenditures for pumphouse equipment upgrades, distribution system improvements and detailed design of water system upgrades for the Olalla Water System from the previously approved \$225,000 from the Reserve be read a first, second, and third time, and be adopted.

Reference:

Bylaw 2406, 2006 - Regional District Okanagan Similkameen Electoral Area "G" Community Works Program Reserve Fund Establishment Bylaw.

Bylaw 2856, 2019 – Electoral Area "G" Community Works Program Reserve Fund Expenditure Bylaw

Background:

In 2006, the RDOS Board created the Electoral Area "G" Community Works Program Reserve Fund for the purpose of expenditures for or in respect of environmentally sustainable municipal infrastructure to support environmental sustainability objectives under the New Deal for Cities and Communities.

In May 2019, the Board approved the Bylaw 2856, 2019 to allocate \$225,000 from the Electoral Area "G" Community Works Program Reserve Fund to the purchase and installation of an emergency generator.

Analysis:

Bylaw No. 2856, 2019, Electoral Area "G" Community Works Program Reserve Fund Expenditure Bylaw is being amended to add pumphouse equipment upgrades, distribution system improvements and detailed design of water system upgrades for the Olalla Water System.

The expenditure requested and approved from the fund is up to \$225,000.00 for the emergency generator. The project is underway with the ground works and the generator scheduled to arrive in early 2020. The actual cost of this work has been significantly less than anticipated and staff would like to redirect the remainder of the approved funds to other high priority items for the Olalla Water System.

This expenditure meets the criteria set out by the UBCM for the Community Works Program.

This expenditure has already been committed from the Fund and does not impact the available funds for other priority projects. After deducting the expenditures already committed in 2019, the balance in the Area G Community Works Reserve Fund is \$283,534.

Alternatives:

Status Quo: The cost of the priority repairs will be borne by the users of the system through increased user fees.

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2856.1, 2019

Bylaw 2856 is amended to also include expenditure of these monies for pumphouse replacement upgrades, distribution system improvements and detailed design of water system upgrades for the Olalla Water System in addition to the purchase & installation of an emergency generator.

WHEREAS Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

AND WHEREAS the 'Electoral Area 'G' Community Works Program Reserve Funds' have sufficient monies available for community capital projects;

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

1 Citation

1.1 This Bylaw shall be cited as the "Electoral Area 'G' and Community Works Program Reserve Fund Expenditure Amendment Bylaw No. 2856.1, 2019"

2. The expenditure of up to \$225,000 from the Electoral Area 'G' Community Works Program Reserve Funds are hereby authorized for the purchase and installation of an emergency generator, pumphouse equipment upgrades, distribution system improvements and detailed design of water system upgrades for the Olalla Water System

READ A FIRST, SECOND, AND THIRD TIME this ___ day of ___, 2019

ADOPTED this ___ day of ___, 2019

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Bylaw 2882, Keremeos and District Fire Protection
Capital Works, Machinery and Equipment Reserve Fund Expenditure

Administrative Recommendation:

THAT Bylaw 2882, being the Keremeos Fire Protection Service Equipment Reserve Expenditure Bylaw to expend \$12,000.00 from the Reserve for the purchase of an intrusion and access control system be read a first, second and third time and be adopted.

Reference:

Background:

In 1991 the Regional District of Okanagan Similkameen established the Keremeos and District Fire Protection Reserve Fund for the following purposes:

- capital projects and land, machinery or equipment necessary therefore, including the extension or renewal of existing capital works;
- The purchase of machinery and equipment to maintain regional district property (specifically the Keremeos and District fire hall), and for the protection of persons and property.

The current intrusion and access control system for the fire hall is not user friendly, cannot be expanded and the software for this platform is not compatible with any operating system newer than Windows 7, which will no longer be supported come January 1, 2020.

The cost to replace the old system is \$12,000.

Analysis:

This expenditure is compliant with the terms of the establishing bylaw.

After deducting expenditures already committed in 2019, the balance in Keremeos and District Fire

Protection Capital Works, Machinery and Equipment Reserve Fund is \$258,752

Alternatives:

Deny the request

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2882, 2019

A bylaw to authorize the expenditure of monies from the Keremeos and District Fire Protection Capital Works, Machinery and Equipment Reserve Fund for the purchase of an intrusion and access control system for the fire hall.

WHEREAS Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

AND WHEREAS the 'Keremeos and District Fire Protection Capital Works, Machinery and Equipment Reserve Fund' has sufficient monies available for fire service equipment expenditures;

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

1 Citation

- 1.1 This Bylaw shall be cited as the "Keremeos and District Fire Protection Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw 2882,2019"
2. The expenditure of \$12,000 from the Keremeos and District Fire Protection Capital Works, Machinery and Equipment Reserve Fund for the purchase of intrusion and access control system for the fire hall.

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

ADOPTED this ____ day of ____, 2019

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Area H Community Works (Gas Tax) Reserve Expenditure Bylaw 2881

Administrative Recommendation:

THAT

Bylaw No. 2881, 2019, Electoral Area "H" Community Works Program Reserve Fund Expenditure Bylaw for the expenditure of up to \$50,000 for the capital upgrades for the controls and chlorine treatment system of the Missezula Lake Water System be read a first, second and third time and be adopted.

Reference:

Bylaw 2407, 2006 - Regional District Okanagan Similkameen Electoral Area "H" Community Works Program Reserve Fund Establishment Bylaw.
Bylaw 2881, 2019 – Electoral Area "H" Community Works Program Reserve Fund Expenditure Bylaw

Background:

In 2006, the RDOS Board created the Electoral Area "H" Community Works Program Reserve Fund for the purpose of expenditures for or in respect of environmentally sustainable municipal infrastructure to support environmental sustainability objectives under the New Deal for Cities and Communities.

Analysis:

On January 1, 2020 the Regional District will take ownership of the Missezula Lake Water System from the Missezula Lake Water District. As the location of the water system is remote, having the ability to monitor the system remotely is critical for operations.

Currently the water system does not have any control systems that can be monitored and changed online through a SCADA system. For a smooth transition to the RDOS, the installation of a SCADA system is critical and will be initiated prior to the acquisition.

Funds are not yet available from the service for the RDOS to utilize. The Community Works Program is eligible to funding these important components at this time.

The expenditure being requested from the fund is up to \$50,000.00. This will provide for the purchase and installation capital upgrades to the controls and chlorine treatment system for the system.

This expenditure meets the criteria set out by the UBCM for the Community Works Program.

After deducting the expenditures already committed in 2019, the balance in the Area H Community Works Reserve Fund is \$547,031.05.

Alternatives:

Status Quo – Purchase does not occur, water system remote monitoring will not be in place before or shortly after taking ownership which will require additional operational hours for daily visits.

Respectfully submitted:

“John Kurvink, Manager of Finance/CFO”

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO.2881, 2019

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Works Program Reserve Fund for capital upgrades to the controls and treatment system for the Missezula Lake Water System

WHEREAS Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

AND WHEREAS the 'Electoral Area 'H' Community Works Program Reserve Funds' have sufficient monies available for community capital projects;

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

1 Citation

1.1 This Bylaw shall be cited as the "Electoral Area 'H' and Community Works Program Reserve Fund Expenditure Bylaw No. 2881, 2019"

2. The expenditure of up to \$50,000 from the Electoral Area 'H' Community Works Program Reserve Funds are hereby authorized for the capital upgrades to the controls and treatment system for the Missezula Lake Water System.

READ A FIRST, SECOND, AND THIRD TIME this ___ day of ___, 2019

ADOPTED this ___ day of ___, 2019

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Missezula Lake Water Service Conversion & Continuation Bylaw / Missezula Lake Water Service

Administrative Recommendation:

THAT Regional District of Okanagan-Similkameen Missezula Lake Water Service Conversion and Continuation Bylaw No. 2879, 2019 be read a first, second and third time; and further,

THAT Regional District of Okanagan-Similkameen Missezula Lake Capital Reserve Bylaw No. 2880, 2019 be read a first, second and third time.

Reference:

Local Government Act

Order In Council (OIC) No. 600 (attached)

Business Plan Objective:

Goal 2.3 To meet public needs through the provision and enhancement of key services

History:

Missezula Lake Waterworks District in Electoral Area "H" was incorporated on October 31, 1974. Its purpose to service residences with domestic and irrigation water. In recent years, the Improvement District has been challenged to retain the volunteers required to serve on their board of trustees.

At their May 19, 2019 Annual General Meeting, after consultation with and the support of the RDOS, the Waterworks District initiated the process to transfer the water system to the Regional District. At that same meeting a vote was held to borrow a sum of one million five hundred dollars for capital improvements.

The Province issued an Order in Council (No. 600) on November 25, 2019, dissolving the Waterworks District and transferring the rights, property, assets and obligations to the Regional District of Okanagan-Similkameen. Additionally, the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, were continued as a function of the Regional District of Okanagan-Similkameen. The Order will come into effect on January 1, 2020.

Analysis:

Pursuant to section 45 of the *Local Government Act*, the Board must adopt a bylaw in respect to the service that is consistent with the Order and meets the requirements for an establishing bylaw. The bylaw must be adopted “within a reasonable time” after the order comes into effect.

Alternatives:

That the Board of Directors abandon Bylaw No. 2879, 2019 at this time and determine a reasonable period of time within which to adopt the required conversion and continuation bylaw in accordance with section 45 of the *Local Government Act*.

Communication Strategy:

The bylaw, once adopted, will be posted to the RDOS website.

Respectfully submitted:

“Christy Malden”

Christy Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2879, 2019

A bylaw to convert and continue the Missezula Water Service as a service of the Regional District of Okanagan-Similkameen.

WHEREAS the Lieutenant Governor, by Order in Council, and pursuant to section 45 of the *Local Government Act*, revoked the Letters Patent of Missezula Lake Improvement District and transferred the rights, property and assets of the Missezula Lake Improvement District to the Regional District of Okanagan-Similkameen;

AND WHEREAS the Lieutenant Governor, by Order in Council ordered that the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes, are continued as a service of the Regional District of Okanagan-Similkameen;

AND WHEREAS the Trustees of the Missezula Lake Improvement District resolved to transfer governance of the water service to the Regional District of Okanagan-Similkameen;

AND WHEREAS the Regional District of Okanagan-Similkameen wishes to convert the Missezula Lake Water Service to a service exercised under the authority of an service continuation bylaw;

AND WHEREAS consent on behalf of the participating area has been given by the Director of Electoral Area "H" pursuant to the *Local Government Act*;

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

1 CITATION

This Bylaw shall be cited as the **Regional District of Okanagan-Similkameen Missezula Lake Water Service Conversion and Continuation Bylaw No. 2879, 2019**.

2 SERVICE

The Missezula Lake Water Service is continued for the purpose of the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes.

3 SERVICE AREA

The boundaries of the Missezula Lake Water Service area, shown outlined on Schedule A attached to and forming part of this bylaw, are the boundaries of the Missezula Lake Improvement District immediately before it was dissolved.

4 PARTICIPATING AREAS

The Missezula Lake Water Service is located entirely within the boundaries of Electoral Area "H".

5 METHODS OF COST RECOVERY

The annual costs for the Missezula Lake Water Service shall be recovered pursuant to Section 378.(1)(a), (b), and (c) of the *Local Government Act* as follows:

- (a) by the requisition of money to be collected by a property value tax on the net taxable value of land and improvements within the service area, to be levied and collected in accordance with the *Local Government Act*;
- (b) by the requisition of money to be collected by a parcel tax on those properties within the service area, to be levied and collected in accordance with *the Local Government Act*;
- (c) by the imposition of fees or other charges that may be fixed by separate bylaw for the purpose of recovering those costs; or
- (d) revenues raised by other means authorized under this or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise
- (f) by a combination of one or more above.

6 LIMIT

The annual maximum amount that may be requisitioned under section 378 of the *Local Government Act* for the Missezula Lake Water Service shall not exceed \$300,000 for the Missezula Lake Water Service Area.

READ A FIRST, SECOND, AND THIRD TIME this xx day of xx, 2019

ELECTORAL AREA DIRECTOR CONSENT OBTAINED this xx day of xx, 2019

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this xx day of xx, 20xx.

ADOPTED this xx day of xxx, 2019

RDOS Board Chair

Corporate Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2880, 2019

A bylaw to establish a Missezula Capital Reserve Fund for capital expenditures related to the services provided under the Missezula Lake Water Service Conversion and Continuation Bylaw.

WHEREAS the Community Charter authorizes the Board, by bylaw to establish a capital reserve fund for or in respect of capital projects and land;

AND WHEREAS the Regional District of Okanagan-Similkameen has adopted Regional District of Okanagan-Similkameen Missezula Lake Water Service Conversion and Continuation Bylaw No. 2879, 2019;

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

1 CITATION

1.1 This Bylaw shall be cited as the **Missezula Lake Water Service Capital Reserve Establishment Bylaw No 2880, 2019**.

2 INTERPRETATION

2.1 The Missezula Lake Water Service Capital Reserve Establishment Fund is hereby established for the purposes of expenditures for or in respect of capital expenditures in relation to any regional district service provided under the Missezula Lake Water Service Conversion and Continuation Bylaw including, but not limited to, land acquisition, construction and renovation of facilities; and machinery and equipment necessary for the provision of services.

2.2 Money from current revenue, or appropriated from surplus (to the extent to which it is available), from the Missezula Lake Water Service may, from time to time, be paid into the Reserve Fund.

READ A FIRST, SECOND, AND THIRD TIME this xxx day of xxx, 2019

ADOPTED this xxx day of xxx, 2019

RDOS Board Chair

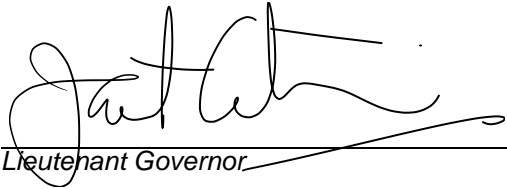
Corporate Officer

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 600

, Approved and Ordered November 25, 2019




Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders the following, effective January 1, 2020:

- 1 The letters patent issued on October 31, 1974 (Order in Council 3515/1974) incorporating the Missezula Lake Waterworks District and amended by Order in Council 1355/1991 are revoked.
- 2 The rights, property and assets of the Missezula Lake Waterworks District are transferred to and vested in the Regional District of Okanagan-Similkameen.
- 3 The obligations of the Missezula Lake Waterworks District are transferred to and assumed by the Regional District of Okanagan-Similkameen.
- 4 The bylaws and resolutions of the Missezula Lake Waterworks District continue in force as bylaws or resolutions, as applicable, of the Regional District of Okanagan-Similkameen applicable to the area of the Regional District of Okanagan-Similkameen to which they applied as bylaws or resolutions of the Missezula Lake Waterworks District until those bylaws or resolutions are amended or repealed by the board of directors of the Regional District of Okanagan-Similkameen.
- 5 A reference to the Missezula Lake Waterworks District in any commercial paper, lease, licence, permit or other contract, instrument or document that is transferred under section 2 or 3 is deemed to be a reference to the Regional District of Okanagan-Similkameen.
- 6 The acquisition, maintenance and operation of works for waterworks purposes, and all matters incidental to those purposes, are continued as a service of the Regional District of Okanagan-Similkameen
- 7 The boundaries of the service area of the service continued under section 6 are the same as the boundaries of the Missezula Lake Waterworks District immediately before it is dissolved.



Minister of Municipal Affairs and Housing



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Local Government Act*, S.B.C. 2015, c. 1, ss. 45, 680 and 681

Other: OIC 3515/74; OIC 1355/91

O10347237

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Faulder Community Water System Service Establishment Amendment Bylaw

Administrative Recommendation:

THAT Faulder Community Water System Service Establishment Amendment Bylaw No. 1177.04, 2019 be adopted.

Reference:

Local Government Act
B.C. Reg.113/2007

Background:

Bylaw No. 1177 Faulder Community Water System Service Establishment Bylaw as amended states that the maximum annual amount that may be requisitioned for the water system service is \$133,731. In 2019, \$149,036 was requisitioned to provide the service.

Bylaw No. 1177.04 received three reading October 17, 2019.

Analysis:

The Regional District Establishing Bylaw Approval Exemption Regulation (BC 113/2007), allows regional district service establishing bylaws to be amended without Inspector of Municipalities' approval if the amount of the increase to the maximum requisition is less than or equal to 25% of the requisition amount on the date the original bylaw was adopted or the date five years before the date of the third reading of the amendment bylaw (whichever is the later). Bylaw No. 1177.03, 2010 set the requisition limit as \$133,731; under the Regulation, the requisition limit may be increased to \$167,163.75. Staff is requesting that the maximum requisition amount be increased to \$167,000 in the bylaw in order to be in compliance.

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. 1177.04, 2019**

A Bylaw to amend the Faulder Community Water System Service Establishment Bylaw No.
1177, 1990

WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to proceed under Section 349 of the *Local Government Act*, to amend the bylaw to increase the requisition limit;

AND WHEREAS the Director of Electoral Area 'F' has consented in writing to the amendment of the Faulder Community Water System Service Establishment Bylaw No. 1177, 1990 pursuant to Section 347 of the *Local Government Act*;

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

CITATION

1. This bylaw may be cited for all purposes as the "Faulder Community Water System Service Establishment Amendment Bylaw No. 1177.04, 2019."

AMENDMENT OF SERVICE

2. 'Faulder Community Water System Service Establishment Bylaw No. 1177, 1990' is amended by deleting Section 5(b) in its entirety and replacing it with:

5. Limits

- b) The maximum annual amount that may be requisitioned under Section 4 of this bylaw for the Faulder Community Water System Service is \$167,000.

READ A FIRST, SECOND and THIRD TIME this 17th day of October, 2019.

ELECTORAL AREA 'F' DIRECTOR CONSENT OBTAINED this 17th day of October, 2019.

ADOPTED this day of , 2019.

RDOS Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this day of , 2019.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019.

RE: Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Amendment Bylaw 2734.01

Administrative Recommendation:

THAT Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Amendment Bylaw 2734.01 be given first, second and third readings and be forwarded to the Inspector of Municipalities for approval.

Purpose:

To remove the limit on the Regional Economic Development Service Establishment bylaw.

Reference:

June 2, 2016 administrative report

Background:

At the June 6, 2019 meeting, the Board of Directors adopted Bylaw No 2734 which authorized the requisition of up to \$35,000 for economic development within the region.

Analysis:

The Board has expressed an interest in expanding the regional economic development service and has requested that administration expand the limit of the bylaw.

The *Local Government Act* enables local governments to adopt an economic development bylaw without a requisition limit; therefore, administration recommend that the limit be removed to provide that flexibility. The amount to be requisitioned will then be determined annually during the budget process.

Alternatives:

- That administration be directed to place an alternate requisition limit on the Regional Economic Development bylaw and return to the Board.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2734.01, 2019

A bylaw to amend the service for the promotion of economic development in the Regional District of Okanagan-Similkameen by removing the annual requisition limit.

WHEREAS the Regional District of Okanagan Similkameen established a service to promote economic development in the entirety of the Regional District by bylaw cited as Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016;

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to proceed under the *Local Government Act*, to amend the service for the promotion of economic development by removing the requisition limit;

AND WHEREAS for a proposed electoral participating area, a board may authorize approval under section 342 (2) 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 directors for each municipality and each electoral area of the Regional District have consented in writing to the amendment of Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016.pursuant to Sections 346 and 347 of the *Local Government Act*

NOW THEREFORE the Board of the Regional District, in open meeting assembled **ENACTS** as follows:

1. CITATION

This bylaw may be cited for all purposes as the Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Amendment Bylaw No. 2734.01, 2019.

2. AMENDMENT OF SERVICE

The Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016.is amended by:

- a. Deleting Section 6 – Limit in its entirety; and
- b. Renumbering subsequent sections.

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

ELECTORAL AREA "A" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "B" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "C" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "D" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "E" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "F" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "G" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "H" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

ELECTORAL AREA "I" DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2019.

DISTRICT OF SUMMERLAND CONSENT OBTAINED this xxx day of xxx, 2019

CITY OF PENTICTON CONSENT OBTAINED this xxx day of xxx, 2019

TOWN OF OLIVER CONSENT OBTAINED this xxx day of xxx, 2019

TOWN OF OSOYOOS CONSENT OBTAINED this xxx day of xxx, 2019

VILLAGE OF KEREMEOS CONSENT OBTAINED this xxx day of xxx, 2019

TOWN OF PRINCETON CONSENT OBTAINED this xxx day of xxx, 2019

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this xxx day of xxx, 2019.

ADOPTED this xxx day of xx, 20__.

Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, 2020.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 5, 2019

RE: Twinning Initiative (Pouzols, France)

Purpose:

To consider the feasibility of initiating a Twinning program with a 'sister region' in France.

Business Plan Objective:

Goal 3.2 To develop an economically sustainable region

Background:

In August 2019, the Chair received correspondence from Mr. Gerard Cros from France, inquiring as to whether the community of Naramata or the Regional District as a whole would be interested in exploring a 'sister city' or 'twinning' initiative with a village in France called Pouzols or with the larger Herault Valley Community of Municipalities, which is similar to the Regional District structure.

Economically, wine production is significant in the Herault region, and tourism is a large economic driver. Mr. Cros is a professor of Pharmacology at the Faculty of Pharmacy of Montpellier, a faculty which also includes a department of Oenology. Mr. Cros has been very active in promoting links between UBC and his university, including Oenology. The current professor of Oenology of that Faculty, Cédric Saucier, has spent 4.5 years as professor of Oenology at UBC Okanagan before moving to Montpellier and has knowledge of both the Okanagan valley and the Herault valley wine environment.

Analysis:

Twinning arrangements can be used to promote opportunities in specialized tourism sectors. It is a formal, long-term agreement that involves the commitment of local government resources (i.e. staffing and financial) to achieve specific goals and objectives such as increased tourism or international awareness of the Southern Okanagan region. Twinning is one means of promoting economic development

Potential benefits of a Sister City Agreement/Twinning Arrangement with this region in France may include:

Tourism – An established connection to the sister city may result in increased tourism in the area.

Culture – An example of the cultural aspect could be in that the two regions hold joint events example could be wine or jazz festivals.

Arts – Displays of art from the Twin/Sister city throughout the region

Strategic Business Relationships – Innovative policy/management techniques, Share industry knowledge, increase cross border trade

Community – Support for Sister/Twin City in the event of emergency or disaster

A few examples of success that have been achieved from Sister City Agreements are as follows:

- Charleston, South Carolina, generates \$30 million a year from the Spoleto Festival USA, a festival focused on the performing arts of their sister city, Spoleto, Italy.
- Lakeland, Florida, and Chongming County in China led to a small engineering firm in Lakeland getting a more than one billion dollar contract to design a theme park in Chongming.

Selection of a Sister City/Twinning

The primary objective of this type of initiative is to foster mutual understanding and meaningful cultural and commercial connections. Criteria should include:

- Population density
- Location/Accessibility – Geographically similar
- Safety – i.e. Country and City must be safe
- Economics and Industry – Comparable industries, Tourism, Trade and Investment, Opportunities for students
- Social/cultural – mutual goals

Twinning Organization/Committee

A Twinning organization/committee would need to be established to organize events, expand support, fundraise and measure the success of the agreement. Composition of a twinning committee could include board members and public, or an independent society.

Associated Costs

Initial travel to the region may include costs such as flight, accommodation, transportation, food, tours, interpreter, travel insurance and travel visa, if required. Approximate costs to visit Pouzols, France for a period of one week is **\$5,000 per person**.

Funding to support the twinning committee and the on-going efforts to utilize the twinning agreement and realize the objectives as determined, based on other local government budgets could be estimated at between **\$4,000 and \$8,000 annually**. This would include the costs associated with hosting delegates from France. Marketing and Administrative costs would be factored in to this annual cost.

Next Steps

- Endorsement by Directors of the twinning concept.
- Define goals and objectives of a twinning arrangement and formalize associated costs.
- Identify service for requisitioning. If a new service is created, it may require public assent.
- Define who the stakeholders are i.e. Business Community, Wine and/or Tourism associations.
- Development of Policy and procedures.
- Set terms and formalize the agreement.
- Establishment of a Twinning Committee.

Measuring Success

Areas to measure success include investment, expenditure, business start-ups, incomes, new economic knowledge capital, economic diversification and threshold effects.

Respectfully submitted:

“Christy Malden”

C. Malden, Legislative Services Manager

Appendix 'A' – Additional Information

Twining/Sister City Resources:

- sistercities.org;
- Twinning.org
- [BC Asia Twining Toolkit](#)
- <https://priceconomics.com/why-do-we-have-sister-cities/>
- [City of Vaughan Economic Development Strategy](#) International Friendship and Twin City Relationships
- [Twinning.org](#) – Ten Keys to Success
- City of White Rock: [Policy](#) – Selection and Maintenance of Sister City/Friendship City Relationships
- [City of Abbotsford – Terms of Reference – Sister City Committee Delegations](#)
- [City of Abbotsford – Terms of Reference – Sister City Selection](#)
- [Twinning Agreement – Apeldoorn, Netherlands and Burlington](#)
- The Resort Municipality of Whistler signed a [Friendship Pact](#) in 2018 with the mountain resort area of Les Deux Alpes.

Regional France

France is made up of 18 administrative regions (equivalent to provinces/territories within Canada) within the country. A region is a group of departments. Pouzols, is a commune (city or town) that is located within the Occitanie Region and falls under the department of Hérault (equivalent to a district).

The Occitanie Region has an estimated population of 5,892,817. Popular outdoor activities within the Occitanie Region include ski, sea, cycling, golf and rugby. The Hérault Department has an estimated population of 1,165,412 and is located in southern France.

Hérault Department

Local economy within the Hérault department consists of Agriculture (olives, chestnuts, walnuts, plums, and apples), Aquaculture (mussels and oysters) and Viticulture. Similar to BC's VQA, France has a program called Appellation d'origine contrôlée (AOC). The AOC program defines requirements in production, viticultural practices, yields, alcohol strengths and permitted grape varieties. In the Hérault region, these are the Terrasses du Larzac vines. A visit to the Terrasses du Larzac [website](#) exhibits images that bear an uncanny resemblance to the Okanagan Valley.

Pouzols

Pouzols has an approximate population of 937. Located on the Hérault River, the nearest lake, Lake Salagou is located approximately 18 kilometres away. Utilizing Google Maps and street view, Pouzols is an older Commune in the Hérault department. The land is relatively flat with roads that are in substandard condition. Many houses are very old and made of concrete with terracotta roof tiles. The closest major city to Pouzols is Montpellier and is located approximately 35 kilometres east of Pouzols.

Potential Opportunities

Educational Opportunities: Wine industry knowledge sharing, Student exchanges

Developmental Opportunities: Pouzols, France has implemented a Zero Pesticide Program,

Economical Opportunities:	Tourism, Wine Tourism, Increase cross border trade
Cultural Opportunities:	Jointly held events, i.e. wine or jazz festivals.
Art Opportunities:	Displays of art from the Twin/Sister city throughout the region

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 5, 2019
RE: 2020 Board and Committee Schedule of Meetings

Administrative Recommendation:

THAT the 2020 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings remain as approved at the November 7, 2019 Board meeting.

Purpose:

To confirm the schedule for regular Board and Committee meetings for 2020.

Reference:

Local Government Act, RDOS Procedure Bylaw 2620, 2013

Analysis:

At the November 7, 2019 Board meeting, administration presented a report outlining the proposed meeting dates for 2020. Generally, the Board of Directors meets on the first and third Thursday of each month; however, on occasion the meetings are adjusted to accommodate events such as UBCM where there is an expectation that a large number of directors will be absent and unable to attend a Board meeting.

The Local Government Leadership Academy (LGLA) forum takes place February 5-7, 2020 which does conflict with the Board meeting of February 5; however, in past the RDOS has not attended LGLA in significant numbers and it was thought that alternates would attend the Board meeting in the absence of any director attending LGLA.

At the November 7 meeting, the Board passed a resolution to accept the 2020 meeting schedule and directed administration to poll the Board to see whether there was interest in attending LGLA and return the outcome to the Board. To date, one municipal and one electoral area director have confirmed that they are registered to attend the LGLA and the municipal director's alternate is scheduled to attend the Board meeting in the directors absence.

Alternatives:

- That the 2020 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings remain as approved at the November 7, 2019 Board meeting, and alternates used for any directors expected to be absent from the meeting.
- That the Board meeting of February 6 be cancelled.
- That one board meeting only be held in February, and that it be scheduled to take place on February 13.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

RDOS Board of Directors 2020 Meeting Schedule

Month	Board & Committee Day	Board & Committee Day
January	January 9	January 23
February	February 6	February 20
March	March 5	March 19
April	April 2	April 16
May	May 7	May 21
June	June 4	June 18
July	July 2	July 16
August	August 6	August 20
September	September 3	September 17
October	October 1	October 15
November	November 5 (Inaugural)	November 19
December	December 3	December 17

- Ø Feb 5 - 7, 2020 LGLA Elected Officials Seminar - Kelowna
- Ø April 28-May 1, 2020 SILGA Convention – Vernon
- Ø June 4 – 7, 2020 FCM Convention – Toronto
- Ø Sept 21 -25, 2020 UBCM Vancouver