



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, September 17, 2020
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

9:00 am	-	9:30 am	Planning and Development Committee
9:30 am	-	10:15 am	Environment and Infrastructure Committee
10:15 am	-	10:30am	Corporate Services Committee
10:30 am	-	10:45 am	Break
10:45 am	-	11:30 am	RDOS Board
11:30 am	-	12:30 pm	OSRHD Board

“Karla Kozakevich”

Karla Kozakevich
RDOS Board Chair

2020 Notice of Meetings			
October 1	RDOS Board		Committee Meetings
October 15	RDOS Board	OSRHD Board	Committee Meetings
November 5	RDOS Board Inaugural	OSRHD Board Inaugural	
November 19	RDOS Board	OSRHD Board	Committee Meetings
December 3	RDOS Board		Committee Meetings
December 17	RDOS Board	OSRHD Board	Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, September 17, 2020

9:00 am

AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of September 17, 2020 be adopted.

B. DELEGATION

1. Michael Rupen, Director, Dominion Radio Astrophysical Observatory
Mr. Rupen will address the Board to provide an overview of their operations.
-

C. Status of Land use Contract No. LU-6-D (St. Andrews) – Electoral Area “I”

1. National Research Council Canada Response

RECOMMENDATION 2

THAT the Board of Directors advise the Ministry of Municipal Affairs and Housing that it supports the extension of Land Use Contract No. LU-6-D to June 30, 2029, in order that replacement federal and/or provincial legislation can be enacted.

D. ADJOURNMENT

TO:

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Status of Land Use Contract No. LU-6-D (St. Andrews) – Electoral Area “I”

Administrative Recommendation:

THAT the Board of Directors advise the Ministry of Municipal Affairs and Housing that it supports the extension of Land Use Contract No. LU-6-D to June 30, 2029, in order that replacement federal and/or provincial legislation can be enacted.

Purpose:

The purpose of this report is to seek direction from the Board in relation to a proposal from the Ministry of Municipal Affairs and Housing to extend Land Use Contract No. LU-6-D (St. Andrews) beyond the legislated termination date of June 30, 2024.

Background:

Dominion Radio Astrophysical Observatory (DRAO):

The Dominion Radio Astrophysical Observatory was inaugurated in 1960 at White Lake and is now an internationally known facility for radio astronomy operated by the National Research Council of Canada as part of the Herzberg Astronomy and Astrophysics Research Centre.

DRAO comprises three radio telescope facilities – a 7-element interferometric radio telescope, a 26-m single-dish antenna, and a solar flux monitor— as well as engineering laboratories that support the telescopes and participate in international research and development programmes. DRAO also provides infrastructure and technical support for telescopes operated by university partners, such as the Canadian Hydrogen Intensity Mapping Experiment (CHIME).

An important aspect to the continuing operation of the Observatory is its location in a radio-quiet zone that protects its equipment from radio interference such as cell towers. This quiet zone is achieved in part through the hills surrounding the observatory as well as local government regulation.

“St. Andrews Recreation Development”:

At its meeting of February 22, 1973, the Regional District Board adopted Amendment Bylaw No. 169, which authorised Land Use Contract No. LU-6-D, the purpose of which was to facilitate the “St. Andrews Recreation Development”, being approximately 150 parcels and a golf course.

Due to the proximity of this development to the Observatory, LU-6-D contains a number of regulations intended to “restrict the installation and use of those types of electrical equipment

and devices on the lands that could cause radio interference with observation at the site of the ... 'Observatory'."

This includes, amongst other things, restrictions on electric motors to be used in furnaces or air conditioners, household appliances, radio transmitters (e.g. 'walkie-talkies'), fluorescent lights, microwave ovens, chainsaws and ATVs.

The Contract also purports to grant DRAO staff "the right of access to the lands [affected by the LUC] for the purpose of locating interfering devices" and, when such devices are identified, providing the property owner or Regional District with written notice and four (4) days to either "remove or suppress the device".

Current Status of LU-6-D:

At present, the "St. Andrews Recreation Development" remains on-going with a 25-lot subdivision application currently being assessed by the Ministry of Transportation and Infrastructure (MoTI), and plans for additional un-finished phases being prepared.

The Regional District has previously advised the Ministry and the applicant that elements of this subdivision are not seen to be consistent with LU-6-D and that an "Early Termination", "Voluntary Discharge" or amendment of the contract is likely required in order to proceed with the subdivision as currently proposed.

Provincial Termination of all Land Use Contracts:

In 2014, the provincial government amended the *Local Government Act* in order that all remaining land use contracts will automatically be terminated, and shall be deemed to be discharged from the title of the applicable parcel by June 30, 2024.

Under Section 547 of the Act, "a local government that has jurisdiction over land subject to a land use contract must [emphasis added], by June 30, 2022, adopt a zoning bylaw that will apply to the land on June 30, 2024."

Since 2014, the Regional District has completed the early termination or voluntary discharge of eight (8) Contracts and, at present, there are three (3) remaining LUCs within the Regional District, of which LU-6-D is one.

Previous RDOS Board Consideration:

At its meeting of April 1, 2010, the Board adopted the South Okanagan Regional Growth Strategy (RGS) Bylaw, which designated Primary and Rural Growth areas. The St. Andrews area was not designated as either a Primary or Rural Growth area.

At its meeting of December 15, 2016, the Board adopted the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, which, amongst other things, speaks to:

- generally not supporting future rezoning or subdivision applications that will create additional development or intensify development within the RFI Area; and
- supporting the transfer of density "outside the RFI area" and to the east of the St Andrews community.

In 2017, as part of on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas, the Regional District Board's objectives, policies and zoning regulations that support the operation of the Observatory were made consistent across Electoral Areas.

This included, amongst other things, introducing updated Radio Frequency Interference (RFI) mapping and revised regulations pertaining to minimum parcel size for subdivisions, density of accessory dwelling units and permitted home occupation/industry uses within the RFI Area.

Analysis:

While Administration is supportive of DRAO and has recommended in favour of various land use amendment bylaws that support the on-going operation of the Observatory, the proposed extension of Land Use Contract No. LU-6-D raises a number of concerns:

- the LUC only applies to a very small part of the Radio Frequency Interference (RFI) Area — approximately 2.6% — and is not seen to be an effective, long-term tool for ensuring the whole of the RFI Area is protected from uses that might cause interference with the Observatory's operations.
- the LUC contains language that is:
 - of questionable enforceability (i.e. unlawful delegation of Board authority);
 - difficult to implement and enforce (i.e. prohibitions on use of certain household appliances, the golf course being for private use only, etc.); and
 - comprises vaguely drafted development regulations (i.e. minimum setbacks, parcel coverage and building heights for dwellings are not specified).
- contrary to the LUC, the Electoral Area "I" OCP Bylaw No. 2683, 2016, speaks to encouraging the unfinished subdivision phases of the "St. Andrew Recreation Development" being re-located to the eastern part of the property, outside of the RFI Area.
- extending the LUC *may* frustrate the completion of the un-finished subdivision phases or incentivize their completion within the RFI Area (being the western part of the property), if an amendment to the Contract is not undertaken.

Conversely, Administration recognises that, despite its flaws, the LUC is unique in its intent and regulations and that local government land use bylaws (OCP and Zoning) cannot offer the same level of protection from radio frequency interference that DRAO believes is currently afforded by LU-6-D.

Options:

- A SHORT-TERM EXTENSION IS REQUESTED

Under this scenario, the Regional District would request of the Ministry that the Contract be extended for a set period of time in order to allow for replacement legislation addressing RFI protections to be enacted.

This would defer the need for the Regional District to initiate an “Early Termination” of LU-6-D until such time as replacement legislation has been resolved, and could allow for a more consistent approach to be applied to the RFI Area (as opposed to only the area affected by LU-6-D).

It is anticipated that any new provincial legislation is going to require implementation by the Regional District to fully enact and, while it is unknown at this time what form this legislation might take, Administration anticipates seeking further direction from the Board in relation to a preferred option (i.e. new development permit, nuisance bylaw or some other power).

Extension of the Contract *could* present challenges to the completion of the remaining subdivision phases of the “St Andrews Recreation Development”, if the Contract is not amended.

This is due to the proponent seeking to introduce density to the eastern part of the property, which is supported by the OCP, but that is inconsistent with the requirements of the Contract, which speaks to some of this density being developed on the western part of the property.

In the absence of an amendment to the Contract, an extension of LU-6-D would likely require the proponent to reconsider their current subdivision plans. This *may* result in the unfinished phases of the “St Andrews Recreation Development” being re-directed to the western part of the property, which would be undesirable from a land use perspective.

- STATUS QUO (the LUC is not extended)

Under this scenario, the Regional District would advise the Ministry that it does not wish for the Contract to be extended and would proceed with an “Early Termination” of LU-6-D prior to June 30, 2022, in order to introduce replacement zoning.

While replacement zoning for LU-6-D has yet to be drafted, based upon previous LUC terminations undertaken by the Regional District it is anticipated that any new zoning would attempt to maintain existing uses and densities permitted under the Contract.

The replacement zoning would not, however, attempt to re-create those regulations related to radio frequency interference contained in the Contract that are seen to be outside the Regional District’s zoning power.

The “Early Termination” process would further allow the Board to introduce zoning that facilitates the remaining phases of the “St Andrews Recreation Development” on the eastern part of the property and generally outside of the RFI Area. This would fulfill the OCP policy direction of encouraging new subdivisions to occur in this same area.

If the Contract was not extended, Administration is anticipating that the federal and provincial governments would, nevertheless, continue to explore alternate legislative remedies to address the termination of LU-6-D, and that these discussions will likely involve the Regional District.

Failure to extend the Contract *may* also result in a period of time — pending the introduction of new federal and/or provincial legislation — in which the St Andrews community is not subject to the type of RFI regulations currently contained within LU-6-D.

- **A PERMANENT EXTENSION IS REQUESTED**

Under this scenario, the Regional District would request of the Ministry that the Contract be extended indefinitely, which would then negate the need to ever initiate an “Early Termination” of LU-6-D.

Administration considers this to be the least desirable option due to the previously highlighted challenges with the Contract as it is presently written, and that such an extension would not address the remaining 97.4% of the RFI Area that occurs outside of LU-6-D.

This option *could* also present the same challenges outlined under Option 1 (above) to completing the remaining subdivision phases of the “St Andrews Recreation Development”, if the Contract were not to be amended.

Summary:

Administration recognises that resolving the replacement of LUC No. LU-6-D is going to be a collaborative effort involving all three levels of government, that an extension is favoured by DRAO and will be required in order to ensure that replacement provisions can be completed without an imminent deadline limiting options and in further recognition of the timing challenges associated with senior level of government legislative processes.

Accordingly, Administration is recommending in favour of an extension of LU-6-D for a period not exceeding 5 years from the date that all LUCs are legislatively set to be terminated (i.e. June 30, 2029) be supported.

Alternatives:

- THAT Board of Directors advise the Ministry of Municipal Affairs and Housing that it does not support the extension of Land Use Contract No. LU-6-D; OR
- THAT Board of Directors advise the Ministry of Municipal Affairs and Housing that it supports the permanent extension of Land Use Contract No. LU-6-D.



Respectfully submitted:

C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

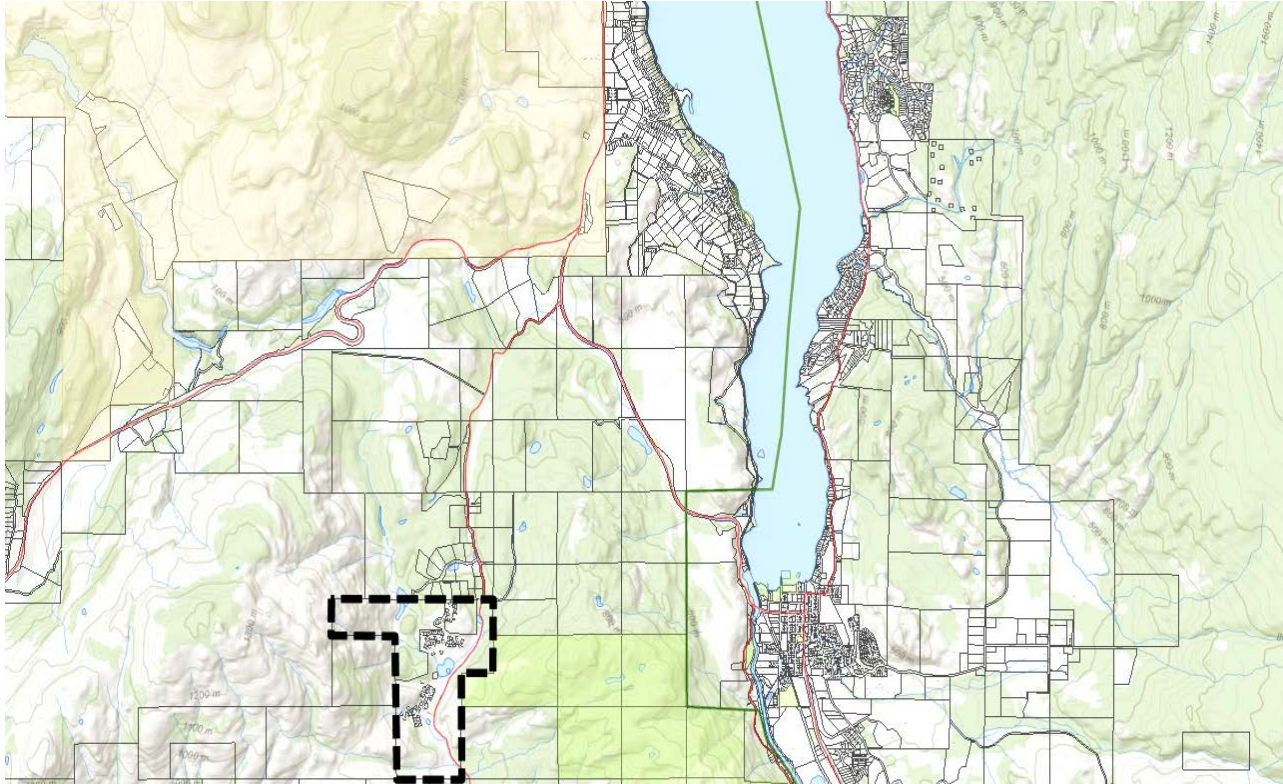
No. 2 – Schedule “B” of LU-6-D

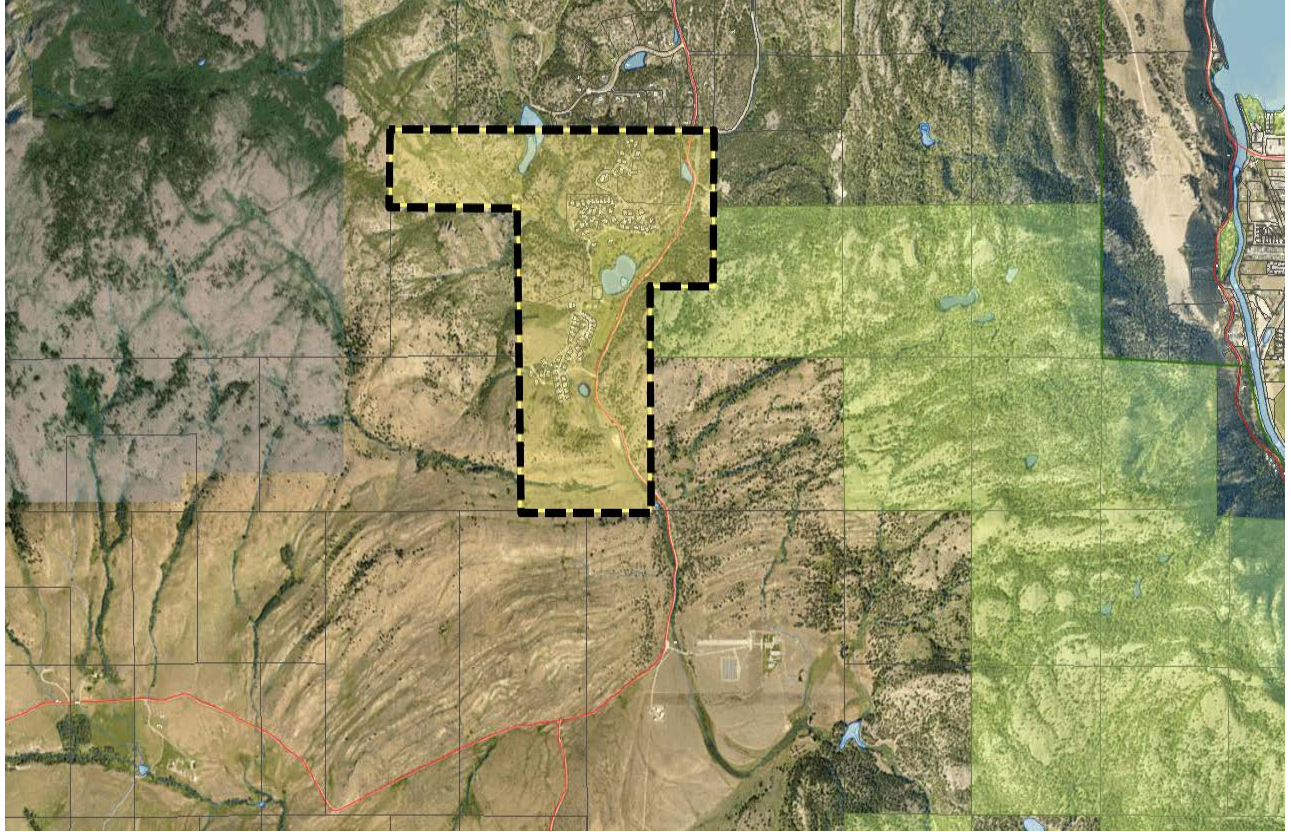
No. 3 – Proposed 25-lot Subdivision

No. 4 – LU-6-D vs. RFI Area

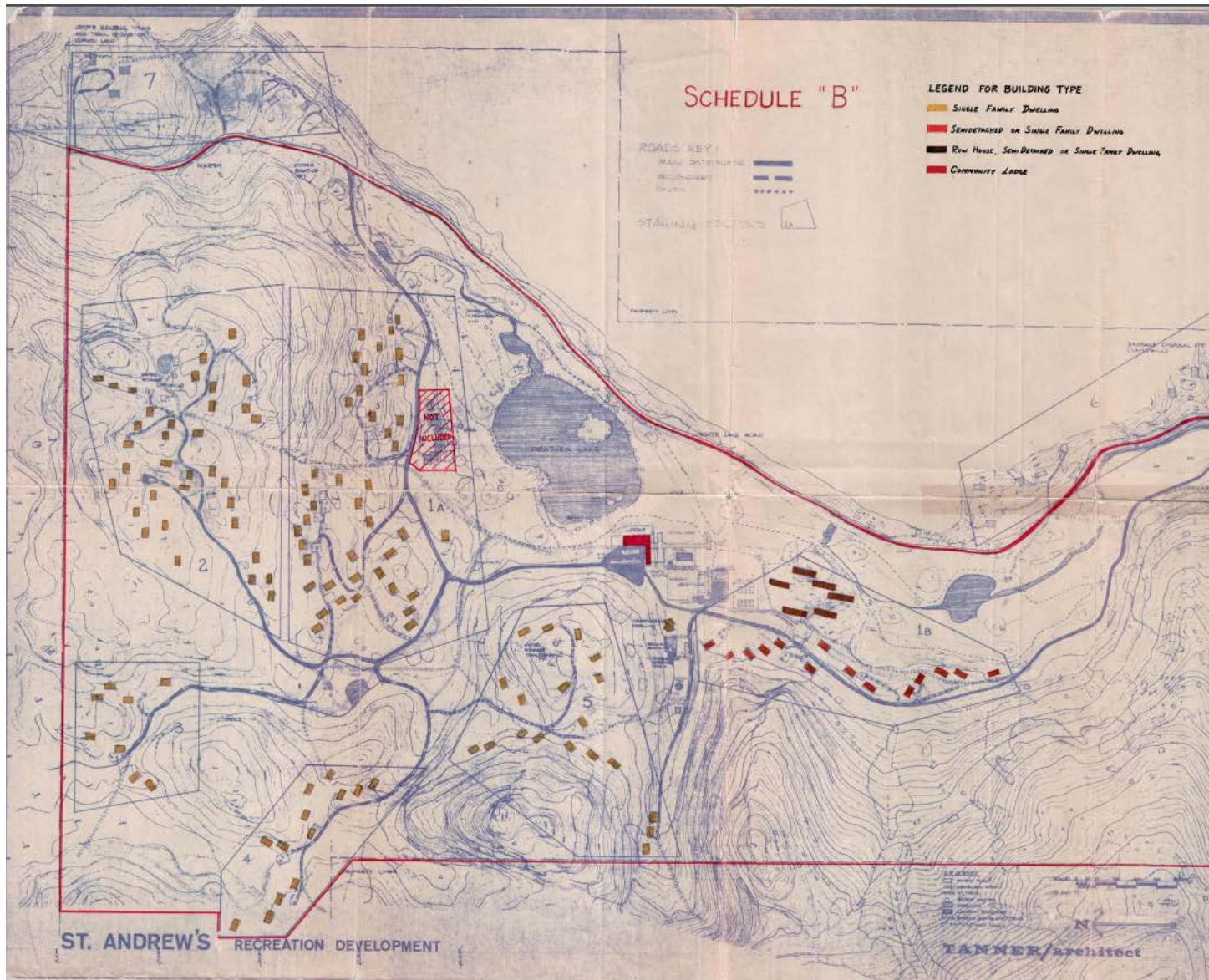
No. 5 – National Research Council of Canada Response

Attachment No. 1 – Context Map





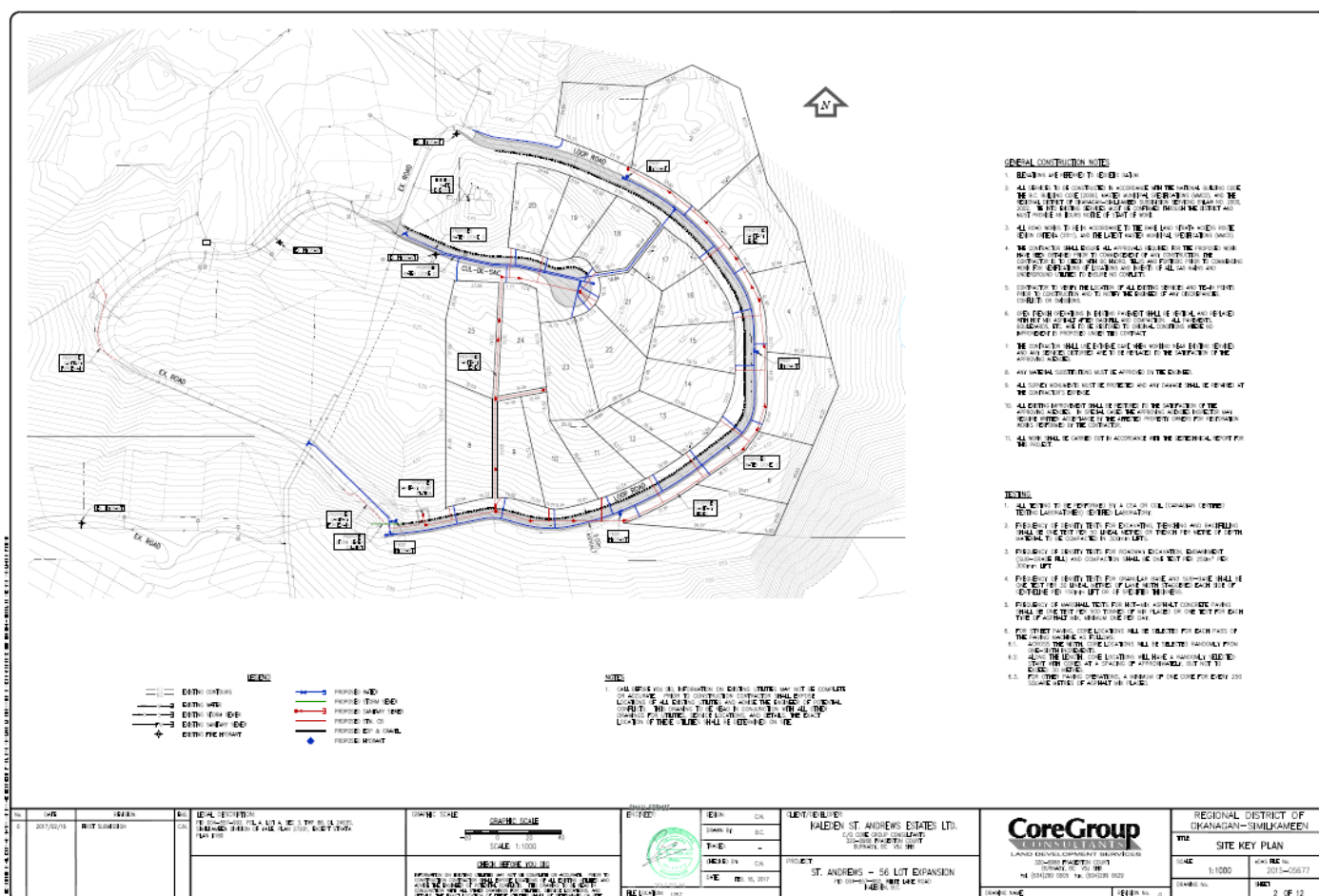
Attachment No. 2 – Schedule “B” of LU-6-D





Attachment No. 3 –

Proposed 25-lot Subdivision





Attachment No. 4 – LU-6-D vs. RFI Area



National Research Council
Canada

Herzberg Astronomy and
Astrophysics Research Centre

Dominion Radio
Astrophysical Observatory

Conseil national de recherches
Canada

Centre de recherche Herzberg en
astronomie et en astrophysique

Observatoire fédéral
de radioastrophysique

NRC · CNRC

- National Research Council Canada's (NRC) Dominion Radio Astrophysical Observatory (DRAO), located in the White Lake Basin area, near Penticton BC, provides critical infrastructure in support of Canadian radio astronomy projects.
- DRAO is Canada's only nationally-owned radio astronomy observatory, operated by NRC through its BC-based Herzberg Astronomy and Astrophysics Research Centre as part of NRC's mandate to manage and operate facilities for scientific research. It is used by researchers from across Canada with an international user community who participate in collaborative national and international research projects.
- DRAO provides critical infrastructure in support of radio astronomy projects such as the \$16M CHIME telescope developed and built by a Canadian University-led collaboration. As well, the site is home to three National telescope facilities and world-leading engineering research and development laboratories supported by 40 NRC staff, and there are about 60 visiting national and international researchers that come to DRAO every year.
- DRAO's principal asset is the site itself. Selected in the late 1950s from a Canada-wide search, the White Lake basin provides an extremely radio-quiet environment for observing naturally occurring radio emissions, which require minimal levels of radio frequency interference (RFI). RFI protection is essential for the continued operation of the DRAO as a radio astronomy site, due to the extremely weak cosmic waves being studied.
- Since 1973, a Provincial Land Use Contract (LUC) between the Regional District of Okanagan-Similkameen (RDOS) and the land developer established unique measures to protect DRAO from RFI arising from the neighbouring St. Andrews housing development. It was intended to remain in force indefinitely, but unanticipated changes to Provincial legislation will now terminate all LUCs in 2024.
- NRC – DRAO seeks to ensure that continued and enduring RFI protection measures are in place to permit sustained use of the astrophysical assets of the DRAO. RFI protection measures through minimized land use density and restricted installation and use of electrical equipment and devices that minimize RFI levels to "levels acceptable to DRAO" enable continued effective use of the instruments like CHIME, but will also help secure future potential investments in the site as radio astronomy continues to grow in importance.
- NRC – DRAO advocate for an approach that provides the strongest possible enduring legal protection that addresses the needs of all parties. An extension of the current LUC does not appear to address all needs and simply moves the problem "further down the road". Focussed efforts at this time on replacing the LUC with appropriate legal protection covering the entire RDOS-identified RFI protection area is preferable.
- NRC – DRAO remains committed to work with the Province and the RDOS to achieve a mutually beneficial solution.

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Canada



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, September 17, 2020
9:30 am

AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of September 17, 2020 be adopted.

B. DELEGATIONS

Sarah Boyle, Project Manager, Parks Canada

Keith Baric, Planning Section Head, Okanagan, BC Parks

Ms. Boyle and Mr. Baric will address the Board to provide an update on the proposed National Park Reserve

- i. Parks Canada Update on the proposed national park reserve in the South Okanagan-Similkameen
-

C. Large Item Collection Rescheduled – For Information Only

D. ADJOURNMENT



August 4th, 2020

Subject: Update on the proposed national park reserve in the South Okanagan-Similkameen

Dear Stakeholder/Land Owner of the South Okanagan-Similkameen,

We hope that you are doing well, staying safe, and looking out for one another as we continue to work to limit the spread of COVID-19. As a stakeholder and/or land owner in the area of the proposed national park reserve, Parks Canada wants to provide you with an update, enhanced map, and answers to questions frequently received.

Background

On July 2, 2019, a Memorandum of Understanding (MOU) was signed between the Government of Canada, the Government of British Columbia, and the Syilx/Okanagan Nation as represented by the Osoyoos Indian Band and the Lower Similkameen Indian Band to formally work toward establishing a national park reserve in the South Okanagan-Similkameen.

What is an MOU?

An MOU is a document that summarizes an agreement between multiple parties. An MOU is a significant step because of the time and effort invested to develop a mutual understanding of important issues. An MOU signals the willingness of the parties to take the next step towards a formal agreement, and provides an outline to use as a starting point for negotiations of an agreement. It also details the mutual expectations of all parties involved in order to move forward.

The signing of the MOU in July 2019 confirms agreement among the parties on the proposed working boundary, next steps, and provides a framework for collaboration as negotiations begin towards an agreement to establish a national park reserve in the South Okanagan-Similkameen.

What is a Working Boundary and What Does it Mean?

A “working boundary” identifies borders and areas of provincially-owned parklands and Crown lands that may one day be included in a national park reserve, following the negotiation of an establishment agreement. The working boundary is subject to further refinement as part of negotiation of the establishment agreement. The working boundary contains a mixture of current unprotected Crown lands and provincial protected areas.

This working boundary does not affect private lands. Private land owners would not be subject to the *Canada National Parks Act*, associated regulations or policy. Private lands within the working boundary would only be acquired for inclusion in the national park reserve if there was both a willing-seller and a willing-buyer. For a map and description of the physical boundaries of the proposed national park reserve, please refer to the end of this document.

Highlights of the July 2019 MOU include

- Agreement amongst the parties that the protection of species, ecosystems, endangered habitats, and the connection between land and people are priorities and need to remain intact for present and future generations;
- Important issues still require negotiation, including cooperative management with local First Nations;
- Confirmation that the Government of Canada **cannot and will not** expropriate private property in order to establish or expand a national park or national park reserve; acquisition would only take place on a willing-seller/willing-buyer basis;
- Confirmation that privately owned lands within or adjacent to the proposed national park reserve **will not change** from their current jurisdiction, be it under local, First Nations, provincial or federal governments;
- Agreement that all public highways will remain under the administration of the BC Ministry of Transportation and Infrastructure, and will not become toll/pay for use roads;
- While negotiations continue, the provincial lands will remain under the administration and control of the Province of British Columbia, including provincial protected areas (under the administration of BC Parks).
- No **new** allocations for timber harvesting, mineral exploration and development will occur on provincial Crown lands.

What is new?

Negotiations Update

Negotiations for a national park reserve establishment agreement are underway between the Government of Canada, the Government of British Columbia, and the Syilx/Okanagan Nation as represented by the Osoyoos Indian Band and the Lower Similkameen Indian Band. Both local First Nations continue to engage on the proposal with their community members. As the situation around COVID-19 evolves, work on the proposed national park reserve continues through the use of remote/virtual meeting technology. Even under normal circumstances, this is a detailed process that takes time, and seeks to address the concerns, needs, and priorities of each government and the communities they represent. There are many characteristics and considerations unique to the South Okanagan-Similkameen region. There is no specific timeframe for moving through the process; we need to take the time to do it right.

Once negotiated, an establishment agreement will define the terms and conditions for the development, management and operation of the national park reserve. Topics planned for discussion amongst the parties in the next year include employment, training, contracting, dispute resolution, a conservation based/ecotourism economy, sustainable tourism, administration facilities and infrastructure, and exploring ways that the Syilx nation and Parks Canada land management systems can coexist and inform one another in cooperative management.

Regional Government Updates

Since the signing of the MOU, Parks Canada and the Government of British Columbia have continued to meet with Area Directors of the Regional District of Okanagan-Similkameen (RDOS) electoral areas that overlap with the proposed national park reserve. Meetings between the RDOS, Provincial ministries and Parks Canada will provide opportunities to review the negotiations topics and obtain feedback and input on matters important to constituents in the South Okanagan-Similkameen with regards to the proposed national park reserve. Similar meetings will occur with local governments from Keremeos, Osoyoos, Oliver and Penticton.

Regular updates, frequently asked questions, and a copy of the Memorandum of Understanding can be found on the Parks Canada website at parks canada.ca/okanagan or <https://letstalksouthokanagansimilkameen.ca/Okanagan> where you can also sign-up to receive e-mail updates.

Request for current address: Parks Canada used a mail-drop service by postal code to deliver this update to you. It may be the case that you are neither adjacent to, nor in the area of the proposed working boundary of the national park reserve, but share the same postal code of residents who are, which is why you received this update.

*If you are interested in receiving further mail updates from Parks Canada, please confirm and provide your name and mailing address to the contact listed below. In order to be compliant with Canada's anti-spam legislation, we require your consent to continue to mail information to your address. If you do not wish to receive mail updates, no action is required.

Sincerely,



Sarah Boyle, M.Sc., P. Biol, Project Manager - South Okanagan-Similkameen
Protected Areas Establishment Branch, Parks Canada
e-mail: pc.SouthOkanaganSud.pc@canada.ca
Toll-free phone number: 1-833-837-7535

Mailing address:

Parks Canada, C/O Province of BC, 102 Industrial Place, Penticton, B.C. V2A 7C8

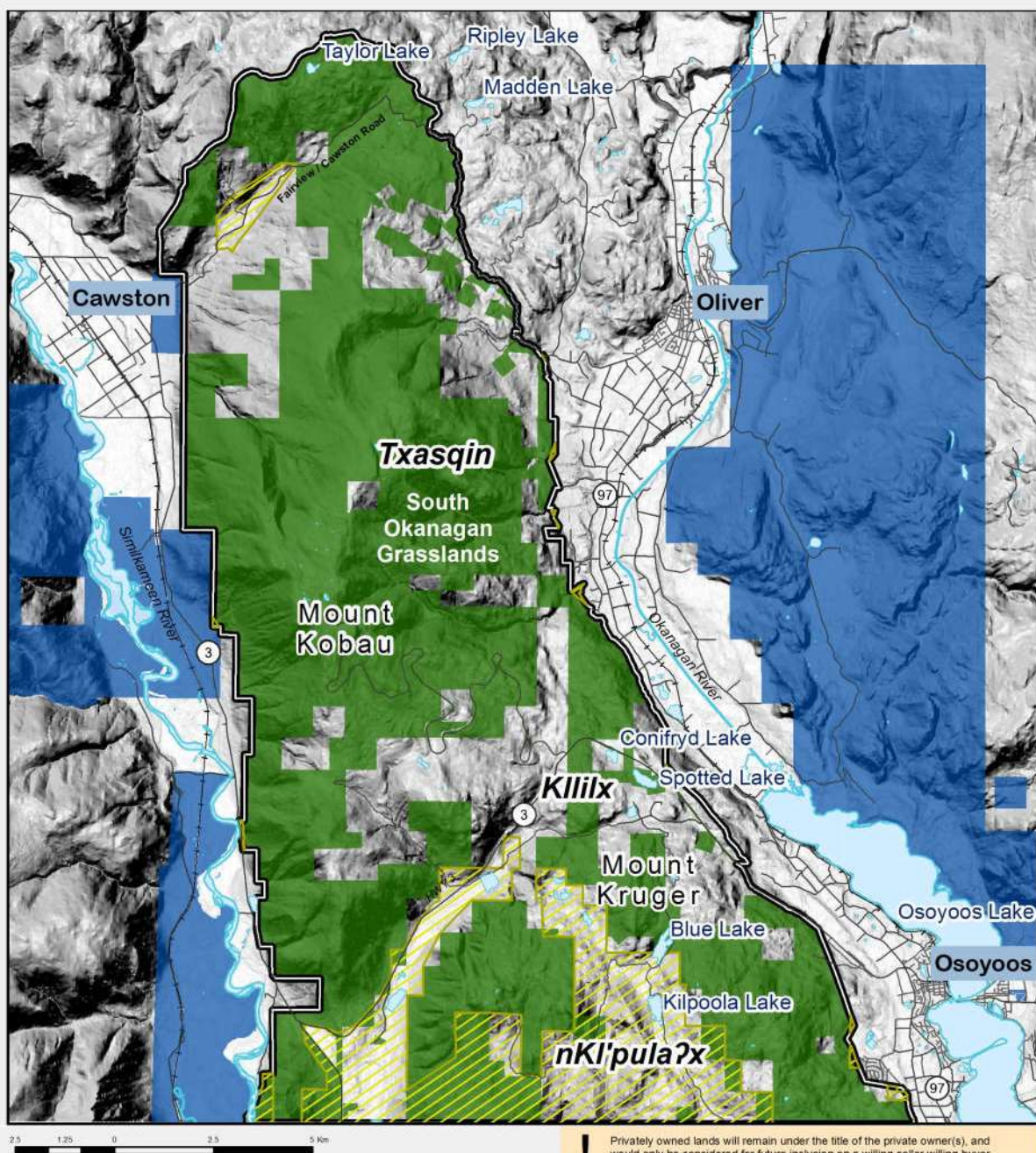
Cc: mpendergraft@rdos.bc.ca; gbush@rdos.bc.ca; rknodel@rdos.bc.ca; troberts@rdos.bc.ca; kkozakevich@rdos.bc.ca; mayor@keremeos.ca; mjohansen@oliver.ca; smckortoff@osoyoos.ca; council@penticton.ca, Richard.Cannings.P9@parl.gc.ca; linda.larson.mla@leg.bc.ca

Attachments: Map 1- South Okanagan-Similkameen Proposed National Park Reserve Working Boundary Map and description of the proposed national park reserve "working" boundary



South Okanagan - Similkameen Proposed National Park Reserve Working Boundary Map

Working Boundary Agriculture Land Reserve / Boundary intersection
 Indian Reserve Crown Land within Working Boundary



! Privately owned lands will remain under the title of the private owner(s), and would only be considered for future inclusion on a willing-seller willing-buyer basis. No lands will be expropriated as part of a national park reserve establishment.

Description of the Physical Boundaries of the Proposed National Park Reserve

The proposed working boundary of the proposed national park reserve can be described as follows:

- The Western boundary lies roughly parallel to Highway 3 and the Similkameen River valley and trends at mid elevation from approximately 400 metres, Above Sea Level (ASL) to 520 metres (ASL).
- The Eastern boundary runs parallel to Highway 97 and the Okanagan River Valley and trends at mid elevation from approximately 450 metres (ASL) to 600 metres (ASL).
- The Southern boundary is the international border between Canada and the United States and reaches an elevation of approximately 800 metres (ASL) at its highest point
- The Northern boundary is the height of land (approximately 1,470 metres ASL) on Crown land to the north of the Fairview-Cawston Road.
- The boundaries protect the intact watershed catchment basin including the headwaters of the following creeks: Cawston, Conifryd, Reed, Hester, Testalinden, Tinhorn, Swartz, Togo, Lone Pine, Strawberry, Cawston, and Blind.

-END-

ADMINISTRATIVE REPORT

TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Large Item Collection Rescheduled

Administrative Recommendation:
FOR INFORMATION ONLY

Purpose:

To inform the Board of the rescheduled 2020 Large Item Collection.

Background:

The Large Item Collection was postponed by the RDOS, City of Penticton, Town of Oliver, Town of Osoyoos and Village of Keremeos this April. The postponement was due to unknown requirements for worker safety and other concerns related to Covid 19. Large item collection requires several workers to lift and move heavy items in close quarters for long hours; increasing the risk of infection.

The waste collection contractor, Waste Connections of Canada, and their subcontractor, Family Movers of Penticton, have developed protocols they believe meet current WorkSafeBC requirements. The Large Item Collections have been scheduled for October.

Analysis:

Only furniture, mattresses, boxsprings and large appliances will be picked up. A maximum of two items per house will be collected, and each item cannot weigh more than 90kg or 200lbs.

Items that will not be collected include electronics, lawn mowers, carpet, blinds, demolition materials or plumbing fixtures. Contact your local landfill or the Regional District for more information on recycling these items.

Schedule of Large Item Collections:

- Friday, October 2: Village of Keremeos and Electoral Areas 'B' and 'G'
- October 5 – 9: City of Penticton (on day of scheduled garbage collection)
- Monday, October 12(Thanksgiving Monday): Town of Oliver and Electoral Area 'C'
- Tuesday, October 13: Town of Osoyoos and Electoral Area 'A'
- Wednesday, October 14: Electoral Areas 'D' and 'I', comprising Okanagan Falls and Kaleden
- Thursday, October 15: Electoral Areas 'E' and 'F' and Upper Carmi

Next Steps:

The RDOS is working with member municipalities to inform residents of the changes dates of collection.

Respectfully submitted:

Andrew Reeder, Manager of Operations



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, September 17, 2020

10:15 am

AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Meeting of September 17, 2020 be adopted.

B. 2020 Year-End Meeting Schedule – For Information

C. UBCM Update – Verbal Update

D. Information Services – Verbal Update

E. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: 2020 Year-End Meeting Schedule – For Information

The final quarter of each year is often one of the busiest for many local governments. Extra-ordinary meetings and workshops such as Strategic Planning and Budget get underway to set goals for the coming year.

To keep the Board apprised of the meeting schedule for those extra-ordinary meetings, the schedule for the rest of 2020 is noted in the table on the following pages. Member municipalities were advised of this draft schedule early in the summer and there appears to be no conflict with those municipalities' scheduled meetings.

Although the Board has been meeting strictly via WebEx since April 2020 as a result of COVID-19 restrictions; several members of the Board have expressed a desire to meet in person periodically.

In order to accommodate this request while ensuring COVID compliance, administration proposes to hold those extra-ordinary workshops offsite, with access via WebEx. Regular Board meetings would continue to be conducted via WebEx only. Because of the more formal nature of Board meetings, and the need for a layout which enables Board members to be face to face and to see and hear each other, the logistics of holding these meetings in person are more challenging. Conducting workshops in person are easier as the layout can be more informal, enabling the required physical distancing.

Administration is pleased to advise that representatives from the Ombudspersons office and the Office of the Privacy Commissioners office will be offering a workshop on **Thursday November 5** to discuss current best practices relating to Privacy & Information Sharing, Administrative Fairness, Accessibility, Transparency and Ethics in Local Government. Council members and senior staff from the member municipalities will be invited to take part in the sessions via WebEx, as well.

Outlook invites for these meetings will be forwarded to each Board member in the coming weeks.

Meeting Schedule on Page 2

Date / Location	Meeting	Time
Thursday, November 5, 2020 <i>Lakeside Hotel</i>	- Ombudsperson/Privacy Commissioner Workshop - Inaugural Board / Hospital Board Meeting (no reception to follow)	9:00 am 3:00 pm
Friday, November 6, 2020 <i>Lakeside Hotel</i>	- Legislative Workshop	9:00 am
Thursday, November 12, 2020 <i>Lakeside Hotel</i>	- Strategic Planning Workshop #1	9:00 am
Friday, November 13, 2020 <i>Lakeside Hotel</i>	-Board Budget Workshop #1 (delegations)	9:00 am
Thursday, November 19, 2020 <i>Via WebEx</i>	- Regular Board Meeting	9:00 am
Friday, November 20, 2020 <i>Lakeside Hotel</i>	- Board Budget Workshop #2	9:00 am
Thursday, November 26, 2020 <i>Lakeside Hotel</i>	- Strategic Planning Workshop#2	9:00 am
Thursday, December 3, 2020 <i>Via WebEx</i>	- Regular Board Meeting	9:00 am
Friday, December 4, 2020 <i>Lakeside Hotel</i>	- Board Budget Workshop #3	9:00 am
Thursday, December 17, 2020 <i>Via WebEx</i>	- Regular Board Meeting	9:00 am
Friday, December 18, 2020 <i>Via WebEx</i>	- Board Budget Workshop #4 (if req'd)	9:00 am

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Thursday, September 17, 2020

10:45 am

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of September 17, 2020 be adopted.

1. Consent Agenda – Corporate Issues

a. Environment and Infrastructure Committee – September 3, 2020

THAT the Minutes of the September 3, 2020 Environment and Infrastructure Committee meeting be received.

b. Planning and Development Committee – September 3, 2020

THAT the Minutes of the September 3, 2020 Planning and Development Committee meeting be received.

THAT the Regional District accept the Okanagan Falls 2020 Economic Development and Recovery Plan as a guiding document.

c. RDOS Regular Board Meeting – September 3, 2020

THAT the minutes of the September 3, 2020 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 – 345 Kathleen Avenue, Electoral Area “E”

1. Permit
2. Representations

THAT the Board of Directors approve Temporary Use Permit No. E2020.007-TUP

b. Development Variance Permit – 2620 West Bench Drive, Electoral Area “F”

1. Permit

THAT the Board of Directors approve Development Variance Permit No. F2020.008-DVP

- c. Temporary Use Permit – District Lot 1838, SDYD, Except That Part Thereof Outlined Red on Plan B1374, Electoral Area “H”**
1. Permit
 2. Representations

THAT the Board of Directors approve Temporary Use Permit No. H2020.009-TUP

- d. Electoral Area “E” Advisory Planning Commission (APC) Appointment**

THAT the Board of Directors appoint Debbie Selwood as a member of the Electoral Area “E” 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. Zoning Bylaw Amendment – 2390 Coalmont Road, Electoral Area “H”**
- a. Bylaw No.2498.22, 2020
 - b. Representations

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2498.22, 2020, Electoral Area “H” 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 October 15, 2020;

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

- 2. Zoning Bylaw Amendment – Loose Bay, Electoral Area “C”**
- a. Bylaw No.2453.38, 2020
 - b. Representations

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2453.38, 2020, Electoral Area “C” 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 October 15, 2020;

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

3. Agricultural Land Commission Referral (Non-Farm Use) – 1543 Maple Street, Electoral Area “D”

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

THAT the RDOS “not authorize” the application to allow a warehouse as a non-farm use on the parcel located at 1543 Maple Street, Okanagan Falls (Lot 2, Plan 14822, District Lot 551, SDYD) to proceed to the Agricultural Land Commission.

C. FINANCE**1. Utility Billing – Late Payment Fee**

RECOMMENDATION 7 (Weighted Corporate Vote – Majority)

THAT the Regional District waive late payment charges to outstanding utility bill accounts up to, but not including, those balances that remain unpaid as at December 31st, 2020.

D. LEGISLATIVE SERVICES**1. Open Burning Regulations Bylaw**

RECOMMENDATION 8 (Unweighted Corporate Vote – Majority)

THAT Regional District of Okanagan-Similkameen Open Burning Regulations Bylaw No. 2898, 2020 be read a first, second and third time and be adopted.

E. CAO REPORTS**1. Verbal Update****F. OTHER BUSINESS****1. Chair’s Report**

2. Board Representation

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
- b. Municipal Finance Authority – *Kozakevich (Chair), Holmes (Vice Chair, Alternate)*
- c. Municipal Insurance Association – *Kozakevich (Chair), Holmes (Vice Chair, Alternate)*
- d. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
- e. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
- f. Okanagan Regional Library – *Kozakevich, Roberts (Alternate)*
- g. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
- h. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
- i. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
- j. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*

3. Directors Motions

- a. Director's Motion – Director Obirek
THAT staff investigate the impacts of increasing agricultural reserves and agricultural operations to increase food security.

4. Board Members Verbal Update

G. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN Environment and Infrastructure Committee

Thursday, September 3, 2020

9:02 am

Minutes of the Environment and Infrastructure Committee Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 9:02 am on Thursday, September 3, 2020 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 K. Robinson, 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. Sentes, City of Penticton, Alternate
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

Director J. Vassilaki, City of Penticton

STAFF PRESENT:

B. Newell, Chief Administrative Officer

C. Malden, Manager of Legislative Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of September 3, 2020 be adopted.

B. DELEGATIONS

1. Dan Buffett, CEO & Dave Conly, Habitat Conservation Trust Foundation
Mr. Buffett and Mr. Conly will address the Board to share updated with regards to conservation and forest enhancement projects within the Regional District.
 - a. Presentation
-

C. ADJOURNMENT

The meeting was adjourned at 9:29 am

APPROVED:

CERTIFIED CORRECT:

G. Bush
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, September 3, 2020

9:29 am

Minutes of the Planning Committee Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 9:29 am on Thursday, September 3, 2020 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 K. Robinson, 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. Sentes, City of Penticton, Alternate
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

Director J. Vassilaki, City of Penticton

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 Planning and Development Committee Meeting of September 3, 2020 be adopted. - **CARRIED**

B. DELEGATION

1. Brad Dollevoet, Kettle Valley Consulting

Mr. Dollevoet addressed the Board with regards to Okanagan Falls Economic Development Strategic Plan

RECOMMENDATION 2

IT WAS MOVED AND SECONDED

THAT the Regional District accept the Okanagan Falls 2020 Economic Development and Recovery Plan as a guiding document. - **CARRIED**

C. ADJOURNMENT

The meeting was adjourned at 10:00 am

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, September 3, 2020

10:00 am

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 10:01 am on Thursday, September 3, 2020 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 K. Robinson, 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. Sentes, City of Penticton, Alternate
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

Director J. Vassilaki, City of Penticton

STAFF PRESENT:

B. Newell, Chief Administrative Officer

C. Malden, Manager of Legislative Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Agenda for the RDOS Board Meeting of September 3, 2020 be adopted as amended to include item F.2. State of Local Emergency ratification. - **CARRIED**

1. Consent Agenda – Corporate Issues

- a. Corporate Services Committee – August 6, 2020
THAT the Minutes of the August 6, 2020 Corporate Services Committee meeting be received.
- b. Planning and Development Committee – August 6, 2020
THAT the Minutes of the August 6, 2020 Planning and Development Committee meeting be received.
- c. Protective Services Committee – August 6, 2020
THAT the Minutes of the August 6, 2020 Protective Services Committee meeting be received.

- d. RDOS Regular Board Meeting – August 6, 2020
THAT the minutes of the August 6, 2020 RDOS Regular Board meeting be adopted.
- e. RDOS Regular Board Meeting – August 20, 2020
THAT the minutes of the August 20, 2020 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

B. DELEGATIONS

- 1. Dr. Kent Mullinix and Kristi Tatebe, Kwantlen Polytechnic University
Dr. Mullinix and Ms. Tatebe will address the Board to discuss agricultural opportunities for sustainable economic and community development.
 - a. Presentation
 - b. Project Update Summer 2020
-

C. DEVELOPMENT SERVICES – Rural Land Use Matters

- 1. Request to Re-submit a Refused Temporary Use Permit Application – Electoral Area “A”

The Chair enquired whether the property owner was present. The property owner addressed the Board.

RECOMMENDATION 3 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Board of Directors not vary Section 3.12.1. of the Development Procedures Bylaw No. 2500, 2011 in relation to a proposed re-application of a temporary use permit application for a vacation rental use at 2839 37th Street (Lot 11, Plan 9792, District Lot 41, SDYD). - **CARRIED**
Opposed – Directors Knodel and Bush.

- 2. Zoning Bylaw Amendment – Electoral Area “A”
 - a. Bylaw No. 2451.30

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT Bylaw No. 2451.30, 2020 Electoral Area “A” Zoning Amendment Bylaw be adopted.
CARRIED

- 3. Zoning Bylaw Amendment – Electoral Area “F”
 - a. Bylaw No. 2461.14

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT Bylaw No. 2461.14, 2020 Electoral Area “F” Zoning Amendment Bylaw be adopted.
CARRIED

D. PUBLIC WORKS

1. Award of Olalla and Naramata Watermain Replacement Project

RECOMMENDATION 6 (Weighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Regional District award the Olalla and Naramata Watermain Replacement Design project to Ecora Engineering and Resource Group Ltd. in the amount of \$100,000 plus applicable taxes; and

THAT the Regional District approve a contingency of \$10,000 for value added or unexpected issues during the project. - **CARRIED**

E. INFORMATION SERVICES

1. Verbal Update – Information Systems
-

F. COMMUNITY SERVICES

1. Verbal Update – Christie Mountain Wildfire

2. State of Local Emergency

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Board of Directors ratify the declaration of a State of Local Emergency for the Heritage Hills and Upper Carmi area within Electoral Area “D” commencing August 18th 2020; and,

THAT the Board of Directors ratify the extension of the State of Local Emergency for the Heritage Hills and Upper Carmi areas within Electoral Area “D” which expired on August 24th 2020 at midnight for another seven days; and,

THAT the Board of Directors ratify the rescinding of the State of Local Emergency for the Heritage Hills and Upper Carmi areas within Electoral Area “D” on August 27, 2020 at 13:00; and,

THAT the Declarations approved by the Regional District be sent to the Minister of Public Safety and Solicitor General. - **CARRIED**

G. CAO REPORTS

1. Verbal Update
-

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

2. Directors Motions**a. Director's Motion – Director Pendergraft**

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the RDOS Board apply environmentally sensitive development permits (ESDPs) throughout the Regional District of Okanagan-Similkameen to only Subdivisions and rezonings; and further,

THAT Staff report back to the Board on the options to make ESDPs more effective throughout the Regional District of Okanagan-Similkameen at Subdivisions and rezonings; and further,

THAT ESDPs should in no way prevent or discourage residents of the Regional District of Okanagan-Similkameen from firesmarting their properties according to the firesmart principles.

b. Director's Notice of Motion – Director Obirek

Increasing and Supporting Agriculture Reserves and Agriculture Operations related to Food Security.

3. Board Members Verbal Update

I. ADJOURNMENT

The meeting adjourned at 11:40 am.

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: September 17, 2020

RE: Temporary Use Permit Application – Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. E2020.007-TUP

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

Owners: Valerie and Chad Taylor Agent: n/a Folio: E-00604.000

Civic: 345 Kathleen Avenue Legal: Lot 3, Block 14, Plan 519, District Lot 210, SDYD

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

Proposed Development:

This application is seeking a temporary use permit to authorize the operation of a short-term vacation rental use of a single detached dwelling, from May 1st to October 31st and which is to be comprised of three (3) bedrooms and a maximum occupancy of 6 people within the existing single detached dwelling with accommodation for three (3) parking stalls.

Site Context:

The subject property is approximately 836 m² in area and is situated on the north side of Kathleen Avenue with vehicular access from the lane at the rear of the parcel. It is understood that the parcel is comprised of a single detached dwelling and accessory structures (single car garage and shed).

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings in the immediate vicinity. The broader neighbourhood includes Manitou Park and select parcels with high density residential towards Naramata Townsite and larger residential/agricultural parcels to the east toward Naramata Road.

Background:

Parcel Information

The current boundaries of the subject property were created by the Plan of Naramata Townsite in July 8th, 1908, while available Regional District records indicate that a building permits for an addition to a single detached dwelling (1990) and a woodstove (2001).

In support of this TUP application, a Health & Safety Inspection was completed on August 28, 2020.

An assessment from a ROWP regarding the septic system was provided and the property is serviced by a community water system.

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

Electoral Area “E” Official Community Plan

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

Section 22 of the Electoral Area “E” OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

This is also supported under Section 11 of the Electoral Area “E” OCP bylaw, which includes vacation rental policies that support paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood needs and other land use needs can be addressed (Section 11.6.1).

Evaluation criteria in Section 11.6.2 of the Electoral Area “E” OCP bylaw for assessing applications includes:

- a) Capability of accommodating on-site domestic water and sewage disposal;*
- b) Mitigating measures such as screening and fencing;*
- c) Provision of adequate off-street parking;*
- d) Confirmation that the structure proposed complies with the BC Building Code; and*
- e) Benefits that such accommodation may provide to the community.*

Section 22.3.4 of the Electoral Area “E” OCP bylaw contains further criteria in evaluating temporary use permit applications. Section 17.3.5 and 17.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. Conditions specific to short-term vacation rentals are summarized as:

- a) The provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues;*
- b) The provision of the manager or owner’s contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property;*
- c) The availability or accessibility by telephone of the manager or owner;*
- d) The posting of information for the property (i.e. noise, fire safety, location, garbage, septic system care, pet control);*
- f) Maximum accommodation (occupancy of two per bedroom, up to 10 persons)*
- g) Provision of one parking space per bedroom*
- h) Prohibition of RV use or camping;*
- i) Confirmation of minimum standard for health and safety; and*
- j) Other requirements, as appropriate*

Electoral Area “E” Zoning Bylaw

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which permits single detached dwellings as a principal use, with limited accommodation for commercial uses in the form of “home occupations” and “bed and breakfast operations” as permitted secondary uses.

COVID-19

The Province of British Columbia has declared a state of emergency in response to the COVID-19 pandemic. The Province has entered into “Phase 3”, which calls for those within BC or travelling from another province or territory to travel safely and respectfully.

Public Process:

On August 5, 2020, a Public Information Meeting (PIM) was held electronically and was attended by no members of the public (RDOS staff, applicant and Area Director were present).

Due to COVID-19, an Area “E” Advisory Planning Commission (APC) meeting was not held. Area “E” APC members were provided the opportunity to comment individually on this application.

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.

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 Electoral Area “E” OCP Bylaw includes supportive policy for vacation rental uses in residential areas and outlines a number of criteria against which the Board will consider such a use.

In response to the criteria outlined in Section 11.6.2, the applicant has provided a letter from a Registered On-site Wastewater Practitioner (ROWP) inspecting the septic tank and stating that “existing system should be sufficient” for intended use.

With regards to screening and fencing, there is low fencing along the property boundary and established vegetation on the property.

In terms of off-street parking, the applicant has submitted a site plan which shows provision of three parking stalls accessed from the lane at the rear of the subject parcel. This includes a single car garage and two on-site surface parking spaces.

A Health and Safety inspection was completed on August 28, 2020 and no deficiencies were noted.

Conversely, Administration recognises that operation of a vacation rental will attract non-residents to the area and into an established residential neighbourhood during a Provincial State of Emergency for COVID-19.

The intent of the Regional District’s “Vacation Rental Temporary Use Permit Policy”, and supportive OCP policies is to allow for a new vacation rental use to operate for one “season” in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.


Given the Electoral Area “E” OCP Bylaw generally supports vacation rentals in residential areas, and the applicant has satisfied the criteria requirements for a three-bedroom vacation rental, it is recommended that the vacation rental be approved, with conditions. It is recommended that the following conditions are included in the TUP:

- Term of Permit (To Expire December 31, 2021, to provide for one “full season”);
- Vacation rental operator and guests adhere to provincial health orders during the Provincial State of Emergency for COVID-19;
- Period of use (May –October);
- Posting of information within vacation rental;
- 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; and
- Providing TUP and contact information to neighbours.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2020.007-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2020.007-TUP for the following reasons:
 - i) *TBD*

Respectfully submitted:


JoAnn Peachey, Planner I

Endorsed By:


C. Garrish, Planning Manager

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

Attachment No. 1 – Site Photo (Google Streetview)



TEMPORARY USE PERMIT

FILE NO.: E2020.007-TUP

Owner: Valerie and Chad Taylor
345 Kathleen Avenue
Naramata, BC, V0H 1N0

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 3, 4 and 5, Plan 519, District Lot 210, SDYD
Civic Address:	345 Kathleen Avenue, Naramata
Parcel Identifier (PID):	003-703-207, 003-703-231, 003-703-248
Folio:	E-00604.000

TEMPORARY USE

6. In accordance with Section 22.0 of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, the land specified in Section 5 may be used for a "vacation rental" use as defined in the Electoral Area "E" Zoning Bylaw, being the use of a residential dwelling unit

for the temporary commercial accommodation of paying guests for a period of less than one month.

CONDITIONS OF TEMPORARY USE

7. The vacation rental use of the land is subject to the following conditions:
- a) the vacation rental use shall occur only between May 1st and October 31st;
 - b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
 - i) the location of property lines by way of a map;
 - ii) a copy of the Regional District's Electoral Area "E" Noise Regulation and Prohibition Bylaw;
 - iii) measures to address water conservation;
 - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
 - v) instructions on the storage and management of garbage;
 - vi) instructions on septic system care; and
 - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
 - c) the maximum number of bedrooms that may be occupied by paying guests shall be 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;
 - 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.
 - h) Vacation rental operation must follow the Ministry of Health's COVID-19 Guidance for the Hotel Sector during the Provincial State of Emergency, including environmental cleaning, staff health and communication, and any subsequent provincial health orders for hotel operators.

- i) Information shall be posted within the dwelling unit during the Provincial State of Emergency for COVID-19 following Provincial recommended communication, signage and posters for the Hotel Sector on the following topics:
 - i) Symptoms of COVID-19
 - ii) B.C.'s COVID-19 Self-Assessment Tool
 - iii) Handwashing
 - iv) Respiratory/cough etiquette
 - v) Self-isolation and self-monitoring
- j) A sign must be posted on the front entrance telling staff not to enter the premises if they are feeling ill.
- k) All guests must follow Provincial guidelines during the Provincial State of Emergency for COVID-19, including avoiding non-essential travel as a measure to protect vulnerable people in communities from COVID-19.

COVENANT REQUIREMENTS

- 8. Not applicable.

SECURITY REQUIREMENTS

EXPIRY OF PERMIT

- 9. This Permit shall expire on December 31, 2021.

Authorising resolution passed by Regional Board on _____ day of _____, 2020.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

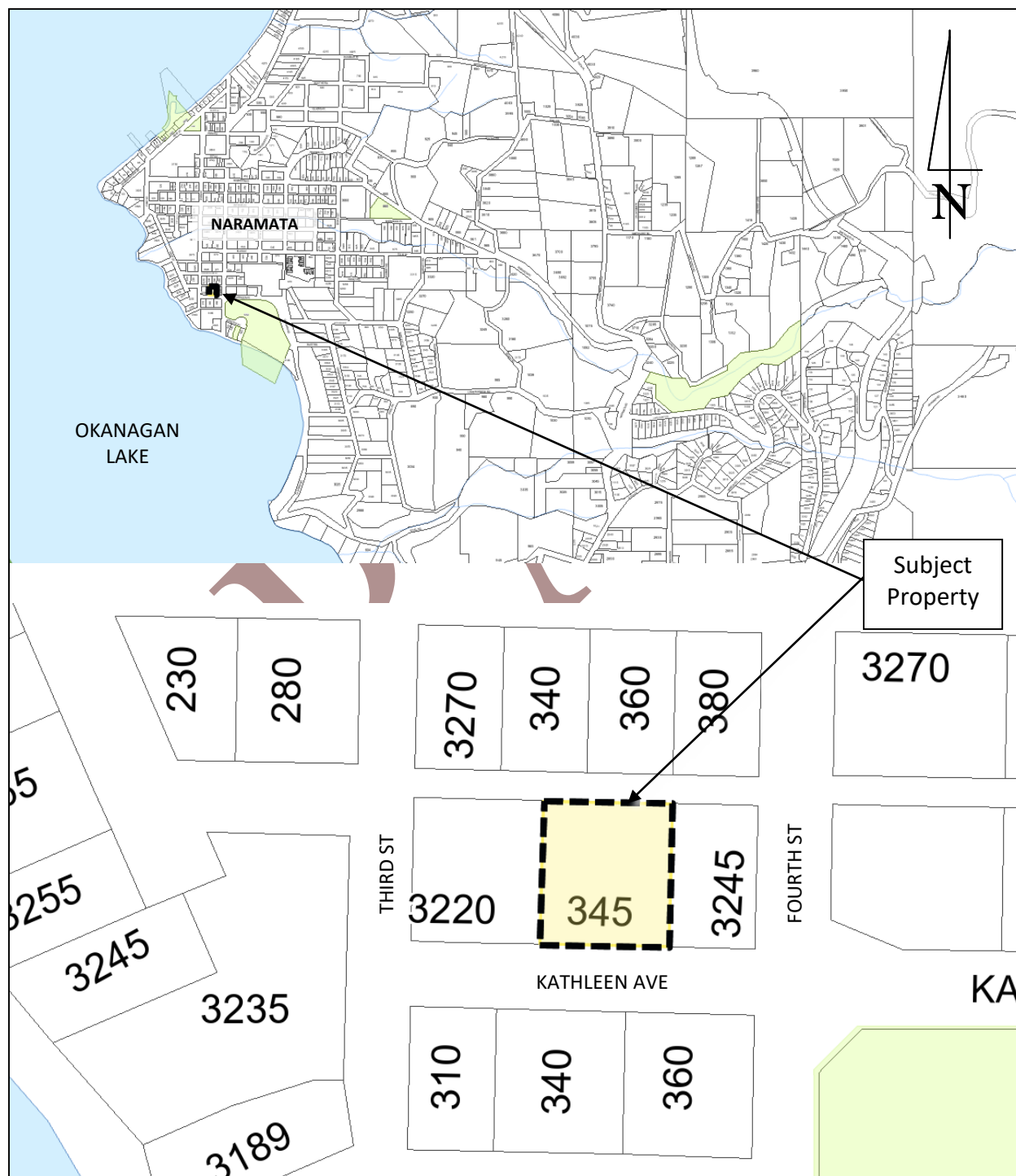
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. E2020.007-TUP

Schedule 'A'



Temporary Use Permit No. E2020.007-TUP

DRAFT VERSION – 2020-07-10

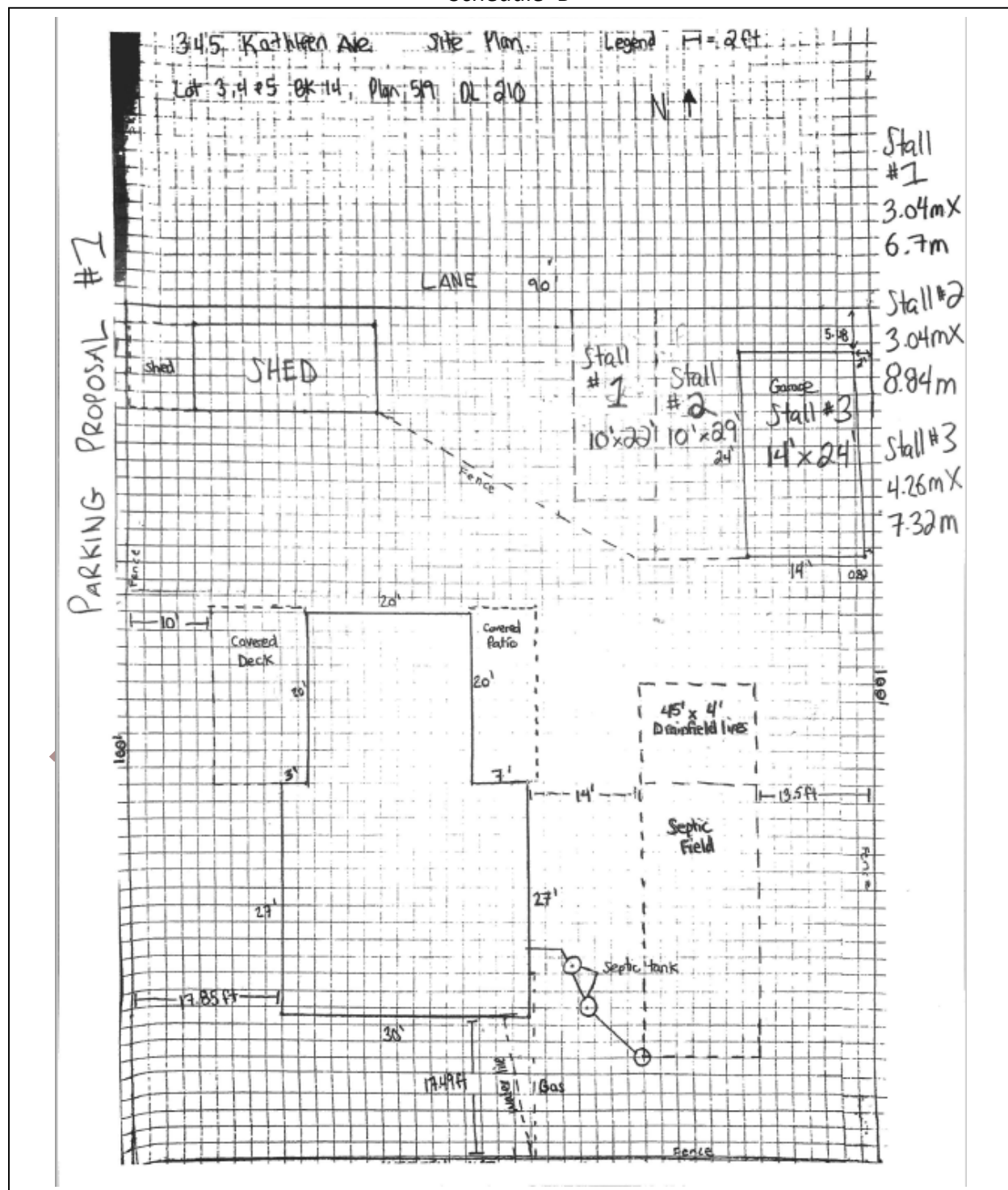
Page 4 of 6

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

Temporary Use Permit

File No. E2020.007-TUP

Schedule 'B'



Regional District of Okanagan-Similkameen

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

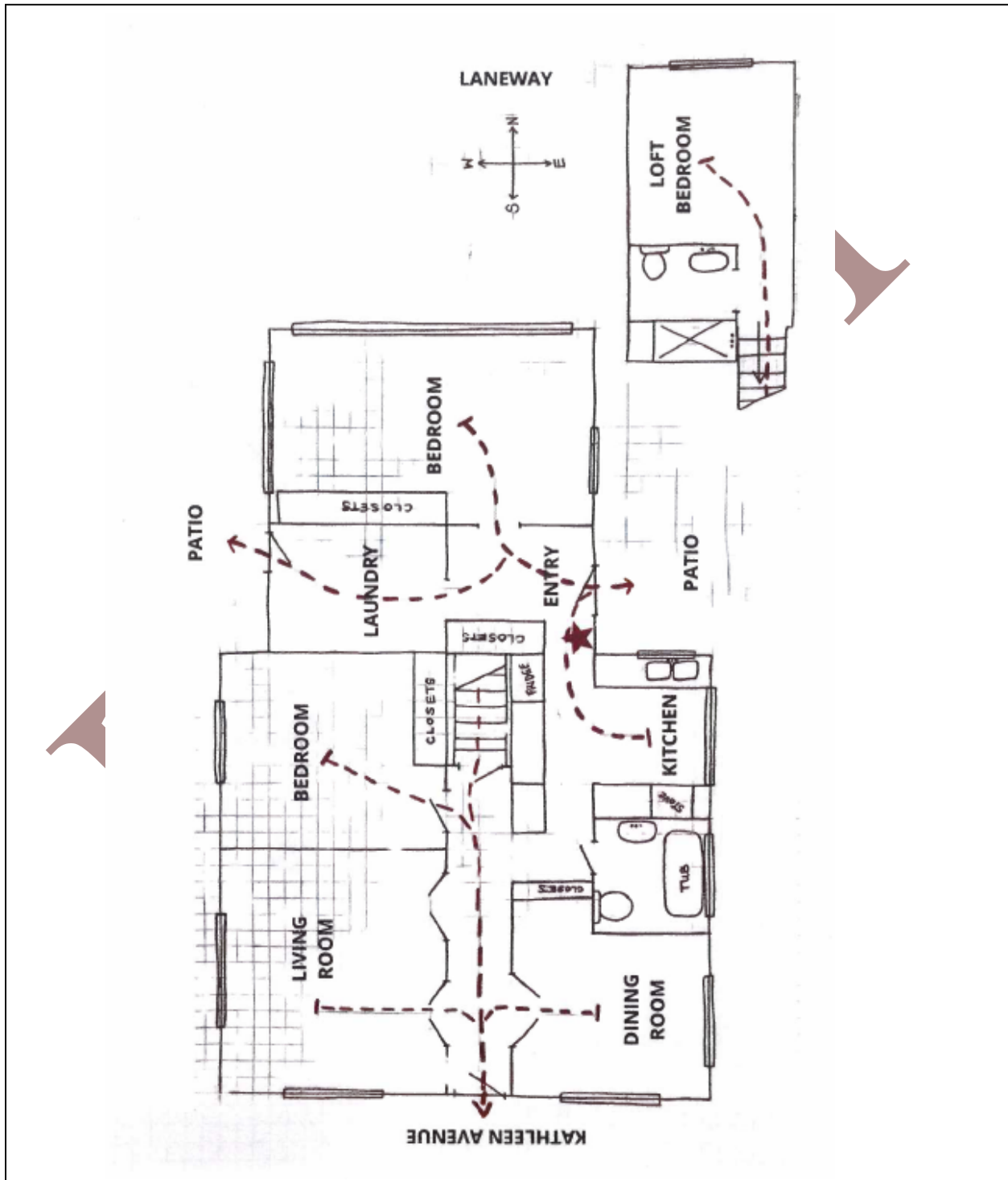
Telephone: 250-492-0237 Email: planning@rdos.bc.ca

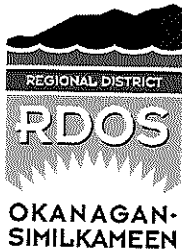


Temporary Use Permit

File No. E2020.007-TUP

Schedule 'C'





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2020.007-TUP

FROM: Name: Phil Taneen
(please print)

Street Address: _____

Date: Aug 15/20

RE: Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use
345 Kathleen Avenue, Naramata

My comments / concerns are:

- ☒ I do support the proposed use at 345 Kathleen Avenue.
- ☐ I do support the proposed use at 345 Kathleen Avenue, subject to the comments listed below.
- ☐ I do not support the proposed use at 345 Kathleen Avenue.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this TUP application.

RECEIVED
Regional District

AUG 17 2020

101 Martin Street
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District
prior to the Board meeting where the TUP will be considered.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



RDOS

OKANAGAN-
SIMILKAMEEN

Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2020.007-TUP
FROM: Name: HEATHER FLECK TAYLOR TUP
(please print)
Street Address: _____
Date: AUG 10 2020
RE: Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use
345 Kathleen Avenue, Naramata

My comments / concerns are:

- ☒ I do support the proposed use at 345 Kathleen Avenue.
☐ I do support the proposed use at 345 Kathleen Avenue, subject to the comments listed below.
☐ I do not support the proposed use at 345 Kathleen Avenue.

Written submissions received from this information meeting will be considered by the
Regional District Board prior to a decision being made on this TUP application.

Feedback Forms must be completed and returned to the Regional District
prior to the Board meeting where the TUP will be considered.

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JoAnn Peachey

From: Deanna Ryll
Sent: August 5, 2020 1:42 PM
To: Planning
Subject: Project No. E2020.007-TUP

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

Regarding: Project No. E2020.007-TUP
345 Kathleen Avenue

My husband Brent and I reside in the adjacent house directly west of this property, and fully support the application for a vacation rental.

Thank you,
Deanna & Brent Ryll

Sent from my iPhone

E00604.000
TAYLOR
E2020.007-TUP

JoAnn Peachey

From: BAILIE Lynette
Sent: August 3, 2020 2:55 PM
To: Planning
Subject: 345 Kathleen Ave in Naramata TLU

Good afternoon,

In accordance with the recent letter you sent me about the upcoming land-use meeting, for the property at 345 Kathleen Avenue Naramata BC, I would like to offer my complete support of this amendment.

I am the present owner of _____ Naramata, BC., Lynette Bailie Farquharson, if you need any further information or clarification please do not hesitate to contact me at _____

Best regards, Lynette

Sent from my iPhone

JoAnn Peachey

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: August 5, 2020 2:43 PM
To: Planning
Subject: Kathleen Ave, 345 Naramata (E2020.007-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 Kathleen Avenue. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

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

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>

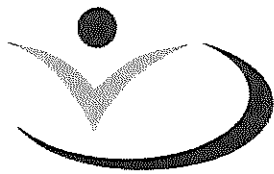
Otherwise, FBC(E) has no concerns with this circulation.

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

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

Best Regards,

Steve Danielson, AACI, SR/WA
Contract Land Agent | Property Services | FortisBC Inc.
2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Mobile: 250.681.3365
Fax: 1.866.636.6171
FBCLands@fortisbc.com



Interior Health

Every person matters

July 15, 2020

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

<mailto:planning@rdos.bc.ca>

Dear Regional District of Okanagan-Similkameen:

RE: File #: E2020.007-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



Lauri Feindell

From: dennis smith
Sent: July 25, 2020 7:36 AM
To: Planning
Subject: TUP 345 Kathleen Area E

Hi Planning,

I support the application for a TUP at 345 Kathleen Ave Naramata.

Thank you,
Dennis Smith

Naramata

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Development Variance Permit Application — Electoral Area “F”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. F2020.008-DVP

Purpose: To allow for the construction of an accessory structure

Owners: Erica Vran / David Howard Agent: n/a Folio: F2020.008-DVP

Civic: 2620 West Bench Drive Legal: Lot 3, Plan 31722, District Lot 5076, ODYD

OCP: Small Holdings (SH) Zone: West Bench Low Density Residential (RS6)

Variance Request: to increase the maximum height for an accessory building from 4.5 metres to 5.0 metres.

Proposed Development:

This application is seeking a variance to increase the maximum height for an accessory building to accommodate a one-stoey garage/workshop.

Specifically, it is being proposed to increase the maximum height for an accessory building in the RS6 zone from 4.5 metres to 5.0 metres.

In support of this request, the applicant has stated that “we need storage and height allowance for a boat on its trailer and a motorhome. To install a 14’ garage door, we need a minimum 15’ ceiling plus 30” for engineered trusses.”

Site Context:

The subject property is approximately 1.23 ha in area and is situated on the west side of West Bench Drive, accessed by a panhandle. The property is currently developed and contains a single detached dwelling.

The surrounding pattern of development is characterised by small holdings residential and the subject property immediately abuts undeveloped Penticton Indian Band lands to the west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 12, 1981 while available Regional District records indicate that a building permits for a single detached dwelling (1993) and a pool have been issued for this property.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and is the subject of a Environmentally Sensitive Development Permit (ESDP) Area designation. An ESDP has been issued for the proposed garage/workshop.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the property is currently zoned West Bench Low Density Residential (RS6) which allows for single detached dwellings as a principal use and accessory building, among other uses, as a secondary use.

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.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; 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.

In this instance, Administration notes the location of proposed building is towards the rear of a panhandle parcel, with significant distance and grade change between the proposed building and the street, where the proposed building will not be visible from the street.

Although there is some concern of the proximity of the garage to the southern parcel line, the additional height proposed does not facilitate a second storey or any windows over-looking neighbouring parcels that could not otherwise be built under the zoning bylaw.

In response to impact to views, the neighbouring dwellings are oriented to the south/southeast towards Okanagan Lake and the City of Penticton. The proposed one-storey building is located behind the dwellings to the south, away from the lake. The neighbouring dwelling to the north is at a higher elevation and not orientated towards the garage location.

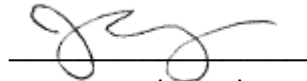
Conversely, Administration recognises that there is concern that large accessory buildings, like the one proposed, may be converted to an accessory dwelling or for living/sleeping facilities (bedroom) in the future or for a home industry use, both of which are not permitted in the SH6 zone.

Nevertheless, and for these reasons outlined above, Administration supports the requested variance and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. F2020.008-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "F" Advisory Planning Commission.

Respectfully submitted



JoAnn Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

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

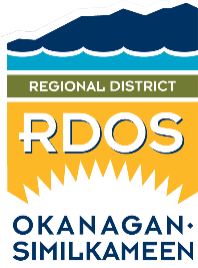
No. 2 – Site Photo (Google Earth)

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Site Photo (Google Earth)





Development Variance Permit

FILE NO.: F2020.008-DVP

Owner: Erica Vran and David Howard
2620 West Bench Drive
Penticton, BC, V2A-8Z7

Agent: n/a

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 3, Plan 31722, District Lot 5076, ODYD
Civic Address: 2620 West Bench Drive
Parcel Identifier (PID): 003-612-767 Folio: F-07409.170

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 maximum height for an accessory building or structure in the West Bench Small Holdings (SH6) Zone, as prescribed in Section 10.9.7 (b), is varied:
 - i) from: 4.5 metres

to: 5.0 metres, as shown on Schedule 'C'.

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 _____, 2020.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

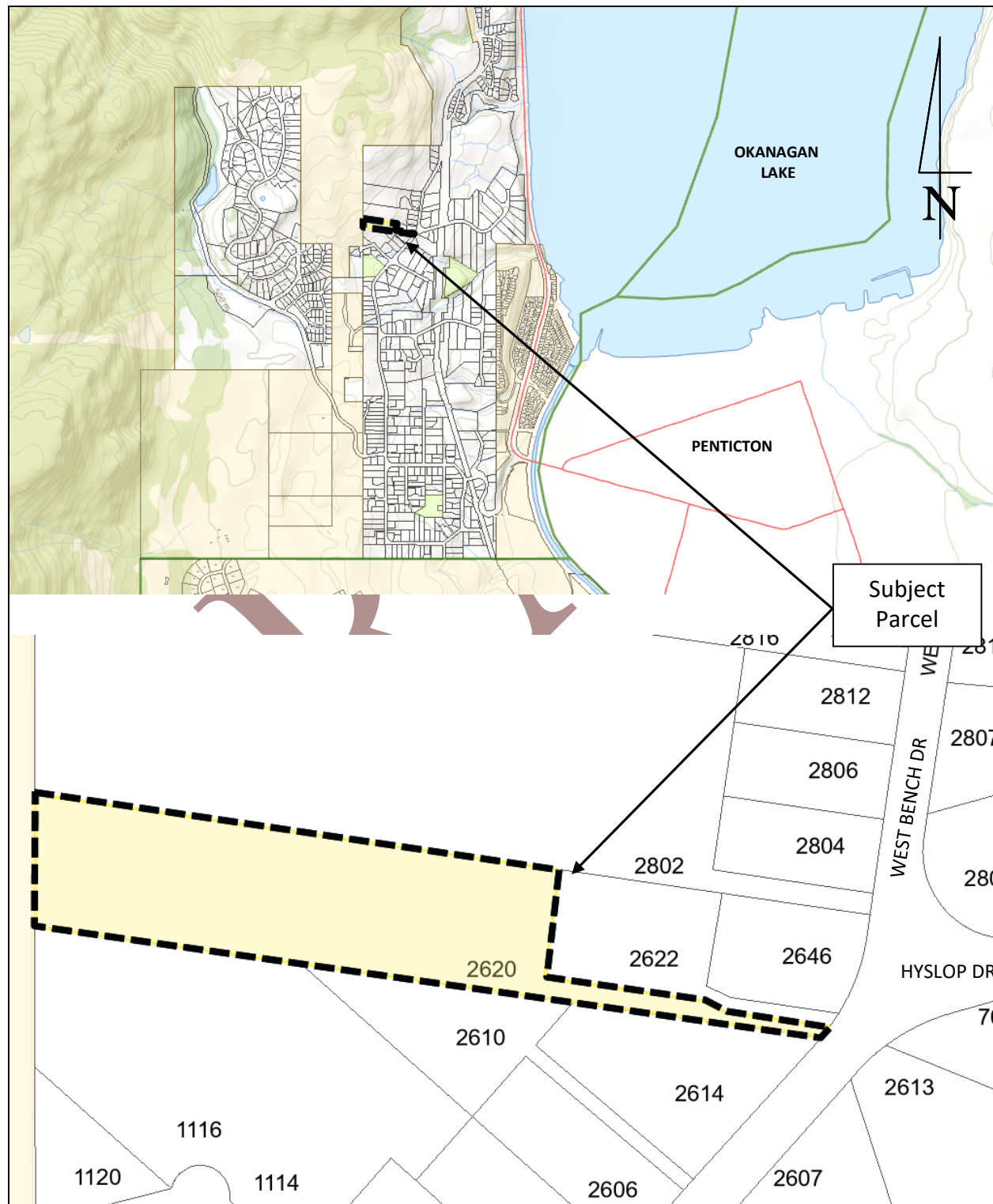
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. F2020.008-DVP

Schedule 'A'



Development Variance Permit No. F2020.008-DVP

DRAFT VERSION – 2020-07-14

Page 3 of 6

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. F2020.008-DVP

Schedule 'B'



SITE PLAN
SCALE: 1:5000

Regional District of Okanagan-Similkameen

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

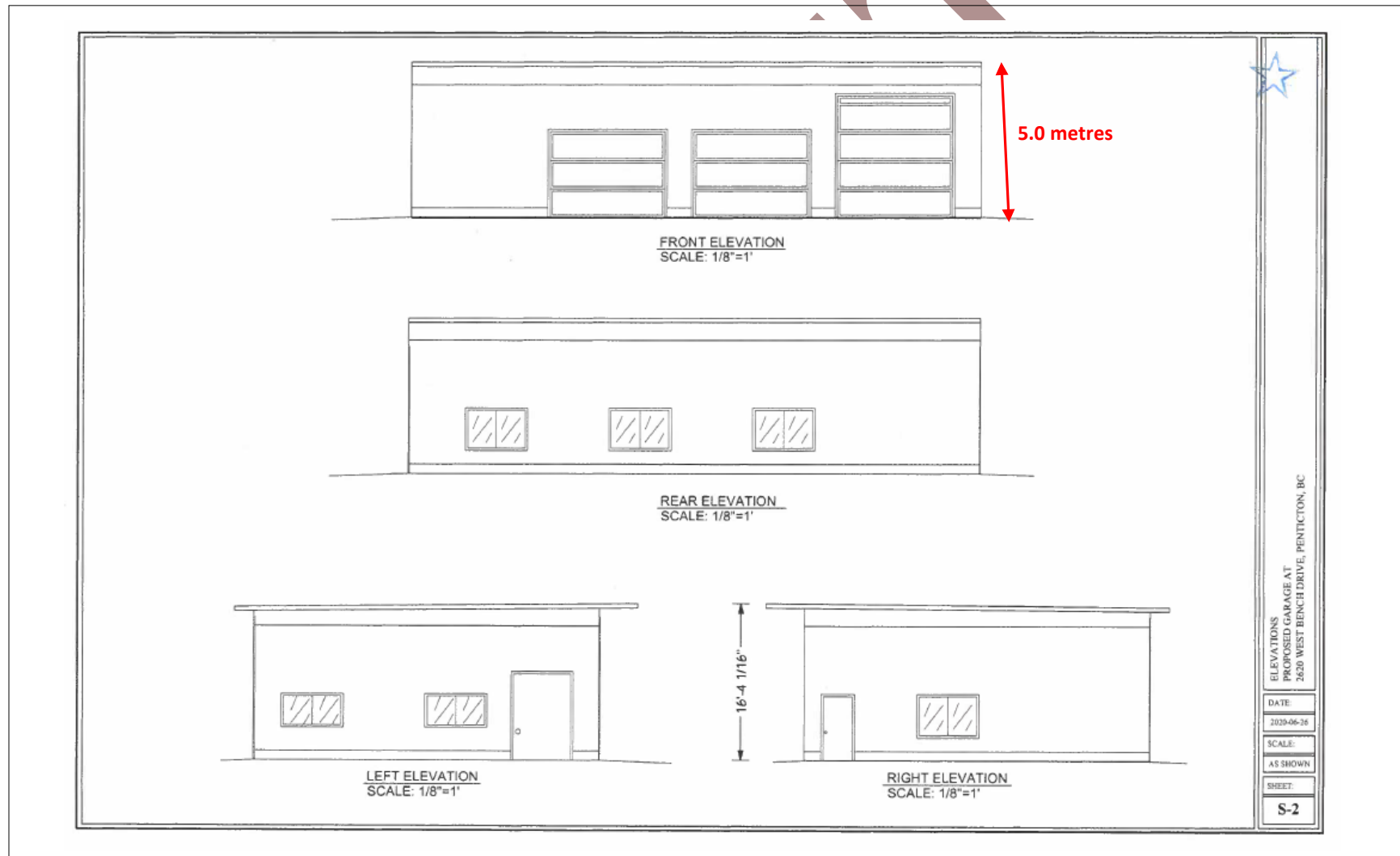
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.008-DVP

Schedule 'C'



DRAFT VERSION – 2020-07-14

Development Variance Permit No. F2020.008-DVP

Page 5 of 6

Regional District of Okanagan-Similkameen

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

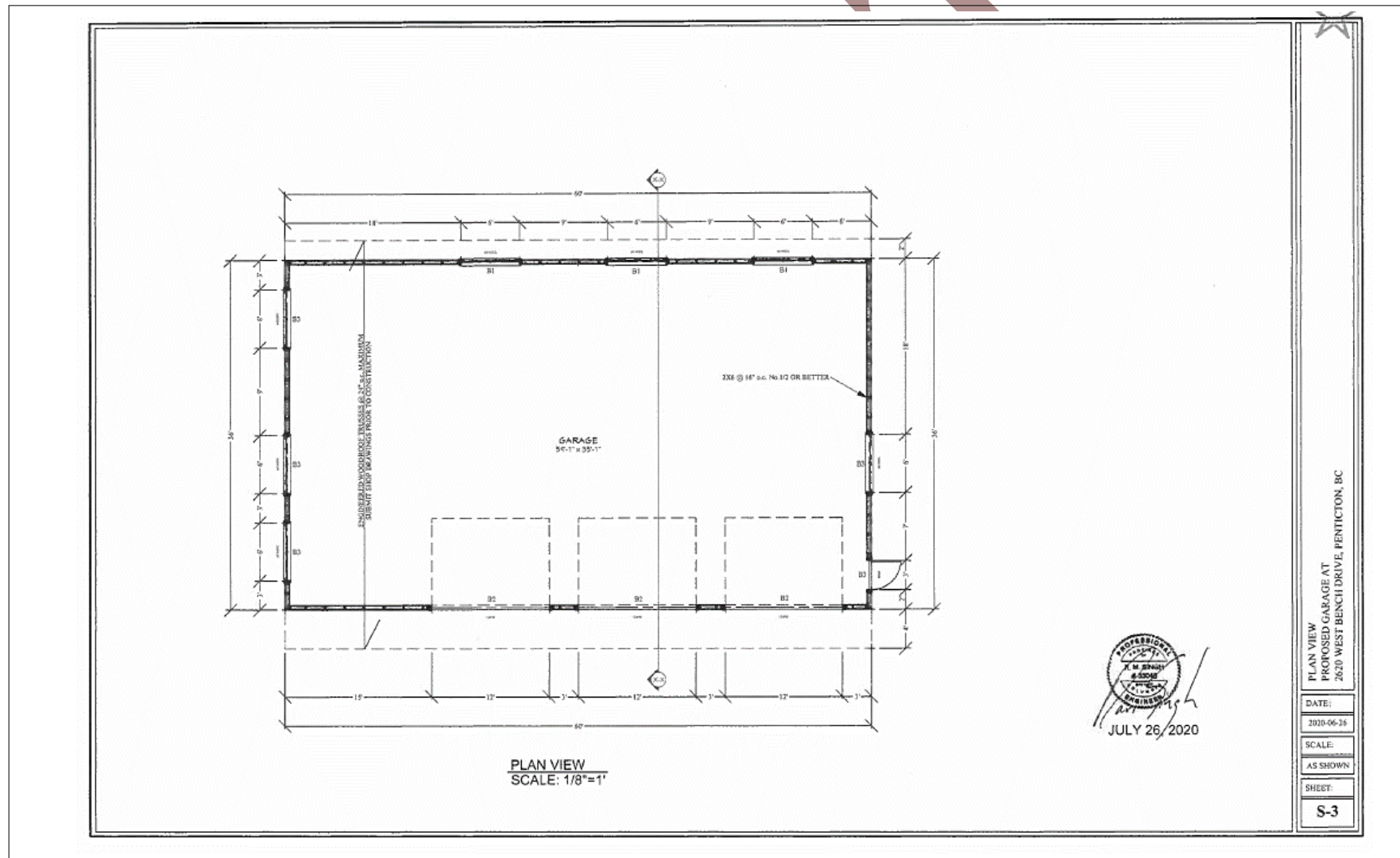
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.008-DVP

Schedule 'D'



DRAFT VERSION – 2020-07-14

Development Variance Permit No. F2020.008-DVP

Page 6 of 6

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Temporary Use Permit Application – Electoral Area “H”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. H2020.009-TUP

Purpose: To allow for the construction of a radio telescope.

Owners: HML Mining Inc. Agent: Mark Halpern Folio: H-01029.000

Legal: District Lot 1838, SDYD, Except That Part Thereof Outlined Red on Plan B1374 Civic: N/A

OCP: Resource Area (RA) Zoning: Resource Area (RA)

Proposed Development:

This application is seeking to build a radio telescope on portion of the subject property through issuance of a Temporary Use Permit (TUP). In support of this proposal, the applicant has stated that:

We wish to build a radio telescope on the site to aid us in identifying the host galaxies of fast radio bursts which we are studying with CHIME, a larger radio telescope which we have built at the Dominion Radio Astrophysical Observatory in Kaledan, 85 km to the East. Measuring the timing of signals arriving at the two instruments will help us to determine the direction to the source. The proposed radio telescope is safe. It has no moving parts, does not use high voltage and does not emit any radiation. It will not make noise except for an air-conditioner used to keep our electronics from overheating in the summer. We have licensed to use the land for five years, with an option to renew. At the end of our license we will remove the telescope.

Site Context:

The subject property is approximately 115.4 ha in area and is situated approximately 8 km south side from the Town of Princeton accessed by Allenby Road along the east side and bordered by Similkameen River along the west side. It is understood that the parcel is currently used for grazing cattle and is largely vacant land with tributaries from Similkameen River running through the property.

The surrounding pattern of development is generally characterised by largely undeveloped lots with agricultural land along north side and rural land (large holdings) to the east, west and south side.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 24, 1998, while available Regional District records indicate that building permit have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Resource Area (RA) and is the subject of a Watercourse Development Permit (WDP) designation.

Section 21.3 of Electoral Area “H” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Resource Area (RA) under which “Radio Astrophysical Observatory” is not a permitted use.

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

The subject property is understood to be within Archaeological Predictive Model, which *may* require a permit from Archeology Branch if land development activities impact an archaeological site.

The subject site is currently being leased by the University of British Columbia (applicant) with the purpose “to build, operate and maintain a radio telescope”.

Public Process:

On August 17, 2020, a Public Information Meeting (PIM) was held electronically and was attended by one member of the public (RDOS staff and five members from applicant’s team were present).

Due to COVID-19, an Area “H” Advisory Planning Commission (APC) meeting was not held. At the request of Area Director, the application was waived from being reviewed by Area “H” APC members.

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.

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 proposed location appears to be an ideal location to build a radio telescope given the location is relatively flat and the area in vicinity is largely undeveloped.

It is also noted that the subject location was strategically chosen by scientist(s) at Canadian Hydrogen Intensity Mapping Experiment (CHIME) team, to provide significant but appropriate separation from the telescope located at Dominion Radio Astrophysical Observatory (DRAO) and acts as a catalyst in the study to determine more accurate location of host galaxies in outer space.

Although the radio telescope will aid in studies already being undertaken at DRAO, unlike DRAO, no shielding from radio frequency interference (RFI) associated with human use is required as it does not emit any radiation. Hence, no further zoning regulations relating to RFI are necessitated with the use of the radio telescope.

The radio telescope will be maintained by science team at CHIME, who also maintains radio telescope at DRAO, and anticipates one visit per month for maintenance purposes. No additional building or structures are proposed to be constructed to operate the radio telescope.

To delineate the radio telescope from other activities occurring on site (cattle grazing), the land immediately near the telescope will be fenced off and the area outside the fence will not be interfered with the presence of the radio telescope.

No new driveways are proposed to be built for the radio telescope. Subject site will be accessed by Allenby Road followed with a gravel pathway on site that leads to proposed construction location.

Given that the area is largely secluded with three (3) existing residential dwellings within 1000 meters' radius of the radio telescope, additional noise attenuation measures are not deemed necessary. However, Electoral Area 'H' does have a noise bylaw to ensure that persons in the vicinity will not be disturbed by noise that may be caused from the proposed use of site.

Further, the proposed location of radio telescope is outside of the Environmentally Sensitive Development Permit Area and Watercourse Development Permit area as identified in Schedule 'G' and 'H' of the OCP Bylaw 2497, 2012 respectively, as such no environmental reports were required.

Conversely, Administration recognises that subject site has number of tributaries originating from Similkameen River which are ecologically important and *may* act as source of food for valuable fish habitat.

However, any works within 30 meters from the high water mark of these tributaries would require a Watercourse Development Permit at which stage a Qualified Professional will be required to undertake an assessment to identify impact to fish habitat in the area.

In summary, given the nature of development and anticipated least impact on the neighbouring residential dwellings and environment, Administration is in support of subject Temporary Use Permit.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. H2020.009-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. H2020.009-TUP and it be referred to the Electoral Area "H" Advisory Planning Commission.

Respectfully submitted:

Rushi Gadoya

R. Gadoya, Planning Technician

Endorsed By:



C. Garrish, Planning Manager

Attachments:

No. 1 – Agency Referral List

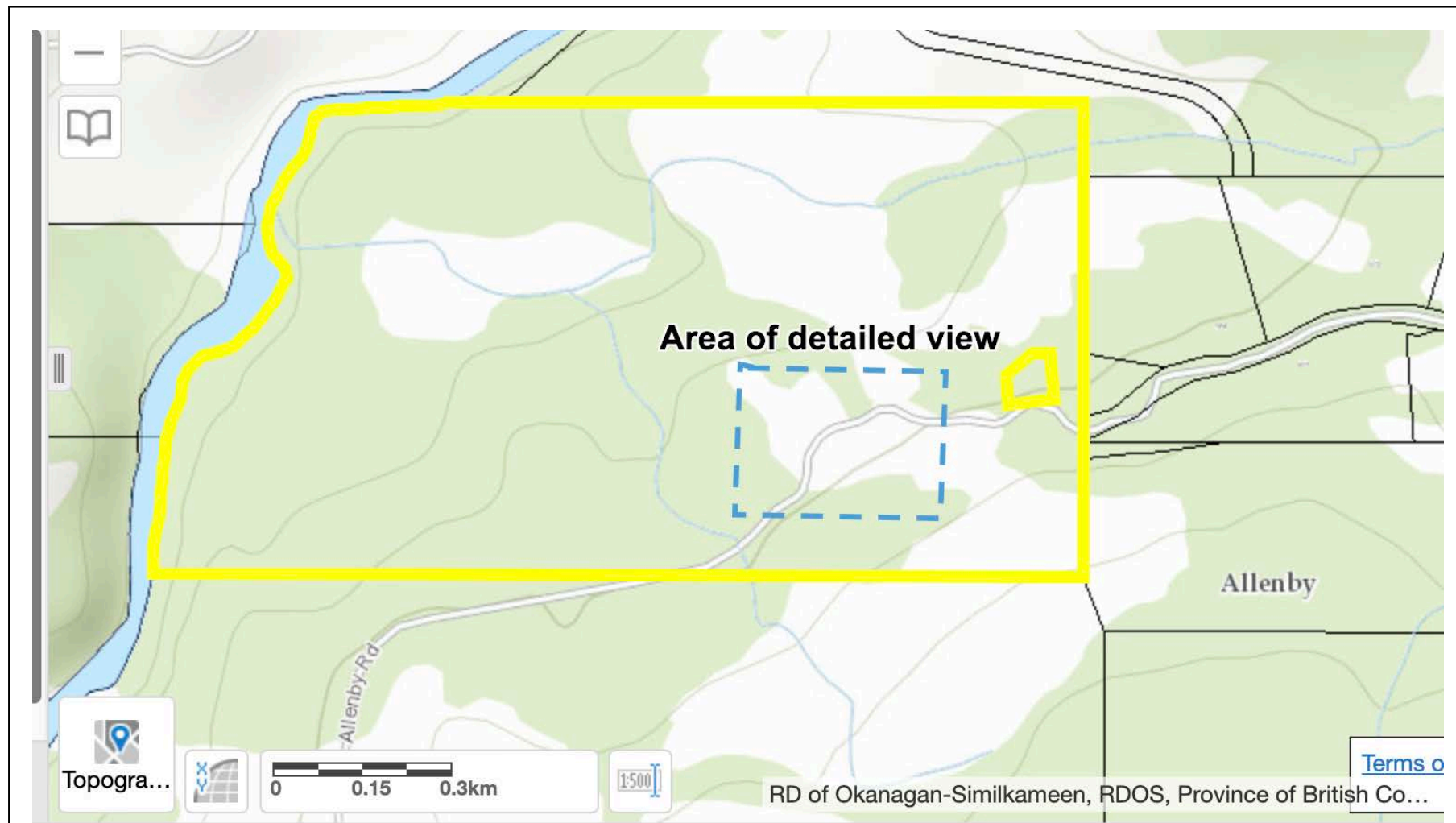
No. 2 – Applicant's Site Plan

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☒, prior to Board consideration of TUP No. H2020.009-TUP

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

Attachment No. 2 – Applicant's Site Plan





TEMPORARY USE PERMIT

FILE NO.: H2020.009-TUP

Owner: HML Mining Inc
200-580 Hornby St
Vancouver, BC V6C 3B6

Agent: Mark Halpern
Department of Physics, UBC
Vancouver, BC, V6T 1Z1

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', 'C' and 'D' and described below:

Legal Description: District Lot 1838, SDYD Except that part thereof outlined red on Plan B1374

Civic Address: NA

Parcel Identifier (PID): 011-458-321 Folio: H-01029.000

TEMPORARY USE

6. In accordance with Section 21.0 of the Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, the land specified in Section 5 may be used for a "radio astrophysical observatory", which is defined as meaning the use land for astrophysical observatory purposes by the means of radio telescope devices.

CONDITIONS OF TEMPORARY USE

7. The “radio astrophysical observatory” use of the land is subject to the following conditions:
- a) The location of the radio telescope area not occur beyond the area labelled Section 1 on Schedule ‘B’.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

EXPIRY OF PERMIT

10. This Permit shall expire on September 17, 2023.

Authorising resolution passed by Regional Board on ____ day of _____, 2020.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

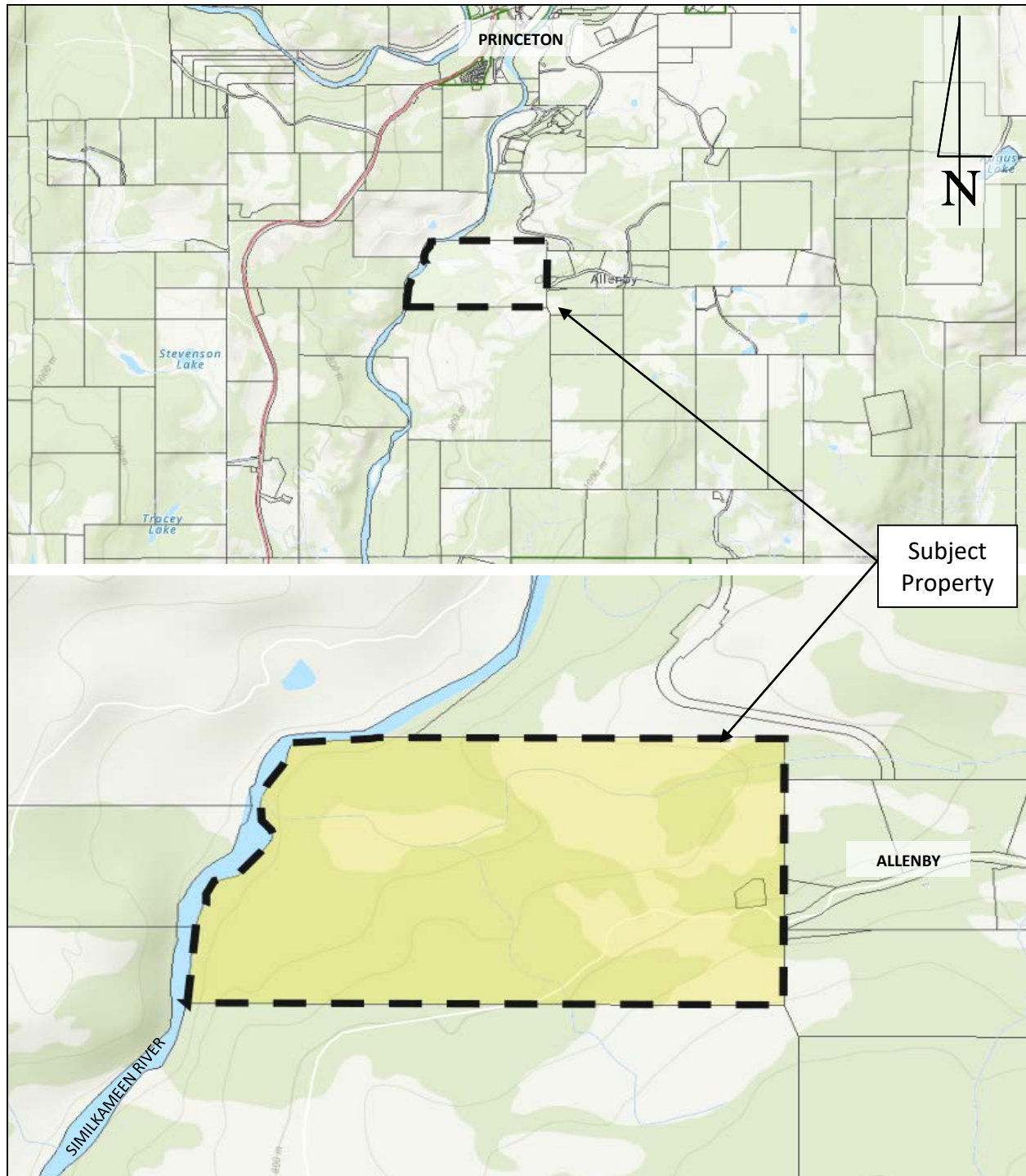
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. H2020.009-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

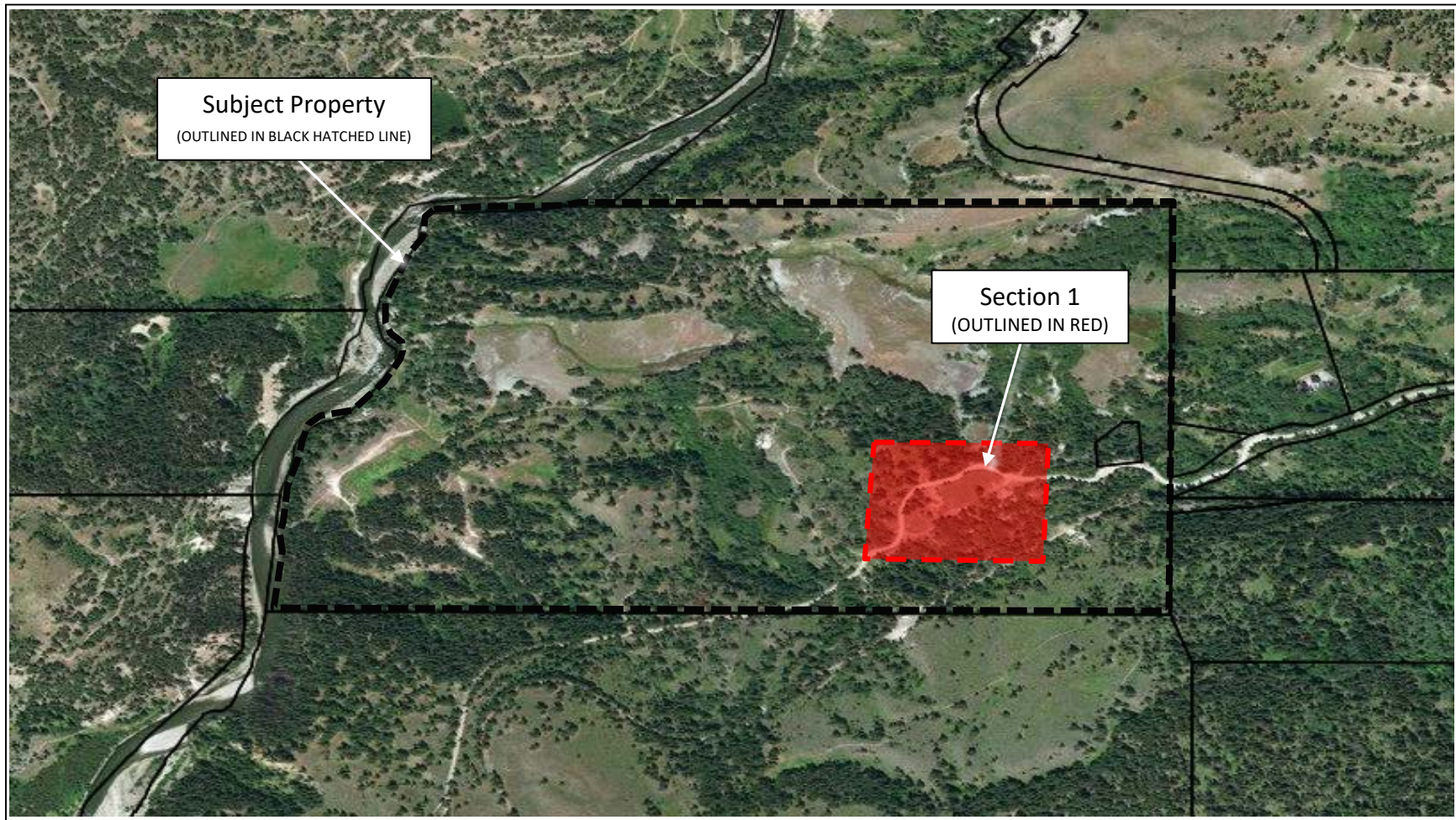
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. H2020.009-TUP

Schedule 'B'



Temporary Use Permit No. H2020.009-TUP

Page 6 of 6

Regional District of Okanagan-Similkameen

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

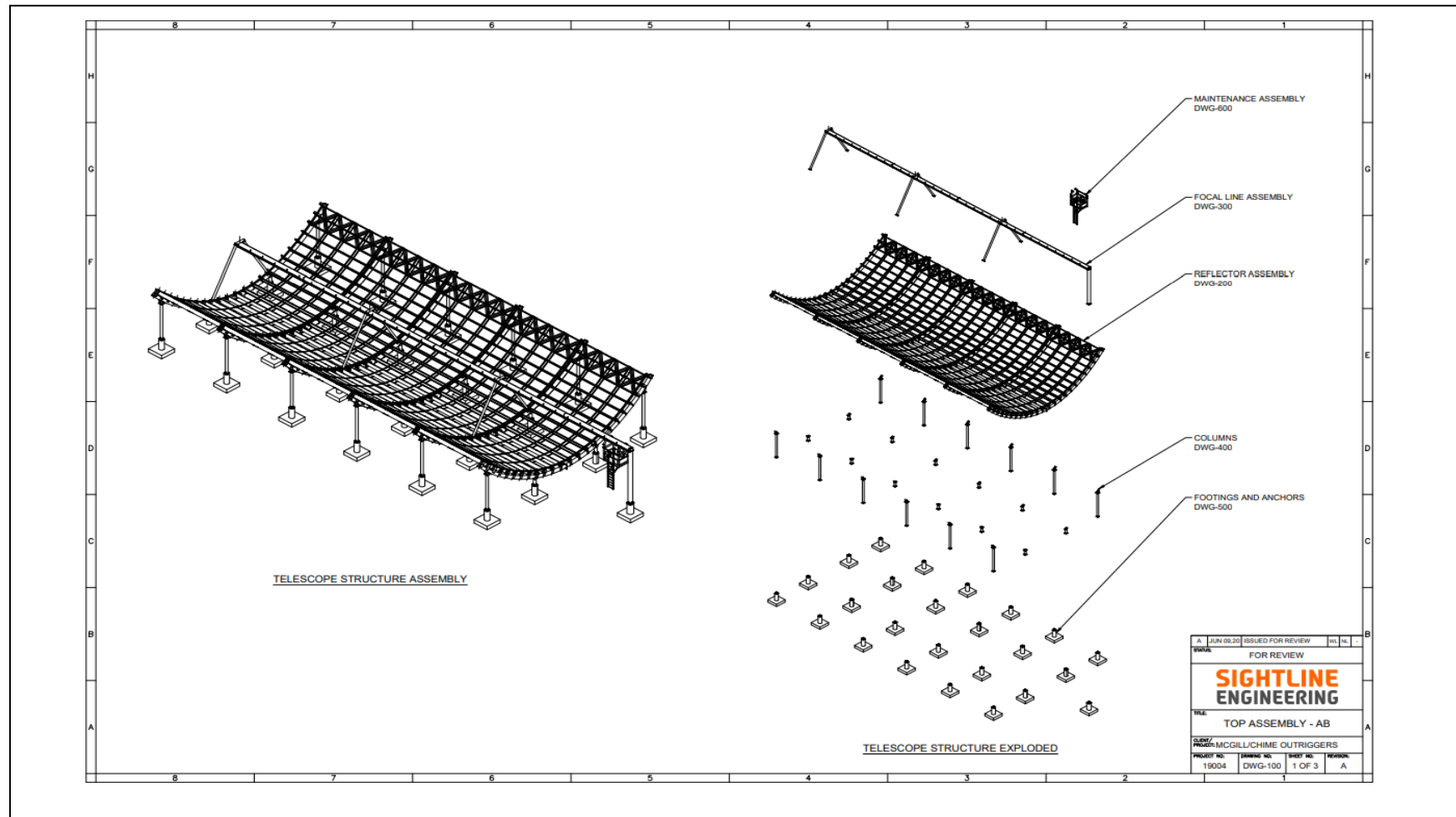
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. H2020.009-TUP

Schedule 'C'



Temporary Use Permit No. H2020.009-TUP

Page 6 of 6

Regional District of Okanagan-Similkameen

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

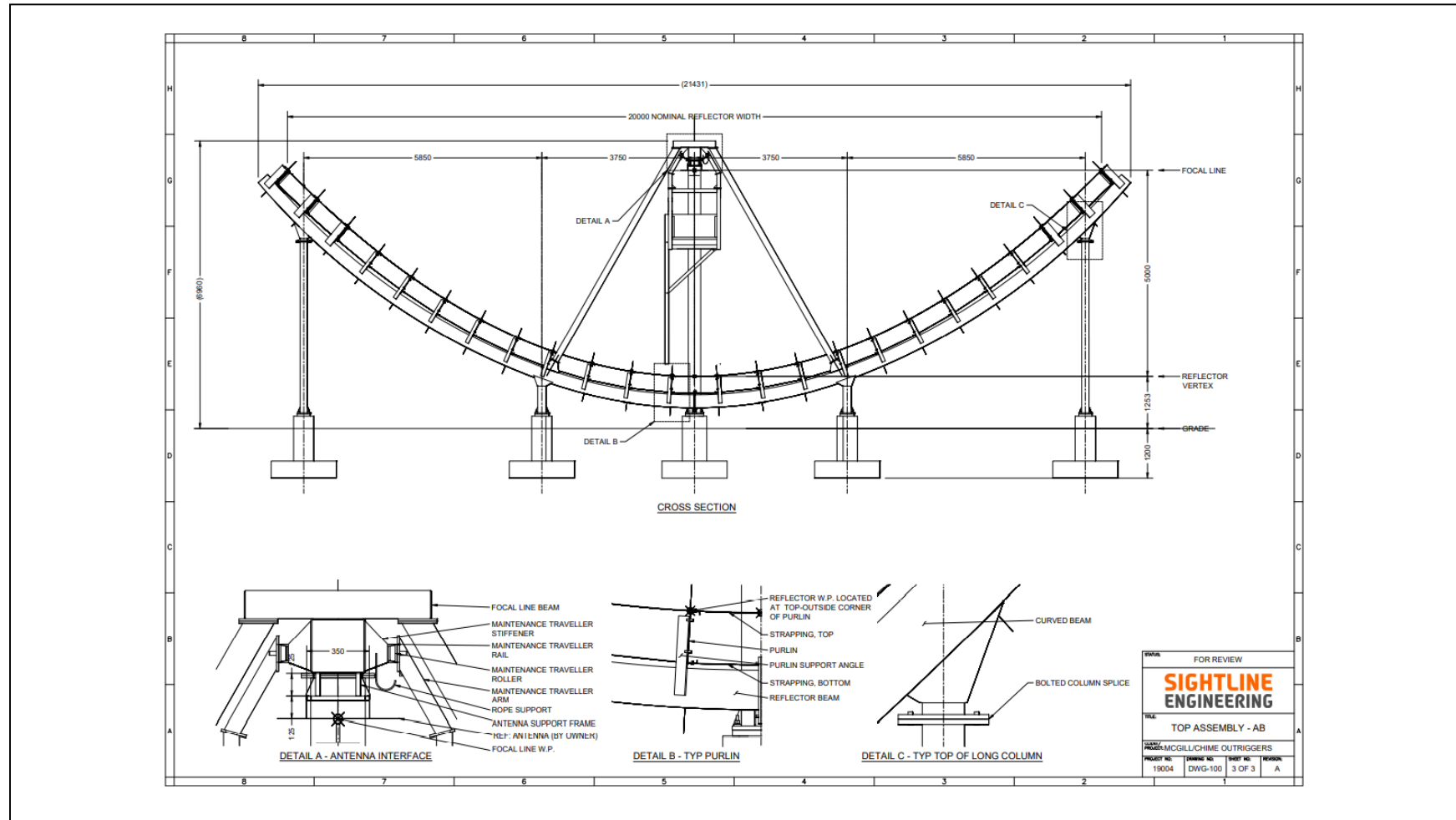
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. H2020.009-TUP

Schedule 'D'



Temporary Use Permit No. H2020.009-TUP

RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. H2020.009-TUP

☐ Approval Recommended for Reasons
Outlined Below

☒ Interests Unaffected

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended
Due to Reasons Outlined Below

Signature: 

Signed By: L. Lyle Thomas
CAO

Agency: Town of Princeton

Title: Aug. 10, 2020

Date: Aug. 10, 2020

2020-08-06

H2020.009-TUP

Hello RDOS Planners,

Thank you for your referral regarding installing a radio telescope on the property legally described as DISTRICT LOT 1838 SIMILKAMEEN DIVISION YALE DISTRICT EXCEPT THAT PART THEREOF OUTLINED RED ON PLAN B1374, PID 011458321. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, previously recorded archaeological sites DiRd-3 and DiRd-14 are recorded on the property.

Given the subsurface nature of most archaeological deposits, boundaries of archaeological sites are difficult to determine without subsurface testing. Therefore, any mapped boundaries are approximate, and it is possible that the sites are more or less extensive than currently mapped.

In addition to the archaeological sites, archaeological potential mapping for the area indicates the property has high to moderate potential to contain unknown/unrecorded archaeological deposits, as indicated by the brown (high potential) and beige (moderate potential) areas shown in the screenshot below.

Archaeology Branch Advice

DiRd-3 and DiRd-14 are protected under the *Heritage Conservation Act* (HCA) and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch.

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned within the protected archaeological sites (red areas shown in the screenshot below), a Provincial heritage permit is required. Permit applications are available on the [Archaeology Branch website](#). Completing a permit application usually requires archaeological expertise, and an archaeological impact assessment (AIA) may be required before a permit can be issued. Most applicants will therefore engage an eligible consulting archaeologist to review proposed activities, verify archaeological records, and work with the Archaeology Branch on the applicant's behalf to identify permit requirements, prepare permit application(s), and conduct any required archaeological study.

If land-altering activities are planned outside of the archaeological sites (red areas shown in the screenshot below), a Provincial heritage permit may not be required prior to commencement of those activities. However, there is high potential for the archaeological sites to extend beyond the limits indicated on the screenshot below and/or for other unknown archaeological deposits to exist on the property, and a Provincial heritage permit will be required if archaeological deposits are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the HCA and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment

(AIA) of the project area to determine whether the proposed activities are likely to damage or alter any unrecorded portions of the protected archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- A protected archaeological site is located on the subject property, and there is high potential for previously unidentified portions of the site to extend to other parts of the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

Questions?

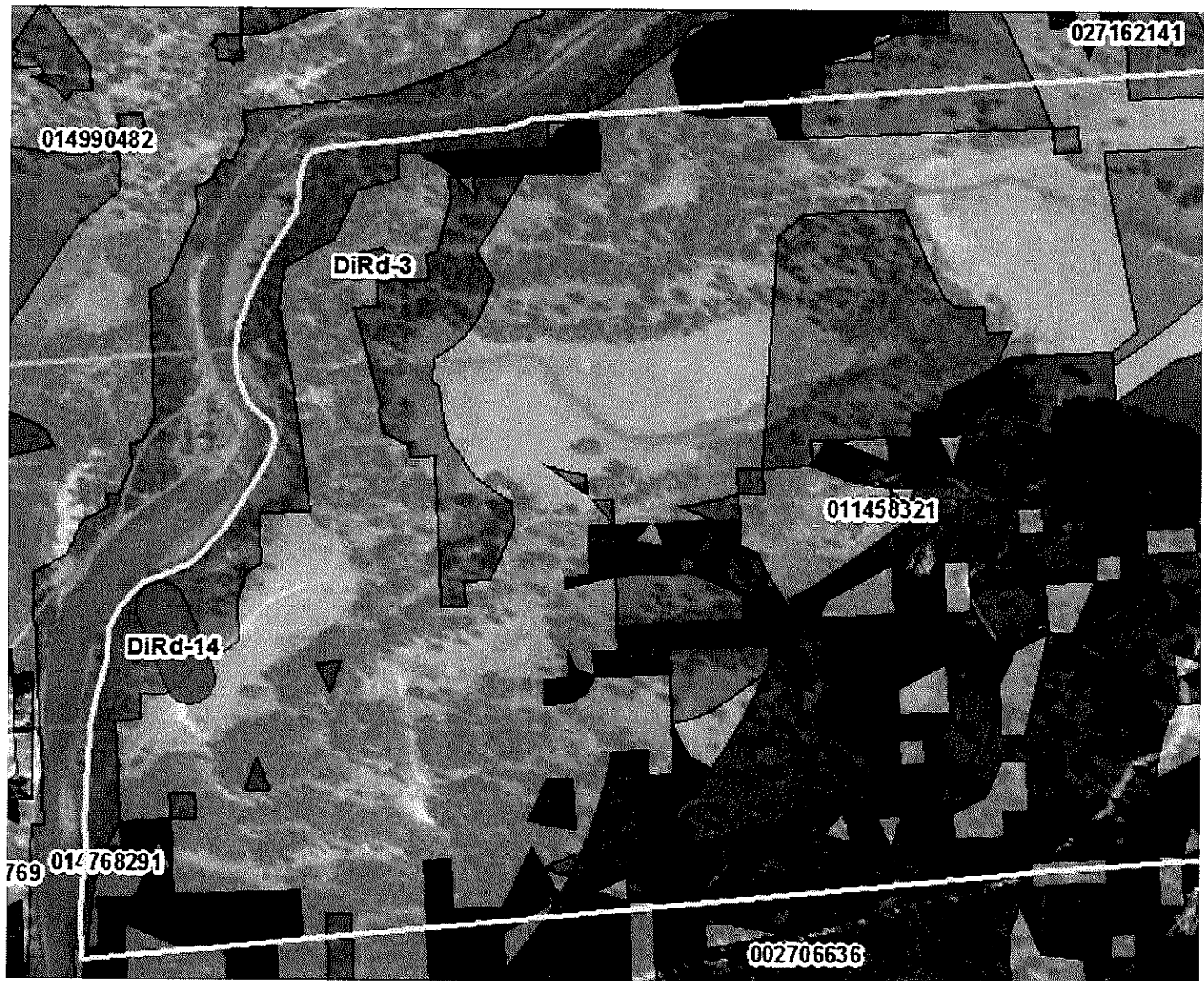
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Please note that subject lot boundaries (yellow), archaeological site boundaries (red), and areas of archaeological potential (brown = high potential and beige = moderate potential) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.

Diana Cooper
Archaeologist/Archaeological Site Inventory Information & Data Administrator

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

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

Administrative Recommendation:

THAT the Board of Directors appoint Debbie Selwood as a member of the Electoral Area "E" Advisory Planning Commission until October 31, 2022.

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding the appointment of Debbie Selwood as a member of the Electoral Area "E" Advisory Planning Commission (APC).

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:

The candidate has submitted an application to sit on the APC for Electoral Area "E", and Director Kovakevich has recommended that her application be brought forward for appointment by the Board.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "J. Peachey", is written over a horizontal line.

J. Peachey, Planner I

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2498.22, 2020, Electoral Area “H” 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 October 15, 2020;

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

Purpose: To rezone the subject property to allow for a 2-lot subdivision.

Owners: Madelaine McGrath & Carolann Brewer Agent: ALLTerra Land Surveying Folio: H-00632.100

Legal: Lot A, Plan KAP69501, District Lot 101 151 391, YDYG Civic: 2390 Coalmont Road

OCP: Large Holdings (LH) Proposed OCP: Large Holdings (LH)

Zone: Large Holdings Two (LH2) Proposed Zoning: Large Holdings One (LH1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to create two 4.0 ha parcels.

In order to accomplish this, the applicant is proposing to amend the zoning of the property from Large Holdings Two (LH2) to Large Holdings One (LH1).

In support of the rezoning, the applicant has stated that, *“the owners have owned this property since 2006. The property is zoned LH2 which has a minimum parcel size of 8-hecatres. They would like to subdivide the property into two 4-hectare parcels, which requires a zoning of LH1 to meet the minimum area requirements. The OCP designates this property and the adjacent parcels as Large Holdings (LH), so no changes to the OCP will be required. They (owners) have identified several potential building site locations at the top and bottom of the hill. They intend to construct a home on the two new properties and are hoping to run a bed and breakfast on one of them.”*

Site Context:

The subject property is approximately 8.0 ha in area and is situated approximately 1 km east of Tulameen on the north side of Coalmont Road. It is understood that the parcel is currently vacant.

The surrounding pattern of development is generally characterised by similarly sized Large Holdings Two zoned parcels on either sides of subject parcel. To the north is the Otter Mountain which is largely undeveloped. To the south, across Coalmont Road, is farmlands.

Background:

Parcel Information

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 1, 2001, while available Regional District records indicate that building permit(s) have not previously been issued for this property.

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

Subject property is understood to be within Archaeological Predictive Model, which *may* require permits from Archeology Branch for any land development activities that might occur on site.

OCP Bylaw:

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Large Holdings (LH), an objective of which includes large parcels of land generally used for ranching, grazing, general resource management, outdoor recreation, fish and wildlife habitat and other uses that fit within the character of this area.

A portion of subject parcel (southern half) is within an Environmentally Sensitive Development Permit (ESDP) Area designation.

Zoning Bylaw:

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Large Holdings Two (LH2), which specifies a minimum parcel size for subdivision of 8.0 ha, whereas the Large Holdings One (LH1) Zone specifies a minimum parcel size of 4.0 ha.

Subdivision Application:

On March 13, 2020, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws. In reviewing this proposal, it was determined that a zoning amendment is required in order to allow the creation of two 4.0 ha parcels.

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 a controlled access highway (i.e. Highway 5A & 3).

Public Process:

On August 10, 2020, a Public Information Meeting (PIM) was held electronically and was attended by no members of the public (RDOS staff & both owners were present).

Due to COVID-19, an Area “H” Advisory Planning Commission (APC) meeting was not held. Area “H” APC members were provided the opportunity to comment individually on this application.

An early notification was provided to adjacent property owners, in response to which staff have received three (3) letters of supports regarding the proposal.

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 proposed zoning designation change from LH2 to LH1 is generally consistent with the LH designation under the OCP Bylaw.

While the proposal is to create two parcels (each of size 4.0 ha), no significant impact is anticipated on the neighbouring properties as the subject property is located in proximity to SH4 zoned lots with parcels ranging from 0.5 ha to 1.0 ha.

Regarding servicing of lots, each parcel will have to be serviced by a ground water well and septic system that meets the Regional District's Subdivision Servicing Bylaw requirements

The eastern lot is proposed to be accessed through existing driveway, and a new driveway will be constructed to service the proposed western lot from Coalmont Road.

Further, an environmental assessment was submitted in support of proposed rezoning, which indicated that the proposal will not result in either new parcel having restrictions that would preclude development and that the construction of a new house on the western half (proposed new lot) will not require any clearing or blasting.

Conversely, Administration recognises that the topography is challenging and that the current 7.8 ha parcel size may be the most appropriate for this particular location.

In summary, Administration supports the proposed zoning amendment bylaw, to allow creation of two parcels of size not less than 4.0 ha as it is seen to have no significant impact on surrounding properties or the environment and generally fits with the existing rural character of the neighbourhood.

Alternatives:

1. THAT Bylaw No. 2498.22, 2020, Electoral Area "H" 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 October 15, 2020;

AND THAT staff give notice of the public hearing in accordance with the requirements of the Local Government Act.
2. THAT Bylaw No. 2498.22, 2020, Electoral Area "H" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2498.22, 2020, Electoral Area "H" Zoning Amendment Bylaw be denied.

Respectfully submitted:

Rushi Gadoya

R. Gadoya, Planning Technician

Endorsed By:

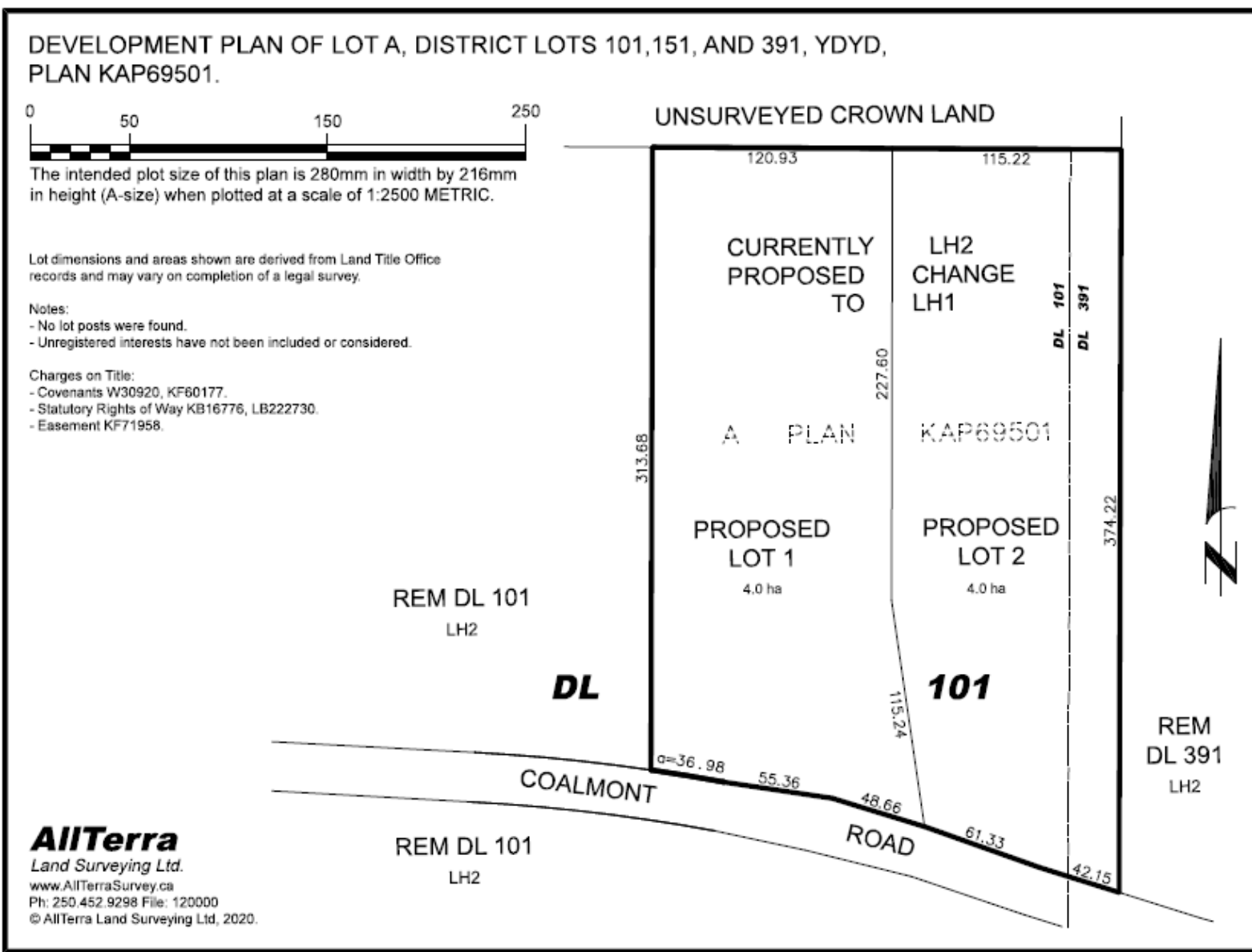


C. Garrish, Planning Manager

Attachments:

No. 1 – Applicant's Site Plan
No. 2 – Site Photo

Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Site Photo (Google Streetview)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.22, 2020

A Bylaw to amend the Electoral Area “H” Zoning Bylaw No. 2498, 2020

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “H” Zoning Amendment Bylaw No. 2498.22, 2020.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by:
 - i) changing the land use designation on the land described as Lot A, Plan 69501, District Lot 101 151 391, YDYG, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Large Holdings Two (LH2) to Large Holdings One (LH1).

READ A FIRST AND SECOND TIME this ____ day of _____, 2020

PUBLIC HEARING held on this ____ day of _____, 2020.

READ A THIRD TIME this ____ day of _____, 2020.

ADOPTED this ____ day of _____, 2020.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

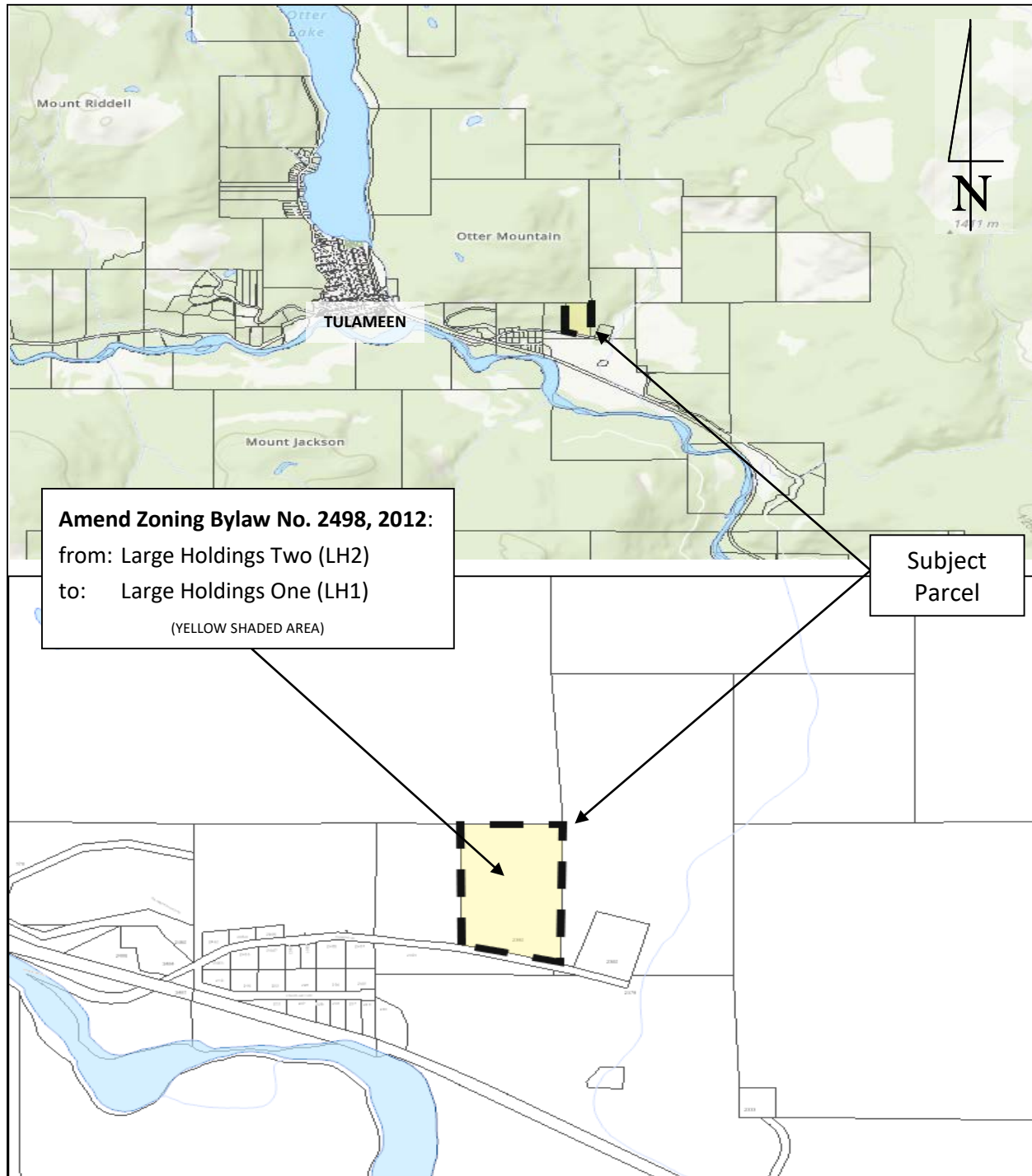
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2498.22, 2020

File No. H2020.007-ZONE

Schedule 'A'



Amendment Bylaw No. 2498.22, 2020

(H2020.007-ZONE)

Page 2 of 2

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: April 16, 2020 2:35 PM
To: Planning
Cc: Lauri Feindell
Subject: RE: Bylaw Referral Project H2020.007-ZONE

Hello Planning Gurus at RDOS!

Hope everyone is healthy and safe.

Thank you for your referral regarding the proposed subdivision of 2390 Coalmont Road, PID 025101901, LOT A DISTRICT LOTS 101, 151 AND 391 YALE DIVISION YALE DISTRICT PLAN KAP69501. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates the property has high to moderate potential for unknown/unrecorded archaeological deposits, as indicated by the brown (high potential) and beige (moderate potential) areas shown in the screenshot below.

Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- There is high to moderate potential for previously unidentified archaeological deposits to exist on the property.

- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

Questions?

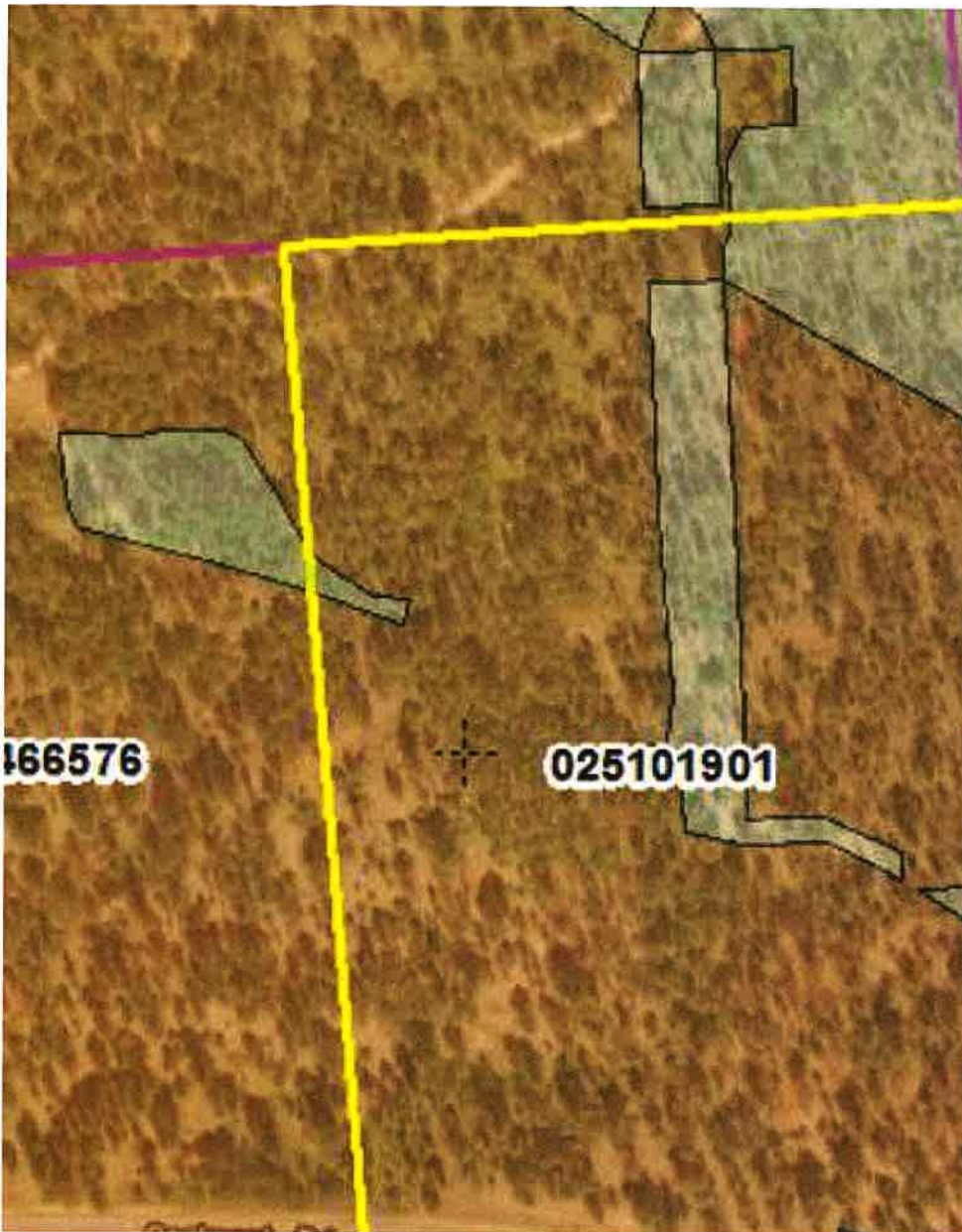
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,





Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown = high and beige = moderate) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.



Diana Cooper
Archaeologist/Archaeological Site Inventory Information & Data Administrator
 Archaeology Branch | [Ministry of Forests, Lands, Natural Resource Operations and Rural Development](#)
 Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website www.gov.bc.ca/archaeology

From: Lauri Feindell <lfeindell@rdos.bc.ca>

Sent: April 15, 2020 5:10 PM

To: HBE@interiorhealth.ca; 'fbclands@fortisbc.com' <fbclands@fortisbc.com>; Poole, Kathryn ENV:EX <Kathryn.Poole@gov.bc.ca>; Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>; Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>

Cc: Rushi Gadoya <rgadoya@rdos.bc.ca>

Subject: Bylaw Referral Project H2020.007-ZONE

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: May 15, 2020 3:39 PM
To: Planning
Subject: Coalmont Rd, 2390 RDOS (H2020_007-ZONE)

With respect to the above noted file,

There are FortisBC Inc. (Electric) ("FBC(E)") primary distribution facilities along Coalmont Road. Further extension work may be required depending on the building site location.

To proceed with further servicing, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements. All costs and land right requirements associated with servicing the proposed lots are the responsibility of the applicant.

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

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>

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

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

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

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com





Interior Health
Every person matters

April 16, 2020

Regional District of Okanagan-Similkameen – Planning Services
101 Martin Street
Penticton, BC V2A 5J9

planning@rdos.bc.ca

To Whom it May Concern:

RE: File #: H2020.007-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

Lauri Feindell

Subject: FW: Bylaw Referral Project H2020.007-ZONE (2020035)

From: Leathem, Jamie FLNR:EX <Jamie.Leathem@gov.bc.ca>
Sent: May 13, 2020 5:39 PM
To: Planning <planning@rdos.bc.ca>
Cc: Lacey, Cathy M FLNR:EX <Cathy.Lacey@gov.bc.ca>
Subject: FW: Bylaw Referral Project H2020.007-ZONE (2020035)

The above noted referral (our file 2020035) has been reviewed by the Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

There are no concerns with the rezoning as proposed.

Thank you,
Jamie Leathem, M.Sc.
Ecosystems Biologist | BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development
102 Industrial Place, Penticton, BC V2A 7C8 | 778-622-6834 | Jamie.Leathem@gov.bc.ca



Page 1 of 7

The subject area is approximately 5.5 ha in area and is situated at the north-east corner of the intersection of Secrest Hill Road and Covert Farms, 6.5 km north of the Town of Oliver. The parcel comprises various structures associated with an existing campground use.

The surrounding pattern of development is generally characterised by an agricultural operation (Covert Farm) to the north and undeveloped Crown land to the east, west and south.

Background:

The Regional District has held a License of Occupation on an approximately 3.62 ha parcel of Crown land where Loose Bay Campground is located for the past 20-25 years.

At its meeting of January 19, 2017, the Regional District adopted Bylaw No. 2757, 2016, to establish a Campground Service in Area “C”. This bylaw allowed the Regional District to operate a campground, enter into contracts, own assets (land, water connection pipe, and any other improvements), borrow for a capital purpose, and addressed the discontinuance of a potable water supply from the neighbouring property to the campground use.

In June, 2020, the Ministry of Agriculture provided a grant of \$200,000, to assist with COVID-19 compliance and to purchase new washroom/shower/laundry facilities.

At its meeting of July 16, 2020, RDOS resolved to “authorize” an ALC application to proceed to allow a commercial campground as a non-farm use on and around the parcel, and initiated an amendment to the Area “C” OCP and Zoning Bylaw in order to formalise the campground.

On July 24, 2020, the Agricultural Land Commission issued a conditional approval indicating overall support for the project. One key ALC condition is to retain the Agriculture zoning and use a site-specific amendment process, rather than a “commercial campground” rezoning and OCP amendment.

The Area “C” OCP Bylaw designates the subject property as AG and is designated as an Important Ecosystem Area (IEA) under Schedule ‘C’ of the bylaw. The property is zoned AG2, which permits a range of uses related to agriculture but does not permit “campground”. The subject area is within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

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 a controlled access highway (i.e. Highway 97).

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 bylaw.

Public Process:

On August 25, 2020, an electronic Public Information Meeting (PIM) was held, and was attended by one Board member and no members of the public.

At its meeting of September 8, 2020, the Area “C” Advisory Planning Commission (APC) is scheduled to discuss the subject bylaw amendment, and the APC’s recommendation will be presented verbally

to the Board. All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The “Loose Bay” campground has a long history of serving the needs of migrant farm labour and an objective of the OCP is “to encourage the agricultural sector’s improvement and expansion by pursuing supportive land use policies within and adjacent to farming areas.”

This rezoning is required to issue permits and construct necessary improvements, to ensure the campsite can operate in a safe and healthy manner given the COVID-19 pandemic. Formalisation of the campground will allow for an upgrading of infrastructure to serve patrons, including improved washroom, laundry and shower facilities.

Conversely, lands capable of accommodating such a campground may exist elsewhere on non-agricultural lands. However, it is not clear that development of such lands are feasible or provide the same level of convenience and oversight as the current location. Administration considers that its current and long-term use by migrant farm labour exceeds its agricultural potential, and that the “Loose Bay” campground supports and helps sustain farming activity in the area.

Alternatives:


1. THAT Bylaw No. 2453.38, 2020, Electoral Area “C” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Director Knodel, or their delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Knodel;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2453.38, 2020, Electoral Area “C” Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2453.38, 2020, Electoral Area “C” Zoning Amendment Bylaw be denied.

Respectfully submitted:


Cory Labrecque, Planner II

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Site Plan Showing Service Locations

No. 3 – Site Photos

Attachment No. 1 – Site Plan



Attachment No. 2 – Site Plan Showing Service Locations



Attachment No. 3 – Site Photos



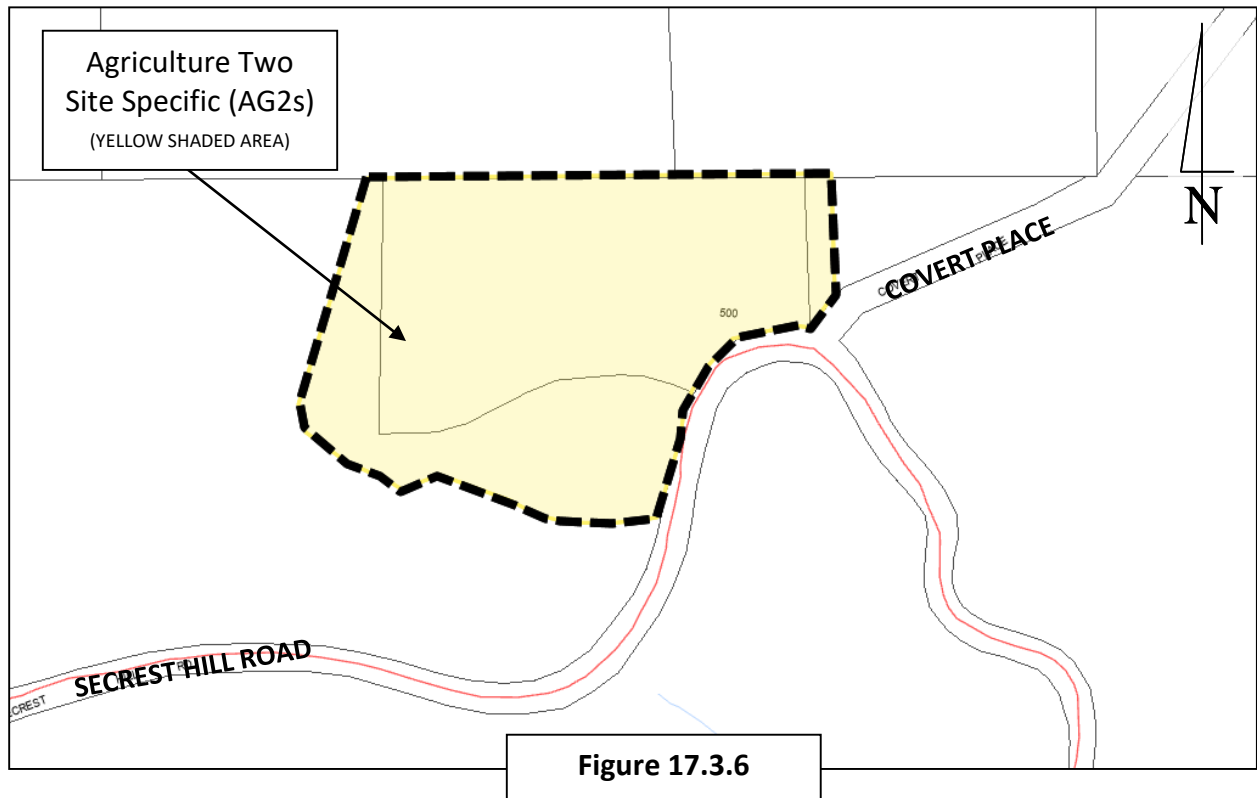
REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2453.38, 2020

A Bylaw to amend the Electoral Area “C” Zoning Bylaw No. 2453, 2008

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “C” Zoning Amendment Bylaw No. 2453.38, 2020.”
2. Electoral Area “C” Zoning Bylaw no. 2453, 2008 is amended by:
 - i) adding a new Section 17.3.6 under Section 17.3 (Site Specific Agricultural Two (AG2s) Designations) to read as follows:
 - .6 In the case of approximately 5.2 ha of Crown land, including the land described as Block A, Plan KAP1729, District Lot 2450S, SDYD, Lease/Permit/Licence # 345722, and a portion of surrounding Crown land, and shown shaded yellow on Figure 17.3.6:
 - i) the following principal uses shall be permitted on the land in addition to the permitted uses listed in Section 10.3:
 - a) campground.



3. The Official Zoning Map, being Schedule '2' of the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by changing the land use designation of approximately 5.2 ha of Crown land, including the land described as Block A, Plan KAP1729, District Lot 2450S, SDYD, Lease/Permit/Licence # 345722, and a portion of surrounding Crown land, as shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture Two (AG2) to Agriculture Two Site Specific (AG2s).

READ A FIRST AND SECOND TIME this ____ day of _____, 2020.

PUBLIC HEARING held on this ____ day of _____, 2020.

READ A THIRD TIME this ____ day of _____, 2020.

ADOPTED this ____ day of _____, 2020.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

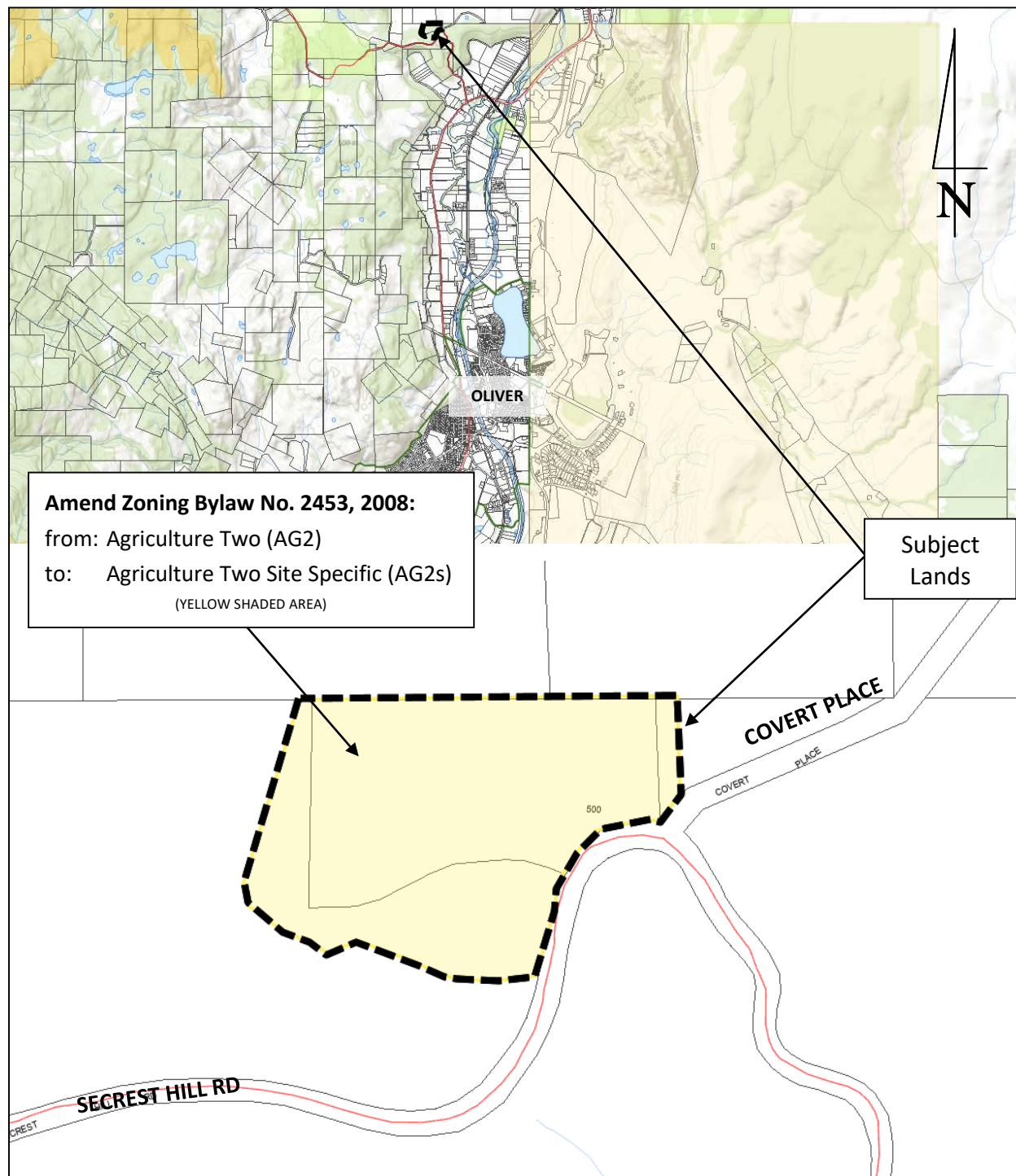
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2453.38, 2020

File No. C2020.009-ZONE

Schedule 'A'





July 27, 2020

File: 0280-30
Local Government File: C2020.010-ZONE

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

Re: Bylaw 2452.23 and 2453.38 File: C2020.010-ZONE

Dear Cory Labreque,

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the proposed rezoning of 500 Secrest Hill Road to accommodate a commercial campground. As noted in the application materials, the Ministry of Agriculture is providing approximately \$200,000 in grants for improvements to washroom, shower and laundry facilities in order to ensure that seasonal farm workers have access to safe and hygienic housing while working on local farms.

Ministry staff are supportive of zoning that will accommodate the campground and these improved facilities; however, we concur with the Agricultural Land Commission request in their Resolution #348/2020 that the site remain designated and zoned primarily for agriculture and that the property retain its Agricultural OCP designation and Agriculture Two (AG2) zone with a site specific text amendment to accommodate the campground use and associated facilities or a Temporary Use Permit, rather than rezoning as proposed to a Commercial Tourism (CT) zone. We also support the condition in Resolution #348/2020 for construction of a fence or similar barrier along the west and south boundaries of the proposed campground area to delineate the campground from the remainder of the property and to prevent expansion of the campground into the adjacent ALR land.

If you have any questions, please contact me directly at Alison.Fox@gov.bc.ca or 778-666-0566.

Sincerely,

Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture
Alison.Fox@gov.bc.ca
(778) 666-0566

Christina Forbes, P.Ag.
Regional Agrologist
BC Ministry of Agriculture
Christina.Forbes@gov.bc.ca
(250) 309-2478

Email copy: Sara Huber, Regional Planner, Agricultural Land Commission
Mike Bandy, Land Use Planner, Agricultural Land Commission



July 23, 2020

Cory Labrecque, Planner
Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, British Columbia V2A 5J9
planning@rdos.bc.ca

Dear Cory Labrecque:

Re: C2020.010-ZONE
500 Secrest Hill Road
Legal: Block A, Plan KAP1729, District Lot 2450S, SDYD & a portion of surrounding Crown land.

Thank you for the opportunity to comment on the above named proposal. It is my understanding the applicant is seeking an amendment of Electoral Area 'C' OCP land use designation from Agriculture (AG) to Commercial Tourist (CT) and a rezoning of the property from Agriculture Two (AG2) to Campground Commercial (CT2) in order to formalize a campground for migrant farm laborers.

From the health community development perspective Interior Health supports this proposal because it will reduce the demand for housing within the community.

The Environmental Assessment Team has no objections to the proposal provided that shower, bathroom, and other sanitary facilities are connected to an appropriate sewerage system per the BC Sewerage System Regulation (Pursuant to the BC Public Health Act). Pit Privies, also known as outhouses, are not a legal means of sewerage disposal in BC. If you have questions regarding your existing system and its performance and/or compliance with today's standards, please contact an Authorized Person under the regulation (Registered Onsite Wastewater Practitioner or Engineer) or the Environmental Assessment Team via HBE@interiorhealth.ca.

Sincerely,

Tanya Osborne, BAHS
Healthy Communities
Population Health

Marion Masson, CIPH(c)
Specialist Environmental Health Officer
Environmental Management

Bus: 250-469-7070 x12287
tanya.osborne@interiorhealth.ca
www.interiorhealth.ca

Population Health
505 Doyle Avenue
Kelowna, BC V1Y 0C5

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: August 4, 2020 4:09 PM
To: Planning
Cc: Lauri Feindell
Subject: RE: Bylaw Referral (C2020.010-ZONE)

Hello RDOS Planners! Happy August! ☺

Thank you for your referral C2020.010-Zone to allow a commercial campground ("Loose Bay") as anon-farm use on and around the parcel located at 500 Secrest Hill Road (Block A, Plan KAP1729, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission;

And

Zoning Bylaw No. 2453, 2008, be initiated in order to formalise the use of an approximately 5.5 ha area, including the property at 500 Secrest Hill Road (Block A, Plan KAP1729, District Lot 2450S, SDYD), as a "campground".

Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the area of land listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded within or in close proximity to the property.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. The area has moderate potential, but not enough to warrant archaeological investigation.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this referral.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

Loose Bay

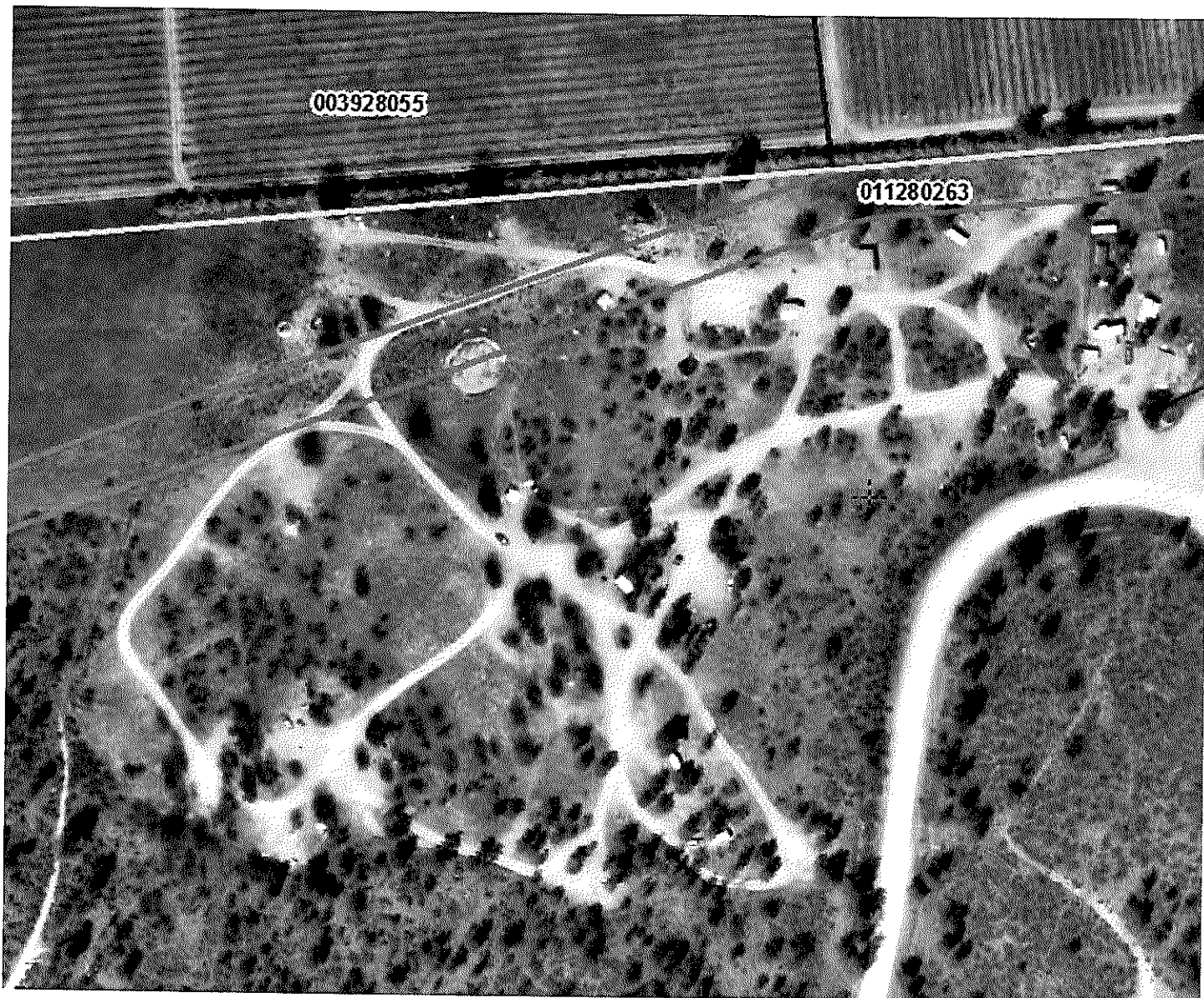
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

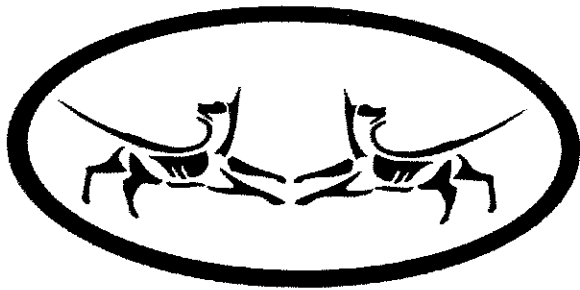
Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Diana Cooper
Archaeologist/Archaeological Site Inventory Information & Data Administrator



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

Bylaw Referral - D2017.069-ZONE

FN Consultation ID:

L-200723-D2017069-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan-Similkameen

Date Received:

Friday, July 31, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

July 31, 2020

Attention: Planning RDOS

File Number: D2017.069-ZONE

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the Tsilhqot'in case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Invoice Number: L-200723-D2017069-ZONE

SubTotal Tax Total

Referral Processing \$ 500.00 \$ 0.00 \$ 500.00

Total \$ 500.00 \$ 0.00 \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132

If you require further information or clarification, please do not hesitate to contact me.

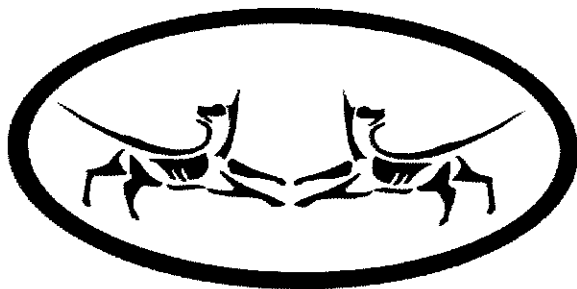
limlœmt,

Maryssa Bonneau

Referrals Administrator

P: 250-492-0411

Referrals@pib.ca



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

Bylaw Referral - D2017.069-ZONE

FN Consultation ID:

L-200723-D2017069-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan-Similkameen

Date Received:

Friday, July 31, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

July 31, 2020

Attention: Planning RDOS

File number: D2017.069-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was sent on July 23, 2020.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, the Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economically from those uses.

Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limlæmt,

Maryssa Bonneau
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2452.23 & 2453.38

☐ 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: _____

Agency: _____

Date: _____

Signed By: _____

Title: _____

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

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

Administrative Recommendation:

THAT the RDOS “not authorize” the application to allow a warehouse as a non-farm use on the parcel located at 1543 Maple Street, Okanagan Falls (Lot 2, Plan 14822, District Lot 551, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To allow for a warehouse for farm use within the ALR

Owners: Shuttleworth Creek Vineyard Ltd. Agent: Larry Gerelus Folio: D-03459.020

Legal: Lot 2, Plan 14822, District Lot 551, SDYD Civic: 1543 Maple Street

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

Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 20 of the *Agricultural Land Commission Act* (the Act) has been lodged with the Regional District in order to allow for a “warehouse for farm use” as a non-farm use within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking approval to use the warehouse for the storage of finished wine, vineyard equipment and supplies from two separate wineries.

In support of this proposal, the applicant has stated that “if this warehouse was on one of the winery sites it would be considered a farm use warehouse but because a winery is not located on the same property, it falls into a non-farm use category. The decision to locate the warehouse here rather than on one of the winery sites is that it is an ideal location for wine storage. The property is flat and the logistics of receiving and shipping is very efficient on this property.”

Statutory Requirements:

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

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use” will be required in order for the development to proceed.

Section 25(3) of the Act grants the Board the authority to not “authorise” an application to proceed to the ALC if the land is zoned by bylaw to permit an agricultural or farm use, or an amendment to an Official Community Plan (OCP) Bylaw or Zoning Bylaw would be required for the proposal to proceed.

Site Context:

The subject property is approximately 7.4 ha in area and is situated on the east side of Maple Street in Okanagan Falls. It is understood that the parcel is comprised of a single detached dwelling and one accessory structure (garage) and has approximately 5.6 ha of vineyard.

The surrounding pattern of development is generally characterised by agricultural land to the north and industrial lands to the west, south and east containing vacant lands and a mix of other uses. There are also residential lands to the northeast in the form of a mobile home park.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 9, 1965, while available Regional District records indicate that building permit have not previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Agriculture (AG), with policies that speak to maintaining the integrity of land suitable for agriculture (Section 9.2.3), preventing encroachment of non-farm land uses (Section 9.2.7), and encourage farm related commercial businesses, that do not conflict with adjacent properties (Section 9.2.15).

The property is also the subject of a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Agriculture One (AG1) which permits, among other uses, “packing, processing and storage of farm and off-farm products” as a principal use.

The property is entirely within the Agricultural Land Reserve (ALR) and has classified as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

On August 6, 2020, the ALC reviewed a Notice of Intent (NoI) to remove soil and place fill over an approximately 1,326.6 m² of ALR land for a warehouse and concluded this was inconsistent with its regulations as the warehouse was not at an alcohol production facility and therefore not ancillary.

Analysis:

In considering this proposal, Administration notes that the subject property is designated as Agriculture, under which the Electoral Area “D” OCP Bylaw seeks to maintain land suitable for agriculture, prevent encroachment of non-farm uses onto agricultural lands, and to “to encourage the agricultural sector’s improvement and expansion by pursuing supportive land use policies within and adjacent to farming areas.”

Administration recognises that the intent of agricultural lands is for growing agricultural crops for providing food, horticultural, medicinal or farm products and the amount of viable farm lands within the Province is limited.

As there is no nexus between the warehousing of finished wine and the agricultural use on the subject property, Administration has concerns that the warehouse facility is more of a stand-alone commercial/industrial use and not agricultural.

Of further concern is the scale of the warehouse operation, where 826 m² is dedicated for wine storage for off-site wineries.

Further, “packing, processing and storage of farm and off-farm products” is permitted in the neighbouring industrial park lands (I1 zone) that are not used for growing crops, as well as other commercial/light industrial lands within the Regional District and City of Penticton.

As such, there appears to be viable alternatives by locating elsewhere and in areas that are more appropriate for a commercial warehouse by not encroaching on viable farmlands.

Although the Zoning Bylaw broadly allows for “packing, processing and storage of farm and off-farm products” as a principal use, not an ancillary or secondary use to agriculture or an alcohol production facility (i.e. winery), the Zoning Bylaw may not align with the Agriculture or ALR designation.

Further, the “packing, processing and storage of farm and off-farm products” use is undefined under the Zoning Bylaw and leaves room for interpretation as to what was intended to be permitted under such a provision.

Conversely, the proposed “warehouse” facility supports agricultural operations in general, as it will be used to support two other wineries under the same ownership.

The warehouse will support the vineyard operation on site through storage of vineyard equipment and offices/lab, as well as storage of farm products from off-site wineries (i.e. finished wine). Both uses are considered consistent with the AG1 zone.

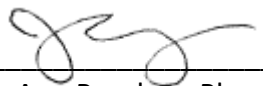
The impetus of the application is due to the absence of a winery on site (i.e. no processing of grapes at this location and no winery licence), which is a distinction not recognized under the Electoral Area “D” Zoning Bylaw.

At this time, Administration does not consider the proposal to be a greater benefit to the agricultural sector in general than what would be lost by allowing an industrial use on viable farmland.

Alternatives:

1. THAT the RDOS Board “authorize” the application to allow a warehouse as a non-farm use on the parcel located at 1543 Maple Street, Okanagan Falls (Lot 2, Plan 14822, District Lot 551, SDYD) to proceed to the Agricultural Land Commission; OR
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “D” Advisory Planning Commission (APC).

Respectfully submitted:


JoAnn Peachey, Planner I

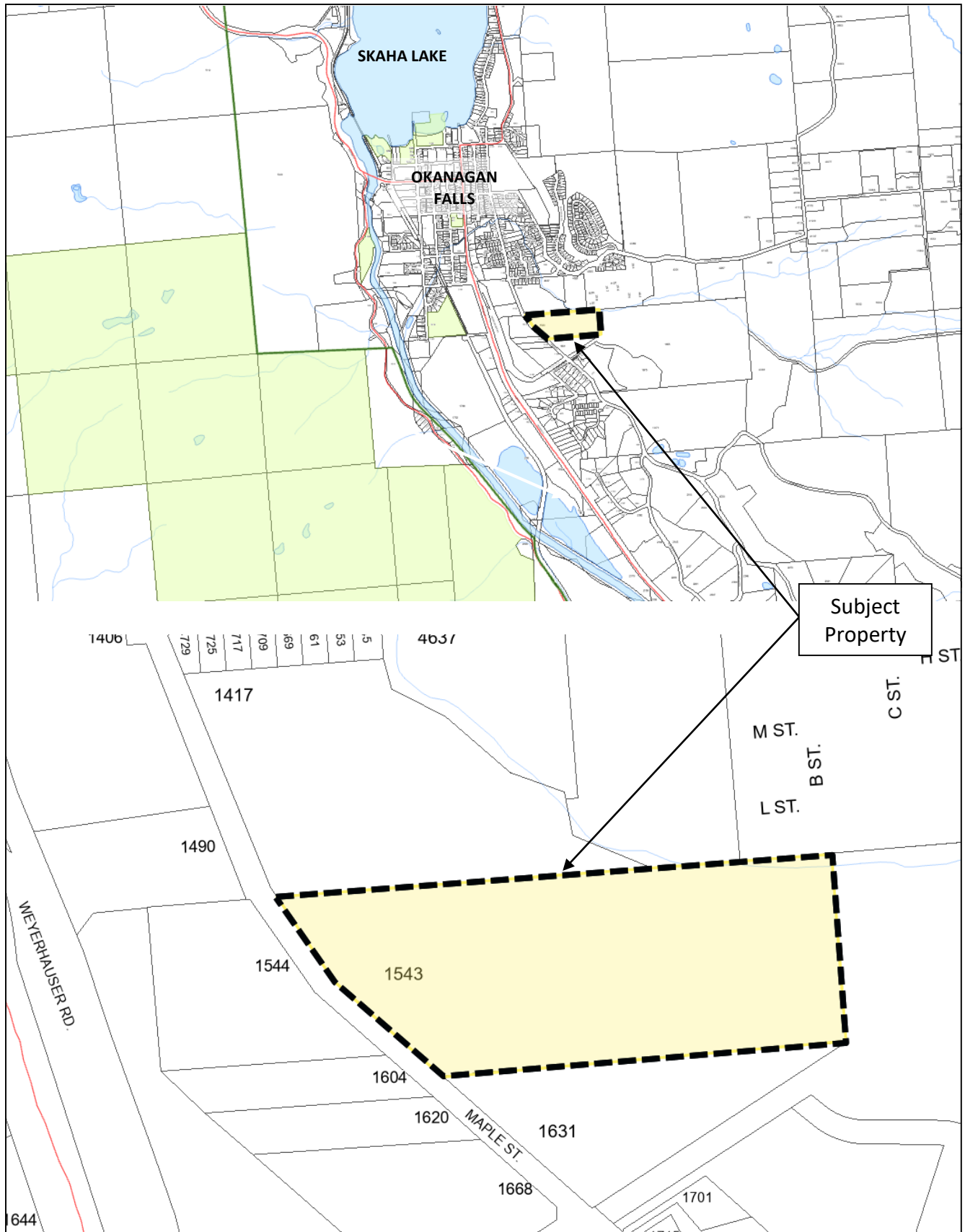
Endorsed By:


C. Garrish, Planning Manager

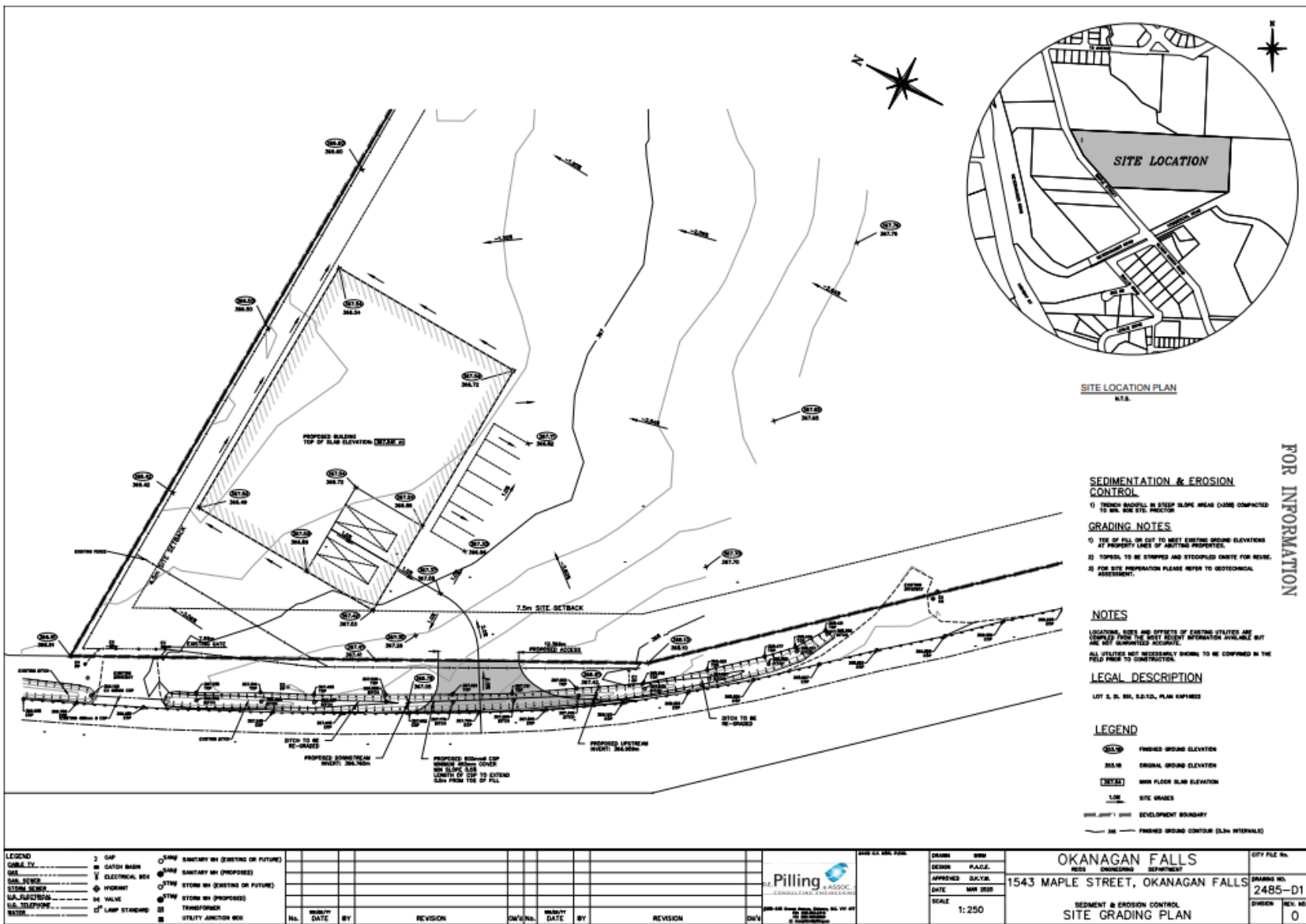
Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant’s Site Plan
- No. 3 – Applicant’s Building Elevations
- No. 4 – Applicant’s Floor Plan (Ground Level)
- No. 5 – Applicant’s Floor Plan (Mezzanine)

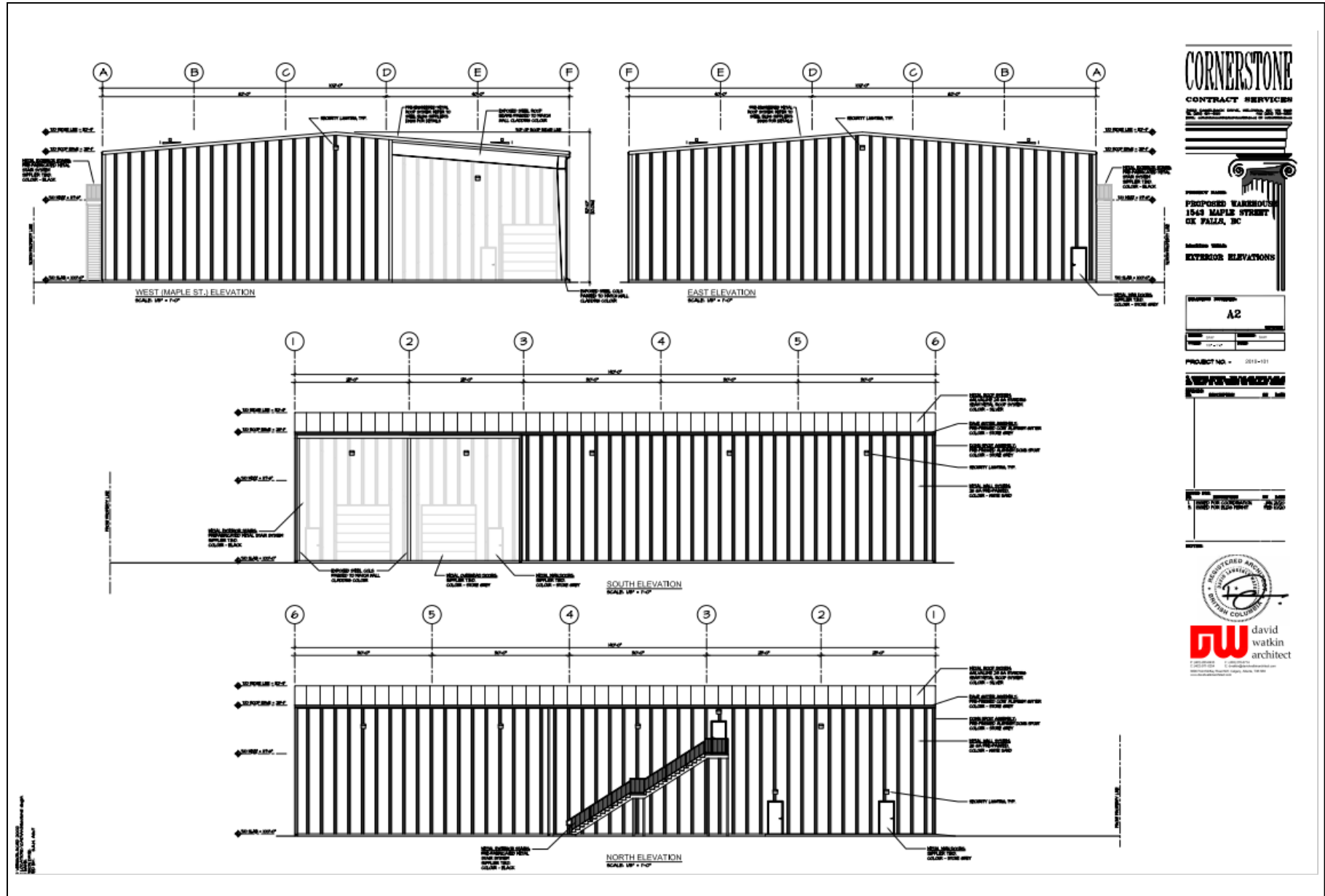
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Building Elevations



This architectural floor plan depicts a large industrial building, likely a warehouse or distribution center, with a complex layout of storage areas, rooms, and structural elements. The plan is oriented with North at the top, as indicated by the compass rose in the upper right corner.

Overall Dimensions and Orientation:

- The building footprint is 14,280 sq ft (1,326.6 sq m).
- The interior building area is 12,374 sq ft (1,149.5 sq m).
- The exterior covered area is 1,906 sq ft (177.1 sq m).
- The plan is divided into six horizontal sections labeled A through F.
- Vertical dimensions on the right side indicate section widths: 20'-0" (A-B), 20'-0" (B-C), 20'-0" (C-D), 20'-0" (D-E), and 20'-0" (E-F).

Key Areas and Rooms:

- MECH. ROOM:** 72'x17'4" (CLG HGT 18'0").
- WASHROOM:** 6'0"x8'0" (8' CLG).
- BARREL & GLASS STORAGE AREA:** 27'0"x60'10" (8' CLG).
- VINEYARD EQUIP. STORAGE AREA:** 21'2"x60'10" (8' CLG).
- WAREHOUSE STORAGE AREA:** 89'x100' (OPEN TO ROOF).
- COVERED OUTDOOR STORAGE AREA:** 49'x39'.
- EXTERIOR COVERED AREA:** 1,906 sq ft (177.1 sq m).

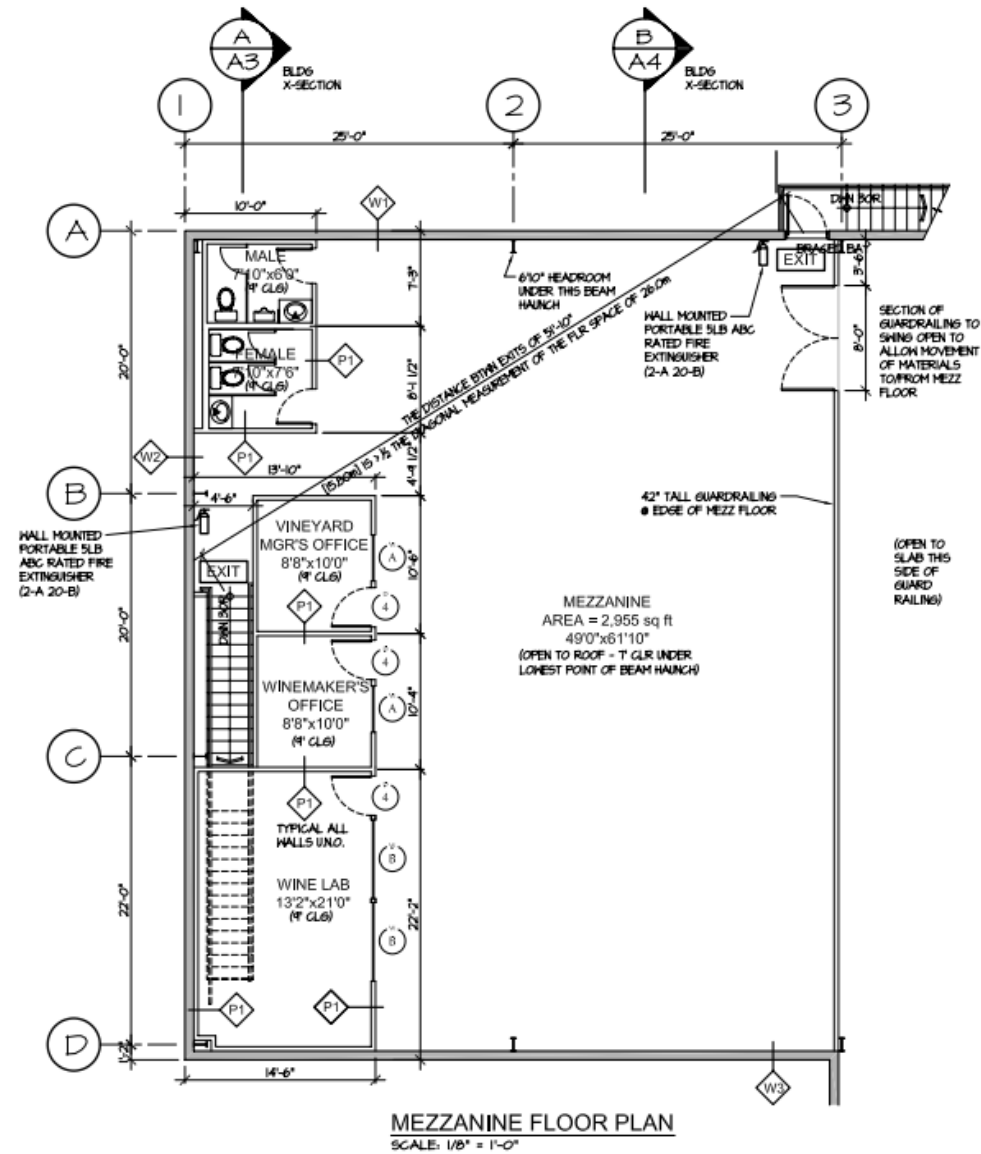
Structural and Safety Features:

- Exits:** Multiple exits are marked throughout the plan, including a principal entrance at the bottom left.
- Fire Protection:** Several hall-mounted portable fire extinguishers (2-A 20-B) are indicated.
- Structural Elements:** Braced bays, shearwalls, and structural columns are shown.
- Driveways:** Forklift drive aisles are clearly marked throughout the warehouse storage area.

Other Details:

- Stairs:** A staircase is located near the mechanical room.
- Roofing:** The plan shows the edge of the roof canopy above the exterior covered area.
- Dimensions:** Numerous dimensions are provided for rooms, aisles, and overall sections.

Attachment No. 5 – Applicant's Floor Plans (Mezzanine)



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 17, 2020
RE: Utility Billing – Late Payment Fee

Administrative Recommendation:

THAT the Regional District waive late payment charges to outstanding utility bill accounts up to, but not including, those balances that remain unpaid as at December 31st, 2020.

Reference:

Bylaw 2877, RDOS Fees and Charges Bylaw

Background:

Section 2.2. of the Fees and Charges Bylaw requires a 10% charge to outstanding balances for utility accounts one working day past the payment due date.

The failed ransomware attack on August 10th has rendered the RDOS financial systems largely inoperable. Payments on account have been accepted at the Front Counter, but not processed against accounts receivable. As well, we cannot currently create or email third quarter utility bills to our customers on the Naramata Water System.

Analysis:

Until our systems are fully operational it would be difficult to apply the late payment penalty in a fair and consistent manner.

In 2019 late payment charges applied at August 31st were \$35,000.00, so this amount of revenue may be foregone in 2020 based on last years' experience, but that revenue is unbudgeted.

Any unpaid amounts that remain outstanding at December 31, 2020 will be assessed a penalty in accordance with the RDOS Fees & Charges Bylaw and transferred to taxes.

Alternatives:

Status Quo

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 17, 2020

RE: Open Burning Regulations Bylaw

Administrative Recommendation:

THAT Regional District of Okanagan-Similkameen Open Burning Regulations Bylaw No. 2898, 2020 be read a first, second and third time and be adopted.

Purpose:

To update the open burning regulations to ensure community safety, ease of use, and compliance with Provincial legislation.

Reference:

BC Wildfire Act Wildfire Regulation
Environmental Management Act Open Burning Regulation
Bylaw No. 2898
Bylaw No. 2364 (consolidated; to be rescinded)

Business Plan Objective:

Goal 2.2.1 To meet public needs through the continuous improvement of key services by improving bylaws, policy and process within the organization.

Background:

Burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes is exempt from the Provincial Open Burning Smoke Control Regulation and falls entirely under the responsibility of local governments.

Analysis:

Administration has undertaken considerable consultation with all the Fire Chiefs of the Regional District fire departments as well as other wildfire professionals and the Province regarding the draft RDOS Open Burning bylaw.

At the June 4, 2020 Board meeting, the Board resolved to defer consideration of Bylaw No. 2898 until September to allow for further consultation. The Board liaison group consisting of the Electoral Area Directors who have Regional District Fire Departments, and the corresponding Fire Chiefs, met July 9, 2020 to discuss the bylaw. The Keremeos Fire Chief and the Electoral Area "B"

Director voiced concern regarding enforcement of the bylaw in their area, as well as the inability to consult with farmers and ranchers properly due to COVID-19 restrictions. The Tulameen Fire Chief and the Electoral Area “H” Director, although unable to attend the meeting, expressed similar concerns with respect to ability to enforce the bylaw in their area.

As a result, those two fire service areas have been removed from Bylaw No. 2898. The remaining members of the liaison group supported bringing the bylaw back to the Board for consideration. Should either the Keremeos or Tulameen Fire Service Area wish to enter the service area at a later date, they may do so with Director Consent.

Summary of changes:

- Anarchist Mountain Volunteer Fire Department is now included
- Streamlined process for requesting burn authorization, saving time for both residents and fire chiefs.
- Removes the requirement for a fee for a permit.
- Expanded list of Prohibited Burning Materials to be consistent with the *Open Burning Smoke Control Regulation* and the *Waste Management Regulation*.
- All definitions have been reviewed to ensure consistency with Provincial legislation.

Remaining unchanged in the regulatory bylaw is that campfires may occur year round provided there is not a Provincial fire ban applicable to campfires. Additionally, open burning continues to be restricted to the period between October 15 and April 15.

The current Open Air Burning Bylaw No. 2364 will be rescinded by Bylaw No. 2898.

Alternatives:

1. THAT Bylaw No. 2898 be read a first, second and third time and be adopted.
2. THAT Bylaw No. 2898 not proceed.
3. THAT Administration be directed to make the following changes to Bylaw No. 2898:

Communication Strategy:

Fact sheets and copies of the bylaw will be provided both on our website and in the office to advise the public about the requirements for burning. Each Fire Department subject to the bylaw will have copies of provincial and local regulations as well as fact sheets and other helpful literature.

Respectfully submitted:

“Gillian Cramm”

G. Cramm, Legislative Services Coordinator

Endorsed by:

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2898, 2020

A bylaw to regulate Open Burning within the Regional District of Okanagan-Similkameen Fire Protection Areas.

WHEREAS it is deemed desirable and expedient to provide for regulations of Open Burning within the Regional District of Okanagan-Similkameen and,

WHEREAS it is deemed desirable and expedient to provide regulations for the prevention and spread of fire and for the preservation of life within the boundaries of the fire protection areas of Kaleden, Naramata, Okanagan Falls, Willowbrook, and Anarchist Mountain of the Regional District of Okanagan-Similkameen,

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

PART I – CITATION

1. This Bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Open Burning Regulations Bylaw No. 2898, 2020”

PART II – DEFINITIONS

1. **“Authorization”** means acceptance as satisfactory to the Fire Chief.
2. **“Bear Banger”** means a loud explosive type noisemaker that is launched from a hand held device to ward off bears.
3. **“Burn Season”** means the time period when approved open burning can take place.
4. **“Bylaw Enforcement Officer”** means an individual appointed by the Board of Directors of the Regional District as a Bylaw Enforcement Officer.
5. **“Campfire”** means an open fire that burns wood in one pile not exceeding 0.5 m in height and 0.5 m in width and specifically for heating or warmth, cooking or Indigenous ceremonial purposes.
6. **“Chimney”** means a vertical channel or pipe that conducts smoke and combustion gases up from a fire.
7. **“Compostable Materials”** means waste products from plants, trees or other vegetation that is naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds.
8. **“Fire Chief”** means the officer in charge of a Fire Department as appointed, after consultation, by the CAO and in the absence of the Fire Chief, his or her designate.

9. **“Fire Department”** means the established volunteer Fire Department for a given Fire Protection Service Area.
10. **“Fireworks”** means cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation.
11. **“Nuisance”** means, in this bylaw, Smoke that creates unreasonable discomfort or inconvenience to persons in the vicinity.
12. **“Open Burning”** means the combustion of Permitted Burning Materials using an open fire.
13. **“Open Fire”** means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere. Open Fire does not include a fire vented through a structure that has an approved flue and spark arrestor and is incorporated in a building.
14. **“Outdoor Stove”** means a device that uses liquid or gaseous fuel, or briquettes, and is manufactured for the purpose of heating or cooking. It does not include a fire vented through a structure that has an approved flue and is incorporated in a building.
15. **“Permitted Burning Materials”** means parts of trees or other vegetation that does not constitute compostable materials and includes prunings, branches, trunks and tree stumps.
16. **“Prohibited Burning Materials”** includes but not limited to those materials referenced in the *Open Burning Smoke Control Regulation* and listed in the *Waste Discharge Regulation*, enacted pursuant to the *Environmental Management Act* as amended from time to time, and includes:
 - a. animal carcasses and waste from animal slaughtering
 - b. Asphalt or asphalt products
 - c. batteries
 - d. biomedical waste
 - e. cardboard
 - f. carpets
 - g. construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material or glue
 - h. demolition waste
 - i. drywall
 - j. domestic waste
 - k. electric wire
 - l. fibreglass and other fibre-reinforced polymers
 - m. fuel and lubricant containers
 - n. furniture and appliances
 - o. hazardous materials
 - p. manure
 - q. paint and varnish
 - r. paper products
 - s. plastics
 - t. polystyrene foam
 - u. railway ties
 - v. rubber
 - w. tar paper
 - x. tires
 - y. treated or painted wood products
 - z. used oil

17. **“Regional District”** means the Regional District of Okanagan-Similkameen, or the area included therein as the context may require.
18. **“Smoke”** means the gasses, particulate matter and all other products of combustion emitted into the atmosphere from open burning.
19. **“Torch”** means a long stick of wood, bamboo, metal or plastic, with flammable material at one end, which is ignited and used to provide light.

PART III – Burning Season

1. Open Burning shall only occur as follows:
 - a. Campfires may occur year round provided there is not a Provincial fire ban applicable to campfires.
 - b. Notwithstanding Part III section 1.a., the Fire Chief may impose a Campfire ban in a fire protection area.
 - c. Permitted Burning Material piles and stubble grass burns shall be restricted between the period of October 15 at 0001hrs until April 15 2400hrs.
 - d. Burning of infected woody material, outside of the burn season, shall only be burned after obtaining a burn registration number from British Columbia Wildfire Service and a direct clearance authorization from the Ministry of Agriculture, then submitting the said references with a permit application to the appropriate Fire Department. Should burning of infected woody material be required during a Provincial Burn Prohibition, an exemption from the British Columbia Wildfire Service shall also be required.
 - e. The Fire Chief may extend or reduce burning season should conditions allow or require.

PART IV – Approval to Burn

1. Open burning may be authorized where:
 - a. A request to burn is made in the form prescribed.
 - b. All requirements of this bylaw and Provincial enactments have been satisfied.
2. All requests for authorization for Open Burning may be subject to a site inspection by the Fire Chief.
3. The Fire Chief may refuse to authorize a request for Open Burning whenever, in his or her opinion, such burning is deemed unsafe, hazardous or may create a nuisance.
4. The Fire Chief may revoke authorization at any time.
5. The Fire Chief may invoke a complete fire restriction at any time should fire danger require it.
6. This bylaw shall not be construed to hold the Regional District or the representative Fire Department responsible for any damages to persons or property by reason of:
 - a. Inspections authorized by this bylaw;
 - b. The failure to carry out an inspection;
 - c. An authorization granted as herein provided.

PART V – OPEN BURNING

1. Any person who lights, fuels or uses a Campfire shall:
 - a. Ensure that it is safe to burn and that it will continue to be safe to burn.
 - b. Ensure that the Campfire has an adequate fuel break completely around the Campfire at all times.
 - c. Ensure that the Campfire is monitored at all times by a responsible adult.
 - d. Ensure that adequate firefighting hand tools and adequate water are immediately available to the responsible adult.
 - e. Ensure that the Campfire is completely out and cold before leaving the fire unattended.
 - f. Ensure that the Campfire is not ignited before 0600hrs and is extinguished before 2300hrs each evening, unless otherwise authorized by the Fire Chief.
 - g. Ensure that no burning occurs when the forecast is for windy period during or immediately after the burn.
2. Any person who lights, fuels or burns Permitted Burning Materials or burns stubble or grass shall:
 - a. Ensure that it is safe to burn and that it will continue to be safe to burn.
 - b. Ensure that burn area has an adequate fuel break completely around it.
 - c. Ensure that the burn area is monitored at all times by a responsible adult.
 - d. Ensure that adequate people are immediately available with firefighting hand tools to assist the responsible adult monitoring the burn.
 - e. Ensure that the fire is completely out and cold before leaving the fire unattended unless previously approved by the Fire Chief.
 - f. Ensure that the fire is not ignited before 0800hrs and is extinguished before 2300hrs each evening unless otherwise authorized by the Fire Chief.
 - g. Ensure that no burning occurs when the forecast is for windy period during or immediately after the burn.
3. The use of fireworks shall be in accordance with Provincial Regulations or Regional District Fireworks Bylaw.
4. Torches, including decorative patio torches, are prohibited during complete fire restricted times.
5. Bear bangers and other warning devices capable of starting fires are prohibited during complete fire restricted times.
6. All fires are subject to local and Provincial fire restrictions and are subject to withdrawal of approval at any time by an authority having jurisdiction.
7. A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, shall report any escape to 9-1-1 immediately and attempt to control any fire that escapes or threatens to escape from the intended burning area, shall stay on scene until fire is extinguished unless released by the Fire Chief or person acting on behalf of the Fire Chief.
8. The use of outdoor stoves and portable propane campfires are permitted unless specifically restricted by Provincial fire restrictions.
9. The burning of prohibited materials is not permitted under any circumstances.

PART VI – Smoke Management

1. A person who carries on open burning shall ensure that the open burning is carried on in accordance with the Environmental Management Act Open Burning Regulation B.C. Reg. 152/2019, and any other Provincial enactment, as amended from time to time.
2. The Fire Chief has authority to suspend open burning if he or she believes that the smoke from the burning is causing a nuisance or may cause an immediate health hazard.

PART VII - ENFORCEMENT

1. Offences listed in the Regional District's Bylaw Notice Enforcement Bylaw as amended are designated for enforcement.
2. In addition to the penalties which may be imposed under this bylaw, any person who breaches this bylaw and thereby causes the Regional District any direct or indirect expenses to remedy the breach, shall reimburse the Regional District for such expenses. The Fire Chief shall certify the expenses actually and necessarily incurred and the Regional District may recover the costs of undertaking the remedy either as a debt against the person in default or in the same manner and with the same remedies as property taxes.
3. In relation to any particular Fire Protection Service Area, the Fire Chief or his or her designate in such area may enforce the provisions of this bylaw.
4. A Bylaw Enforcement Officer may enforce the provisions of this bylaw.

PART VIII - LIABILITY

1. This bylaw shall not create a duty of the Regional District, its officers, employees, or persons acting on its behalf pursuant to this bylaw concerning enforcement or failure to enforce any matter contained in this bylaw.
2. No act, error, omission or other neglect of the Regional District in relation to any matter contained in the bylaw shall give rise to a cause of action or liability to any person.

PART IX – REPEAL

1. Bylaw No. 2364 Open Air Burning Regulations and any amendments thereto are hereby repealed

READ A FIRST, SECOND AND THIRD TIME this ____ day of ____, 20__.

ADOPTED this ____ day of ____, 20__

RDOS Board Chair

Corporate Officer

BOARD OF DIRECTORS MEETING

Thursday, September 17, 2020

11:30 am

BOARD MEETING AGENDA

A. ADOPTION OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of September 17, 2020 be adopted.

B. MINUTES

1. **OSRHD Board Meeting** – July 16, 2020

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Minutes of the July 16, 2020 Okanagan-Similkameen Regional Hospital District Board meeting be adopted.

C. DELEGATIONS

1. Carl Meadows, Executive Director, Clinical Operations, Acute and Community, South Okanagan
 2. Joanna Harrison, Long Term Care, Executive Director, Seniors Specialized Care Transformation
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D. ADJOURNMENT

Minutes are in DRAFT form and are subject to change pending approval by the Regional District Board

BOARD OF DIRECTORS MEETING

Minutes of the Board Meeting of the Okanagan-Similkameen Regional Hospital Board (OSRHD) of Directors held at 1:34 p.m. on Thursday, July 16, 2020, in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Director J. Kimberley, City of Penticton	Director R. Knodel, Electoral Area “C”
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STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. ADOPTION OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of July 16, 2020 be adopted. - **CARRIED**

B. MINUTES

1. OSRHD Board Meeting – May 21, 2020

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Minutes of the May 21, 2020 Okanagan-Similkameen Regional Hospital District Board meeting be adopted. - **CARRIED**

C. PHYSICIAN RECRUITMENT – FOR DISCUSSION

1. Administrative Report

RECOMMENDATION 3 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

That the Board request a delegation from the Interior Health Authority to discuss Regional Hospital District participation in physician recruitment. - **CARRIED**

D. EXTENDED CARE FACILITIES – FOR DISCUSSION**1. Administrative Report**

It was MOVED and SECONDED

THAT a representative from Interior Health be invited to present before the Board regarding extended care facilities. - **CARRIED**

E. ADJOURNMENT

By consensus, the meeting adjourned at 2:11 p.m.

APPROVED:

CERTIFIED CORRECT:

P. Veintimilla
OSRHD Board Chair

B. Newell
Corporate Officer