

Regional District of Okanagan-Similkameen

SCHEDULE OF MEETINGS

**THURSDAY, JANUARY 8, 2015
RDOS BOARDROOM**

9:00 am	-	9:30 am	Planning and Development Committee
9:30 am	-	1:00 pm	Corporate Services Committee (lunch will be served at noon)
1:00 pm	-	1:30 pm	Environment & Infrastructure Committee
1:30 pm	-	4:00 pm	RDOS Regular Board Meeting

"Mark Pendergraft"

Mark Pendergraft
RDOS Board Chair

Advance Notice of Meetings:

January 22	RDOS/OSRHD Board/Committee Meetings
February 5	RDOS Board/Committee Meetings
February 19	RDOS/OSRHD Board/Committee Meetings
March 5	RDOS Board/Committee Meetings
March 19	RDOS/OSRHD Inaugural Board Meetings
April 2	RDOS/OSRHD Board/Committee Meetings
April 16	RDOS Board/Committee Meetings
May 7	RDOS/OSRHD Board/Committee Meetings
May 21	RDOS Board/Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, January 8, 2015

9:00 a.m.

AGENDA

A. APPROVAL OF AGENDA

B. Vintage Views Phase 3 – Parkland Donation

C. ADJOURNMENT

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: January 8, 2015

RE: **Vintage Views Phase 3 – Park Donation**

Administrative Recommendation:
Information for the RDOS Board

Reference:

RDOS Parkland Dedication Policy

History:

The Vintage Views (VV) subdivision development is located in Heritage Hills on the east side of Skaha Lake. The VV project itself has been on-going since 2005 and has taken place in three individual phases. The final phase has recently commenced construction.

Parkland dedication for the entire Heritage Hills development area was resolved during the subdivision and development of Heritage Hills with a cash in-lieu contribution, which means that there was no requirement for parkland dedication in any of the phases of the VV development.

The subdivision applicant of VV Phase Three has agreed to donate parkland to the Regional District as part of the subdivision. The proposed parkland donation is approximately 1.0 hectare (2.57 acres) and is designated as Low Density Residential (LR) under the Electoral Area 'D-2' Official Community Plan Bylaw No. 2603, 2013 and under the Regional District Okanagan-Similkameen, Electoral Area 'D' Zoning Bylaw No. 2455, 2008 the parcel is designated Residential Single Family One Zone (RS1). Parks are permitted in all zoning designations.

Analysis:

The proposed VV Phase Three is proposed to create 29 additional parcels that include the parkland donation. The donated parkland is considered "Lot 29" on the submitted subdivision plan. The land itself is encumbered by a Fortis BC over-head transmission line easement and there is a body of water that is also used as a storm-drainage detention pond. The park donation will also provide an emergency egress that is a requirement of the Provincial Approving Officer. This egress will connect Vintage boulevard through the proposed subdivision to Sunnybrook Drive.

The subdivision applicant's parkland donation proposition is conditional on the following:

1. A tax receipt for the appraised value of the land.

2. Consideration for any appraisals that may need to be done as part of the parkland donation process.
 - a. The land is appraised at \$70,476.00 per acre. Therefore, the parkland donation value will be estimated at \$181, 123.00 for any tax receipt purposes.
3. Consideration for naming of the donated parkland.
 - a. The Board will have the final approval of the park name.
4. Easement(s) for any sewer and or water infrastructure that will be in the subject parkland donation.
 - a. The Administration does not have any immediate concerns regarding this condition.
5. Consideration of any outstanding RDOS subdivision referral fees.
 - a. The outstanding fees could be transferred from the Area D Parkland Dedication Reserve.

An agreement with the subdivision applicant that will address the above requests is under construction. Also proposed for consideration are the following items:

1. When does the RDOS take possession of the parkland donation?
2. In what condition will the parkland donation be in when RDOS possession takes place?
3. Will there be any improvements made prior to RDOS possession?

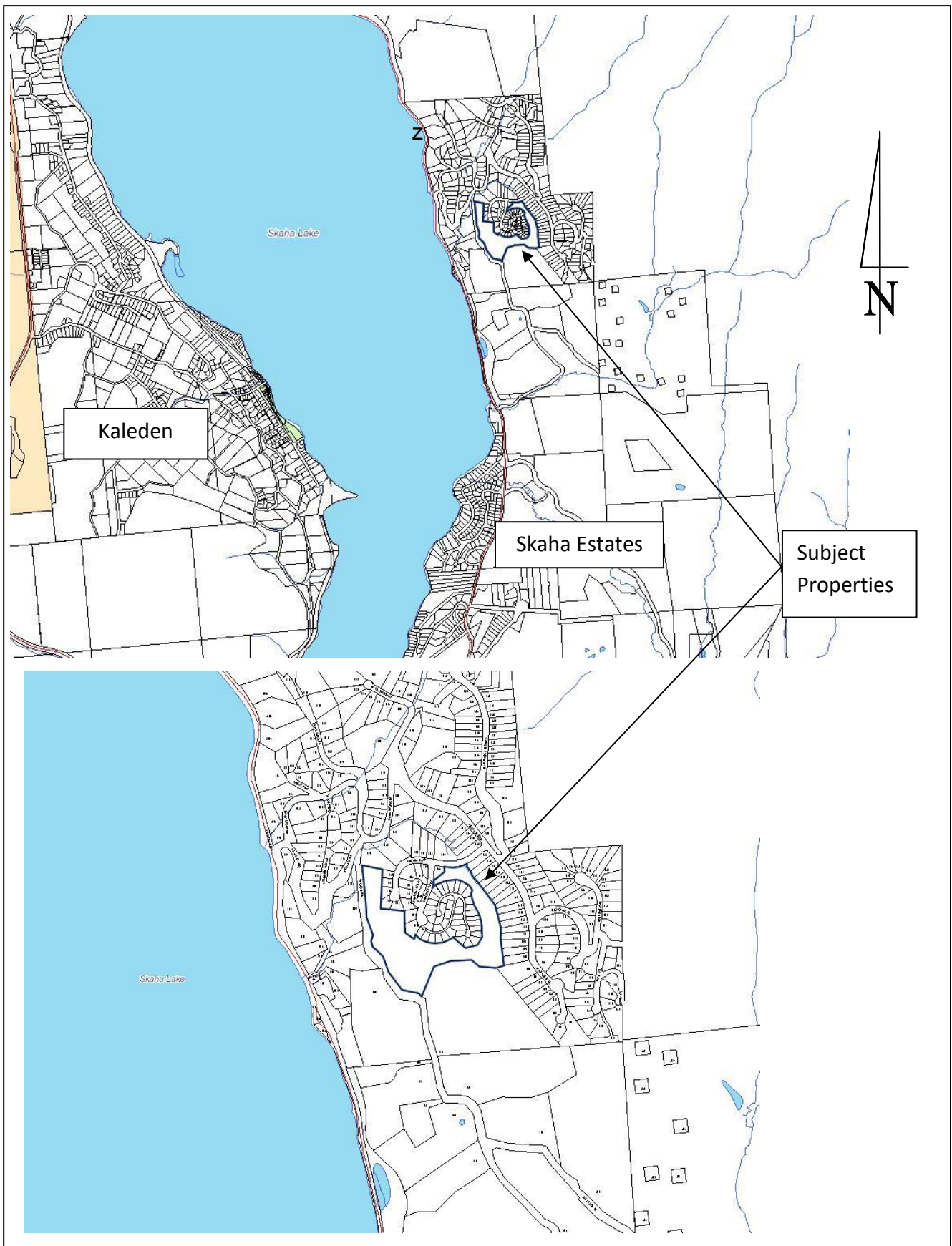
Respectfully submitted:



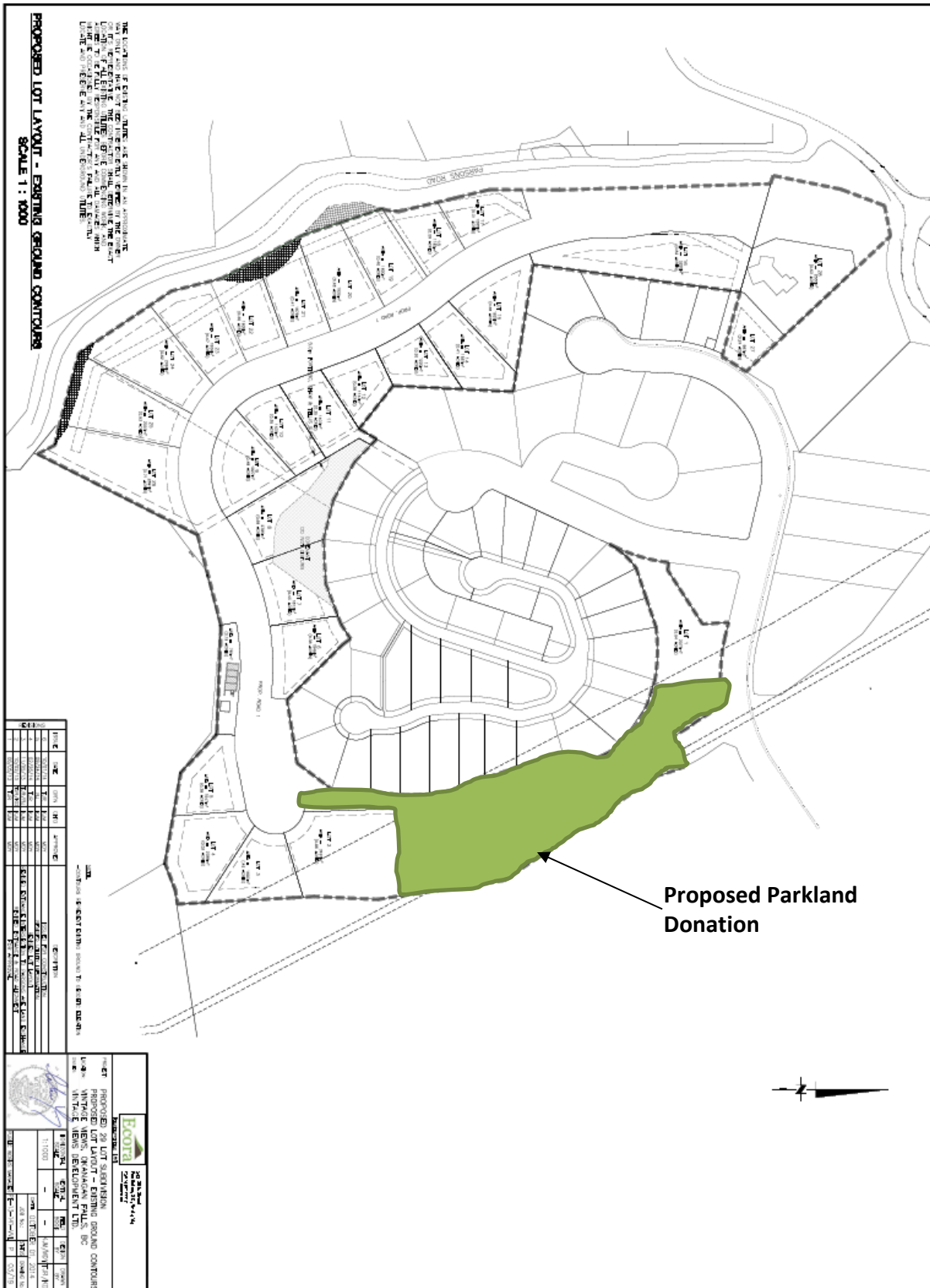
S. Juch, Subdivision Supervisor

Attachments: Attachment No. 1 - Context Maps
Attachment No. 2 - Proposed Subdivision Plan and Parkland Donation

Attachment No. 1 - Context Maps



Attachment No. 2 — Proposed Subdivision Plan and Parkland Donation





REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, January 8, 2015

9:30 am

AGENDA

A. APPROVAL OF AGENDA

B. Richard Thompson, Gilchrist & Co. – Legal Counsel

C. Dan Albas, MP for Okanagan-Coquihalla – Introduction and Question/Answer period

D. Lunch

E. Alex Atamanenko, MP for British Columbia Southern Interior– Introduction and Question/Answer period

F. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, January 8, 2015

1:00 p.m.

AGENDA

A. APPROVAL OF AGENDA

B. Solid Waste Management Plan Update
a. Solid Waste Management Checklist

C. ADJOURNMENT

ADMINISTRATIVE REPORT



TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: January 8th, 2015

RE: Solid Waste Management Plan Update

Administrative Recommendation:
FOR INFORMATION ONLY

Reference:

[RDOS Solid Waste Management Plan webpage](#)

History:

An updated RDOS Solid Waste Management Plan was adopted by the Board in September 2012. Based on a set of Guiding Principles, the Plan calls for the implementation of over 80 projects and directives over a 5 year period.

Analysis:

The Plan calls for an improved diversion rate (waste recycled or composted instead of landfilled) from just over 50% to 73% in 5 years. It also calls for the implementation of reduction strategies that limit the overall creation of waste. There are three major focuses of the Plan.

Increasing the reuse and recycling of construction, demolition and renovation waste

In 2014 the Okanagan Falls Landfill opened a recycling facility for mixed demolition, renovation and construction material. This is the first facility of its kind in the interior of BC. RDOS tipping fees encourage source separation of building materials on site and for any mixed materials to be sorted at the Okanagan Falls Facility.

Maximizing the diversion of organic waste from landfilling or burning through increased composting

The RDOS is part way through comparing public and private sector siting and technology options for composting sites. The project seeks to find the most effective way to improve composting infrastructure for food waste, bio-solids and yard waste. Feasibility studies for publicly owned properties have started and consultation with the private sector has begun. Staff intends to provide recommendations on locations and technologies near the end of 2015.

Increasing recycling levels at multi-family residences and workplaces

This has been proposed to start in 2015 pending budget discussions.

Respectfully submitted:

"Doug French"

D. French, Public Works Manager

Regional District of Okanagan- Similkameen

January 2015 Solid Waste Management Plan Status Update

Guiding Principles for Development of Solid Waste Management Plan

- Reduce the amount of waste requiring disposal to the greatest extent possible;
- Be cost effective, considering both short and long term cost implications; establish objectives and targets that are clear and measureable;
- Engage and involve all sectors of the community;
- Reduce environmental impacts of solid waste management to air, water and land;
- Establish programs, policies and objectives that are efficient, flexible and simple;
- Encourage and support options that develop local socio-economic opportunities, such as the development of new businesses, and the creation or expansion of employment through waste management activities;
- Develop and deliver services through effective partnerships with member municipalities, private and non-profit agencies, neighbouring regional districts, other levels of government and First Nations; and
- Plan for and secure future disposal capacity for the region, recognizing the capacity limits of the current disposal system.

Solid Waste Management Plan Recommendation	Implementation Status
Section 2.4 Air Quality Management Plan	
Utilize the comprehensive, multi-faceted Communication Materials prepared under the Air Quality Committee to promote Education and Awareness of the facts, issues and alternatives concerning smoke;	RDOS Board has not funded the Air Quality service at this time
Eliminate garbage burning by providing educational materials through a public information campaign and pollution reduction programs;	RDOS Board has not funded the Air Quality service at this time
Minimize smoke from wood and yard waste burning by providing educational materials through a public information campaign and pollution reduction programs;	RDOS Board has not funded the Air Quality service at this time
Minimize smoke from wood burning appliances by providing educational materials through a public information campaign and pollution reduction programs; and	RDOS Board has not funded the Air Quality service at this time
Integrate regional air quality goals into all policies including waste management, land use and transportation planning.	IMPLEMENTED. Air Quality Management Plan policies relating to waste management have been incorporated into Solid Waste Management Plan

Section 5. Education and Promotion	
Continuation of existing public and classroom based education programs	ONGOING
Explore new methods of communication including social networking sites like Twitter and Facebook	Not implemented at this time. Under consideration as a RDOS Corporate Communication strategy.
Develop campaigns to encourage reduction behaviour (e.g. “Reduce the Use” for single-use cups)	Not implemented at this time
Section 6. Reduction and Reuse Programs	
Develop campaigns to encourage reduction behaviour (e.g. “Reduce the Use” for single-use cups).	Not implemented at this time
Develop a coordinated approach to reducing the use of single-use plastic bags (i.e. “shopping bags”) in the RDOS, including involving interested municipalities in the design and implementation of the approach. This process may apply to additional items such as single-use cups.	Not implemented at this time
Pilot an area for reusable goods at one or more of the RDOS disposal sites.	Not implemented at this time
In communities where there are no reuse facilities nearby, the RDOS will conduct a needs assessment for a reuse shed (i.e. a “free store”) to be set up at the local landfill or transfer station.	Not implemented at this time
Promote existing reuse opportunities available in RDOS, including reuse websites.	ONGOING. Through website and Reuse, Recycle and Safe Disposal Guide
Section 7.1 Single Family Collection	
To increase the diversion of yard waste from landfilling and burning, the frequency of yard waste collection services will be increased to a minimum of once per month through the growing, pruning and leaf-fall seasons.	IMPLEMENTED. In all collection area except Town of Princeton which currently does not collect residential yard waste through curbside collection.
To increase convenience for glass recycling, the RDOS will endeavour to set up glass collection at bottle depots. This service option will require the assent of the bottle depot owners and operators.	IMPLEMENTED. Penticton, Oliver and Osoyoos bottle depots through Multi-Material BC program.
When composting capacity for food waste is developed, food waste will be collected at curbside from residents with curbside services.	ONGOING. The type of food waste collection and date of collection will be determined through Organic Waste Management project
The RDOS will establish a garbage transfer station and recycling depot for the Apex Alpine Ski Area.	ONGOING. Budget and service area established. Awaiting agreement with Apex Ski Resort.
The RDOS will consider implementing full curbside collection services in the community of Carmi. Options for “bear smart” waste collection will be assessed by the RDOS’s Bear Smart Coordinator and the community will be engaged in the selection of appropriate service protocols prior to	Wildsafe BC Community Coordinator visited every home in Carmi area and found majority of homes handled waste in safe manner. Currently residential waste and recycling brought to depot at BFI Canada in Penticton.

implementation.	
Prior to developing the next curbside collection contract, the RDOS will investigate the cost-benefit of sending of a portion of Electoral Area “G” solid waste collected at curbside to the Princeton Landfill (instead of sending all the waste to Campbell Mountain Landfill).	Not implemented at this time
Prior to developing the next curbside collection contract, the RDOS will assess the cost-benefit of cart-based curbside collection. Research into this option will include an assessment of their application in both rural and urban communities.	ONGOING. Implementation tied to start of next curbside collection contract. Pilot projects considered by City of Penticton.
In all other areas that do not receive RDOS or municipal collection services, a needs assessment will be conducted to determine if such services are feasible. When collection services are found to be feasible, a consultation process with the community will be undertaken to determine if there is support for becoming part of the local service area or a separate service area for collection services.	ONGOING. Staff will develop pricing and consultation plan as directed by Area Director. Communities considered for curbside service include areas of Area ‘F’ (Faulder, North Beach) and Area ‘H’ (denser areas close to Princeton).
Section 7.2 Multi-Family Services	
Adequate space for recycling containers is an issue for many multi-family buildings, and therefore all new multifamily and ICI buildings will be mandated to have adequate space dedicated for storage of garbage and recyclables. It is anticipated that this space requirement would be implemented through the building permitting process. The RDOS will coordinate the development of a template bylaw that can be applied at both the municipal and regional district levels.	Not implemented at this time. Metro Vancouver had developed a model regulatory approach for local governments to mandate requirements for recycling infrastructure in new and renovated multi-family and commercial buildings. Staff have implemented limited discussions with member municipalities and RDOS Development Services.
<p>To ensure that residents living in multi-family buildings are provided with convenient access to recycling, the provision of recycling services in all multi-family buildings will be mandated. It is anticipated that each municipality will determine the most effective approach to providing recycling to the multi-family buildings based upon the municipality’s current waste management protocols for multi-family buildings. The following are examples of the approaches that could be employed:</p> <ul style="list-style-type: none"> i. Mandate all multi-family buildings to implement a recycling collection service by a defined date. Under this approach, each building would contract recycling services to meet their specific needs. ii. Provide recycling collection services to multi-family buildings as a 	<p>Approach (i) has been implemented by the Town of Osoyoos. Approach (ii) has been implemented by the City of Penticton, District of Summerland and Town of Oliver. Not implemented at this time in Town of Princeton, the Village of Keremeos and the RDOS rural areas. Multi-Material BC is collecting revenue to fund multi-family recycling collection but at this time is only funding collection conducted by Penticton, Summerland and Oliver. When and how multi-family units in Osoyoos, Princeton, Keremeos and the RDOS can obtain MMBC funded for recycling remains unclear. As such Staff have delayed recommending a strategy for these communities.</p>

local government service. Participation in the program would be mandatory for all multi-family buildings.	
<p>The RDOS would work with member municipalities to develop an education and communication program in support of multi-family recycling. By having communications led by the RDOS, there will be greater consistency in the messaging and greater financial efficiency for program-related communications. The multi-family recycling education and communication program could include:</p> <ul style="list-style-type: none"> i. The provision of in-suite containers to each unit in a multi-family building ii. Information materials for each suite iii. Posters for the central storage area for recycling in the building iv. An information kit for building managers v. Provisions of information sessions for buildings that are beginning their recycling program 	Not implemented at this time. Currently MMBC pays for multi-family recycling education programs in Penticton, Summerland and Oliver but not in other communities. Staff have delayed undertaking this program until the MMBC program is better understood.
Section 8 Industrial, Commercial and Institutional Services	
Adequate space for recycling containers is an issue for many ICI buildings, therefore all new ICI buildings will be mandated to have adequate space dedicated for storage of garbage and recyclables.	Not implemented at this time. Metro Vancouver had developed a model regulatory approach for local governments to mandate requirements for recycling infrastructure in new and renovated multi-family and commercial buildings. Staff have implemented limited discussions with member municipalities and RDOS Development Services.
<p>In the urban areas of the RDOS, it is proposed that the provision of recycling services to commercial, institutional and light industrial buildings become mandatory. As with mandatory recycling in multi-family buildings, it is anticipated that each municipality will determine the most effective approach to providing recycling to the ICI sector based upon the municipality's current waste management protocols for ICI buildings. The following are examples of the approaches that could be employed:</p> <ul style="list-style-type: none"> i. Mandate all ICI buildings to implement a recycling collection service by a defined date. Under this approach, each ICI building would contract recycling services to meet their specific needs. ii. Provide recycling collection services to ICI buildings as a local government service. Participation in the program would be mandatory for all ICI buildings; however exemptions for buildings with internal recycling systems could be made. The downtown Penticton program is a good example of how mandatory recycling services can be provided. 	Not implemented at this time. No jurisdiction in the RDOS has implemented any ICI recycling approaches.

iii.	A combination of the above two approaches: Small ICI buildings that can be serviced by the same collection vehicle that collects recyclables from the residential sector are included in the curbside program. Larger ICI buildings that cannot be serviced by the curbside program would be required to contract recycling services directly with a collection company.	
The RDOS will provide promotion and education assistance to support the ICI recycling programs to ensure consistency in communications. This assistance would be part of the Business Technical Assistance program.		Not implemented at this time. Request for funding in 2015 budget.
To support waste reduction and recycling by the ICI sector, a technical assistance program specific to the ICI sector and implemented by RDOS is proposed. The technical assistance program could include: <ul style="list-style-type: none"> i. Web-based recycling directory (provided and maintained by the Recycling Council of BC). ii. Waste audit program. iii. Waste Minimization Awards program (this could be done in association with local Chambers of Commerce). iv. Working with local business associations to provide education and outreach in the commercial sector. v. Working with tourism / hotel associations to develop a program and support materials for tourists and tourist accommodations. vi. Developing tools and information specific to different types of businesses (office, retail, restaurant, etc.). 		Not implemented at this time. Request for funding in 2015 budget.
To encourage waste minimization in parks and at festivals and events, the RDOS will work with provincial / regional / municipal parks departments and festival organizers to develop a best-practices approach to recycling and identify how the RDOS can further support recycling efforts in parks and at festivals.		Not implemented at this time. Limited discussions with municipal and Regional Parks and Recreation entities. Partially delayed due to overlap with MMBC 'street scape' recycling program and development of food waste composting.
9. Recycling Activities at the Landfills and Transfer Stations		
Regular review of services offered at each site.		ONGOING
10. Processing of Recyclables		
Continued investigation of processing and marketing on materials not recycled by the private sector such as foamed polystyrene, hard plastics and textiles.		ONGOING
11. Private Sector Recycling		
Review tipping fees to ensure that they are not receiving materials that should be going to private / not-for-profit recycling operations.		ONGOING

Enforce disposal bans on recyclable and compostable materials.	ONGOING
Make source-separated materials collected at RDOS facilities available for use by local recycling industries.	ONGOING
Set policies to maximize diversion from landfill.	ONGOING
12. Organic Waste Management	
The RDOS will develop a detailed implementation plan for developing composting capacity composting that builds on the Regional Organic Waste Management Strategy. This implementation plan should identify the number of composting facilities that will be developed and the general location and type of composting facilities required. The implementation plan should also identify the types of materials that will be managed at each composting site and how those materials will be obtained (e.g., through municipal collection programs, disposal bans, delivery from local wastewater treatment plants, etc.). The implementation plan should also consider the long-term viability of existing publicly-operated composting facilities and their capacity to accommodate additional organic waste.	ONGOING. Implementation plan in process
The largest of the existing local government composting facilities, the City of Penticton's biosolids composting operation at the Campbell Mountain Landfill, will need to be relocated on the landfill property in the near future to accommodate the landfill operation. Recognizing that on-site relocation will limit the ability of the facility to expand capacity, the RDOS will site and develop a regional composting facility. The siting process will also consider other long-term regional solid waste management needs and consider the acquisition of land to collocate several waste management facilities on the same site. Incorporated into the site selection and purchase would be a requirement that the site have enough land to incorporate an effective buffer zone around the site. This buffer zone would mitigate the potential for future land use conflicts.	ONGOING. Three stage siting study underway. Stage 1, underway, involves feasibility studies of expanding compost operations at local landfill sites. Stage 2, underway, involves consultation with private property owners and prospective private compost operator. Stage 3 will be the development of a comparison between the public and private options.
When designing the regional composting facility, the RDOS will consider importing biosolids from communities outside the RDOS as a means of gaining economies of scale. As part of this exercise, the financial, environmental and social implications of importing of biosolids will also be taken into account.	IMPLEMENTED. Regional District of Central Okanagan and the District of West Kelowna have been asked to participate in feasibility studies but have so far not participated.
The long-term viability of the public composting operations will be dependent on having a local market for the compost. To assist with local market development and stability, the RDOS will develop a compost marketing strategy.	To be developed in Stage 3 of the siting study.
To be successful, the composting facilities will need a guaranteed supply of feedstocks (i.e. food waste, yard waste and clean wood waste). The following	To be developed once food waste composting infrastructure is in place

<p>actions will need to be undertaken by the RDOS and local municipalities to support the regional composting facility, once it is in place:</p> <ul style="list-style-type: none"> i. Add food waste to the residential curbside collection program and ban food waste from the curbside garbage collection service. ii. Similar to the current ban on yard waste and recyclables in garbage, food waste will be banned from the list of materials that can be landfilled at RDOS and municipal landfills. iii. Mandate that large commercial generators of food waste source-separate this material for composting or alternative uses such as animal feed. iv. Consider providing food waste collection to small and medium size ICI food waste generators that can be serviced through the curbside food waste collection program. 	
13. Construction, Demolition and Renovation Waste Management	
<p>The RDOS will expand their use of regulatory mechanisms to encourage diversion of C&D waste. This may include:</p> <ul style="list-style-type: none"> i. Mandatory solid waste management plans for projects requiring a building permit (for electoral areas subject to RDOS building permit requirements). ii. Implementing fee / refund requirements that correspond to the size or value of the project (instead of the current flat fee for all projects). iii. Developing a reduced permit rate for deconstruction projects as compared to demolition projects. iv. Requiring that WCB Hazardous Materials reporting is completed as part of obtaining a demolition permit. Encouraging member municipalities to adopt similar regulatory mechanisms. 	<ul style="list-style-type: none"> (i) IMPLEMENTED for demolitions only in some communities (ii) Not implemented at this time (iii) Not implemented at this time (iv) IMPLEMENTED only in some communities <p>Metro Vancouver has developed a sample bylaw for demolition waste management. Staff have implemented limited discussions with member municipalities and RDOS Development Services.</p>
<p>The RDOS will encourage the development of private and not-for-profit C&D waste reuse and recycling operations. This will be achieved through:</p> <ul style="list-style-type: none"> i. The setting of appropriate tipping fees at landfills. ii. Using variable tipping fees to encourage waste to be source-separated. iii. Providing the construction, demolition and renovation industry with information regarding recycling and reuse opportunities in the RDOS. iv. Maintaining the requirements for waste management plans to be prepared in association with obtaining a demolition permit. 	<ul style="list-style-type: none"> (i) IMPLEMENTED at RDOS managed landfills (ii) IMPLEMENTED at RDOS managed landfills (iii) Partially implemented. Ongoing. (iv) IMPLEMENTED only in some communities

The RDOS will develop a reuse facility for used C&D materials at the Okanagan Falls Landfill. For the operation of such a facility, the RDOS will consider partnering with a local skills development organization.	Not implemented at this time. Discussions with reuse groups ongoing.
The RDOS will develop a recycling facility for mixed loads of C&D waste at the Okanagan Falls Landfill if private / not-for-profit facilities are not developed to fulfil this need.	IMPLEMENTED
To ensure that there are accessible diversion opportunities throughout the RDOS, source-separated C&D waste materials will continue to be accepted at most public disposal facilities (space allowing), for the recycling and / or reuse of the materials.	IMPLEMENTED
A 3Rs education program focused on construction, demolition and renovation industry will be developed in conjunction with the local construction associations.	ONGOING
14. Land Clearing Waste Management	
The RDOS will continue education initiatives associated with air quality, including providing information on how to “burn –smart”, smoke control bylaws, burn bans and alternatives to burning.	RDOS Board has eliminated Air Quality service at this time
The RDOS will explore how more funding can be made available for enforcement of existing burning regulations. Presently, many areas experience low levels of enforcement of burn bans due to lack of funding for enforcement staff.	RDOS Board has eliminated Air Quality service at this time
15. Disaster Debris Management	
To improve disaster preparedness, the RDOS, in consultation with the municipalities, will develop a regional plan for the management of disaster debris. This plan should also address the management of animal carcasses that may result from a disaster.	Not implemented at this time. Staff have begun discussions with RDOS Emergency Services and reviewing plans from other jurisdictions.
16. Product Stewardship	
Work with the Province and Stewardship Agencies to improve cost recovery, the quantity of stewardship materials returned to depots / retailers, and coverage of stewardship programs (both in terms of geography and products). As part of improving the services available in the RDOS, the RDOS will: <ul style="list-style-type: none"> i. Encourage the development of a “one stop shop” operated by the private sector for all products and packaging covered under a product stewardship program in each community. ii. Encourage all product stewardship depots in the RDOS to meet high customer service standards, such as ENCORPs ‘5 Star’ Certification Program. 	ONGOING. RDOS Staff involved in Stewardship Agency consultation processes
Partner with Stewardship Agencies for public education on local	ONGOING. Incorporated in Reuse, Recycle Safe Disposal Guide and

stewardship collection services.	local calendars
Partner with Stewardship Agencies to ensure reasonable access to stewardship collection services for all residents in the RDOS.	ONGOING
Participate on the BC Product Stewardship Council (BCPSC, an association whose membership includes province wide representation of all Regional Districts) to lobby stewardship agencies to improve services and funding levels to collection agents.	ONGOING
17. Household Hazardous Waste Management	
The RDOS will work towards having HHW collection services available to all areas of the RDOS, including rural communities. Services may be in the form of a depot or HHW collection events. The RDOS will consider using their solid waste management facilities as collection points for Product Care and other stewardship products if local private sector facilities cannot be sited and / or adequate funding can be secured for providing this service on the behalf of the stewardship agencies.	ONGOING
18. Agricultural Waste Management	
Develop a composting assistance program that will provide on-going technical advice to farmers, wineries and food processing facilities.	ONGOING. Limited discussions with agriculturists.
Continue to provide a chipping service to agricultural operations to facilitate on-site composting.	ONGOING in Penticton, Keremeos, Oliver, West Bench and Electoral Areas 'A', 'B', 'C', 'D', 'E' and 'G'
The RDOS will continue to provide an Agricultural Plastics Recycling Program to the agricultural sector.	ONGOING
19.1 Recovery and Residual Objectives (<i>Update on Individual Landfills To Be Presented Separately</i>)	
<p>KEY PRINCIPLES OF LANDFILL MANAGEMENT</p> <p>The overall direction for managing residual waste and for recovery of energy is to:</p> <ul style="list-style-type: none"> • Utilize existing landfill capacity to the greatest extent possible; • Continue to maintain and upgrade existing landfills in accordance with regulatory requirements; • Periodically evaluate long term management options and needs; and • Develop a site that can be utilized for multiple waste management purposes including landfilling and WTE – this will ensure that a site is secured well in advance of the need to develop additional residual waste management capacity. 	
19.2 Other Residual Waste Management Initiatives	
Variable tipping fees will continue to be used to finance disposal and recycling activities at the landfills, and will also be reviewed regularly to ensure that they are set at a level that encourages desired waste	ONGOING

management behaviour (e.g. source separation for reuse, recycling and composting).	
The RDOS will strive to create a “level playing field” whereby all municipal solid waste landfills have the same tipping fee and whereby all policies and waste tracking methods are consistent throughout the region. The RDOS will consult municipalities that own and operate landfills and promote the benefits of harmonizing tipping fees consult municipalities that own and operate landfills and promote the benefits of harmonizing tipping fees throughout the region.	ONGOING
The RDOS will move towards a full user pay system for landfills resulting in 100% of the costs for landfills being paid for through tipping fees.	ONGOING
As local diversion opportunities for additional materials are identified, banning those materials from disposal will also be considered.	ONGOING
20. Land Use Planning	
The RDOS will work with regional district and municipal planning departments to develop land use planning policies that support / protect waste management infrastructure, including providing and protecting lands that act as a buffer surrounding waste management facilities (existing or planned).	ONGOING. Concern City of Penticton’s <i>‘Spiller Road/Reservoir Road Neighbourhood Concept Plan’</i> providing adequate buffer for Campbell Mountain Landfill.
Due to the difficulty in siting and securing property for public waste management infrastructure, a process to identify and secure a site or sites for future solid waste services will be undertaken.	DELAYED. Project delayed until 2018 after completion of Compost Siting project
21. Bear-Human Conflict Management	
The RDOS will work with the local Bear Aware Coordinator to provide education to the public on methods for managing garbage, compost and recyclables and other attractants in a manner that is “Bear Smart”.	ONGOING. Now WildsafeBC .
The RDOS will facilitate the development of Bear Smart community programs, in concert with a broad range of stakeholders, including agriculturalists and managers of parks and recreation areas.	ONGOING
The RDOS and municipalities will establish set out times and / or container requirements for waste in their refuse collection bylaws.	ONGOING. Developed only for Electoral Areas ‘D’, ‘E’ and ‘F’
The RDOS and municipalities will install electric fencing around landfills that receive putrescible waste (landfills that receive only construction / demo waste would not require electric fencing).	ONGOING. Developed only for Campbell Mountain Landfill
Municipal and regional Planning Departments will develop requirements for Bear	Not implemented at this time

Smart waste management, storage and collection systems in new developments.	
The RDOS and municipalities will develop a 'Wildlife Animal Bylaw' to regulate bear and wildlife attractants on all non-agricultural properties. The attractants to be considered for this bylaw include organic and garbage residues or stockpiles, composting, orphan and residential tree fruits and nuts, feeding of dangerous wildlife and storage of anti-freeze and paint.	Not implemented at this time
In partnership with Provincial, Federal and non-governmental organizations, the RDOS will create a regional program to implement the above actions.	ONGOING
22. Illegal Dumping Program	
This approach to tackling illegal dumping will be maintained and the RDOS will explore establishing a bylaw that puts the responsibility for proper disposal of garbage on the waste generator, allowing enforcement agencies to require the waste generator (if this information can be determined) to clean up or pay for the clean-up of illegal dumping.	Not implemented at this time
23. Linkages	
The RDOS will continue to develop agreements to ensure that there is a mechanism in place for the financing of waste management services and waste disposal infrastructure by all users. In particular, agreements will be developed for users of landfills that do not contribute directly through existing taxation mechanisms; this includes developing an agreement that would allow property owners in Area 'F' to use the Summerland landfill and Lower and Upper Similkameen Indian Bands to use the Keremeos Transfer Station and Campbell Mountain Landfill. In addition, a formal agreement between the Town of Osoyoos and Electoral Area A will be made.	Not implemented at this time
<p>To ensure proper and cost-effective management of municipal solid waste generated in First Nations communities within the RDOS, it is recommended that RDOS liaise on an on-going basis with local First Nations to:</p> <ul style="list-style-type: none"> • Identify future disposal requirements at RDOS and municipal facilities. • Identify opportunities to work together for waste management servicing (e.g. garbage and recycling collection). • Develop service agreements to ensure that First Nation communities are fairly contributing to the infrastructure provided by RDOS or the municipalities. 	ONGOING. Protocol Agreement developed for liaising with Penticton, Osoyoos and Lower Similkameen Indian Bands

To enhance sharing of ideas and resources, the RDOS will set up an annual meeting of the municipal and regional waste managers and landfill managers.	ONGOING
24. Facility Authorization	
To ensure that the goals of this Plan are not compromised by the development of solid waste facilities that may be contrary to the Plan's direction, all solid waste facilities developed after the adoption of this Plan must go through the authorization process to determine if they support the Plan's goals. If they are deemed to be in contradiction with the Plan's goals or direction, the proposed facility will not be permitted to proceed.	ONGOING. This process is followed through RDOS Development Service applications.
If there is a need for additional control mechanisms, "waste stream management licenses" and "codes of practice" will be considered in consultation with stakeholders. At this time, the RDOS considers compost facilities and scrap metal retailers as activities that may be subject to additional control mechanisms within the implementation timeframe of this solid waste management plan (2012-2017).	ONGOING. Compost and waste storage waste stream management license bylaw has been drafted and sent out for consultation with local compost facilities.
29. Plan Monitoring and Evaluation	
A Plan Monitoring Committee will be formed to oversee the implementation of the Plan and report directly to the Regional Board.	Not implemented at this time
A multi-location waste composition study on the residual waste management stream will be conducted in advance of the next Solid Waste Management Plan update to assess the success of current waste diversion programs and policies and identify opportunities for additional diversion.	Not implemented at this time.
The RDOS, through the Solid Waste Management Plan Function, shall allocate funds for the development of all landfill annual reports, curbside program reports, waste audits and other means by which data is gathered for plan monitoring and evaluation.	ONGOING. Included within 2015 Solid Waste Management budget.
To ensure that the plan's implementation adheres to the implementation schedule, it is recommended that, on an annual basis, RDOS staff compile data that reflects the status of the Plan's implementation and progress toward waste reduction targets.	ONGOING. Implemented for 2015
The RDOS will work with member municipalities to ensure that annual landfill reporting is completed so that this information can be used as part of the plan monitoring process.	ONGOING. Implemented for 2015



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, January 8, 2015

1:30 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee – November 6, 2014

THAT the Minutes of the November 6, 2014 Corporate Services Committee be received.

b. Environment and Infrastructure Committee – November 6, 2014

THAT the Minutes of the November 6, 2014 Environment and Infrastructure Committee be received.

c. RDOS Regular Board Meeting – November 6, 2014

THAT the minutes of the November 6, 2014 RDOS Regular Board meeting be adopted.

d. RDOS Inaugural Board Meeting – December 11, 2014

THAT the minutes of the December 11, 2014 RDOS Regular Board meeting be adopted.

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

That the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services

a. Development Variation Permit (DVP) Application – S. & R. Ross, 545 Lakehill Road, Kaleden

i. Permit

THAT the Board of Directors approve Development Variance Permit No. D2014.105 – DVP

b. Development Variation Permit (DVP) Application – Enns, 4640 Mill Road, Naramata

i. Permit

THAT the Board of Directors approve Development Variance Permit No. E2014.125-DVP

c. Development Variation Permit (DVP) Application – Carvalho, 9885 12 Ave (Hayes Road), Osoyoos

- i. Permit
- ii. Responses

THAT the Board of Directors approve Development Variance Permit No. A2014.124-DVP

RECOMMENDATION 2 (Unweighted Participant Vote – Simple Majority) (Part 26 LGA)
That the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Bylaw Enforcement

1. Animal Control Contract

RECOMMENDATION 3 (Weighted Corporate Vote – Simple Majority)

THAT the a 5 year contract, commencing February 1, 2015 for Animal Control Services for Electoral Areas A, B, C, D, E, F and G be awarded to K9 Control; and,

THAT the Chair and Chief Administrative Officer be authorized to execute the Animal Control Service contract.

C. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Advisory Planning Commission (APC) Bylaw No. 2339, 2006

Bylaw No. 2339.01, 2015, Regional District of Okanagan-Similkameen Advisory Planning Commission Amendment Bylaw

RECOMMENDATION 4 (Unweighted Participant Vote – Simple Majority)

THAT Bylaw No. 2339.01, 2015, Regional District of Okanagan-Similkameen Advisory Planning Commission Amendment Bylaw be read a first, second and third time and be adopted.

2. Zoning Amendment – Klamut, 3861 Solana Crescent, Summerland

- a. Bylaw No. 2461.07, 2014, Electoral Area 'F' Zoning Amendment Bylaw

RECOMMENDATION 5 (Unweighted Participant Vote – Simple Majority)

THAT Bylaw No. 2461.07, 2014, Electoral Area 'F' Zoning Amendment Bylaw be adopted.

- 3. Development Permit (DP) – R 134 Enterprises Ltd (C. Meiklejohn), 1045 Highway 97, Okanagan Falls**
a. Permit

RECOMMENDATION 6 (Unweighted Participant Vote – Simple Majority)

THAT the Board of Directors deny an amendment to Development Permit No. D-09-00866.000

- 4. Development Variance Permit (DVP) Application D01515 – White & Liu, 172 Pine Avenue, Kaleden**
a. Permit
b. Responses Received

RECOMMENDATION 7 (Unweighted Participant Vote – Simple Majority)

THAT the Board of Directors deny Development Variance Permit No. D2014.121-DVP

- 5. Temporary Use Permit (TUP) – High Risk Entertainment, Vintage Views Subdivision Phase 3 (Chadwell Place), Penticton**
a. Permit
b. Responses Received

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors approve Temporary Use Permit No. D2014.108-TUP

- 6. Temporary Use Permit (TUP) – 436167 BC Ltd (Sundial Vineyards), 4315 Black Sage Road, Oliver**
a. Permit

RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors approve Temporary Use Permit No. C2014.120-TUP

7. Official Community Plan (OCP) & Zoning Amendment – Electoral Area “D-2”

- a. Bylaw No. 2603.01, 2015, Electoral Area “D-2” Official Community Plan Amendment Bylaw
- b. Bylaw No. 2455.16, 2015, Electoral Area “D-2” Zoning Amendment Bylaw
- c. Responses Received

RECOMMENDATION 10 (Unweighted Participant Vote – Simple Majority)

THAT Bylaw No. 2603.01, 2015, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.16, 2015, Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated January 8, 2015, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

AND THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2603.01, 2015, in conjunction with its Financial and applicable Waste Management Plans;

RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)

THAT the holding of the public hearing be delegated to Director Siddon or delegate;

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

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

8. Official Community Plan (OCP) & Zoning Amendment – McCall, 2170 Highway 97, Okanagan Falls

- a. Bylaw No. 2603.03, 2014, Electoral Area “D-2” Official Community Plan Amendment Bylaw
- b. Bylaw No. 2455.17, 2014, Electoral Area “D-2” Zoning Amendment Bylaw
- c. Responses Received

RECOMMENDATION 12 (Unweighted Participant Vote – Simple Majority)

THAT Bylaw No. 2603.03, 2014, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.17, 2014, Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing; and,

THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated November 6, 2014, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*; and,

THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2603.03, 2014, in conjunction with its Financial and applicable Waste Management Plans; and,

RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority)

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

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

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

- 9. Official Community Plan (OCP) & Zoning Amendment – Ponech, District Lot 901, YDYD, except Plan KAP57545, KAP57546 & S7.5 chains (civic address unknown)**
- a. Bylaw No. 2497.04, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw
 - b. Bylaw No. 2498.05, 2014, Electoral Area “H” Zoning Amendment Bylaw

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2497.04, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.05, 2014, Electoral Area “H” Zoning Amendment Bylaw be adopted

D. ENGINEERING SERVICES

- 1. Petition to Enter Naramata Water Service Area**

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 1804.06, 2011, "Naramata Water System Development Cost Charge Amendment Bylaw" be adopted;

AND THAT Bylaw No. 2551, 2011, "Naramata Water Service Extension Bylaw" be adopted.

E. COMMUNITY SERVICES – Protective Services

- 1. Licence of Occupation Renewal – Willowbrook Fire Department**

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors authorizes the Chair and Chief Administrative Officer to execute a renewal agreement for the License of Occupation for Block B, DL 3100, SDYD to be used by the Willowbrook Fire department for water storage tanks for fire protection purposes.

F. OFFICE OF THE CAO

1. Advisory Planning Commission (APC) Appointments

RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors appoint the following as members of the Electoral Area “A” Advisory Planning Commission until November 30, 2018; and,

Bill Plaskett	Bonnie Douglas	Dwayne Svendsen
Gerry Hesketh	Mark McKenney	Peter Beckett
Grant Montgomery		

THAT the Board of Directors appoint the following as members of the Electoral Area “D” Advisory Planning Commission until November 30, 2018; and,

Don Albright	Bob Haddow	Jill Adamson
Bob Handfield	Ed Melenka	Doreen Olson
Bob Pearce	Jerry Stewart	Mike Bland
Navid Chaudry	Doug Lychak	

THAT the Board of Directors appoint the following as members of the Electoral Area “E” Advisory Planning Commission until November 30, 2018:

Bruce Clough	Phil Janzen	Judy Harvey
David Kopp	Heather Fleck	
Tom Hoenisch	Tim Forty	

2. Joint Council Update

- a. Minutes – November 30, 2014

3. Appointments to the Board of Variance

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors appoint Dave Corbeil, Jim Cavin and Margaret Chadsey to the Board of Variance

4. Frank Venables Theatre Service Establishment Bylaw

- a. Bylaw No. 2660, 2014 Frank Venables Theatre Service Establishment Bylaw

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2660, 2014 Frank Venables Theatre Service Establishment be adopted

5. Appointments to External Agencies and Standing Committees

Report to be distributed at Jan 8 Board meeting

RECOMMENDATION 20 (Unweighted Corporate Vote – Simple Majority)

THAT appointments to external agencies and appointments of Standing Committee Chairs and Vice Chairs, as outlined in the Board report of January 8, 2015 be confirmed.

6. Vermillion Forks Community Forest Corporation Appointments

RECOMMENDATION 21 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors appoint the following individuals to represent the Regional District on the Vermillion Forks Community Forest Corporation:

Members: Bob Coyne, Electoral Area “H” Director and Bill Newell, RDOS Chief Administrative Officer

Alternate: Sandy Croteau, RDOS Manager of Finance

G. CAO REPORTS**1. Verbal Update**

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

2. Directors Motions

3. Board Members Verbal Update

I. ADJOURNMENT



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
CORPORATE SERVICES COMMITTEE**
Thursday, November 6, 2014 at 9:00 a.m.

Minutes

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair G. Litke, City of Penticton
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director B. Hallquist, District of Summerland
Director B. Hope, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director A. Jakubeit, City of Penticton
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Patton, Electoral Area "C"
Director J. Perrino, District of Summerland
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director S. Wells, Town of Osoyoos
Director A. Wood, Electoral Area "G"

MEMBERS ABSENT:

STAFF PRESENT:

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

1. ADOPTION OF AGENDA

It was MOVED and SECONDED

THAT the agenda for the Corporate Services Committee Meeting of November 6, 2014 be adopted.

CARRIED

2. Q3 - 2014 Corporate Action Plan

The Committee was advised of the status of the various action points of the 2014 Corporate Action Plan.

ADJOURN

By consensus, the Corporate Services Committee meeting concluded at 9:31 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
Corporate Services Committee Chair

B. Newell
Chief Administrative Officer

Nov6CorpServComm



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
ENVIRONMENT AND INFRASTRUCTURE COMMITTEE**

Thursday, November 6, 2014, at 9:32 a.m.

Minutes

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair A. Wood, Electoral Area "G"
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director B. Hallquist, District of Summerland
Director B. Hope, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director H. Konanz, City of Penticton
Director A. Jakubeit, City of Penticton
Director G. Litke, City of Penticton
Director A. Patton, Electoral Area "C"
Director M. Pendergraft, Electoral Area "A"
Director J. Perrino, District of Summerland
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director S. Wells, Town of Osoyoos

MEMBERS ABSENT:

STAFF PRESENT:

B. Newell, Chief Administrative Officer
G. Cramm, Administrative Assistant

D. French, Manager of Public Works
C. Baughen, Solid Waste Management Coordinator

1. ADOPTION OF AGENDA

It was MOVED and SECONDED

THAT the agenda for the Environment and Infrastructure Committee Meeting of November 6, 2014 be adopted.

CARRIED

2 2014 Mosquito Control Report

The Committee was provided an update of the Mosquito Control program. The program has been in place since 1974. From April to August each year between 200 and 300 properties are checked for mosquitoes in Areas A, B, C, D, F, G, and H as well as Osoyoos, Oliver, Penticton and Summerland.

3 Oliver Landfill Recycling Depot

The Committee reviewed several options regarding Multi-Material BC services at the Oliver Landfill.

It was MOVED and SECONDED

That the Oliver Landfill maintain its current garbage and recycling facility and that the MMBC license is awarded to the Oliver bottle depot.

It was MOVED and SECONDED

That the motion regarding the Oliver Landfill Recycling Depot be deferred to January.

CARRIED

Opposed: Director Hovanes, Patton, Bush

ADJOURN

By consensus, the Environment and Infrastructure Committee Meeting of November 6, 2014 concluded at 10:01 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Environment and Infrastructure Committee Chair

B. Newell
Corporate Officer

Nov6EnviroCom



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
REGULAR BOARD MEETING**

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 10:03 am Thursday, November 6, 2014 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair G. Litke, City of Penticton
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director B. Hallquist, District of Summerland
Director B. Hope, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director A. Jakubeit, City of Penticton
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Patton, Electoral Area "C"
Director J. Perrino, District of Summerland
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director S. Wells, Town of Osoyoos
Director A. Wood, Electoral Area "G"

MEMBERS ABSENT:

STAFF PRESENT:

B. Newell, Chief Administrative Officer
C. Malden, Manager of Legislative Services
D. Butler, Manager of Development Services
C. Garrish, Planning Supervisor
S. Juch, Subdivision Supervisor

M. Woods, Manager of Community Services
S. Croteau, Manager of Finance
D. Kronebusch, Emergency Services Supervisor
E. Riechert, Planner
L. Bloomfield, Engineer

1. ADOPTION OF AGENDA

B317/14 It was MOVED and SECONDED

THAT the Board of Directors adopt the agenda of the November 6, 2014 Regional District of Okanagan-Similkameen meeting as amended by adding an additional item under s. 90 (1) (g) of the Community Charter to the Closed Session.

CARRIED

2. CONSENT AGENDA

2.1 Consent Agenda – Corporate Issues (*Unweighted Corporate Vote – Simple Majority*)

2.1.1 [Planning and Development Committee – October 16, 2014](#)

THAT the Board of Directors receive the minutes of the Planning and Development Committee meeting held October 16, 2104

2.1.1.1 Endorsement of Recommendations

THAT the matter of Environmentally Sensitive Development Permit Areas Okanagan Electoral Area Official Community Plan Bylaws be referred back to Administration for further research.

2.1.2 [Environment and Infrastructure Committee – October 16, 2014](#)

THAT the Board of Directors receive the minutes of the Environment and Infrastructure Committee meeting held October 16, 2104.

2.1.2.1 Endorsement of Recommendations

THAT the Campbell Mountain Landfill remain a contracted depot for Multi-Material BC.

THAT the Keremeos Landfill reduce Multi-Material BC services to only the collection of plastic bags, polystyrene and container glass.

THAT the Okanagan Falls Landfill be eliminated as a Multi-Material BC depot.

THAT the matter of the Oliver Landfill remaining a contracted depot for Multi-Material BC and developing the necessary infrastructure to collect recycling in Mega bags be referred back to administration for further information and returned to the November 6, 2014 Environment and Infrastructure Committee meeting.

2.1.3 [Community Services Committee – October 16, 2014](#)

THAT the Board of Directors receive the minutes of the Community Services Committee meeting held October 16, 2014.

2.1.3.1 Endorsement of Recommendations

THAT the Board of Directors approve in principle that BC Transit proceed with next steps of the Okanagan-Similkameen Transit Future Plan.

2.1.4 [Protective Services Committee – October 16, 2014](#)

THAT the Board of Directors receive the minutes of the Protective Services Committee meeting held October 16, 2014.

2.1.5 [Corporate Services Committee – October 16, 2014](#)

THAT the Board of Directors receive the minutes of the Corporate Services Committee meeting held October 16, 2014.

2.1.6 [RDOS Regular Board Meeting – October 16, 2014](#)

THAT the Board of Directors adopt the minutes of the RDOS Regular Board Meeting held October 16, 2014.

B318/14A

It was MOVED and SECONDED

THAT the Consent Agenda – Corporate Issues be adopted.

CARRIED

2.2 Consent Agenda – Development Services (*Unweighted Rural Vote – Simple Majority*)

2.2.1 DVP Application [E02106.000](#) - Bravo Entertainment Limited, 2493 Gammon Road, Naramata

2.2.1.1 [Responses Received](#)

THAT the Regional Board approve [Development Variance Permit No. E2014.112-DVP](#).

2.2.2 DVP Application [E02221.005](#) – D. Minchau & B. Parker-Minchau, 4165 Rosebud Avenue, Naramata

2.2.2.1 [Responses Received](#)

THAT the Regional Board approve [Development Variance Permit No. E2014.118-DVP](#).

2.2.3 DVP Application [E02100.220](#) – D. & K. Mancell, 2575 Winifred Road, Naramata

THAT the Regional Board approve [Development Variance Permit No. E2014.116-DVP](#).

B319/14P

It was MOVED and SECONDED

THAT the Consent Agenda – Development Services be adopted.

CARRIED

3. DELEGATION

3.1 Mr. Doug Lychak, President - Heritage Hills/Lakeshore Highlands Homeowner's Association
[Dr. Malcolm Paterson](#), Medical Research Scientist (retired)

Dr. Paterson addressed the Board regarding wireless radio frequency-emitting devices (smart meters).

DEVELOPMENT SERVICES DEPARTMENT

4. BUILDING INSPECTION

4.1 Building Violations (*Unweighted Corporate Vote – Simple Majority*)

4.1.1 [C05420.020](#) – 5660 (33870) Highway 97

The Chair asked if the property owner was present to speak to this matter. No one was present.

320/14A

It was MOVED and SECONDED

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Lot 2, Plan KAP52063, District Lot 2450S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

4.1.2 [H00744.280](#) – 187 Lockie Road

The Chair asked if the property owner was present to speak to this matter. No one was present.

B321/14A

It was MOVED and SECONDED

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Lot 18, District Lot 596, Plan 44042, YDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

4.1.3 [H01034.130](#) – 259 Missezula Lake Road,

The Chair asked if the property owner was present to speak to this matter. No one was present.

B322/14A

It was MOVED and SECONDED

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Lot 7, Plan 23747, District Lot 1909, KDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

CARRIED

4.1.4 [H01193.000](#) – 3014 Highway 5A

Mr. Lyle Thomas, property owner, addressed the Board of Directors with respect to this matter.

B323/14A

It was MOVED and SECONDED

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Lot 8, Plan KAP8079, District Lot 2697 KDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

5. RURAL LAND USE MATTERS

5.1 Bylaws (*Unweighted Rural Vote – Simple Majority*)

Chair Pendergraft vacated the chair stating that he wished to speak to the next two items. Vice Chair Litke assumed the chair.

5.1.1 [A07108.110/.120/.130](#) – V-Line Holdings Ltd., 18256 Highway 3, Osoyoos

5.1.1.1 Bylaw No. 2450.08, 2013, Electoral Area “A” Official Community Plan Bylaw Amendment

5.1.1.2 Bylaw No. 2451.14, 2013, Electoral Area “A” Zoning Bylaw Amendment

5.1.1.3 [Public Hearing Report](#)

5.1.1.4 [Responses Received](#)

Director Pendergraft indicated that the public hearing report reflected an accurate account of what took place at the public hearing held October 7, 2014.

B324/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the Public Hearing held October 7, 2014 regarding Bylaw Nos. 2450.08 and 2451.14.

CARRIED

It was MOVED and SECONDED

THAT [Bylaw No. 2450.08, 2013](#), Electoral Area "A" Official Community Plan Bylaw Amendment, as amended and, [Bylaw No. 2451.14, 2013](#), Electoral Area "A" Zoning Bylaw Amendment be read a third time.

THAT the Board of Directors direct staff to request Ministry of Mines to refer any future Mines Permit applications or Mine Plan renewal or reviews related to the subject properties to the RDOS for comment.

By consensus, the motion was split.

B325/14P

It was MOVED and SECONDED

THAT [Bylaw No. 2450.08, 2013](#), Electoral Area "A" Official Community Plan Bylaw Amendment, as amended and, [Bylaw No. 2451.14, 2013](#), Electoral Area "A" Zoning Bylaw Amendment be read a third time.

DEFEATED

Opposed: Directors Kozakevich, Siddon,
Hope, Bush, Brydon, Wood, Patton

B326/14A

It was MOVED and SECONDED

THAT the Board of Directors direct staff to request Ministry of Mines to refer all future Mines Permit applications or Mine Plan renewal or reviews to the Regional District of Okanagan-Similkameen for comment.

CARRIED

5.1.2 [A05931.100/200](#) – S. Cooper, 8902 160 Avenue, Osoyoos

5.1.2.1 Bylaw No. 2450.07, 2014, Electoral Area “A” Official
Community Plan Amendment

5.1.2.2 Bylaw No. 2451.13, 2014, Electoral Area “A” Zoning
Amendment

5.1.2.3 [Public Hearing Report](#)

5.1.2.4 [Responses Received](#)

Director Pendergraft stated that the public hearing report reflected an accurate account of what took place at the public hearing held October 22, 2014. He also noted that Ms. Cooper had, after the public hearing, distributed via email to Directors, a transcript of her comments made at the public hearing.

B327/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held October 22, 2014 regarding Bylaw Nos. 2450.07 and 2451.13.

CARRIED

It was MOVED and SECONDED

THAT [Bylaw No. 2450.07, 2014](#), Electoral Area “A” Official Community Plan Amendment Bylaw and [Bylaw No. 2451.13, 2014](#), Electoral Area “A” Zoning Amendment Bylaw be read a third time;

THAT prior to adoption, restrictive statutory covenants be registered on title, in order to:

- prohibit development and disturbance within the 30.0 m. Streamside Protection and Enhancement Area (as shown on Attachment No. 2 to this report); and

prohibit development and disturbance within the area identified by the *Preliminary Geotechnical Assessment for Residential Development at 8902-168th Avenue, Osoyoos, BC – Lots A & B*, prepared by Rock Glen Consulting Limited and dated May 9, 2013 (and demarcated by red dashed lines on Attachment No. 2 to this report).

B328/14

It was MOVED and SECONDED

That the motion be amended to include

“And that the properties be connected to the sewer.”

CARRIED

B329/14P

Question on the main motion as amended

THAT [Bylaw No. 2450.07, 2014](#), Electoral Area “A” Official Community Plan Amendment Bylaw and [Bylaw No. 2451.13, 2014](#), Electoral Area “A” Zoning Amendment Bylaw be read a third time;

THAT prior to adoption, restrictive statutory covenants be registered on title, in order to:

- prohibit development and disturbance within the 30.0 m. Streamside Protection and Enhancement Area (as shown on Attachment No. 2 to the report dated November 6, 2014 from CAO B. Newell) save and except the construction, repair, maintenance or alteration of a public sanitary sewer line and any connection to said line which may be located within the Covenant Area; and
- prohibit development and disturbance within the area identified by the *Preliminary Geotechnical Assessment for Residential Development at 8902-168th Avenue, Osoyoos, BC – Lots A & B*, prepared by Rock Glen Consulting Limited and dated May 9, 2013 (and demarcated by red dashed lines on Attachment No. 2 to the report dated November 6, 2014 from CAO B. Newell).

CARRIED

Director Pendergraft assumed the chair.

5.1.3 [D06807.030](#) – C. & L. McCall, 2170 Highway 97, Okanagan Falls

5.1.3.1 Bylaw No. 2603.03, 2014, Electoral Area “D-2” Official Community Plan Amendment Bylaw

5.1.3.2 Bylaw No. 2455.17, 2014, Electoral Area “D-2” Zoning Amendment Bylaw

5.1.3.3 [Responses Received](#)

It was MOVED and SECONDED

THAT [Bylaw No. 2603.03, 2014](#), Electoral Area “D-2” Official Community Plan Amendment Bylaw and [Bylaw No. 2455.17, 2014](#), Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing; and,

THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated November 6, 2014, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*; and,

THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2603.03, 2014, in conjunction with its Financial and applicable Waste Management Plans; and,

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

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

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

B330/14P

It was MOVED and SECONDED

That the [D06807.030](#) – C. & L. McCall, 2170 Highway 97 application be deferred.

CARRIED

5.1.4 [F06655.000](#) – B. Dearden & T. Brouwers, 464 Fish Lake Road
(Unweighted Rural Vote – 2/3 Majority)

5.1.4.1 Bylaw No. 2460.03, 2014, Electoral Area “F” Official Community Plan Amendment Bylaw

5.1.4.2 Bylaw No. 2461.05, 2014, Electoral Area “F” Zoning Amendment Bylaw

5.1.4.3 [Public Hearing Report](#)

5.1.4.4 [Responses Received](#)

Director Brydon stated that the public hearing report reflected an accurate account of what took place at the public hearing held October 16, 2014.

B331/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held October 16, 2014 regarding Bylaw Nos. 2460.03 and 2461.05.

CARRIED

Brad Elenko, agent for the application, was given an opportunity to address the Board.

B332/14P

It was MOVED and SECONDED

THAT first, second and third readings of [Bylaw No. 2460.03, 2014](#), Electoral Area "F" Official Community Plan Amendment Bylaw and [Bylaw No. 2461.05, 2014](#), be rescinded and the bylaws abandoned.

CARRIED

Opposed: Director Bush, Kozakevich

- 5.1.5 [F07220.000](#) – T. & T. Brice, Block A, DL 3777, ODYD (civic unknown)
(Unweighted Rural Vote – 2/3 Majority)

5.1.5.1 Bylaw No. 2461.06, 2014, Electoral Area "F" Zoning
Amendment Bylaw

5.1.5.2 [Public Hearing Report](#)

5.1.5.3 [Responses Received](#)

Director Brydon stated that the public hearing report reflected an accurate account of what took place at the public hearing held October 16, 2104.

B333/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held October 16, 2014 regarding Bylaw No. 2461.06.

CARRIED

B334/14P

It was MOVED and SECONDED

THAT [Bylaw No. 2461.06, 2014](#), Electoral Area "F" Zoning Amendment Bylaw be read a third time and adopted.

CARRIED

Opposed: Director Patton

- 5.1.6 [F06611.085](#) – K. Klamut, 3861 Solana Crescent

5.1.6.1 Bylaw No. 2461.07, 2014, Electoral Area "F" Zoning
Amendment Bylaw

5.1.6.2 [Public Hearing Report](#)

5.1.6.3 [Responses Received](#)

Director Brydon stated that the public hearing report reflected an accurate account of what took place at the public hearing held October 16, 2104.

B335/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held October 16, 2014 regarding Bylaw No. 2461.07.

CARRIED

B336/14P

It was MOVED and SECONDED

THAT [Bylaw No. 2461.07, 2014](#), Electoral Area “F” Zoning Amendment Bylaw be read a third time.

CARRIED

By consensus, the Board of Directors brought forward Items 5.2.1 and 5.2.2.

5.2 ALC Referral (*Unweighted Rural Vote – Simple Majority*)

5.2.1 [D02924.100/.200](#) – L. & L. McLean, 3860 & 3875 McLean Creek Road

By consensus, Mr. Lyle McLean was given the opportunity to address the Board with respect to his application.

B337/14P

It was MOVED and SECONDED

THAT the Board of Directors “authorise” the application to undertake a subdivision (i.e. boundary adjustment) between the properties at Lot 1, Plan KAP90243, District Lot 464, SDYD (3860 McLean Creek Road) and Lot 2, Plan KAP90243, District Lot 464, SDYD (3875 McLean Creek Road) Electoral Area “D” to proceed to the Agricultural Land Commission.

CARRIED

Opposed: Director Patton

5.2.2 [C06542.000](#) – A. & M. Miller, 310 Miller Road

Mr. Miller was given the opportunity to address the Board with respect to his application.

B338/14

It was MOVED and SECONDED

THAT the Board of Directors not “authorise” the application to undertake a homesite severance subdivision at Lot 808, Plan KAP4592, District Lot 2450S, SDYD (310 Miller Road) Electoral Area “C” to proceed to the Agricultural Land Commission.

DEFEATED

Opposed: Directors Siddon, Kozakevich, Bush, Pendergraft

B339/14P

It was MOVED and SECONDED

THAT the Board of Directors “authorise” the application to undertake a homesite severance subdivision at Lot 808, Plan KAP4592, District Lot 2450S, SDYD (310 Miller Road) Electoral Area “C” to proceed to the Agricultural Land Commission.

CARRIED

Opposed: Directors Hope, Patton, Brydon

- 5.1.7 [H00791.000](#) – F. & R. Ponech, District Lot 901, YDYG, except Plan KAP57545, KAP57546 & S7.5 chains (civic address unknown)

5.1.7.1 Bylaw No. 2497.04, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw

5.1.7.2 Bylaw No. 2498.05, 2014, Electoral Area “H” Zoning Amendment Bylaw

5.1.7.3 [Public Hearing Report](#)

5.1.7.4 [Responses Received](#)

Director Hope stated that the public hearing report reflected an accurate account of what took place at the public hearing held October 20, 2104.

B340/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held October 20, 2014 regarding Bylaw Nos. 2497.04 and 2498.05.

CARRIED

B341/14P

It was MOVED and SECONDED

THAT [Bylaw No. 2497.04, 2014](#), Electoral Area “H” Official Community Plan Amendment Bylaw and [Bylaw No. 2498.05, 2014](#), Electoral Area “H” Zoning Amendment Bylaw be read a third time.

CARRIED

- 5.1.8 [Textual Amendment — Electoral Area “H” OCP & Zoning Bylaws \(“carriage houses”\)](#)

5.1.8.1 Bylaw No. 2497.02, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw

5.1.8.2 Bylaw No. 2498.03, 2014, Electoral Area “H” Zoning Amendment Bylaw

5.1.8.3 [Public Hearing Report](#)

5.1.8.4 [Responses Received](#)

Director Hope stated that the public hearing report reflected an accurate account of what took place at the public hearing held September 29, 2104.

B342/14A

It was MOVED and SECONDED

THAT the Board of Directors receive the report of the public hearing held September 29, 2014 regarding Bylaw Nos. 2497.02 and 2498.03.

CARRIED

B343/14P

It was MOVED and SECONDED

THAT [Bylaw No. 2497.02, 2014](#), Electoral Area “H” Official Community Plan Amendment Bylaw and [Bylaw No. 2498.03, 2014](#), Electoral Area “H” Zoning Amendment Bylaw be adopted.

CARRIED

Opposed: Director Patton

5.2 ALC Referral (*Unweighted Rural Vote – Simple Majority*)

Items 5.2.1 and 5.2.2 were dealt with earlier in the meeting; please refer to page 11 of these minutes.

5.2.1 [D02924.100/.200](#) – L. & L. McLean, 3860 & 3875 McLean Creek Road

5.2.2 [C06542.000](#) – A. & M. Miller, 310 Miller Road

PUBLIC WORKS DEPARTMENT

6. ENGINEERING SERVICES

6.1 [Building Canada Fund Grant Application](#) (*Unweighted Corporate Vote – Simple Majority*)

B344/14PW

It was MOVED and SECONDED

THAT the Board of Directors commit to completing a Referendum and associated bylaws to authorize the borrowing of funds necessary to implement the wastewater collection project for Kaleden and Skaha Estates within six (6) months of receiving New Building Canada Fund – Small Communities Fund approval for the project.

CARRIED

6.2 [Award for Faulder Water System Uranium Treatment System](#) (*Weighted Corporate Vote - Majority*)

B345/14PW

It was MOVED and SECONDED

THAT the Board of Directors authorize the purchase of a uranium treatment system for the Faulder Water System from BI Pure Water (Canada) Inc. in the amount of \$91,875.00 plus applicable taxes.

CARRIED

- 6.3 [Parkland Dedication Requirement - Deer Park Estates](#) *(Unweighted Corporate Vote – Simple Majority)*

B346/14PW It was MOVED and SECONDED

THAT the Board accepts the parkland dedication requirement for the subdivision of Lot A, Plan KAP50404, DL 28S, Land District Similkameen Div. of Yale, Except Plan KAS1394 (PHASES 1, 2 & 3), Manufactured Home Reg. # B09196; Ministry of Transportation and Infrastructure file 2011-03581 in the form of a statutory right of way agreement for the purpose of public trail use.

AND THAT the Chair and CAO be authorized to execute a statutory right of way agreement for the purpose of public park and trail use.

CARRIED

COMMUNITY SERVICES DEPARTMENT

7. RURAL PROJECTS

- 7.1 [South Okanagan Transit System](#) *(Weighted Corporate Vote - Majority)*

It was MOVED and SECONDED

THAT the Board of Directors approve the increase in the local share for the South Okanagan Transit System currently being funded by Electoral Areas “A”, “C” and “D” and be added to the 2015 Budget; and,

THAT staff be directed to ensure that the South Okanagan Transit System is part of the 25 year Transit Future Plan.

B347/14 It was MOVED and SECONDED

THAT the motion be amended to include “AND to include a review of the funding distribution and routing schedule”

CARRIED

B348/14CS Question on the Main Motion as amended

THAT the Board of Directors approve the increase in the local share for the South Okanagan Transit System currently being funded by Electoral Areas “A”, “C” and “D” and be added to the 2015 Budget; and,

THAT staff be directed to ensure that the South Okanagan Transit System is part of the 25 year Transit Future Plan and to include a review of the funding distribution and routing schedule

CARRIED

FINANCE DEPARTMENT

8. FINANCE

8.1 Bylaws (*Weighted Corporate Vote – 2/3 Majority*)

- 8.1.1 [Bylaw No. 2678, 2014 Electoral Area "C" Community Works Gas Tax Expenditure - Energy Efficiency Upgrades at Willowbrook Fire Hall and Oliver Landfill Scale Building Bylaw](#)

B349/14A

It was MOVED and SECONDED

THAT [Bylaw No 2678, 2014](#) Electoral Area "C" Community Works Gas Tax Reserve Fund Expenditure Bylaw be read a first, second and third time, and be adopted.

CARRIED

- 8.1.2 [Bylaw 2679, 2014 Electoral Area "C" Community Works Gas Tax Expenditure - Gallagher Lake Water and Sewer Infrastructure Bylaw](#)

B350/14A

It was MOVED and SECONDED

THAT [Bylaw No 2679, 2014](#) Electoral Area "C" Community Works Gas Tax Reserve Fund Expenditure Bylaw be read a first, second and third time, and be adopted.

CARRIED

- 8.1.3 [Bylaw 2682, 2014 West Bench Water Parcel Tax Bylaw](#)

B351/14A

It was MOVED and SECONDED

THAT [Bylaw No. 2682, 2014](#) Regional District of Okanagan Similkameen West Bench Water Supply and Distribution Debt Financing Parcel Tax Bylaw be read a first, second and third time and be adopted.

CARRIED

- 8.1.4 [Bylaw No. 2640.01, 2014 Five Year Financial Plan Amendment Bylaw](#)

B352/14A

It was MOVED and SECONDED

THAT [Bylaw No 2640.01, 2014](#) Regional District of Okanagan Similkameen 2014-2018 Five Year Financial Plan Amendment Bylaw be read a first, second and third time and be adopted.

CARRIED

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

9. LEGISLATIVE ISSUES

9.1 [Electoral Area “H” Recreation Contribution Service](#)

B353/14A

It was MOVED and SECONDED

THAT Electoral Area “H” Recreation Contribution Service Establishment [Bylaw No. 2666, 2014](#) be adopted.

THAT RDOS Recreation Programming, Maintenance, Feasibility Study and Grant-in-Aid Local Service Establishment Repeal [Bylaw No. 2655, 2014](#) be adopted; and further,

THAT Princeton Arena Conversion and Service Establishment Repeal [Bylaw No. 2665, 2014](#) be adopted; and further,

THAT the Chair and Chief Administrative Officer be authorized to execute the [Contribution Agreement](#) with the Town of Princeton; and further,

THAT School District 58 be advised that the existing lease between the Regional District and the School District be terminated upon signing of a new lease between the Town of Princeton and the School District.

CARRIED

9.2 Bylaws (*Unweighted Corporate Vote – Simple Majority*)

9.2.1 [Bylaw 2669, 2014 Loan Authorization Apex Mountain Waste Transfer Station Bylaw](#)

B354/14A

It was MOVED and SECONDED

THAT [Bylaw No. 2669, 2014](#) Apex Mountain Waste Transfer Station Loan Authorization Bylaw be adopted.

CARRIED

9.3 [Board Action Tracking](#)

B355/14A

It was MOVED and SECONDED

THAT the Board Action Tracking reports be provided to the Board on a quarterly basis in conjunction with the Departmental Quarterly Reports.

CARRIED

10. CAO REPORTS

10.1 Verbal Update

10.2 [BCGEU Collective Bargaining update](#)

B356/14HR It was MOVED and SECONDED

THAT the Board ratify the agreement between the RDOS and the BC Government and Service Employees' Union (BCGEU), summarized in Schedule A attached to the report to the Board of Directors from B. Newell, CAO; and,

That the Chair and CAO be authorized to sign the agreement when properly formatted.

CARRIED

Opposed: Director Bauer

11. OTHER BUSINESS

11.1 Chair's Report – A Word from the 2014 Chair

11.2 Board Representation

- 11.2.1 Municipal Finance Authority (MFA)
- 11.2.2 [Okanagan Basin Water Board](#) (OBWB)
- 11.2.3 Okanagan-Kootenay Sterile Insect Release Board (SIR)
- 11.2.4 Okanagan Regional Library (ORL)
- 11.2.5 Okanagan and Similkameen Invasive Species Society (OASISS)
- 11.2.6 Okanagan Film Commission (OFC)
- 11.2.7 Southern Interior Beetle Action Coalition (SIBAC)
- 11.2.8 Southern Interior Municipal Employers Association (SIMEA)
- 11.2.9 Southern Interior Local Government Association (SILGA)
- 11.2.10 Starling Control

11.3 Directors' Motions

11.4 Board Members Verbal Update

12. CLOSED SESSION

B357/14 It was MOVED and SECONDED

THAT in accordance with Section 90(1)(e) & (g) of the *Community Charter*, the Board close the meeting to the public on the basis of the acquisition, disposition or expropriation of land or improvements, if the Board considers that disclosure could reasonably be expected to harm the interests of the Regional District; and, litigation or potential litigation affecting the Regional District.

CARRIED

The meeting was closed to the public at 2:42 pm

The meeting was opened to the public at 3:09 p.m.

ADJOURN

By consensus, the meeting adjourned at 3:09 p.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
RDOS Board Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Inaugural Board Meeting

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 3:32 pm Thursday, December 11, 2014 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair A. Jakubeit, City of Penticton
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director T. Boot, District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director E. Christensen, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director T. Schafer, Electoral Area "C"
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

STAFF PRESENT:

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

M. Woods, Manager of Community Services
S. Croteau, Manager of Finance
D. French, Manager of Public Works

A. CALL TO ORDER

B. SWEARING IN CEREMONY

Municipal, Rural and Alternate Directors were sworn in to office by B. Newell, Chief Administrative Officer.

C. ELECTION OF 2015 BOARD CHAIR AND VICE CHAIR

Chief Administrative Officer Newell called for nominations for the position of RDOS Board Chair.

Nomination: Director Christensen nominated Director Mark Pendergraft.

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

It was MOVED and SECONDED

THAT nominations for Board Chair be closed. - **CARRIED**

CAO Newell declared Mark Pendergraft acclaimed as RDOS Chair for the ensuing year.

Chief Administrative Officer Newell called for nominations for the position of RDOS Board Vice Chair.

Nomination: Director Sentes nominated Director Andrew Jakubeit.

Nomination: Director Armitage nominated Director Manfred Bauer.

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

It was MOVED and SECONDED

THAT nominations for Board Vice Chair be closed. - **CARRIED**

Nominees were given an opportunity to provide a brief speech.

By consensus, the Board appointed C. Malden and G. Cramm to serve as scrutineers.

Director Jakubeit was elected RDOS Vice Chair for the ensuing year.

It was MOVED and SECONDED

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

D. ADOPTION OF AGENDA

It was MOVED and SECONDED

THAT the agenda for the RDOS Inaugural Board Meeting of December 11, 2014 be adopted. - **CARRIED**

E. LEGISLATIVE ISSUES

1. 2015 RDOS Schedule of Meetings

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the 2015 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings as contained in the December 11, 2014 report from the Chief Administrative Officer, be approved. - **CARRIED**

2. 2015 Advisory Planning Commission Schedule of Meetings

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the 2015 Meeting Schedule for the Electoral Area Advisory Planning Commissions, as contained in the December 11, 2014 report from the Chief Administrative Officer be approved. - **CARRIED**

3. 2015 Regional District Signing Authority

RECOMMENDATION 3 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors appoint the following Directors as signing officers for the Regional District of Okanagan-Similkameen for the 2015 year:

THAT the Board of Directors appoint the following Directors as signing officers for the Regional District of Okanagan-Similkameen for the 2015 year:

RDOS Board Chair: Mark Pendergraft

RDOS Board Vice Chair: Andrew Jakubeit

- **CARRIED**

4. 2014 Local Government Election Results

The Chief Election Officer provided a report to the Board detailing the results of the 2014 Local Government Elections.

5. Olalla Local Community Commission Appointment

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors appoint four qualified people to the Olalla Local Community Commission for a four year term ending with the next local government elections in 2018.

THAT, if a sufficient number of individuals are not appointed, the Board of Directors initiate the dissolution process for the Olalla Local Community Commission and establish an Advisory Committee in its place. - **CARRIED**

F. FINANCE

1. Revenue Anticipation Borrowing Bylaw
 - a. Bylaw No. 2681, 2014 Regional District of Okanagan-Similkameen Revenue Anticipation Borrowing Bylaw

RECOMMENDATION 5 (Weighted Corporate Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2681, 2014 Regional District of Okanagan-Similkameen Revenue Anticipation Borrowing Bylaw be read a first, second and third time and be adopted.

- CARRIED

G. ADJOURNMENT

By consensus, the meeting adjourned at 3:58 p.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
RDOS Board Chair

B. Newell
Corporate Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
RE: Development Variance Permit Application — Electoral Area “D”

Administrative Recommendation:

THAT the Regional Board approve Development Variance Permit No. D2014.105 – DVP

Purpose: To allow for the construction of an unenclosed deck

Owners: Stanley and Rosalind Ross Agent: Tyler Brown Folio: D-01423.000

Civic: 545 Lakehill Road, Kaleden Legal: Plan KAP763, Blk 18, Parcel C, SDYD

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

Requested Variances: to vary the exterior parcel line setback from 4.5 metres to 3.0 metres

Proposed Development:

The applicant is proposing to vary the exterior parcel line setback from 4.5 metres to 3.0 metres in order to construct an uncovered deck.

The applicant has indicated that the wrap around configuration of the deck would create a more accessible layout to access the rear yard. A deck was recently constructed in the rear yard.

Site Context:

The subject property is approximately 559m² and is located at the intersection of Lakehill Road and Ponderosa Avenue. There is currently a single detached dwelling on the property. A Building Permit was issued in 2014 for the construction of a deck in the front yard area (east side of the single detached dwelling). The proposed deck will wrap around the south side of the house and connect to the newly constructed deck.

The properties on the west side of Ponderosa Avenue are zoned Residential Single Family One (RS1) and are residential in nature. The property on the east side of Ponderosa Ave is zoned Commercial Tourist (CT) and currently is used commercially. The lands on the west side of Ponderosa Avenue are designated in the Official Community Plan (OCP) as Residential Low Density (LR). The property on the east side of Ponderosa Avenue is designated as Commercial Tourist (CT) in the OCP.

Background:

Under the Electoral Area “D-1” Zoning Bylaw No. 2457, 2008, the subject property is zoned Residential Single Family One (RS1) with the prescribed setback for buildings and structures being 4.5 metres from the exterior side parcel line.

The Official Community Area “D-1” Kaleden–Apex Southwest Sector Official Community Plan Bylaw No. 2456, 2008, the subject property is designated as Low Density Residential and is within a Watercourse Development Permit (WDP) Area. The property has been assessed by a Qualified Environmental Professional and they determined that the watercourse which appears in the mapping is not a watercourse as defined under the Riparian Areas Regulation and therefore a WDP is not necessary.

In circumstances in which a property owner requests a setback variance of less than 4.5 metres from the road right of way, approval from the Ministry of Transportation and Infrastructure (MoTI) is required. However, given that there is access from another street the allowable MoTI setback is 3.0 metres.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on December 29, 2014.

Alternative:

1. THAT the Regional Board deny Development Variance Permit No. D2014.105-DVP; or
2. THAT the RDOS Board defers making a decision and directs that the proposal be considered by the Electoral Area "D" Advisory Planning Commission (APC).

Analysis:

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

Administration is supportive of the application as the encroachment of the unenclosed deck would be minor in nature and would be mitigated by the large yard and boulevard along the Lakehill Road parcel line.

The proposed deck is designed to wrap-around and connect to the existing deck in the front yard setback area. In this regard, the design of the deck is consistent with designs of similar scale and development on similar lots with front two roads. Further, the scale of the proposed development is proposed, in part, to take advantage of the lake view and in this regard is in keeping with development in vicinity.

Respectfully submitted:



Melinda Smyrl, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

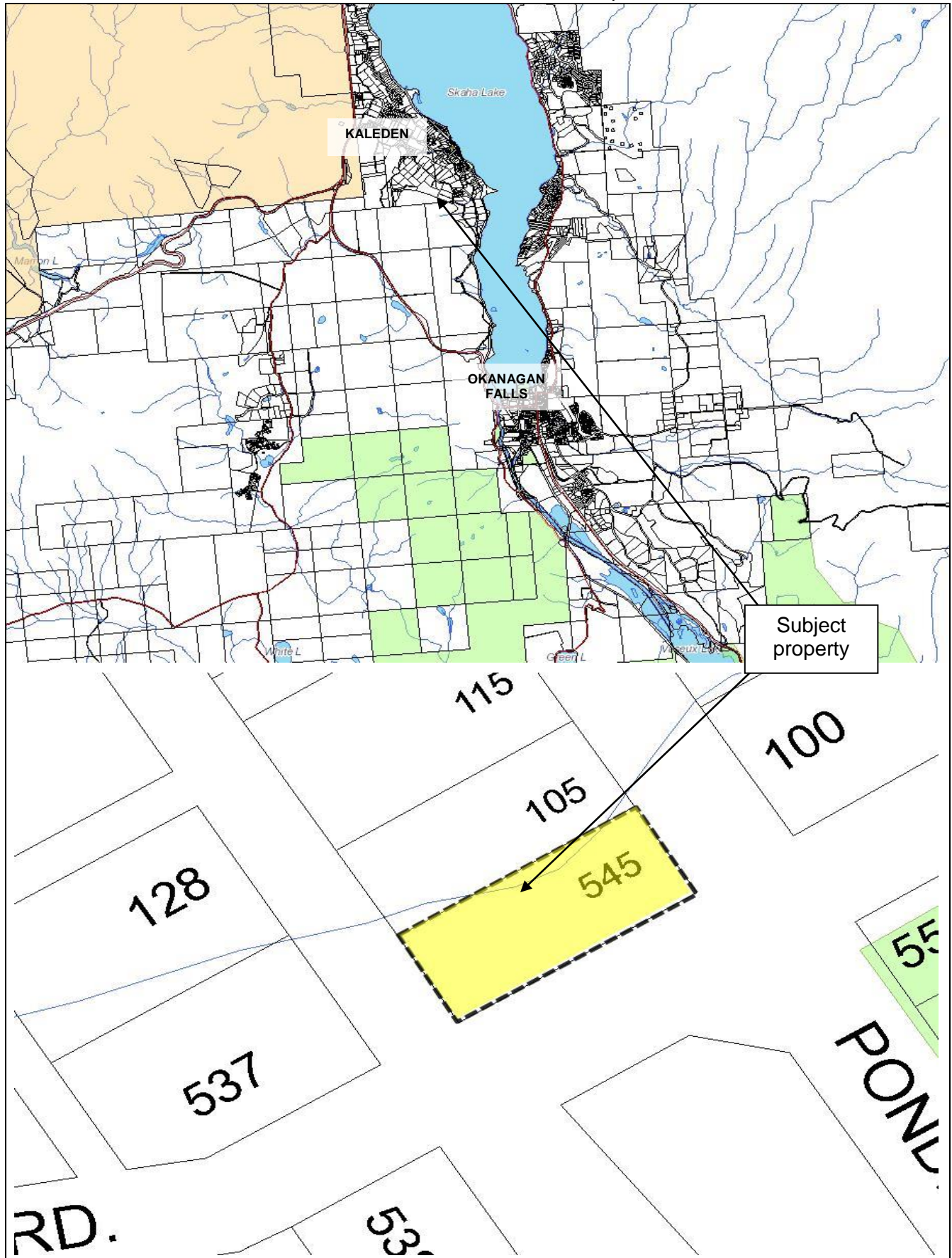
Endorsed by:



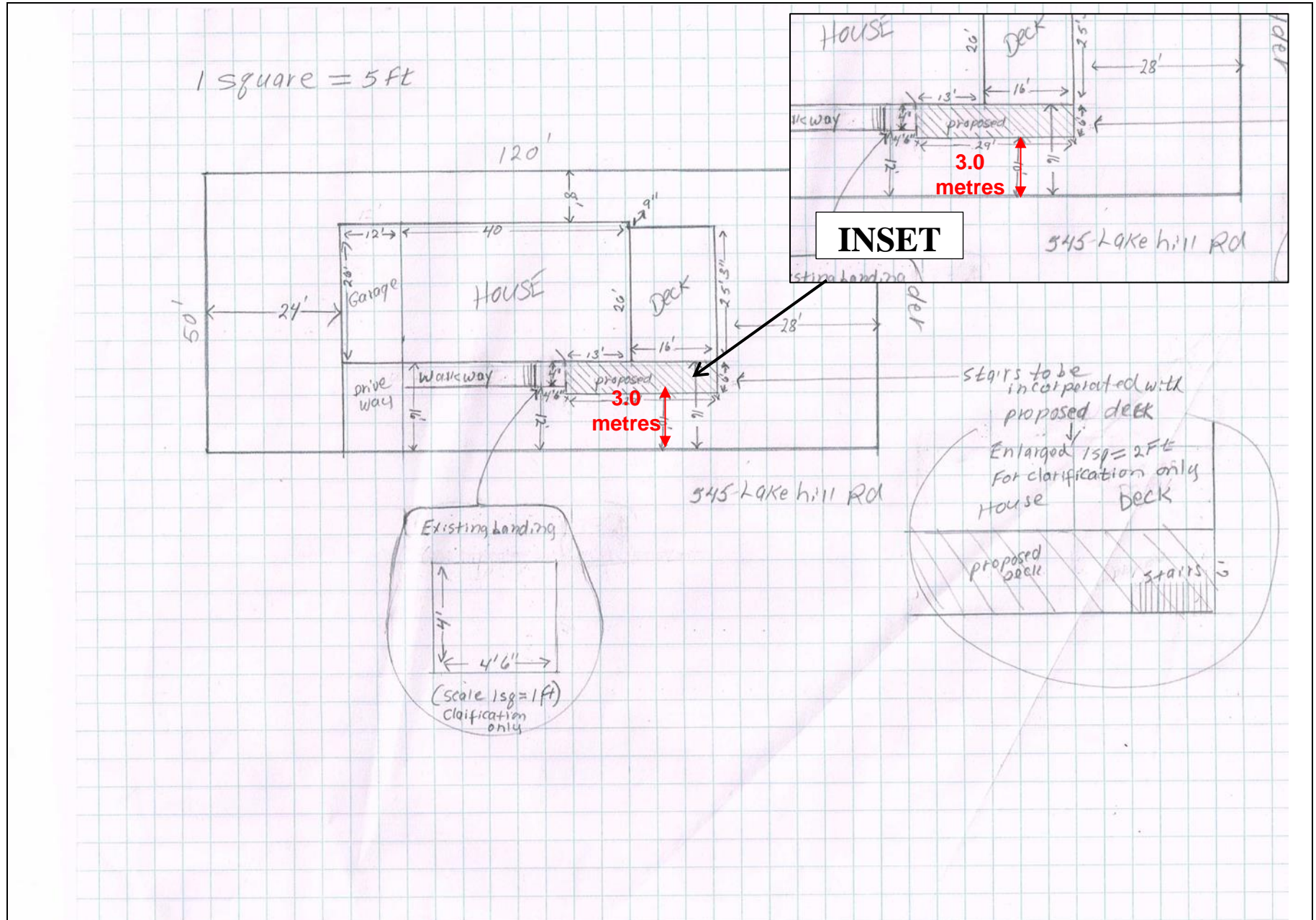
D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 - Site Photo (Google Earth)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Photo (Google Streetview)



Development Variance Permit

FILE NO.: D2014.105-DVP

TO: Stanley and Rosalind Ross
Site 10D, COMP 38, RR 1
Kaleden, BC

ADMINISTRATION

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 permit and permit drawings and/or figures, the permit figures stand.
4. This Development Variance Permit is not a Building Permit.

APPLICABILITY

5. This Development Variance 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 'X-1' and 'X-2', and described below:

Legal Description: Plan KAP763, Blk 18, Parcel C, SDYD
Civic Address: 545 Lakehill Road, Kaleden
Parcel Identifier (PID): 023-414-251 Folio: 01423.000

CONDITIONS

6. Development Variance

- a) The minimum exterior parcel line setback for an accessory building or structure, as prescribed at Section 11.1.6 (a)(iv) of the Electoral Area "D-1" Kaleden-Apex Southwest Sector Zoning Bylaw No. 2457, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:
 - i) from: 4.5 metres
to: 3.0 metres as measured from the outermost projection and as shown on Schedules 'X-1' and 'X-2'.

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

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

- (a) In accordance with Section 926 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.

Authorized resolution **XX** passed by the Regional Board on the 8th day of January, 2015.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

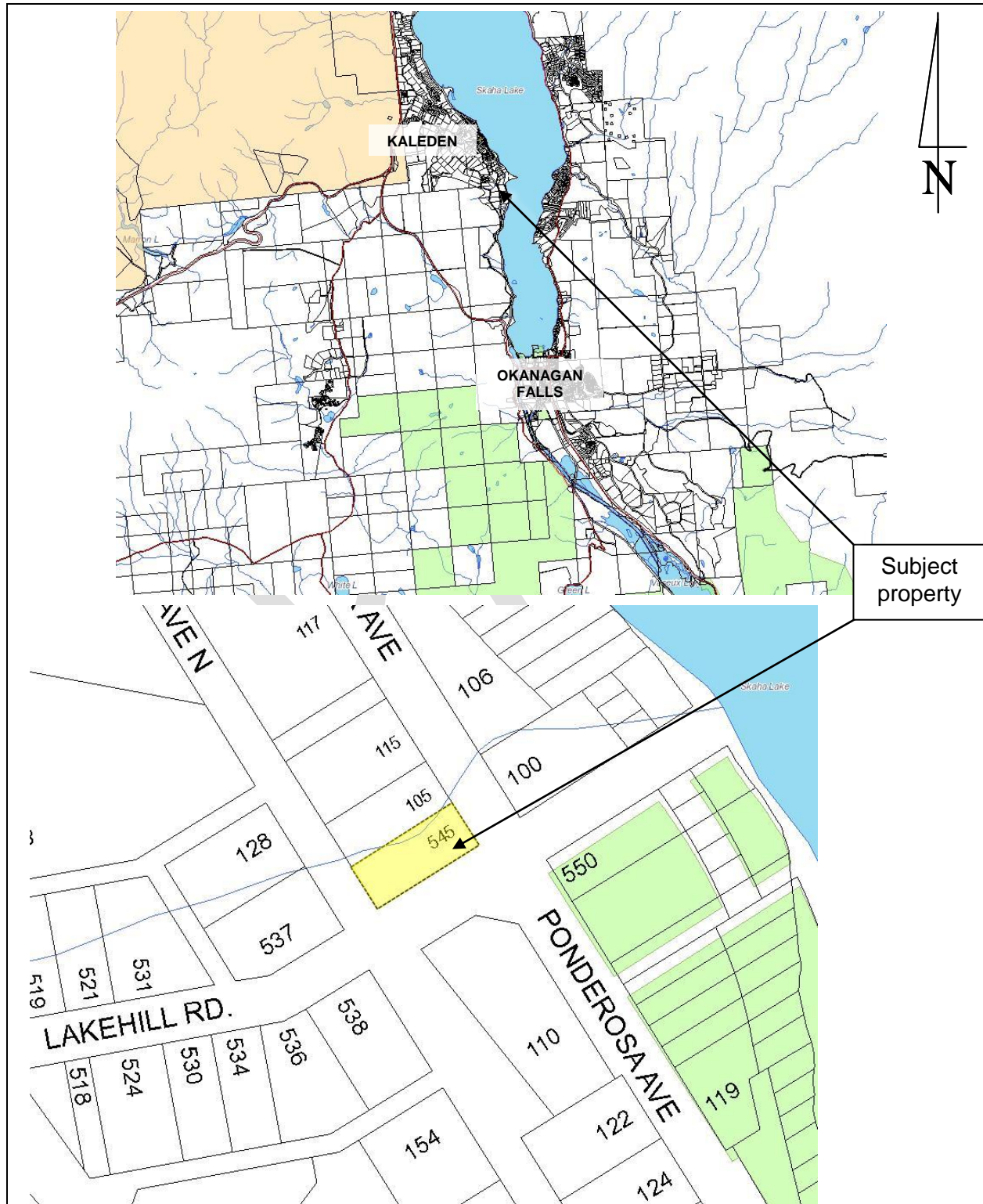
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2014.105-DVP

Schedule 'X-1'



Regional District of Okanagan-Similkameen

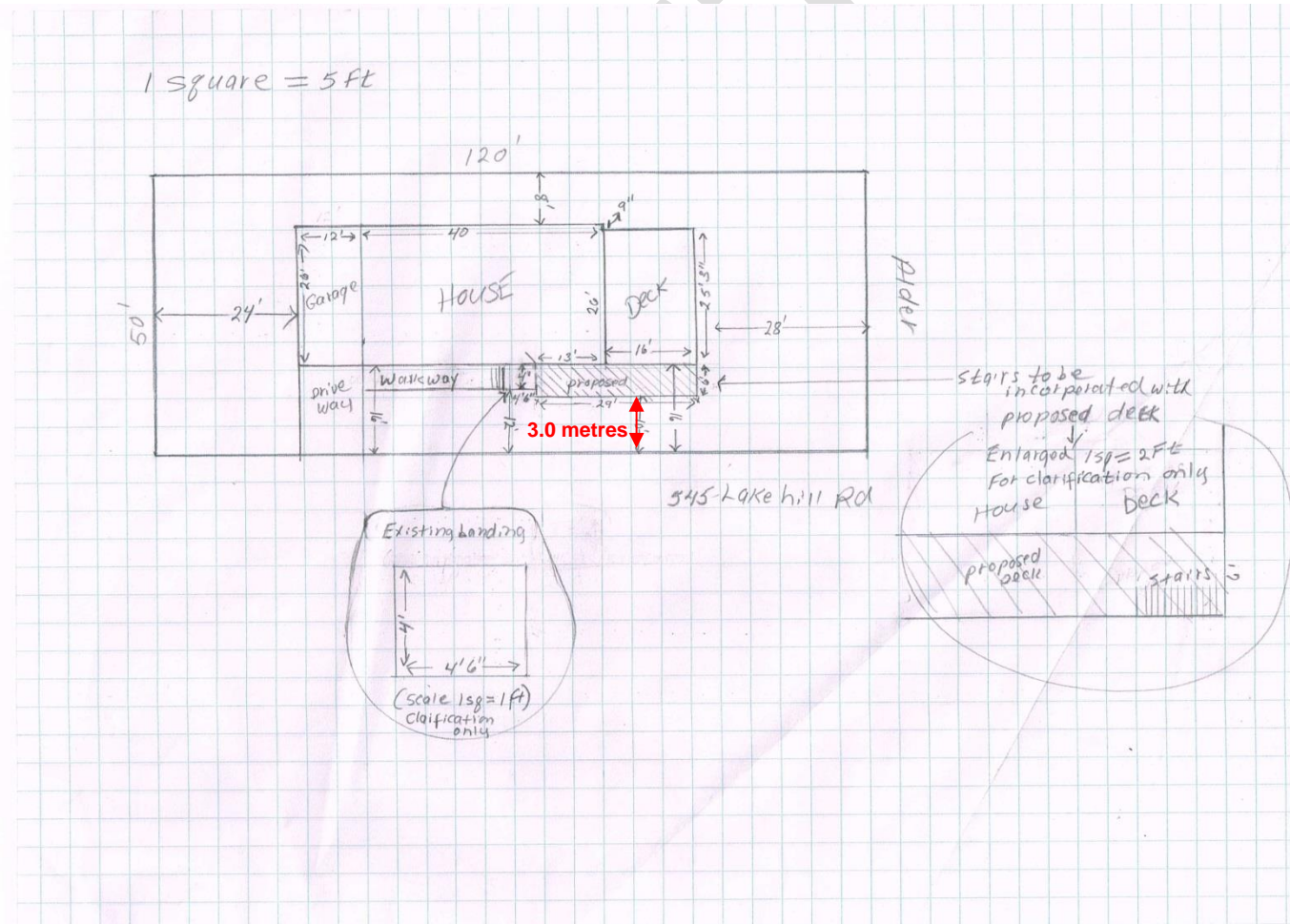
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

Schedule 'X-2'

File No. D2014.105-DVP



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Regional Board approve Development Variance Permit No. E2014.125-DVP

Purpose: To allow for the development of a single detached dwelling within the rear setback.

Owners: David and Cynthia Enns Agent: D’Arcy Jones Folio: E-02287.000

Civic: 4640 Mill Road, Area “E” Legal: Lot 1, Plan 5421, District Lot 211, SDYD

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

Requested Variance: To vary the rear parcel line setback from 7.5 metres to 4.5 metres.

Proposed Development:

This application is seeking to reduce the minimum rear parcel line setback for a proposed single detached dwelling from 7.5 metres to 4.5 metres, measured to the outermost projection.

The applicant has indicated that “due to factors described in the geotechnical report, including slope setbacks from the cliff edge, steep slopes above that pose a slide hazard, and an existing “do not build” landslide area, the only recommended buildable area is the “low hazard building area” at the north corner of the site. In this zone we are further restricted by a required septic field, an existing vineyard with 20’ buffer for farm vehicle turning clearances, and a turning circle for fire truck access and truck loading.”

Site Context:

The subject property is approximately 2.1 hectares in area and is situated on the east side of Mill Road in the Naramata area. Except for an existing farm shed, there are no buildings or structures on the property. Surrounding land uses are predominantly agricultural and rural residential.

Background:

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the subject property is zoned Agriculture One Zone (AG1), wherein “single detached dwellings” is a permitted use. Despite being zoned for agriculture, the property is not within the Agricultural Land Reserve (ALR).

The property is subject to Geological Hazard Zones, and has been rated as Moderate (“M”) — “hazard of slumps and slides” — in the “Soil Stability Ratings – South Okanagan” report prepared by G.G. Runka.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Friday December 29, 2014.

Alternatives:

1. THAT the Regional Board deny Development Variance Permit No. D2014.125-DVP; or
2. THAT the RDOS Board defers making a decision and directs that the proposal be considered by the Electoral Area "E" Advisory Planning Commission (APC).

Analysis:

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

In considering the proposal, the applicant's geotechnical report noted that residential development of the property is constrained by "fill areas, slope setbacks, [and] landslide hazards". The report identifies the northwest portion of the property as the most suitable area for the construction of the new dwelling. Further, Administration recognizes that the identified buildable area is itself restricted by a required septic field, an existing vineyard, buffer for farm vehicle turning clearances, and a turning circle for fire truck access and truck loading.

Streetscape characteristics are seen to be unaffected, as the dwelling is not seen to be visible from Mill Road; a residential dwelling is consistent with the zoning; and amenity of the area or adjacent properties is not seen to be affected, as the proposed dwelling utilizes a green-roof technology that integrates into the hillside (Attachment No. 3).

Respectfully submitted:

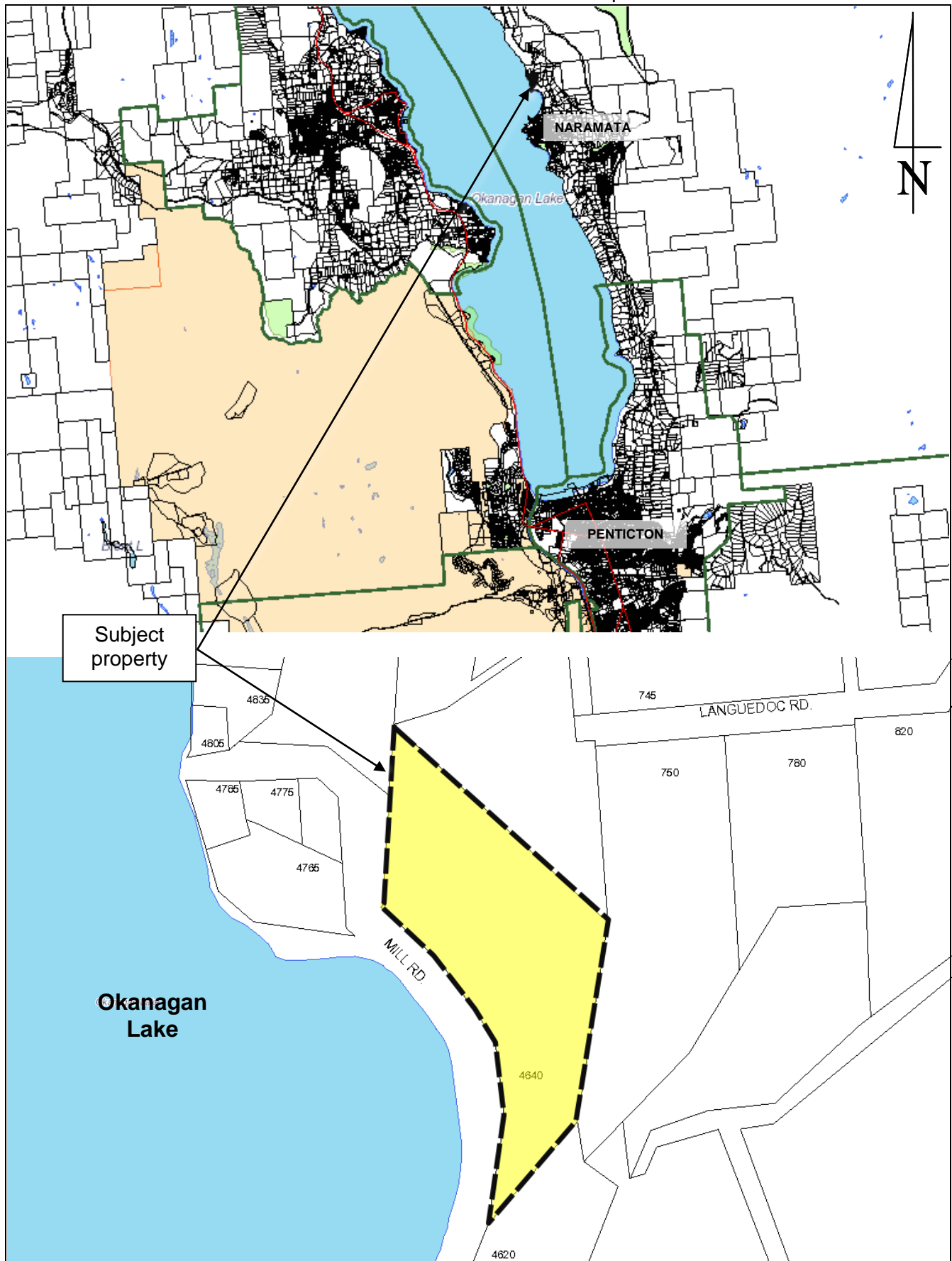
T. Donegan, Planning Technician**Endorsed by:**

C. Garrish, Planning Supervisor**Endorsed by:**

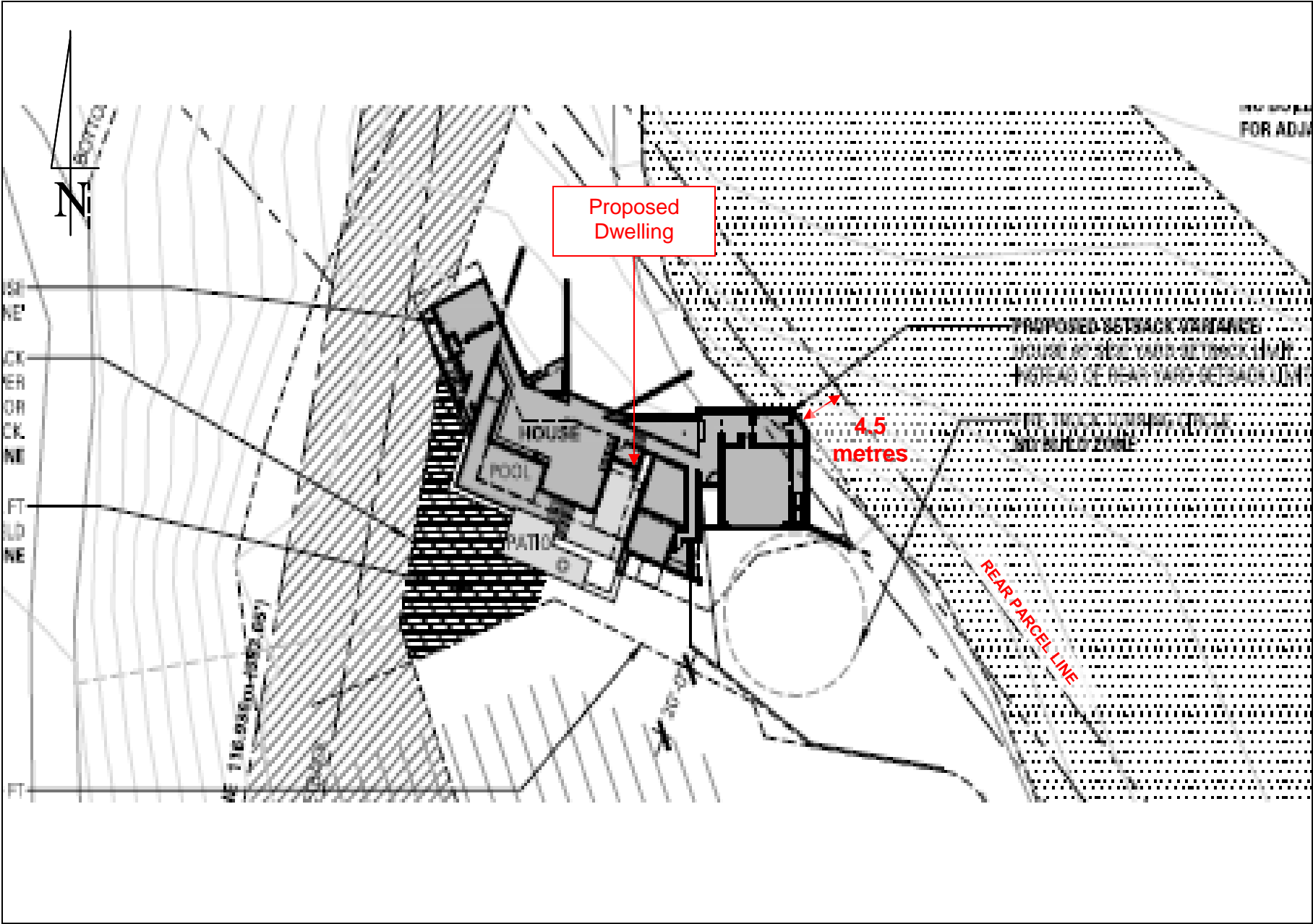
D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 – Applicant's Elevation Plan

Attachment No. 1 – Context Maps



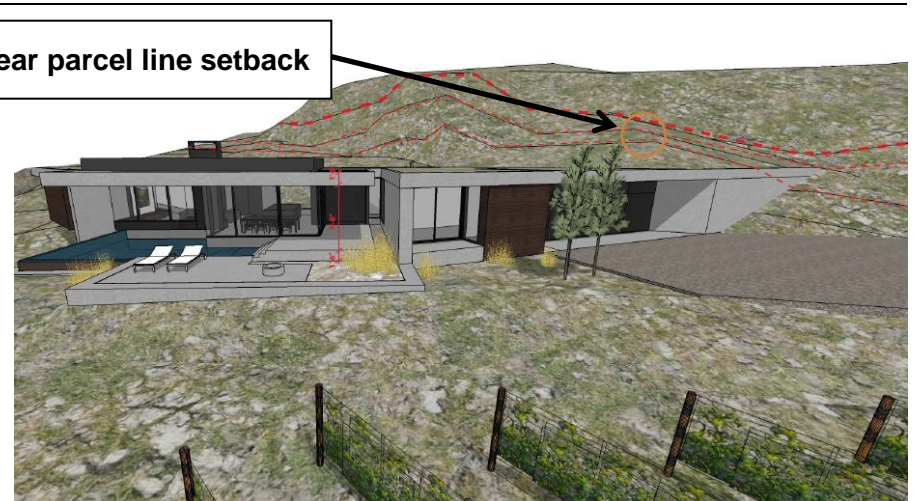
Attachment No. 2 – Applicant's Site Plan



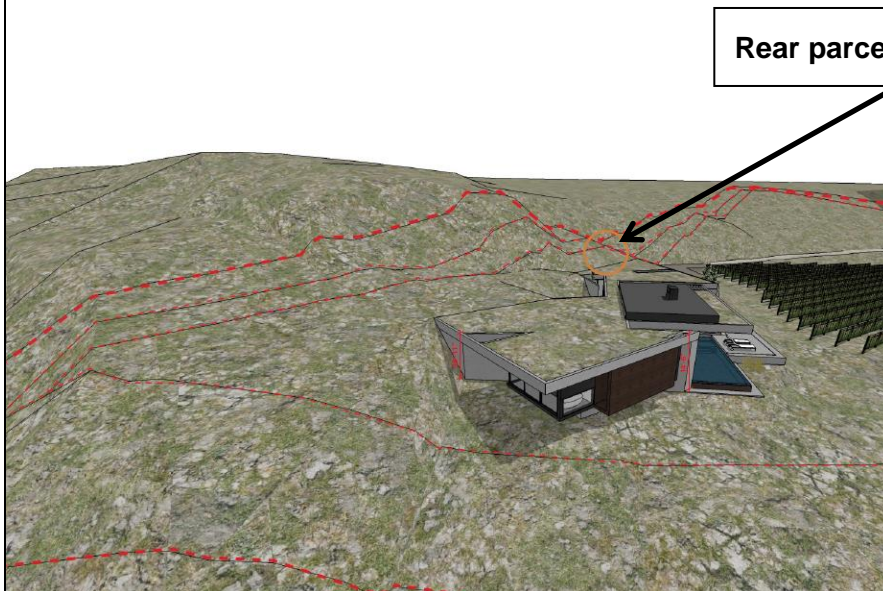
Attachment No. 3 – Applicant's Elevation Plan



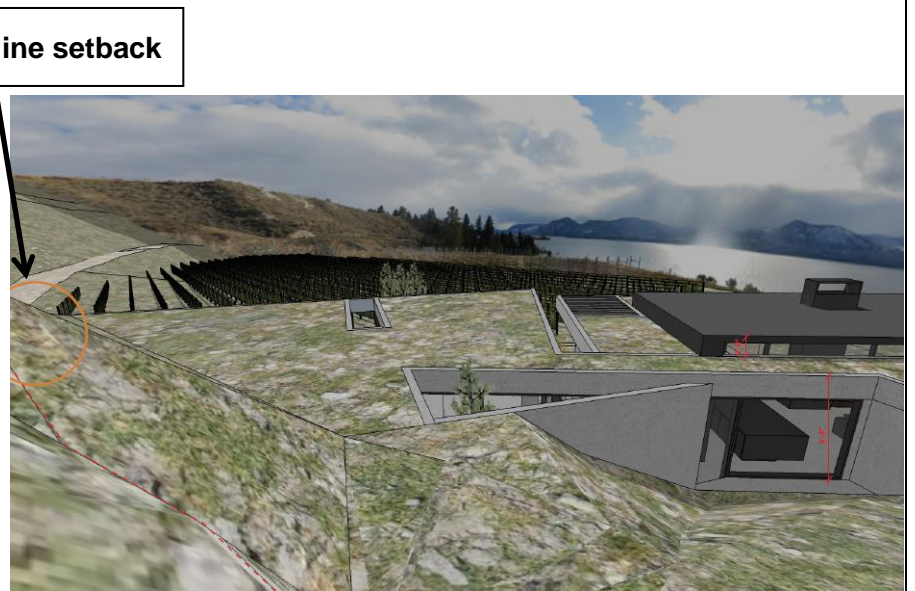
Looking West



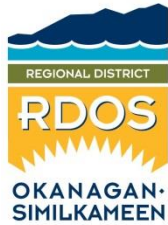
Looking North



Looking East



Looking South



Development Variance Permit

FILE NO.: E2014.125-DVP

Owner: David and Cynthia Enns
1548 Naramata Road
Penticton, BC V2A-8T7

Agent: D'Arcy Jones
304 – 175 Broadway East
Vancouver, BC V5T-1W2

ADMINISTRATION

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 permit and permit drawings and/or figures, the permit figures stand.
4. This Development Variance Permit is not a Building Permit.

APPLICABILITY

5. This Development Variance 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 'X-1', 'X-2', and 'X-3', and described below:

Legal Description: Lot 1, Plan 5421, District Lot 211, SDYD

Civic Address: 4640 Mill Road, Area "E"

Parcel Identifier (PID): 010-308-024 Folio: 715 02287.000

CONDITIONS

6. Development Variance

- a) The minimum rear parcel line setback for a principal dwelling, as prescribed at Section 10.2.6.(a)(ii) of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:

i) from: 7.5 metres

to: 4.5 metres, as measured from the outermost projection, and as shown on Schedule 'X-2'.

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

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

- (a) In accordance with Section 926 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 variance permit can be submitted.

Authorized resolution **XXXX** passed by the Regional Board on the ___ day of ___, 2015.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

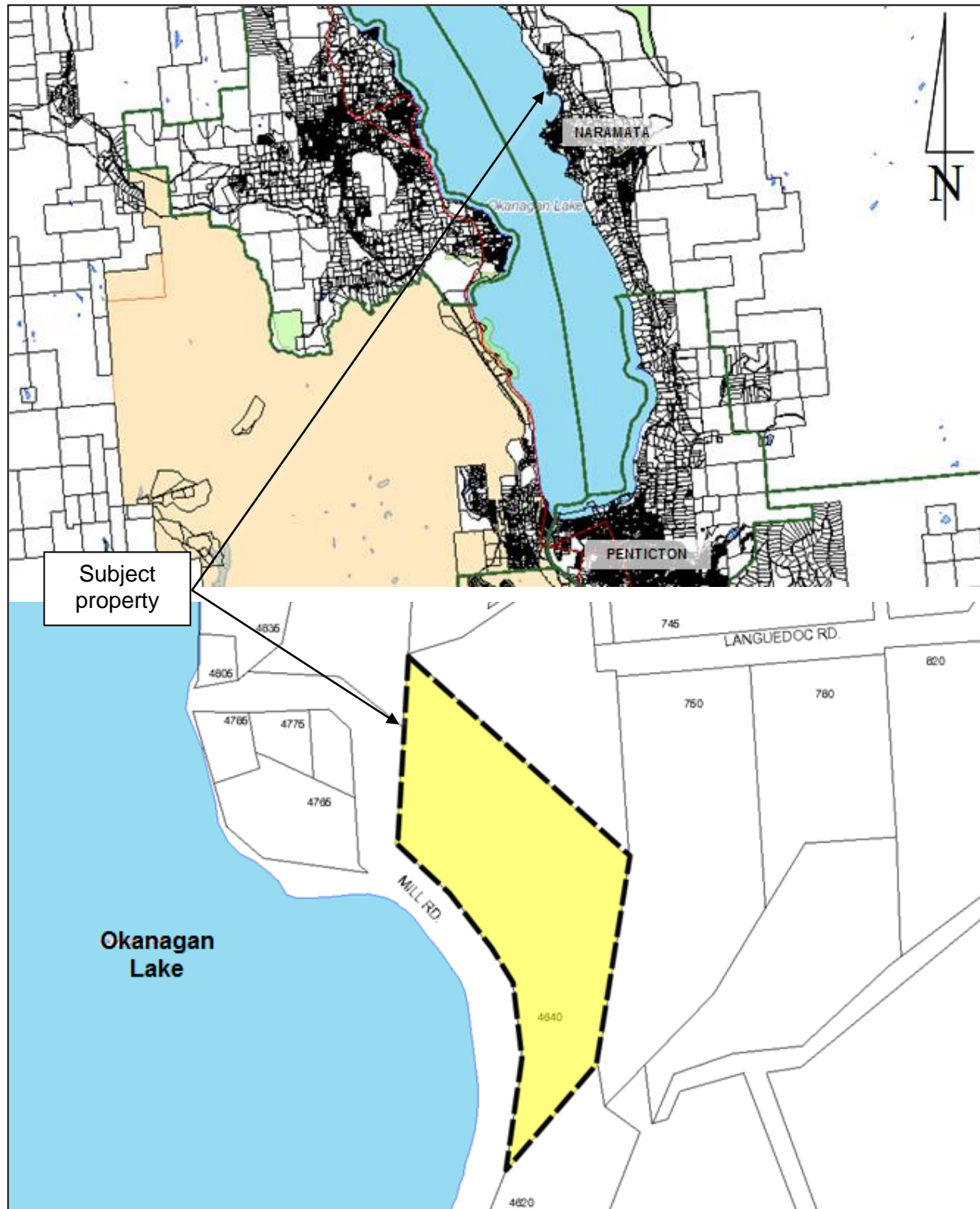
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. E2014.125-DVP

Schedule 'X-1'



Regional District of Okanagan-Similkameen

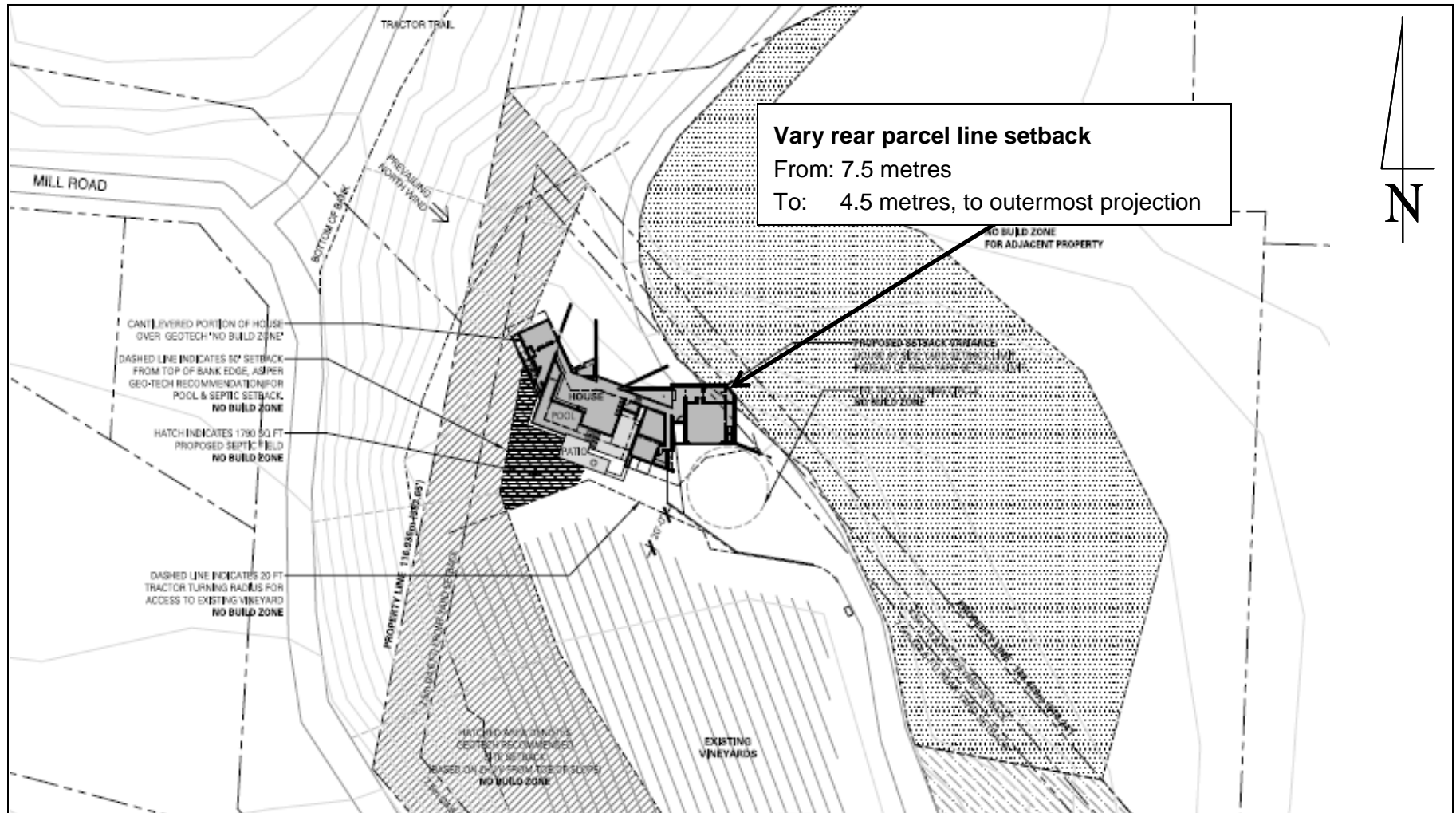
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

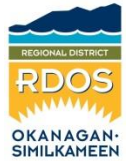
File No. E2014.125-DVP

Schedule 'X-2'



Regional District of Okanagan-Similkameen

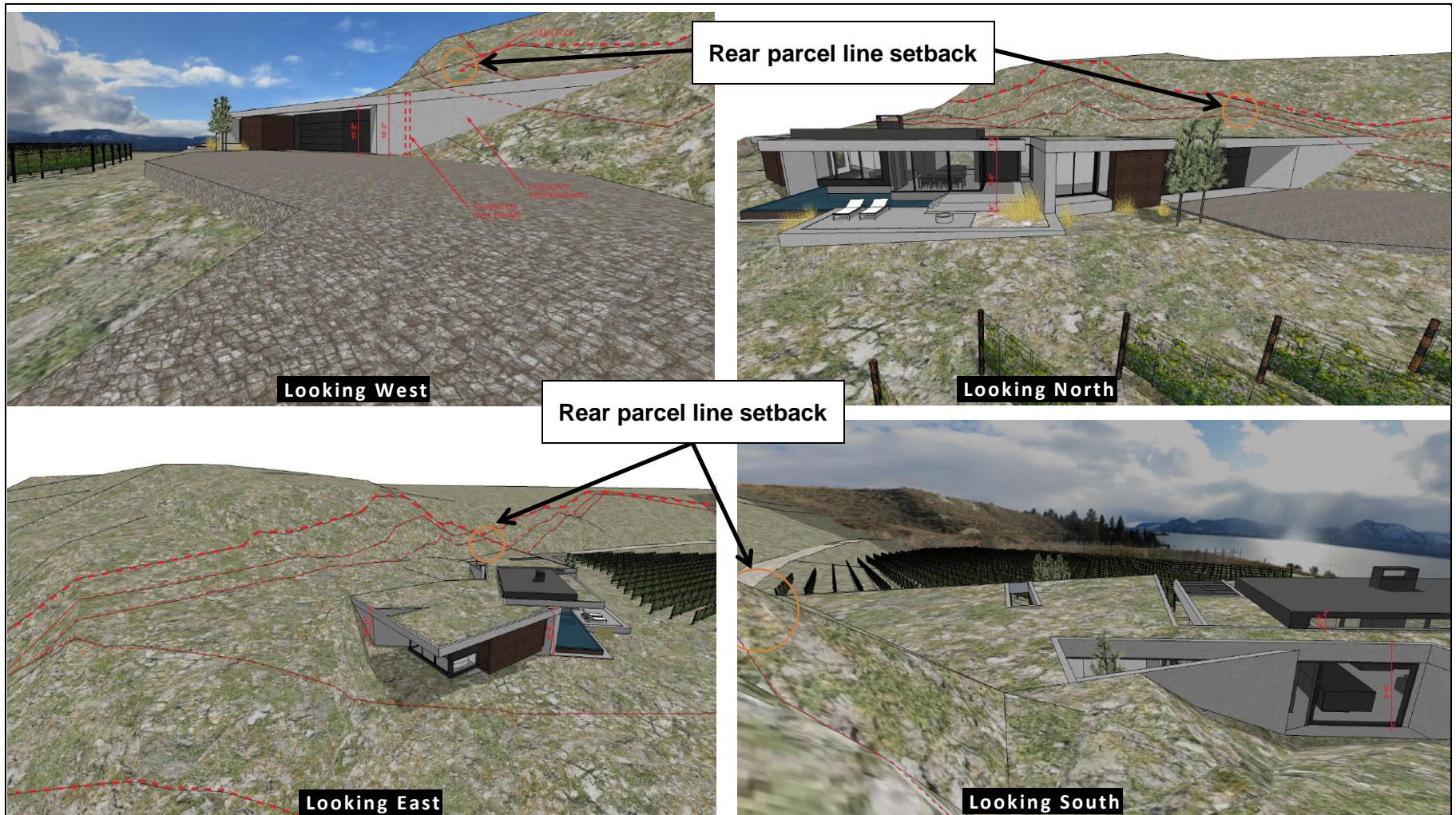
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. E2014.125-DVP

Schedule 'X-3'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
RE: Development Variance Permit Application — Electoral Area “A”

Administrative Recommendation:

THAT the Regional Board approve Development Variance Permit No. A2014.124-DVP

Purpose: To allow for the development of an accessory structure within the rear and interior side setbacks.

Owners: Antonio and Maria Carvalheiro Agent: NA Folio: A-06265.310

Civic: 9885 12 Ave (Hayes Road) Legal: Lot A , Plan KAP81580, District Lot 2450S, SDYD

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

Requested Variances: to vary the rear parcel line setback from 7.5 metres to 2.8 metres; and
to vary the interior side parcel line setback from 4.5 metres to 2.6 metres.

Proposed Development:

This application is seeking to vary a the side and rear setbacks in order to facilitate the construction of a one storey garage (to a height of 3.6 metres) with a floor area of 32.8 m² for the purposes of farm equipment storage. Specifically, the applicant is proposing to:

- reduce the minimum rear parcel line setback for an accessory building or structure (storage shed) from 7.5 metres to 2.8 metres; and
- reduce the interior side parcel line setback from 4.5 metres to 2.6 metres.

The applicant has indicated that “the proposed variance would allow the construction of a building already underway”. The shed is built close to the setbacks to reduce impact on the existing orchard trees and irrigation system already established on the property.

Site Context:

The subject property is approximately 4,000 m² in area and is situated on the south side of 12th Avenue. It comprises a single detached dwelling; is serviced by the Osoyoos System 9 Community Water Service area and is on a private septic system. The surrounding pattern of development is seen to be characterised predominantly by agricultural and minor rural-residential uses.

Background:

The subject property was created by subdivision in 2006 pursuant to a 2005 resolution by the Agricultural Land Commission (ALC) under its Homesite Severance Policy. The single family dwelling was constructed in 2009. The owners retain title to the 3.9 ha orchard property to the rear of the subject parcel.

Under the Electoral Area “A” Zoning Bylaw No. 2450, 2008, the subject property is zoned Agriculture One (AG1), which permits, amongst other things, a single detached dwelling and accessory buildings and structures.

The property is within the Agricultural Land Reserve (ALR) and, as it was created by subdivision in 2006, is not seen to enjoy exemption from the restrictions on lands within the ALR provided for under Section 23 (Exceptions) of the *Agricultural Land Commission Act*.

The OCP designation for this parcel is AG. The policies with respect to agricultural land in the Electoral Area "A" Official Community Plan (OCP) encourage the preservation of agricultural land, with continuing value for current and future agricultural production.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Friday December 29, 2014.

Alternative:

1. THAT the Regional Board deny Development Variance Permit No. A2014.124-DVP; or
2. THAT the RDOS Board defers making a decision and directs that the proposal be considered by the Electoral Area "A" Advisory Planning Commission (APC).

Analysis:

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

In this instance, the AG1 zoning permits accessory structures such as storage facilities supporting agricultural use.

It is not thought that the development of the proposed structure is going to adversely affect established streetscape characteristics on 12th Ave or the use of the adjacent properties as the area is predominantly agricultural use.

The current proposals for reducing the setbacks to allow a building that will support the agricultural production are not seen to be inconsistent with any restrictions imposed under the Agricultural Land Reserve, as the property is currently under orchard production.

While there do not appear to be any limiting site constraints (i.e. irregular parcel boundaries) or topographical challenges (i.e. rocky outcrops, watercourses) that would warrant a reduced setback in this instance, Administration also recognises that the proponent is proposing to reduce the impact on the agricultural viability of the property by reducing the amount of fruit bearing trees that would otherwise be removed if the existing setbacks in the zoning bylaw were adhered to.

While administration recognizes that the garage / storage shed is already under construction, in this case the substantiation for recommending approval would have remained the same. Because of the small size of the shop, and that its construction is only partially complete, it would have been possible to have it removed and relocated; however, the negative impact on the agricultural use of this small parcel would have been increased.

Respectfully submitted:



A. Hargrave, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

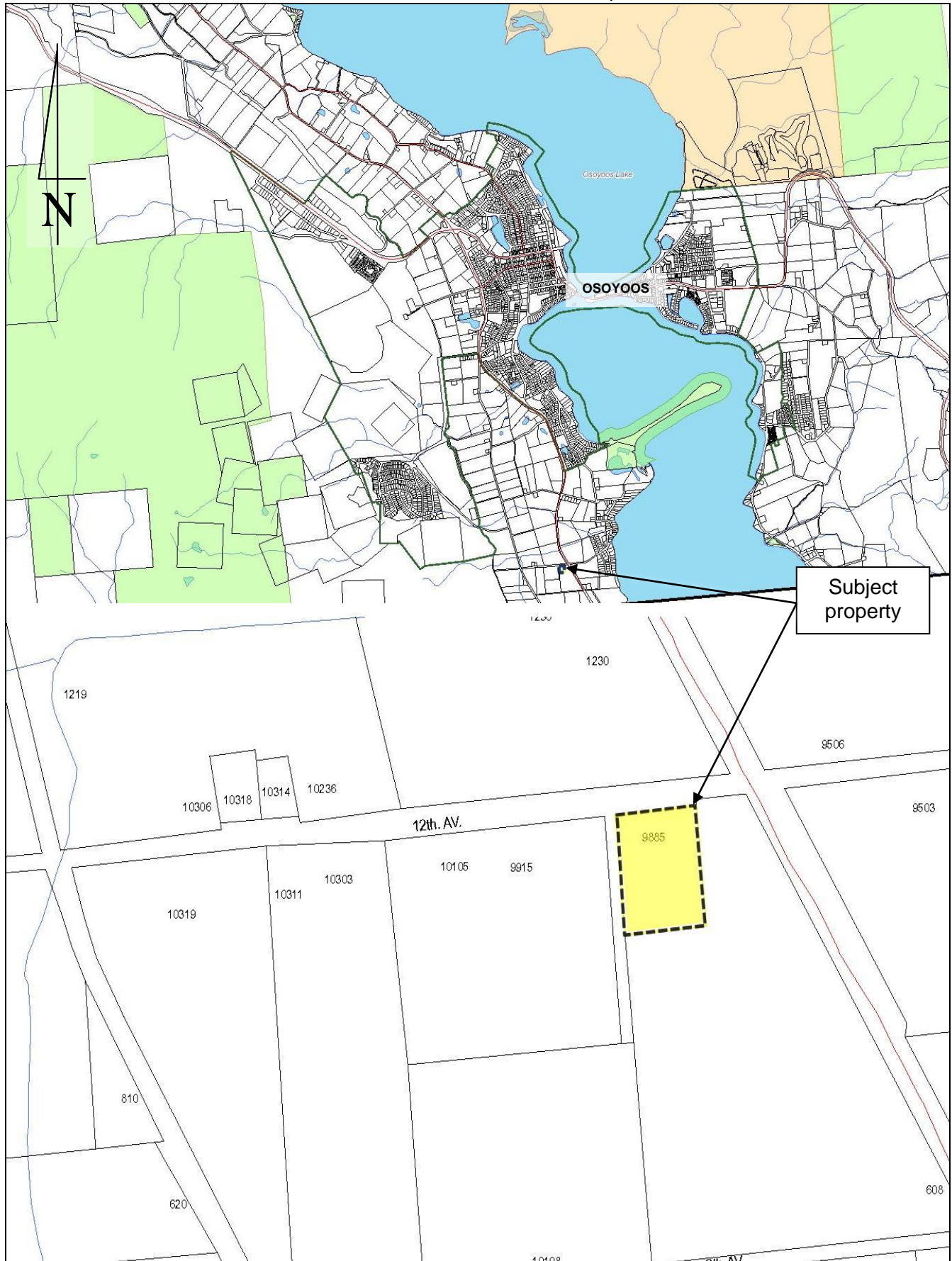
Endorsed by:



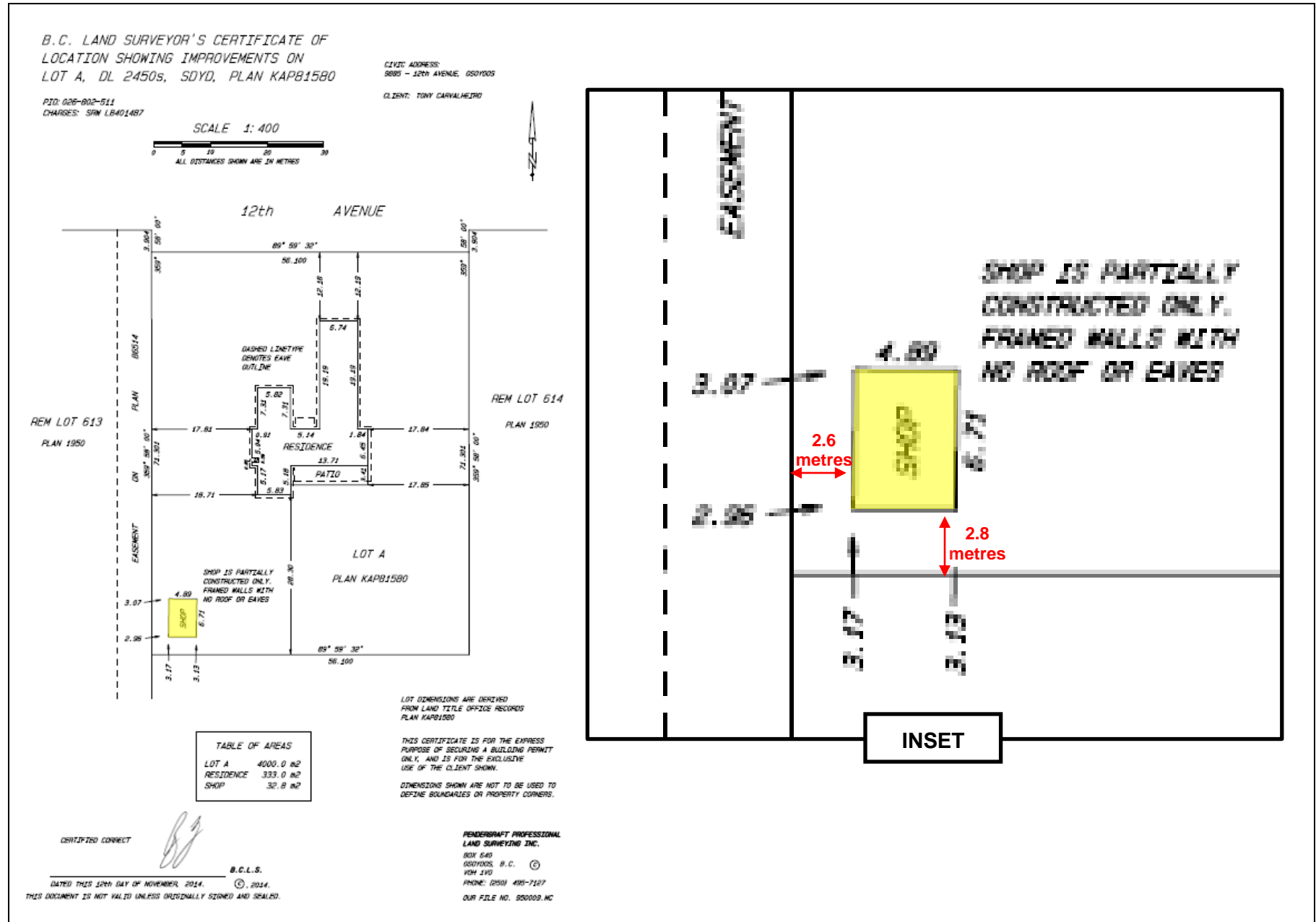
D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 – Elevation
No. 4 – Applicant's Site photo
No. 5 - Street View

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Elevations

STANDARD GARAGE 16' X 22'
 352 SQ. FT.

FRONT ELEVATION

GRADE LINE(S) TO BE DETERMINED ON SITE BY OTHERS

LEFT ELEVATION

GRADE LINE(S) TO BE DETERMINED ON SITE BY OTHERS

RIGHT ELEVATION

GRADE LINE(S) TO BE DETERMINED ON SITE BY OTHERS

REAR ELEVATION

GRADE LINE(S) TO BE DETERMINED ON SITE BY OTHERS

NOTES:

1. CHECK WITH LOCAL AUTHORITIES ON REQUIREMENTS FOR EXTERIOR FINISHES, EAVES, GUTTERS, SIDINGS AND AIR BARRIERS. IS NOT INCLUDED IN THE BASIC PACKAGE PRICE.

IMPORTANT NOTE:

HOME BUILDING CENTRE LIMITED DOES NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS OR FOR PLANS SUBMITTED IN VIOLATION OF THE "BUILDING REGULATIONS ACT" OR ANY OTHER ACT. HOME BUILDING CENTRE LIMITED SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS FROM THESE DRAWINGS ADVISED BY ANY BUILDING CONTRACTOR OR TRUSTED ORAL CORRECTION AT ANY TIME PRIOR TO OR DURING CONSTRUCTION. FURTHER, ANY SUCH DEVIATION OR CHANGES TO THESE PLANS SHALL BE THE RESPONSIBILITY OF THE HOME BUILDING CENTRE LIMITED THAT HAVE BEEN RESPECTED TO THIS PLAN OR CONSTRUCTION. RESALE OF THESE DRAWINGS IS STRICTLY PROHIBITED.

BUILDING CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. DIMENSIONS ALWAYS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL CONSTRUCTION SHALL COMPLY WITH PART 9 OF THE NATIONAL BUILDING CODE OF CANADA.

DESIGN LOADS

ROOF LOADS:

LIVE LOAD - 15 PSF

DEAD LOAD - 10 PSF

TOTAL ROOF LOAD - 25 PSF

WIND RESISTANCE CAPACITY:

MINIMUM ALLOWABLE WIND RESISTANCE CAPACITY TO BE 2000 LBS/FT

CONFORM ALL EXTERIOR FINISHES AND ROOFING TO LOCAL REQUIREMENTS BEFORE CONSTRUCTION

DO NOT CLIMB ABOVE ALL EXTERIOR WALLS AND DOORS WITHOUT APPLICATION

BY OTHER:

- ALL CONCRETE & IRON RAILINGS
- PAVING
- BRICK PACE & ACCESSORIES
- METALLIC SYSTEMS
- ELECTRICAL SYSTEMS
- FOUNDATION DRAINAGE LAYER (IF REQUIRED)

REVISIONS DATE	A B C	A B C	16' X 22' STANDARD GARAGE	DRAWING SCALE DATE DRAWN BY	ELEVATIONS CHECKED BY DATE	<p>THIS DRAWING IS THE PROPERTY OF HOME BUILDING CENTRE LIMITED AND IS NOT TO BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION.</p>	PROJECT NUMBER 2051237 SHEET NUMBER 1 4
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Attachment No. 4 – Applicant's Site Photos



Attachment No. 5 –Street View (Google Earth)



Development Variance Permit

FILE NO.: A2014.124-DVP

TO: Antonio and Maria Carneiro
9885 12 Ave (Hayes Road)
Osoyoos, BC V0H-1V0

Agent: N/A

ADMINISTRATION

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 permit and permit drawings and/or figures, the permit figures stand.
4. This Development Variance Permit is not a Building Permit.

APPLICABILITY

5. This Development Variance Permit applies only to those lands, including any and all buildings, structures and other development thereon, within the Regional District as shown on Schedules 'X-1' and 'X-2', and described below:

Legal Description: Lot A, Plan KAP81580, District Lot 2450S, SDYD

Civic Address: 9885 12 Ave (Hayes Road)

Parcel Identifier (PID): 026-802-511 Folio: A-06265.310

CONDITIONS

6. Development Variance

- a) The minimum rear parcel line setback for an accessory building or structure, as prescribed at Section 10.2.6(a)(ii) of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:
 - i) from: 7.5 metres
 - to: 2.8 metres as measured from the outermost projection and as shown on Schedules 'X-1' and 'X-2'.
- b) The minimum interior side parcel line setback for an accessory building or structure, as prescribed at Section 10.2.6(a)(iv) of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:

- i) from: 4.5 metres
to: 2.6 metres as measured from the outermost projection and as shown on Schedules 'X-1' and 'X-2'.
- c) The maximum parcel coverage, as prescribed at Section 10.2.8(b) of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:
 - i) from: 15%
to: 17% as shown on Schedules 'X-1' and 'X-2'.

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

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

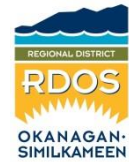
- (a) In accordance with Section 926 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within **two (2) years** after the date it was issued, the permit lapses.
- (b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorized resolution XXXX passed by the Regional Board on the __ day of __, 2015.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

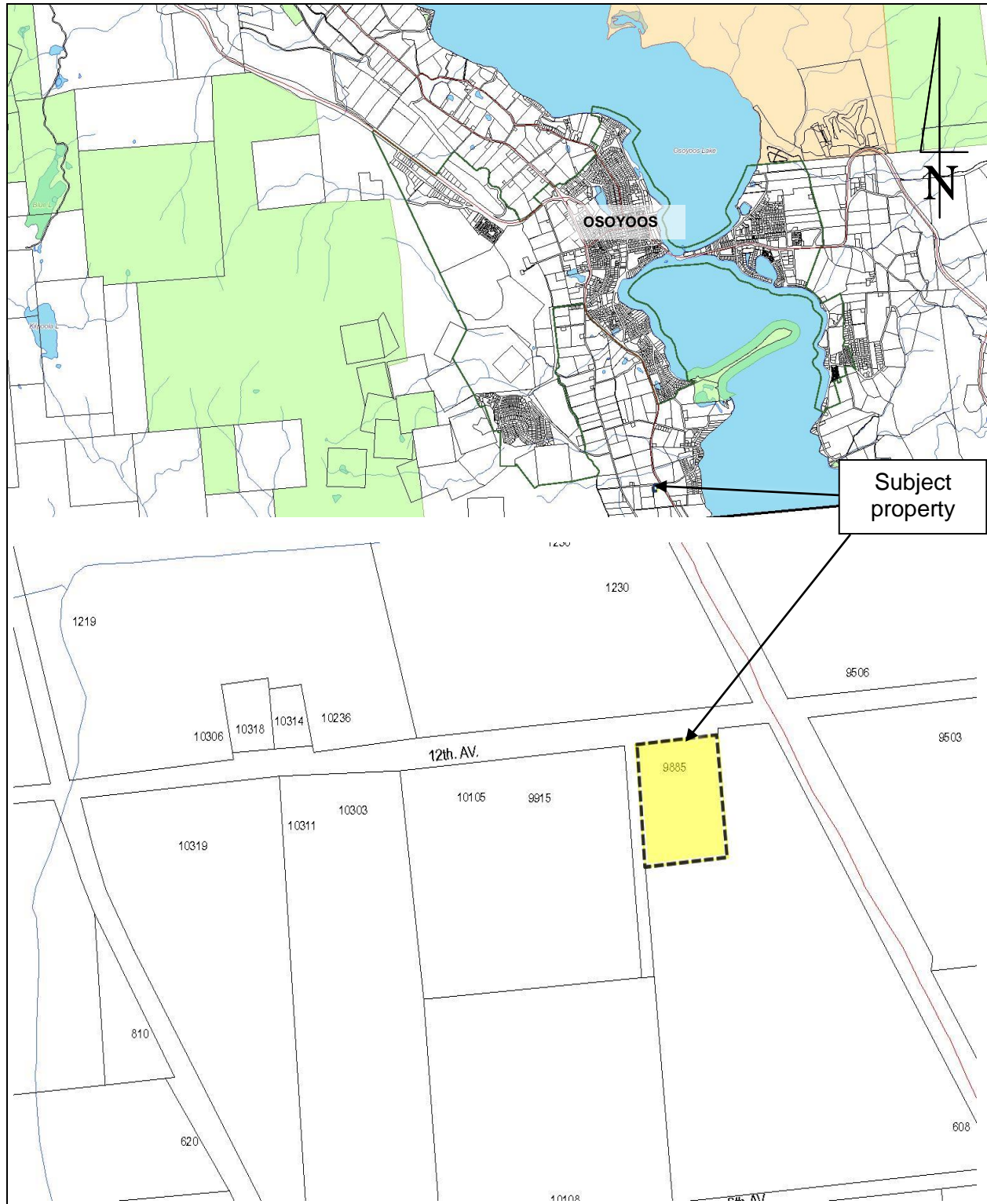
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

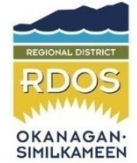
File No. A2014.124-DVP

Schedule 'X-1'



Regional District of Okanagan-Similkameen

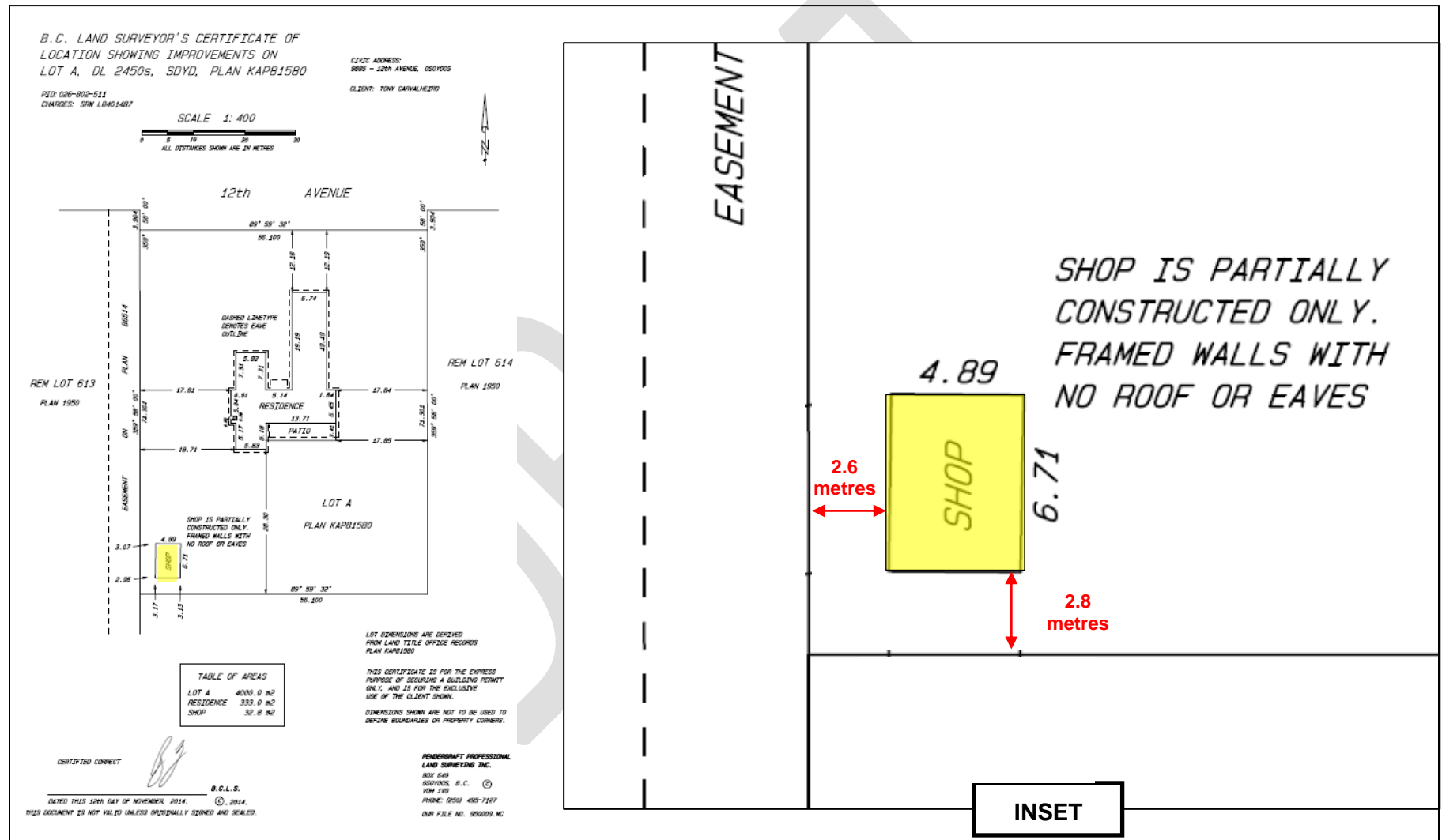
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

Schedule 'X-2'

File No. A2014.124-DVP



Development Variance Permit No. A2014.124-DVP

Page 4 of 4

Regional District of Okanagan-Similkameen
Attn: Planning Department

Re: Development Variance Permit Application for 9885 – 12th Avenue (Tony & Maria Carvalho)

Proposal:

To construct a 16 x 22 ft storage shed in the south-west corner of 9885 – 12th Avenue with setbacks that are less than the Osoyoos Rural Bylaw permits. Setbacks are proposed at 10 ft.

As neighbours, we support this variance application.

Fatima Silva 10306 12th Ave
Name Address

Fatima Silva
Signature

Progo Pine 9116 12th Ave
Name Address

[Signature]
Signature

SAK MARTINS 10319 12th Ave.
Name Address

[Signature]
Signature

Karal Johal 10303 12th Ave
Name Address

Karal Johal
Signature

Regional District of Okanagan-Similkameen
Attn: Planning Department

Re: Development Variance Permit Application for 9885 – 12th Avenue (Tony & Maria Carvalho)


Proposal:

To construct a 16 x 22 ft storage shed in the south-west corner of 9885 – 12th Avenue with setbacks that are less than the Osoyoos Rural Bylaw permits. Setbacks are proposed at 10 ft.

As neighbours, we support this variance application.

SID SVENDSEN
Name

6107 MAPLE DRIVE
Address


Signature



Name

9506 12th AVE.
Address


Signature

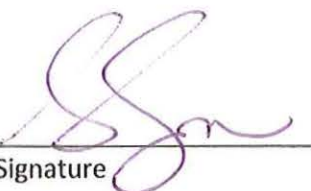
Daljit Gill
Name

10105 12th ave
Address


Signature

Steve Wyse
Name

9503 12th AVE
Address


Signature

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: January 8, 2015

RE: Dog Control Services Contract

Administrative Recommendation:

THAT the a 5 year contract for Dog Control Services for Electoral Areas A, B, C, D, E, F and G be awarded to K9 Control, for a total contract price of \$65,000, effective February 1, 2015; and,

THAT the Chair and Chief Administrative Officer be authorized to execute the Animal Control Service contract.

Reference:

Animal Control Bylaws #1838 (Areas A, C, D, E, and F), #1991 (Area B) and #1992 (Area G).

History:

There are Animal Control Bylaws for all Electoral Areas except for Area "H". Animal control service has been provided for the past 10 years by Marshall Enforcement Services (originally Marshall and Daniels). The service is focused on dog control.

The current service is operated out of Osoyoos and impoundments have historically been in the Town of Osoyoos animal shelter. More recently, the City of Penticton Animal Shelter has been accessed for dogs that are impounded in the surrounding Penticton area. The contract is currently on a month to month basis. The contractor costs of the animal control service in 2012 was \$56,864.83, in 2013 was \$55,793.16, and is to date in 2014 \$47,010.60 (January to November 30). It is estimated that the average monthly contract cost has been \$4561.95 over the past three years.

In 2014 the RDOS entered into a formal agreement with Osoyoos for temporary use of the shelter facility for Areas "A", "B", "C", and "G" for a 1 year period. This was renewed until June 2015. Also in 2014 a 10 year Agreement was reached with the City of Penticton for use of the new animal control facility currently under construction. The cost is \$7500 per year for 3 kennels. A new pound facility is proposed to be constructed in the Town of Oliver in 2015 and it is proposed that the RDOS enter into a long term agreement with the Town with discussions beginning early in the new year.

The securing of animal control facilities in Penticton together with the one in the south Okanagan will overcome one of the main concerns with the current Animal Control service – namely the distance between communities in the north end of the RDOS and the contractor and pound location in Osoyoos.

Alternatives:

In September of 2014, the RDOS send out a request for submission of credentials from parties interested in providing animal control services to all or part of the RDOS. Five submissions were submitted and are summarized as follows:

- 1) **Marshall Enforcement Services (current contractor):** interest was for all areas, however the response times to Areas “E” and “F” is compromised and complaints have been received. The contractor was unable to address how this would be improved. In addition, RDOS was requested to establish accounts at the landfill(s) and for vet services for the contractor’s use.
- 2) **South Okanagan Security:** interest was to provide service to Areas “D” “E” and “F”, which raised concerns respecting entering into multiple contracts to provide service to all areas and a probable increase in costs to administer the service.
- 3) **Kevin Ashcoff:** interest was for Areas “B” and “G”. See above. The proposal also requested RDOS to provide clerical service or pay extra for this service if the contractor was required to provide this.
- 4) **Commissionaires BC:** Interest for all Electoral Areas. Further assessment below.
- 5) **K9 Control:** Interest was for all areas. Further assessment below.

The competition was shortlisted to two parties and additional information was requested from BC Commissionaires and K9 Control on the level of service and the costs.

Commissionaires	K9 Control
<p>The Commissionaires are a private not-for-profit society that offer security services throughout Canada. They initially were formed to provide employment to former military and RCMP members and serve the Federal Government. The company has expanded to serve more commercial clients and has broadened the base of employees.</p> <p>They provide a 24/7 Operations Centre from the Vancouver Head Office and an Interior Regional Office in Kelowna. Dog control services are provided in the Fraser Valley, Surrey, Kimberly and Regional District of Kootenay Boundary. Animal control and bylaw enforcement is provided to Armstrong, Revelstoke, and Enderby as well as bylaw enforcement only to a number of other local governments.</p> <p>For the RDOS, the availability of qualified Animal Control staff is not known – the Commissionaires would advertise for 2 part time employees in the Penticton area and will offer training. Staff <i>may</i> be situated in Penticton. The service will be managed out of Kelowna.</p>	<p>K9 Control is owned and operated by Pat Ellis from Falkland and has provided dog control services for almost 20 years in the North and Central Okanagan.</p> <p>24/7 emergency service is offered from the main office located in Falkland. Current clients include the Township of Spallmucheen, City of Salmon Arm, and Regional Districts of North Okanagan, and Columbia Shuswap. They also hold the contract to investigate dangerous dog complaints within the Thomson Nicola Regional District.</p> <p>An Animal Control Officer with 9 years of experience will relocate to the Okanagan Falls area. A second employee of K9, with 2 years of Dog Control Officer experience, will provide holiday and other relief when and if required.</p>

<p>Service includes all equipment, communications, database, vehicle, toll free dispatch, 35 hours per week/40 hours in summer, flexible hours on request, 30 minute response (call, email or in person) to complaints, GPS vehicle monitoring, record keeping, promoting compliance and dog licensing, work with other clubs, rescues and pounds. They have indicated a willingness to customize the service to meet the needs of the RDOS, however this will require more RDOS staff time and may cost more.</p> <p>Good references.</p> <p>Cost: \$59,000 annual plus emergency/after hour call out at overtime rates (plus one time equipment purchase of \$1,500). Assuming 10 emergency calls per year at \$2750, the total cost is about \$63,250 for the first year and \$61,750 per year thereafter.</p>	<p>Service includes all equipment, communications and vehicle, database, toll free dispatch center, web page, 10 a.m. to 5 p.m. Monday to Saturday service, flexible work hours as required, 30 minute response (call, email or in person) to complaints, record keeping, sale of dog licenses, lost & found dog service, adoption for unclaimed dogs, work with other clubs, rescues and pounds, provide education program to public and school children.</p> <p>Good references.</p> <p>Cost: 65,000 per year, all inclusive.</p>
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Analysis:

Using the standard RDOS proposal rating table, K9 Control scores 93 points out of 100 and the Commissionaires score 79. The point spread in favour of K9 Control is justified below:

- Company focus and experience on animal control
- Provision of an Animal Control Officer with 9 years of experience, who will reside in a central location of the region
- Web site, lost & found and adoption services and public education program
- Emphasis on dog license sales – user pay philosophy
- Operation of the service with minimal RDOS staff time requirements to oversee the day-to-day activities
- Fixed cost for year 2015

The Commissionaires are not able to assure the RDOS that the staff that they will recruit will have animal control experience and will reside in a central location of the service area. While training will be provided over a 1 – 2 week period, this is not a substitute for 9 years of extensive in-the-field work experience as offered by K9 Control. Also having 2 part time officers will create ongoing communication challenges.

Respectfully submitted:

Donna Butler

D. Butler, Development Services Manager

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
RE: Bylaw Amendment — Advisory Planning Commission (APC) Bylaw No. 2339, 2006

Administrative Recommendation:

THAT Bylaw No. 2339.01, 2015, Regional District of Okanagan-Similkameen Advisory Planning Commission Amendment Bylaw be read a first, second and third time and be adopted.

Purpose:

In order to reflect recent changes enacted to the *Local Government Act* which have extended the term of the Regional District Board from three (3) years to four (4) years, Administration is proposing an amendment to the Advisory Planning Commission (APC) Bylaw so that the term of APC members are similarly increased from 3 years to 4 years.

Background:

At its meeting of July 16, 2006, the Regional District adopted Bylaw No. 2339, a bylaw to establish rules and procedures by which the various Electoral Area Advisory Planning Commission's (APCs) are to operate.

APCs play an important role in the planning and land use management process by making recommendations to the RDOS Board from an independent body composed of local residents.

Analysis

Administration considers there to be on-going merit in continuing to synchronize the terms of the Electoral Area APCs to that of the Board. In order to achieve this, all references under Section 4.5 of the Bylaw to a three (3) year term should be amended to a term that is concurrent with that of the Board.

Respectfully submitted:

C. Garrish, Planning Supervisor

Endorsed by:

D. Butler, Development Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2339.01, 2015

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Advisory Planning Commission Bylaw 2339, 2006**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Advisory Planning Commission Amendment Bylaw No. 2339.01, 2015."
2. The "Regional District of Okanagan-Similkameen Advisory Planning Commission Bylaw No. 2339, 2006" is amended by:
 - (i) amending sub-Section 4.5 under Section 4.0 (Membership of the Commission) to read as follows:
 - 4.5 Commission appointments shall be made by the Board for a term that is to 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.

READ A FIRST TIME on the __ day of ____, 2015.

READ A SECOND TIME on the __ day of ____, 2015.

READ A THIRD TIME on the __ day of ____, 2015.

ADOPTED on the __ day of ____, 2015.

Board Chair

Chief Administrative Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
TYPE: Zoning Bylaw Amendment Application — Electoral Area 'F'

Administrative Recommendation:

THAT Bylaw No. 2461.07, 2014, Electoral Area 'F' Zoning Amendment Bylaw be adopted.

Purpose: To permit an accessory building or structure on a parcel without a principal use.

Owner: Kerry Klamut Folio: F06611.085

Legal: Lot 17, DL 2497, ODYD, Plan 13181 Civic: 3861 Solana Crescent

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

Proposed Zoning: Residential Single Family One Site Specific (RS1s)

Proposed Development:

This proposal is seeking to amend the zoning bylaw in order to allow construction of an accessory structure on a parcel that does not contain an existing principal use.

Specifically the applicant is requesting to construct a detached garage approximately 93 m² in size with a 46.5 m² storage area above the garage on a vacant lot adjacent to the applicant's home and also under the same family ownership. The applicant will also be seeking a variance to the front yard setback as well as to the height of the accessory structure but these will be dealt with through a Development Variance Permit prior to a Building Permit being issued.

Site Context:

The subject property is approximately 1135 m² in size and is situated on the south side of Solana Crescent, near Sage Mesa Drive. It is located approximately 1.9 km north of the City of Penticton boundary and is approximately 286 metres west of Okanagan Lake.

Background:

The subject property is part of residential subdivision created in 1963 and is zoned as Residential Single Family One (RS1) under the Electoral Area 'F' Zoning Bylaw No. 2461, 2008. The permitted uses under the RS1 designation include: one single family dwelling; home occupation; bed & breakfast operation; minor care centre; accessory buildings and structures; and docks.

Section 7.13 of the Zoning Bylaw outlines the general regulations for an accessory building and structure: "no accessory building or structure shall be situated on a parcel unless the principal building to which the accessory building or structure is incidental has been erected or will be erected simultaneously with the accessory building or structure on the same lot, or unless the accessory building or structure does not exceed 10.0 m² in area, one storey in building height and is limited to one (1) per parcel."

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required as the proposal is situated within 800 metres of a controlled area.

Public Process:

At the September 4, 2014 Electoral Area "F" Advisory Planning Commission, a motion was made to approve the subject application.

At the October 2, 2014 meeting the Board of Directors gave first and second reading to the subject bylaw amendment.

On October 16, a public hearing was held at which 4 members of the public were in attendance.

At the November 6, 2014 meeting the Board of Directors gave third reading to the subject bylaw amendment.

Approval from Ministry of Transportation and Infrastructure (MoTI) was received on November 26, 2014.

Alternative:

THAT first, second and third readings be rescinded and bylaw amendment be denied.

Analysis:

The main consideration in the assessment of this proposal is whether or not to permit an accessory building (i.e. a detached garage) on a parcel where there is not principal building already established.

In assessing whether or not to permit an accessory structure on the subject property without a principal use, it is noted that the overall impact would be less with a detached garage than that of new dwelling. A new dwelling would require water and a septic system in an area where the geotechnical hazard is high. A detached garage *may* include plumbing, although in this case, the applicant has stated that the garage will not be serviced with plumbing. The zoning designation does not preclude this possibility however, as the RS1 Zone remains attached to the property.

Administration is aware that the area of Sage Mesa is vulnerable to further development and that a unplumbed accessory structure would have less impact on the environment than a new single family home; therefore is in support of this proposal.

Respectfully submitted:

E Riechert

Evelyn Riechert MCIP, RPP
Planner

Endorsed by:

C. Garrish, Planning Supervisor

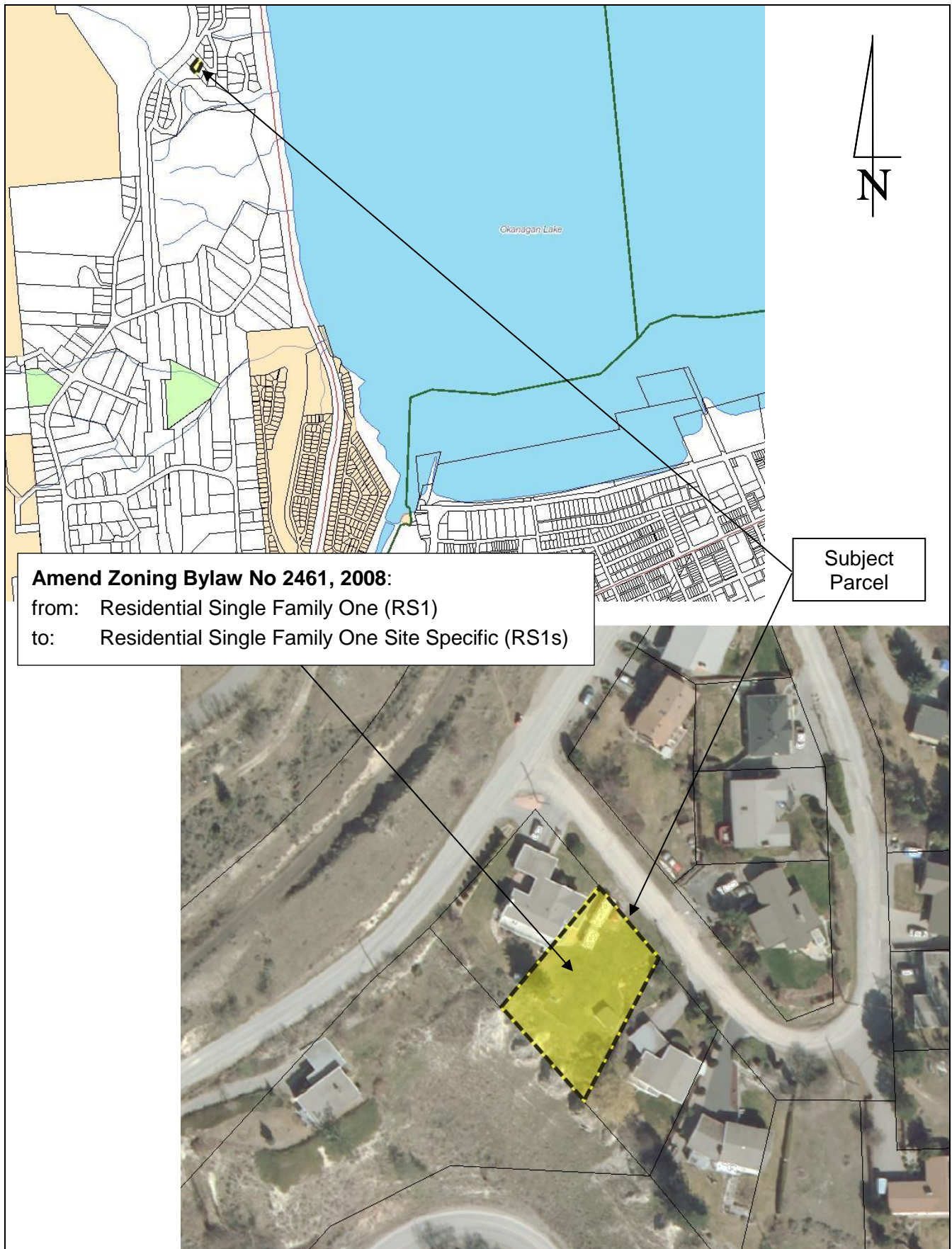
Endorsed by:

D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Google Earth Streetview

Attachment No. 1 - Context Maps



Attachment No. 2 – Google Earth Streetview – from Solana Crescent to Lot 17



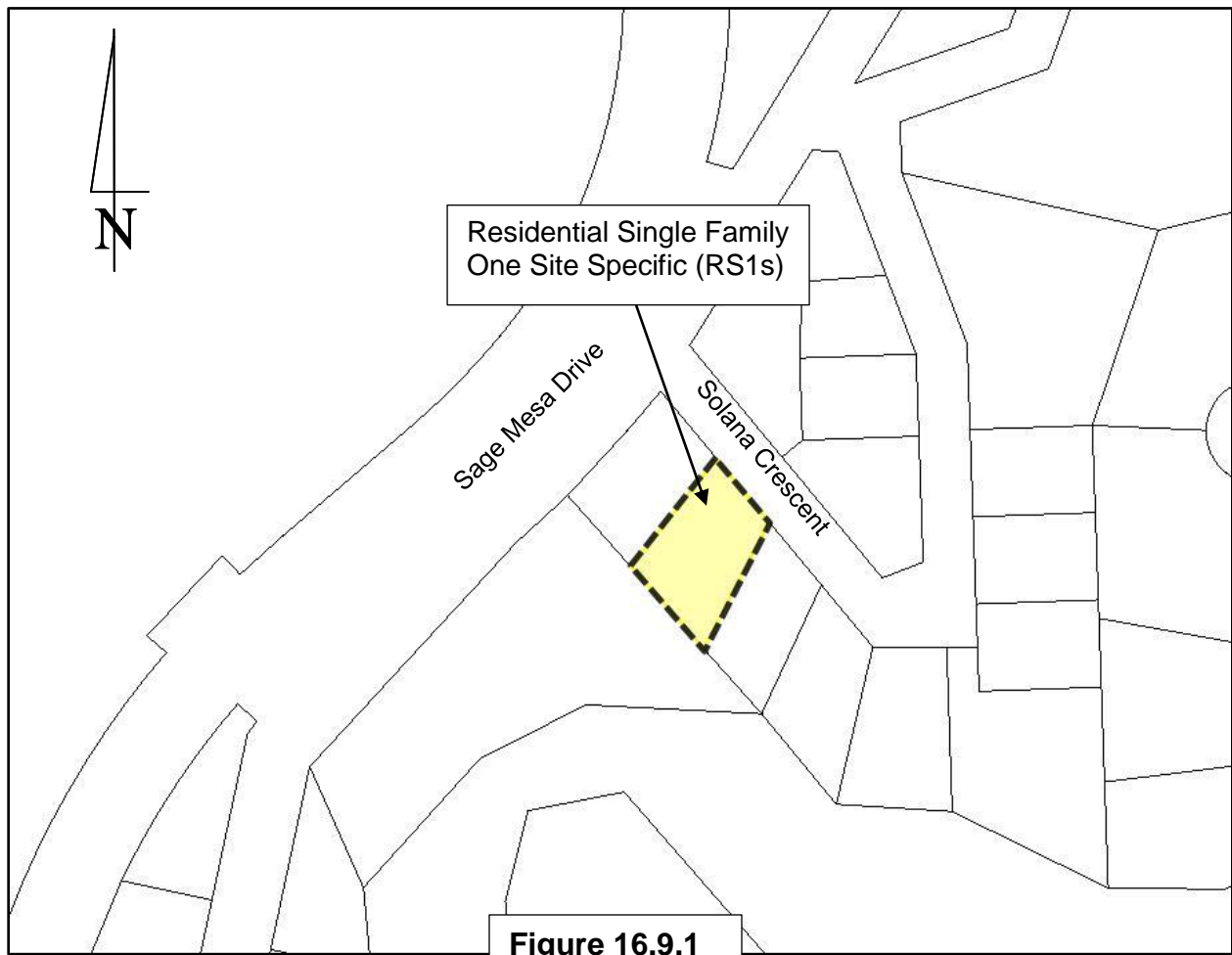
REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2461.07, 2014

A Bylaw to amend the Electoral Area 'F' Zoning Bylaw No. 2461, 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 'F' Zoning Amendment Bylaw No. 2461.07, 2014."
- .2 The Official Zoning Map, being Schedule '2' of the Electoral Area 'F' Zoning Bylaw No. 2461, 2008, is amended by changing the land use designation for the land described as Lot 17, District Lot 2497, ODYD, Plan 13181 and shown shaded on Schedule 'X', which forms part of this Bylaw, from Residential Single Family One (RS1) to Residential Single Family One Site Specific (RS1s).
- .3 The Electoral Area 'F' Zoning Bylaw No. 2461, 2008, is amended by amending Section 16.9.1 under "Site Specific Residential Single Family One (RS1) Provisions" to read as follows:
 - .1 In the case of land described as Lot 17, District Lot 2497, ODYD, Plan 13181, and shown shaded on Figure 16.9.1:
 - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 11.1.1:
 - a) "residential building", which is defined as meaning a structure used or intended to be used for sheltering vehicles, boats, equipment and storage of household goods.



READ A FIRST AND SECOND time this 2nd day of October, 2014.

PUBLIC HEARING held this 16th day of October, 2014.

READ A THIRD time this 6th day of November, 2014.

Approved pursuant to Section 52(3)(a) of the *Transportation Act* this 25th day of November, 2014.

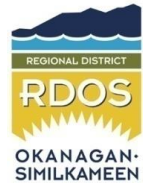
ADOPTED this __ day of ____, 2014.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

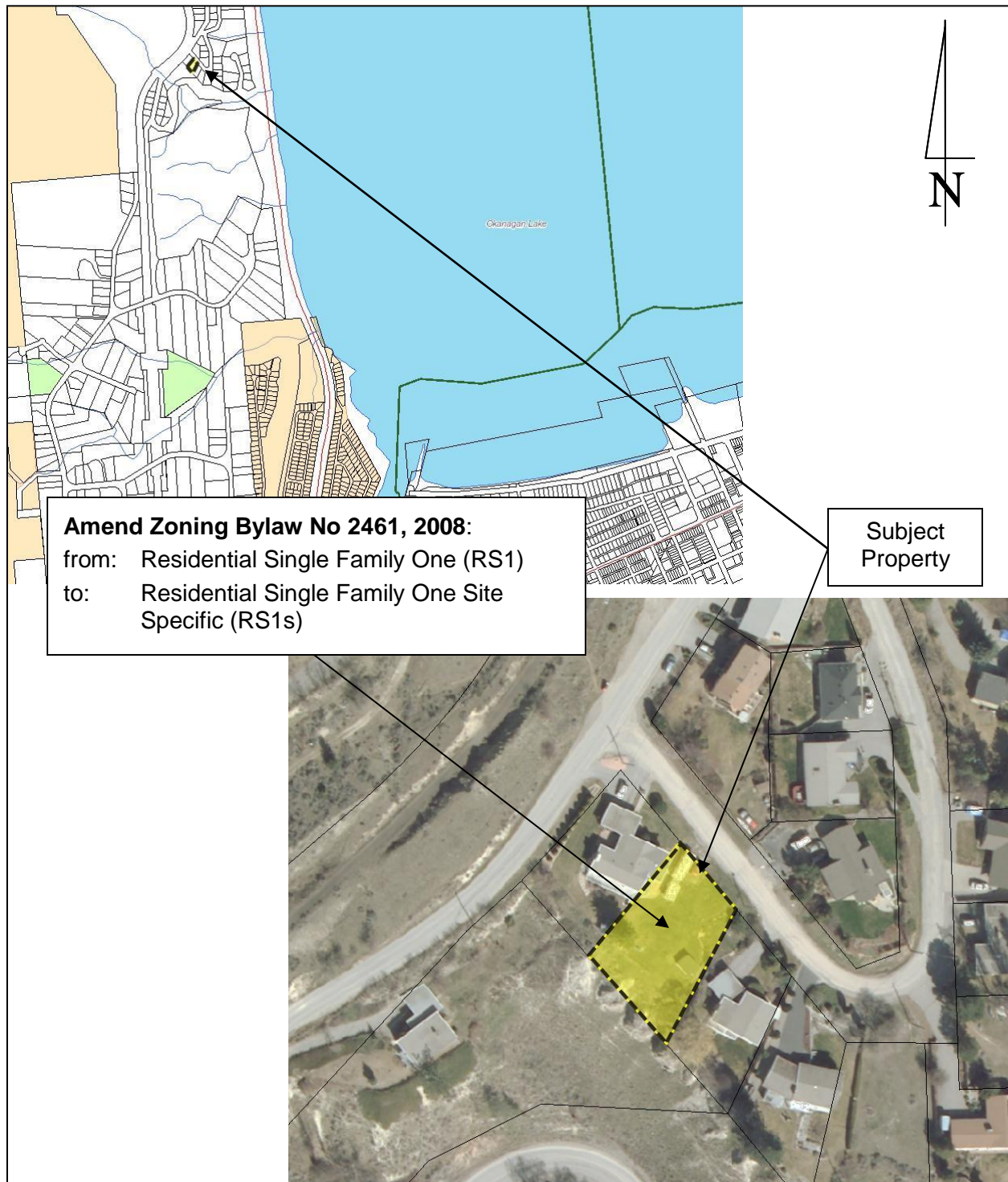
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2461.06, 2014

File No.: F2014-070-ZONE

Schedule 'Y'



Amend Zoning Bylaw No 2461, 2008:

from: Residential Single Family One (RS1)
to: Residential Single Family One Site
Specific (RS1s)

Subject
Property

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2014
RE: Development Permit Amendment (Form & Character) —
Electoral Area “D”



Administrative Recommendation:

THAT the Board of Directors deny an amendment to Development Permit No. D-09-00866.000

Purpose: To complete landscaping at the OK Falls Hotel building.

Owner: R 134 Enterprises Ltd. Agent: Calvin Meiklejohn Folio: D00866.000 Existing Zone: C4 Zone

Legal: Parcel A (KV78711), Plan 3787, DL 374, SDYD Civic: 1045 Highway 97, OK Falls

Proposed Development:

A Development Permit was issued in 2010 for the construction of a new 71 seat deck along the front of the OK Falls Hotel. The Permit provided for landscaping of the site and a security of \$5900. The applicant is seeking to amend Development Permit No. D-09-00866.000 in order to adjust to landscaping requirements.

Specifically, the applicant proposes to amend Schedule ‘X-4’ of the Permit (Attachment No. 2) by reducing the amount of landscaping (numerous assorted trees, shrubs, groundcovers, perennials grasses, and feature rocks) near the north and south entrances to the parking lot and at the rear of the property, to 4 shrubs and two trees-in-grate.

In support of the amendment, the applicant states “the building owners have advised that delivery trucks – especially the larger tractor trailer units – already have difficulty negotiating the entries and that truck drivers have expressed their concern that the proposed planters may impede and in fact, may prevent their entry onto the site. The owners have also advised that on the south end of the property, there is currently a large water main that runs underground through the proposed planter ... and they would very much like to avoid potentially affecting this water supply piping and the related water distribution system.” Also, the owner has stated that “installing these green spaces requires us to remove at least 8 parking spaces.” A letter in support of the application has been provided by BDL Brewery (Attachment No. 5).

Site Context:

The subject property is approximately 2,382 m² in area and is situated in the commercial core of the OK Falls town site abutting Highway 97. The existing hotel contains a neighbourhood pub, a restaurant and lounge, and a liquor store. To the side and rear of the building are located thirty-four off-street parking spaces and one loading space.

Background:

Under the Electoral Area “D” East Skaha, Vaseux Official Community Plan Bylaw No. 2603, 2013, the property is designated within the Okanagan Falls Commercial Development Permit Area.

The objective of the Okanagan Falls Commercial Development Permit Area “is to ensure that new commercial development enhances the character of the area and improves the commercial environment in Okanagan Falls.”

The Okanagan Falls Commercial Development Permit Area also states “residents would like to encourage the commercial area to develop as a pedestrian oriented, vibrant hub of mixed use commercial and residential land uses.”

Under the Electoral Area “D” East Skaha, Vaseux Zoning Bylaw No. 2455, 2008 the property is zoned Highway Commercial (C4), wherein “hotel”, “eating and drinking establishment”, and “accessory dwelling” are permitted uses.

On May 6, 2010, the Board of Directors approved Development Permit No. D-09-00866.000 which required landscaping between the parking area and Highway 97.

On June 15, 2011, a Building Permit was issued for the patio expansion. The deck has been completed to Building Code requirements.

At the October 2, 2014 Board meeting, the Board of Directors made a motion to refer the subject application to the Electoral Area ‘D’ Advisory Planning Commission. The APC then passed a motion to recommend to the Board of Directors “that the application not be denied, but sent back to the planning department so that staff could work with the applicant to find a compromise”

After further dialogue with Planning staff, the owner wishes to put forward the originally submitted landscape plan (Attachment No. 3), not the alternative plan suggested by staff (Attachment No. 4).

Alternatives:

1. THAT the Board of Directors approve an amendment to Development Permit No. D-09-00866.000, in accordance with the landscape plan at Attachment No.3; or
2. THAT the Board of Directors approve an amendment to Development Permit No. D-09-00866.000, in accordance with the alternative landscape plan at Attachment No. 4.

Analysis:

Community Plan Guidelines

The OCP Guidelines for the Okanagan Falls Commercial Development Area encourage developers to provide “landscaping between parking areas and roadways”, which Development Permit No. D-09-00866.000 achieved by requiring the planting of numerous assorted trees, shrubs, groundcovers, perennials grasses, and feature rocks. However, the proposed amendment seeks to drastically reduce the amount of landscaping to 4 shrubs and two trees-in-grate.

Given the prominent location of the hotel along Highway 97, the installation of landscaping to screen the parking area is seen to “encourage the commercial area to develop as a pedestrian oriented, vibrant hub of mixed use commercial and residential land uses”. Generally, landscaping is seen to greatly improve the site and contribute positively to the commercial character of Okanagan Falls.

Vehicle Access

The applicant has stated that the installation of the required landscaping may impede or prevent entry of delivery vehicles. However, the potential for interference beyond what currently exists appears to be low, as the required landscaping would not extend any further than the existing parking stalls, and truck access issues are not readily apparent from either the plans provided or aerial photographs and have not been verified with a dimensioned drawing indicating turning radiuses.

The applicant has stated that installation of the landscaping will occupy at least 8 parking spaces. However, the statement is not reflective of the current development permit, which does not require landscaping within parking spaces.

Water Main

The applicant has stated that installation of the required landscaping may potentially affect the OFID water main that exists along the southern property boundary. However, it has not been demonstrated

how the installation of modest landscaping, mainly in the form of flowers, grasses, shrubs, and groundcover, might affect the water main.

Respectfully submitted:



Timothy Donegan, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

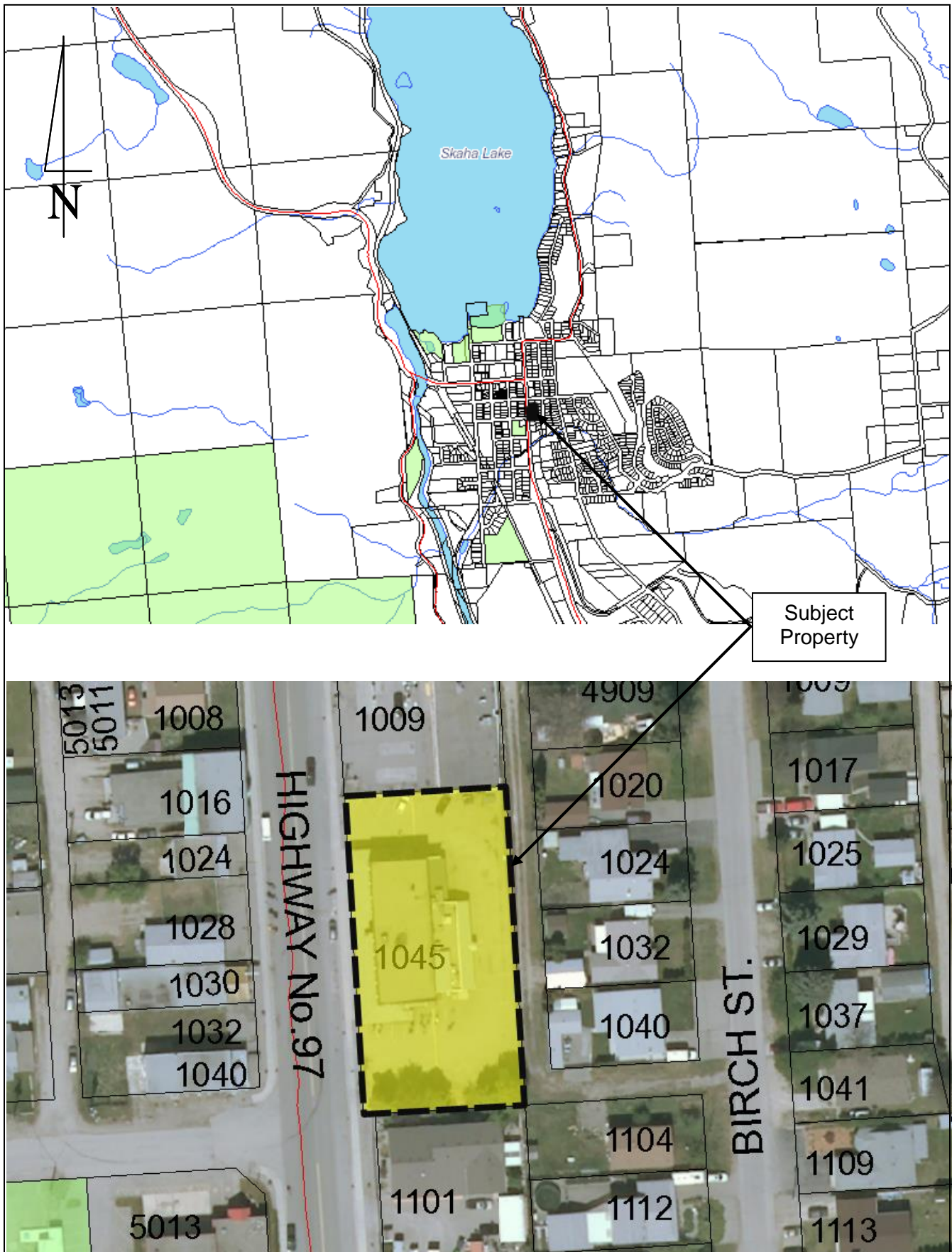
Endorsed by:



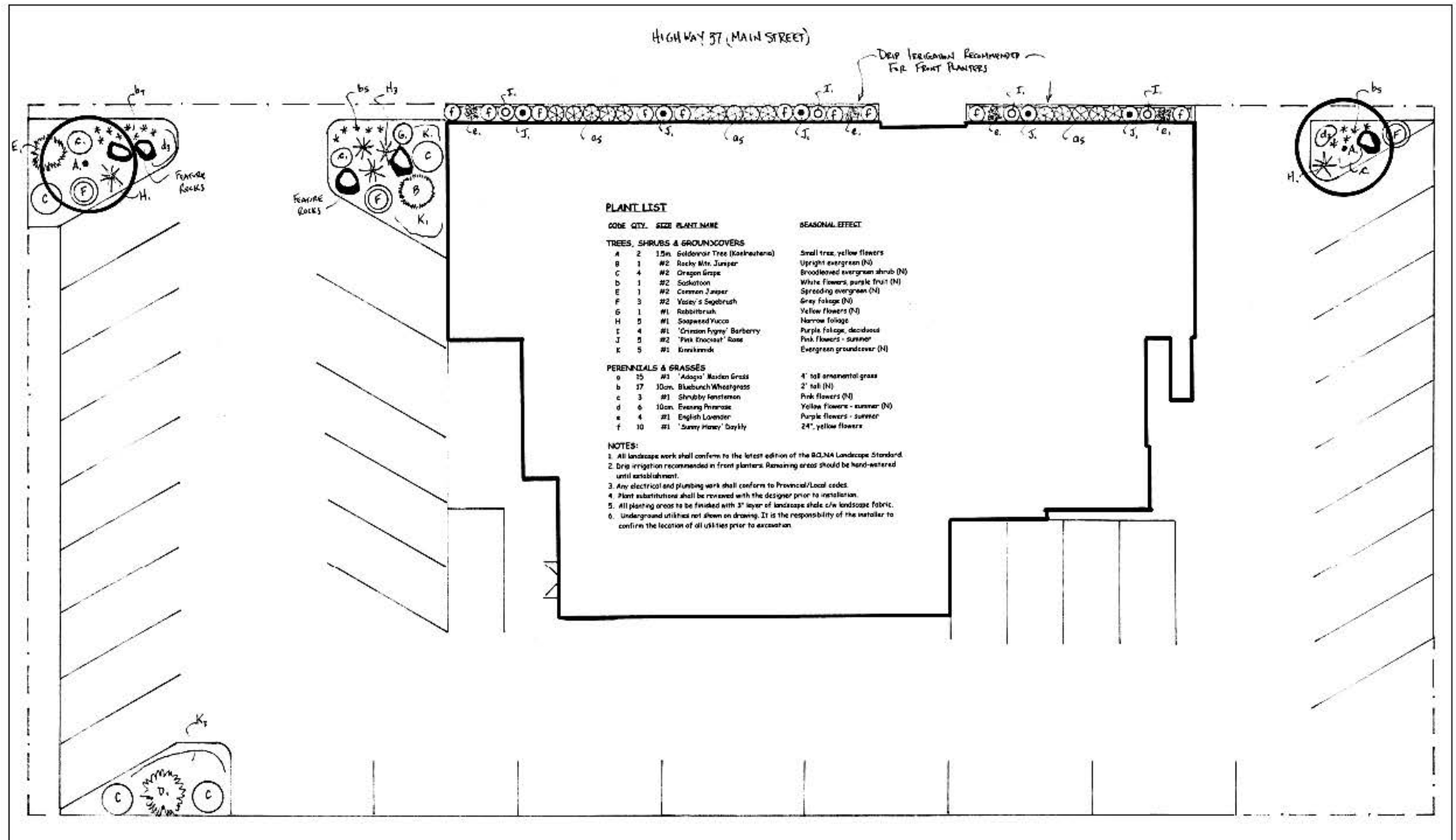
D. Butler, Manager Development Services

Attachments: Attachment No. 1 – Context Maps
Attachment No. 2 – Current Landscape Plan
Attachment No. 3 – Applicant's Proposed Landscape Plan
Attachment No. 4 – Alternative Landscape Plan
Attachment No. 5 – Letter (BDL Brewery)

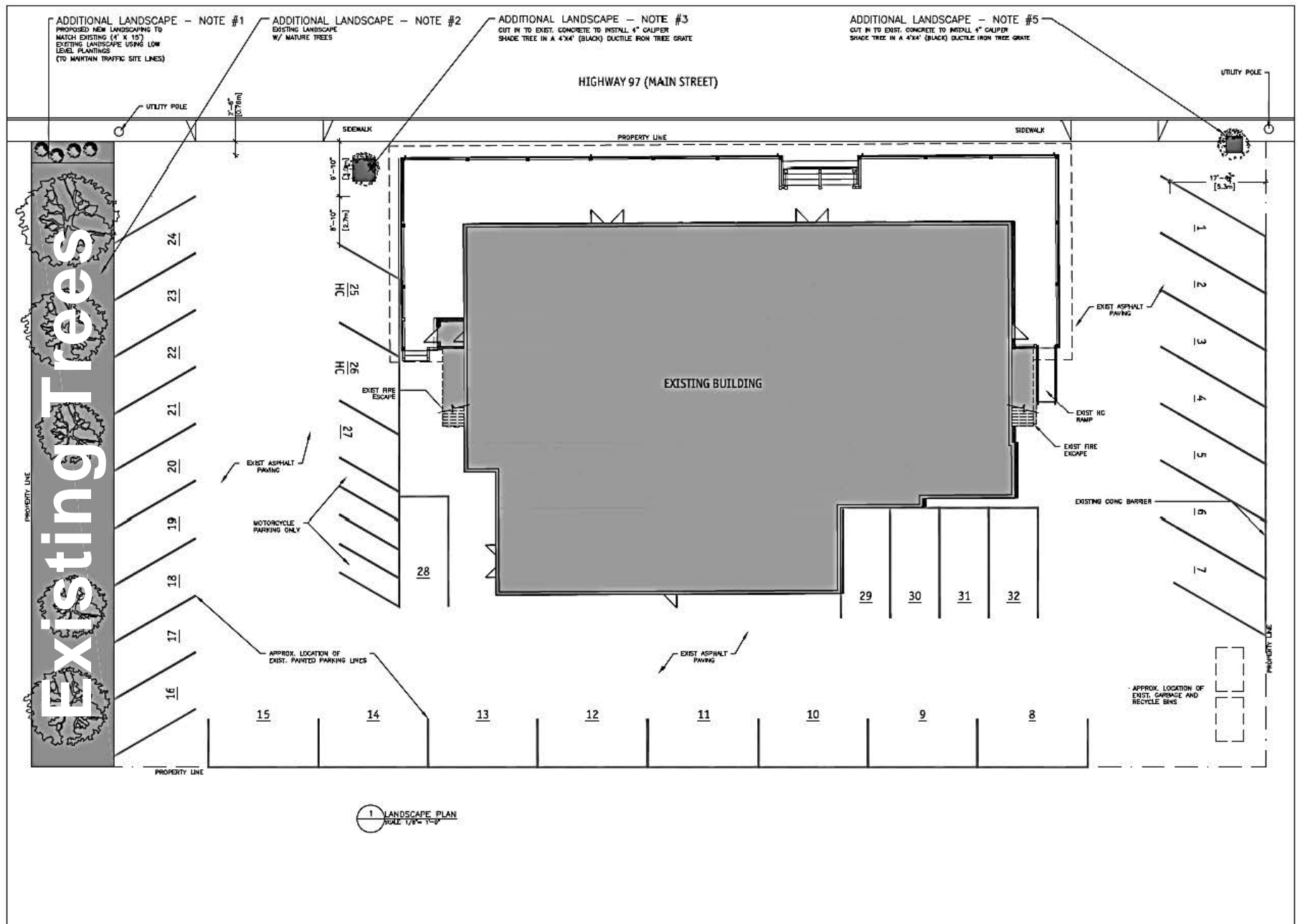
Attachment No. 1 – Context Maps



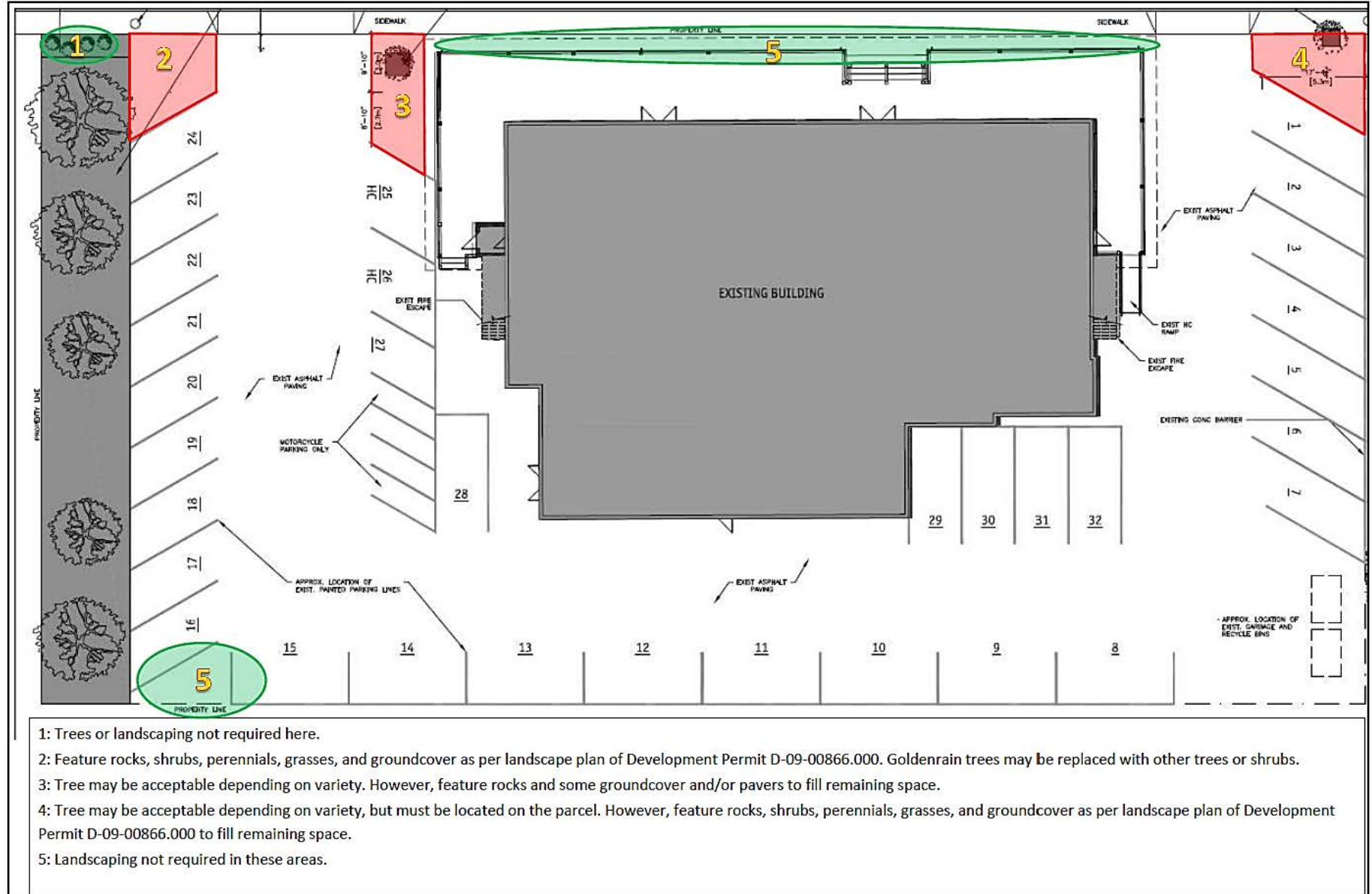
Attachment No. 2 – Current Landscape Plan (Schedule 'X-4' of Development Permit D-09-00866.000)



Attachment No. 3 – Applicant's Proposed Landscape Plan



Attachment No. 4 – Alternative Landscape Plan



FROM:COMMERCIAL LOGISTICS KELOWNA TO:12504978059 06/04/2014 10:25:23 #22688 P.001/001

250-497-8059

June 1, 2014

To whom it may concern,

As a delivery driver from for the OK Falls pub, I would like to express my concerns on the business installing green zones on each entrance/exit of the pub parking lot.

These green zones would make it impossible for us to drive into the parking lot in order to deliver to the loading doors on the side of the business. Our deliveries to this business take upwards 20 minutes to half hour to complete as there is multiple pallets to unload of the truck. If we cannot access the parking lot, we would have to park on the highway, blocking traffic and creating a highly unsafe situation not only for the public traffic, but the delivery drivers as well. If we have to unload these pallets from the highway, our offload time will also be increased which could potentially create a hazardous situation on the highway for a longer period of time. The ministry of transportation would end up involved in this situation as we deliver to this location on a weekly basis.

Thank you for your time,

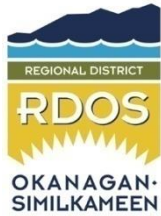
Sincerely,



(BDL brewery delivery driver)

Driver supervisor.

P Frust.



Development Permit

Form & Character

FILE NO.: D-09-00866.000

Owner: R 134 Enterprises Ltd., Inc. No. 397855
(Greg Rhyason, Director)
162 Apple Road
Okanagan Falls, BC V0H-1R3

Agent: Calvin Meiklejohn
201 – 75 Front Street
Penticton, BC V2A-1H2

ADMINISTRATION

1. This Development Permit is amended subject to compliance with all of the bylaws of the Regional District 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 permit and permit drawings and/or figures, the figures stand.
4. This Development Permit is not a Building Permit.

APPLICABILITY

5. This Development 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 'X-1', 'X-2', and 'X-3', and as described below:

Legal Description: Parcel A (KV78711), Plan 3787, DL 374, SDYD

Civic Address: 1045 Highway 97, OK Falls

Parcel Identifier (PID): 025-677-713 Folio: 714 00866.000

CONDITIONS

6. Development Guidelines

The land described herein shall be developed strictly in accordance with the following terms, conditions and provisions of this permit:

- a) In accordance with Section 24.4 of the East Skaha, Vaseux Official Community Plan Bylaw No. 2603, 2013, the proposed development shall be in general compliance with the Guidelines under subsection 24.4.4.

7. Covenant

- a) Not required.

8. **Security**

- a) Not required.

9. **Schedule**

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

- (a) In accordance with Section 926 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 amended 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.

Authorized resolution **XXXX** passed by the Regional Board on the ___ day of ____, 2014.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

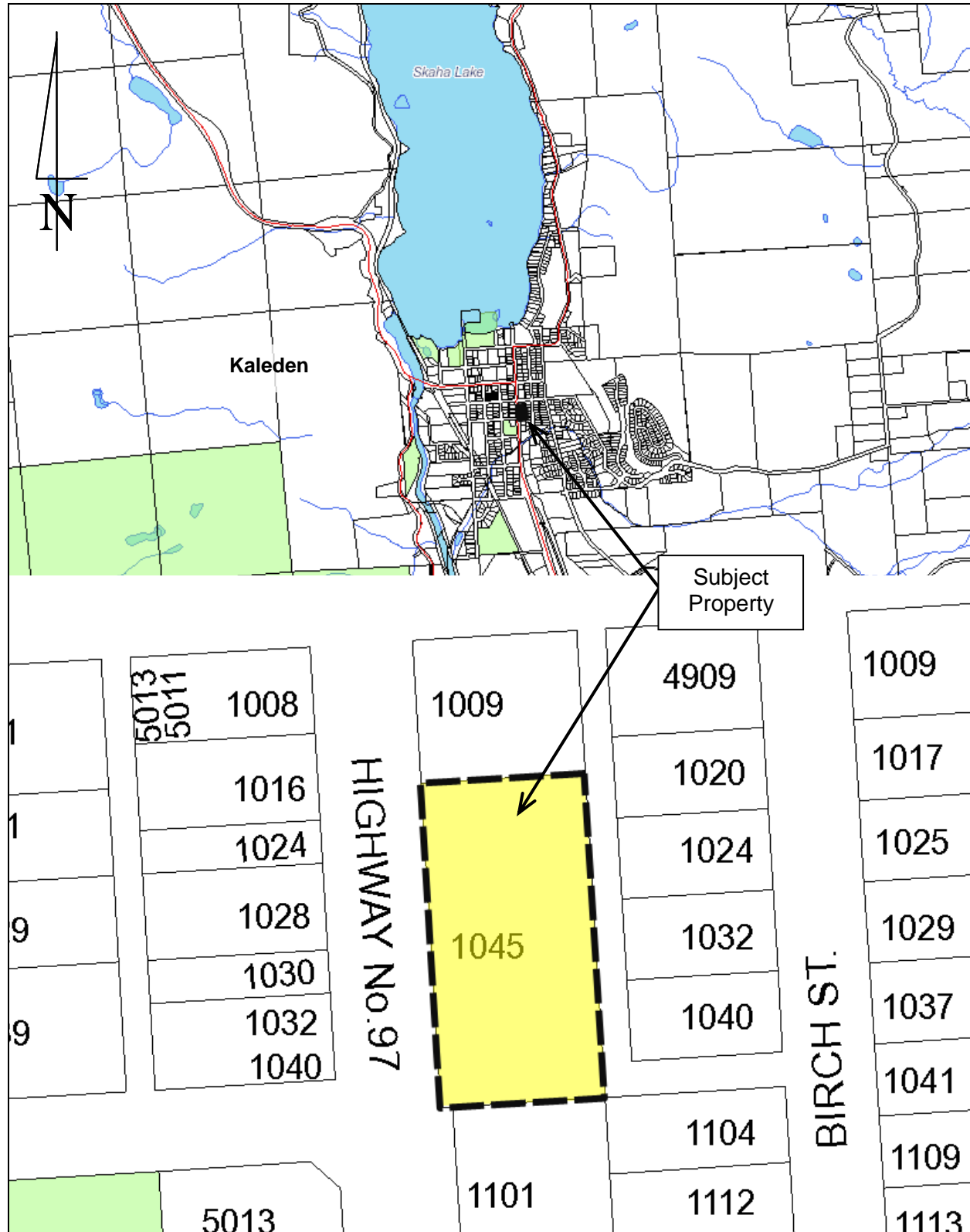
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Form & Character Development Permit

File No. D-09-00866.000

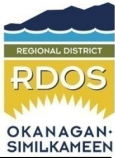
Schedule 'X-1'



Regional District of Okanagan-Similkameen

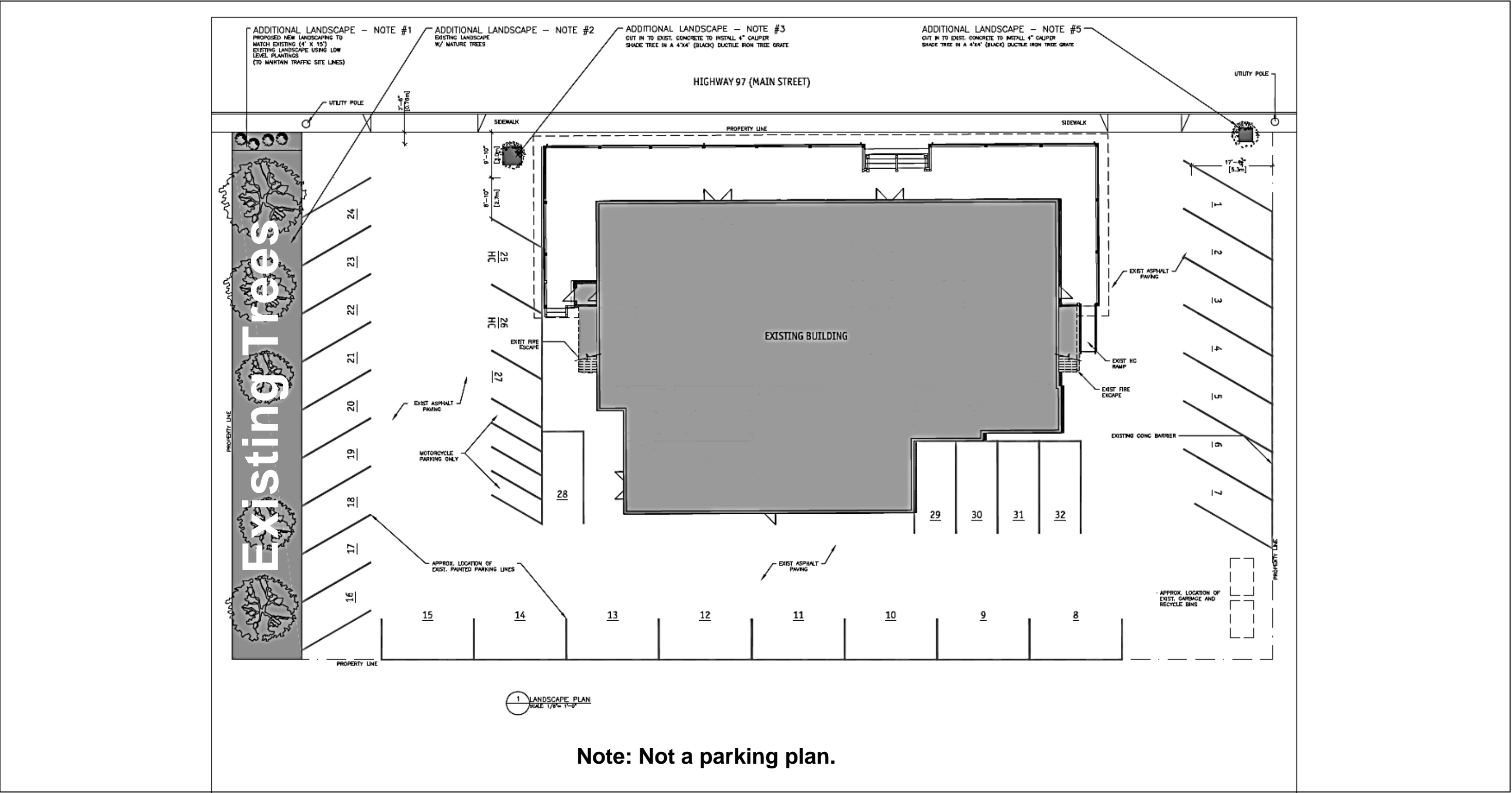
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063

Form & Character Development Permit



File No. D-09-00866.000

Schedule 'X-2' (Landscape Plan)

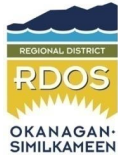


Note: Not a parking plan.

Regional District of Okanagan-Similkameen

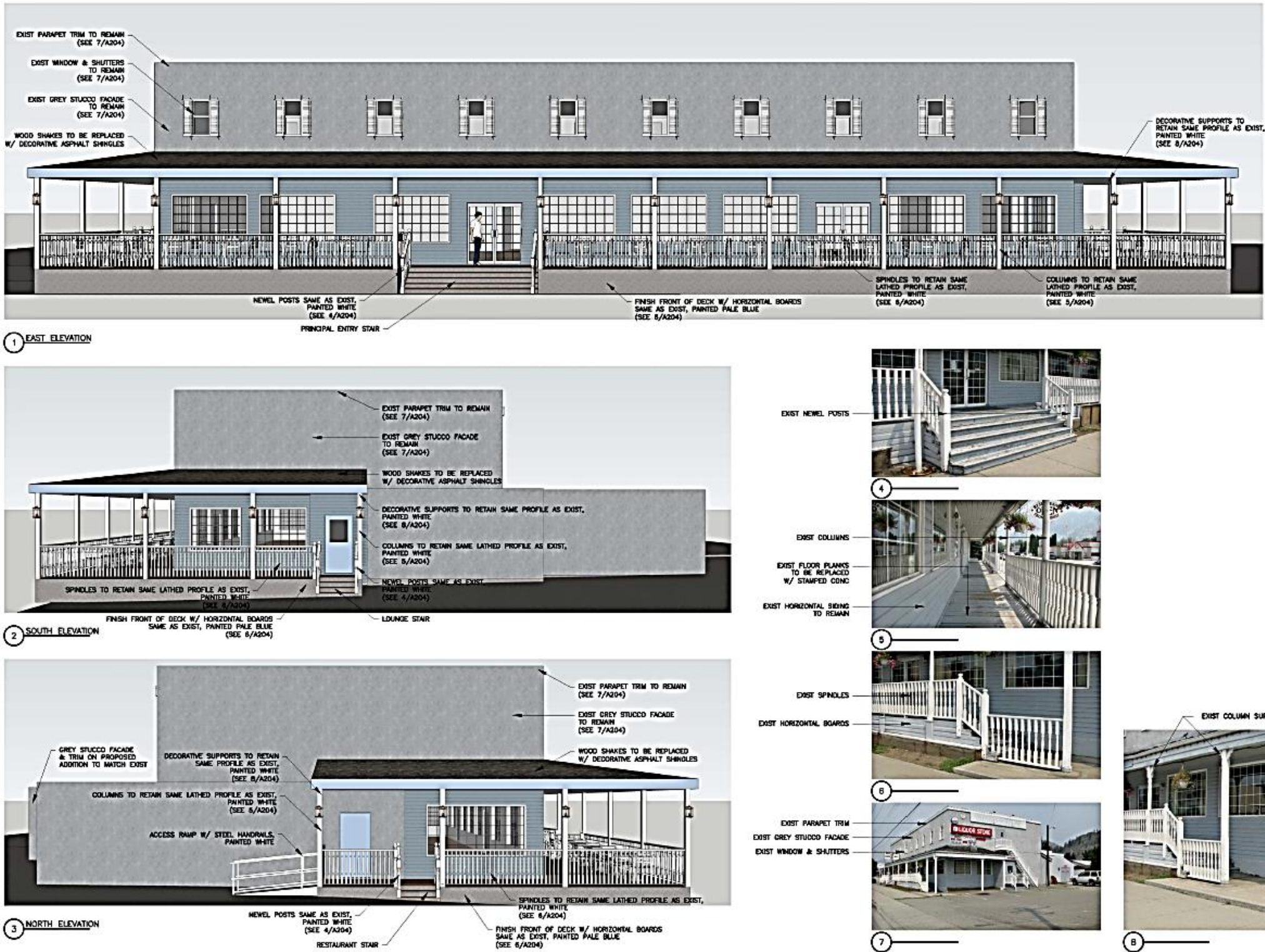
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063

Form & Character Development Permit



File No. D-09-00866.000

Schedule 'X-3' (Building Elevations)



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 15, 2015
RE: Development Variance Permit Application — Electoral Area “D”

Administrative Recommendation:

THAT the Regional Board deny Development Variance Permit No. D2014.121-DVP

Purpose: To allow for the development of an accessory structure within the front setback.

Owners: Jeffrey White; Jiaman Liu Agent: Benoit Cadieux Folio: D-01515.040

Civic: 172 Pine Avenue, Kaleden Legal: Lot 5, Plan 30317, District Lot 105s, SDYD

OCP: Low Density Residential (LR) Zone: Residential Single Family Two (RS2)

Requested Variance: To vary the front parcel line setback from 7.5 metres to 3.6 metres.

Proposed Development:

This application is seeking to reduce the minimum front parcel line setback for an accessory building (garage) from 7.5 metres to 3.6 metres, measured to the outermost projection.

The proposed two-storey structure contains an upper level garage and a lower level storage area. The highest point of the garage is approximately 4.0 metres above street level.

The applicant has indicated that “because this property backs onto a ravine, options are limited for creating an entrance for the proposed garage. In order to create enough square footage, we are asking to extend the road setback by 3.9 m to 3.6 m The site of the proposed garage is already a driveway and patio.”

Site Context:

The subject property is approximately 3,396 m² in area and is situated in a cul-de-sac on the west side of Pine Avenue in Kaleden. The property contains a single detached dwelling and is serviced by the Kaleden Irrigation District and a private septic system.

Surrounding land uses are predominantly low density residential.

Background:

Under the Electoral Area ‘D-1’ Zoning Bylaw No. 2457, 2008, the subject property is zoned Residential Single Family Two (RS2), wherein accessory buildings and structures are permitted.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Friday December 29, 2014. As of December 15, 2014, two response letters have been received.

Alternatives:

1. THAT the Regional Board approve Development Variance Permit No. D2014.121-DVP; or

-
2. THAT the RDOS Board defers making a decision and directs that the proposal be considered by the Electoral Area "D" Advisory Planning Commission (APC).

Analysis:

The intent behind the Zoning Bylaw's use of setbacks is varied, however, in the context of a residential front setback it is generally to provide a physical separation between the road and residential dwellings; to improve traffic and pedestrian safety; to maintain an attractive streetscape by ensuring a uniform building line and discouraging encroachments (which could adversely affect overshadowing and privacy on adjacent parcels) and providing opportunities for openness and landscaping.

Accordingly, and when assessing a variance request to a setback, a number of factors are generally taken into account and these include the intent of the zoning; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development will have a detrimental impact upon the amenity of the area and/or adjoining uses.

In considering this proposal, Administration recognises that the proposed garage is seen to be related to the principal residential use of the property; that there may be some limiting topographical aspects to the property as it comprises part of a steep cliff; that the design of the garage will generally complement that of the existing dwelling; and that the structure is unlikely to result in a loss of amenity at adjacent properties.

Conversely, the steep slope to the rear of the property is not seen to preclude the siting of a garage outside of the setbacks; that allowing for the development of accessory structures within a front setbacks is considered to represent poor streetscape design and is *generally* not representative of other development found on Pine Avenue; that other options are available to the property owner (i.e. a smaller structure incorporated into the dwelling); and that reducing the front setback could create an expectation and/or perception that the Board will support other accessory structures being developed within the front setback on this street.

For these latter reasons, Administration does not support the proposed variance.

Respectfully submitted:



T. Donegan, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

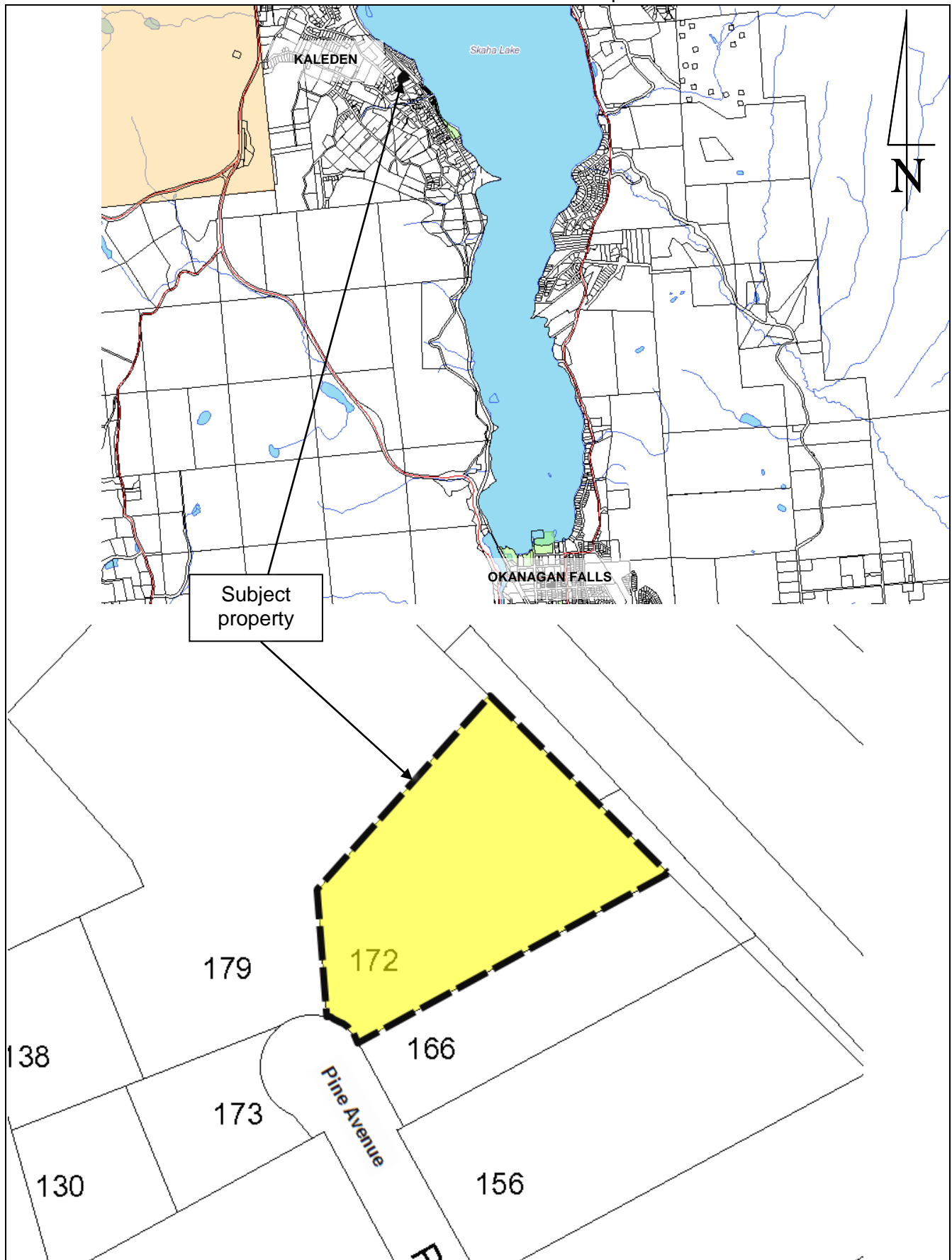
Endorsed by:



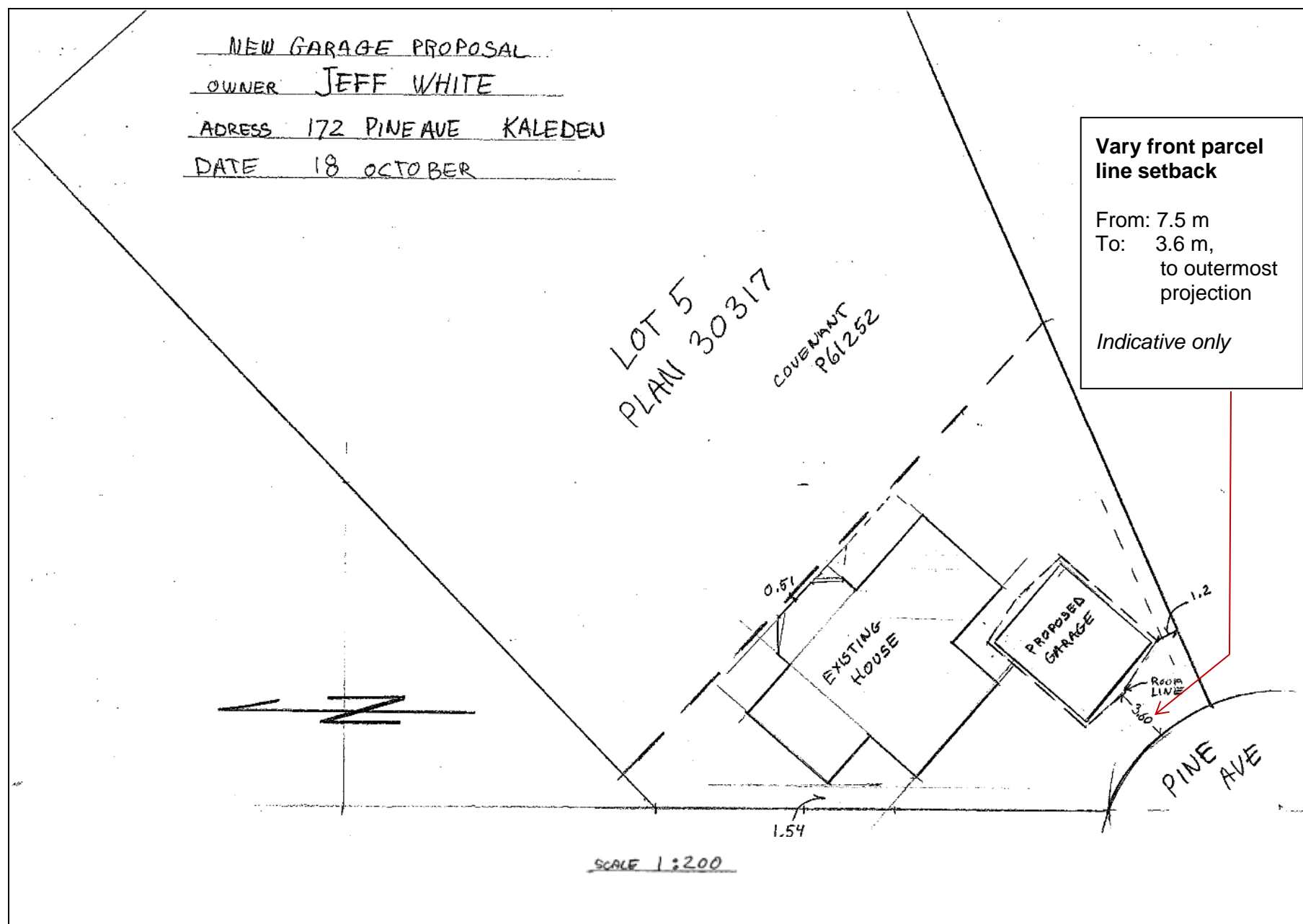
D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 – Applicant's Elevation Plan
No. 4 – Street View

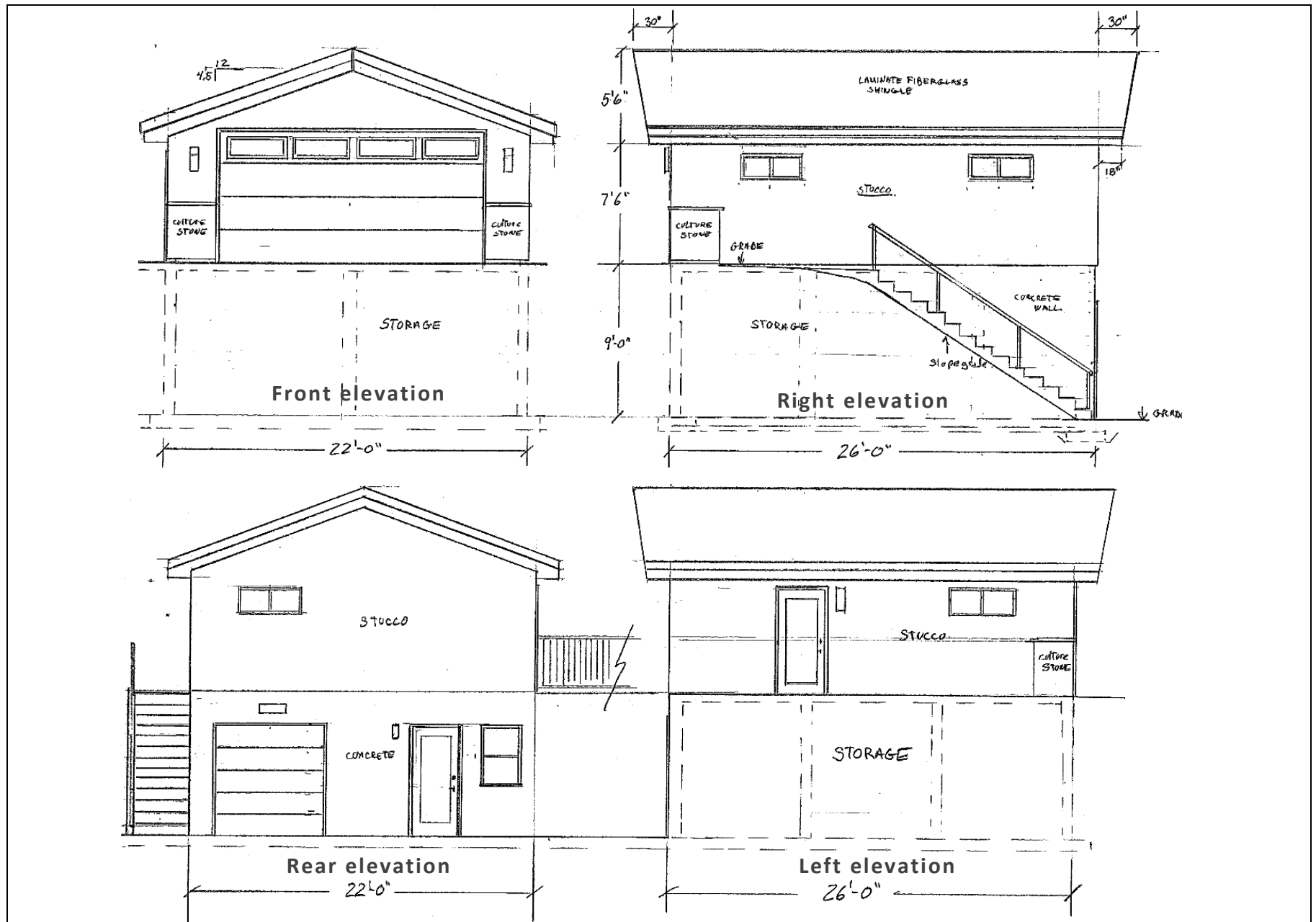
Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan

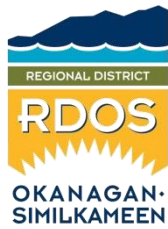


Attachment No. 3 – Applicant's Elevation Plan



Attachment No. 4 – Street View (Google Earth)





Development Variance Permit

FILE NO.: D2014.121-DVP

Owner: Jeffrey White and Jiaman Liu
5463 West Vista Court
West Vancouver, BC V7W-3G8

Agent: Benoit Cadieux
5611 Nixon Road
Summerland, BC V0H-1Z9

ADMINISTRATION

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 permit and permit drawings and/or figures, the permit figures stand.
4. This Development Variance Permit is not a Building Permit.

APPLICABILITY

5. This Development Variance 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 'X-1', 'X-2', and 'X-3', and described below:

Legal Description: Lot 5, Plan 30317, District Lot 105s, SDYD

Civic Address: 172 Pine Avenue, Kaleden

Parcel Identifier (PID): 003-999-831 Folio: 715 01515.040

CONDITIONS

6. Development Variance

- a) The minimum front parcel line setback for an accessory building or structure, as prescribed at Section 11.2.6.(b)(i) of the Electoral Area "D-1" Zoning Bylaw No. 2457, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:

i) from: 7.5 metres

to: 3.6 metres, as measured from the outermost projection, and as shown on Schedule 'X-2'.

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

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

- (a) In accordance with Section 926 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 variance permit can be submitted.

Authorized resolution **XXXX** passed by the Regional Board on the ___ day of ___, 2015.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

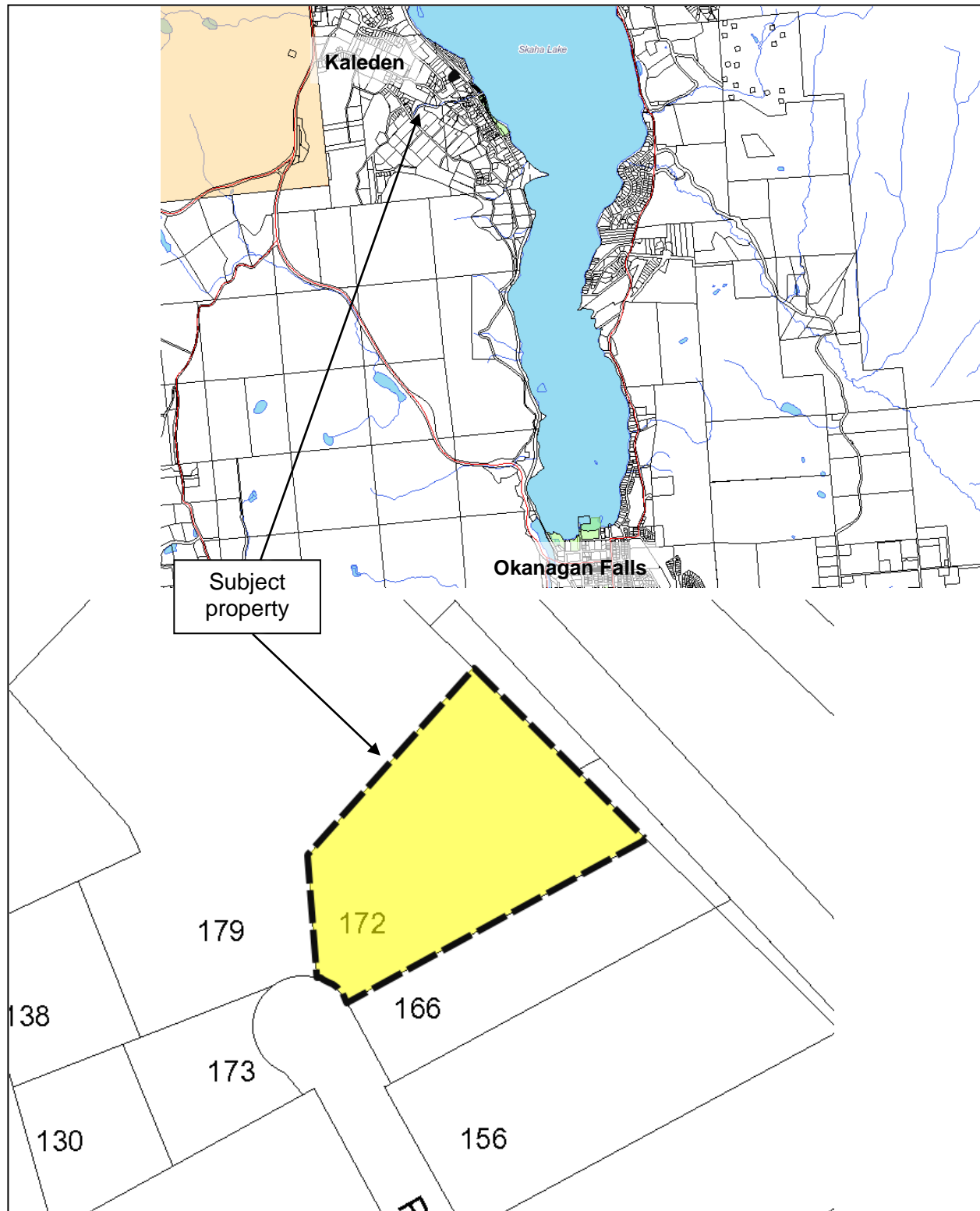
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

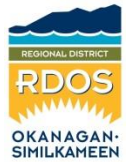
File No. D2014.121-DVP

Schedule 'X-1'



Regional District of Okanagan-Similkameen

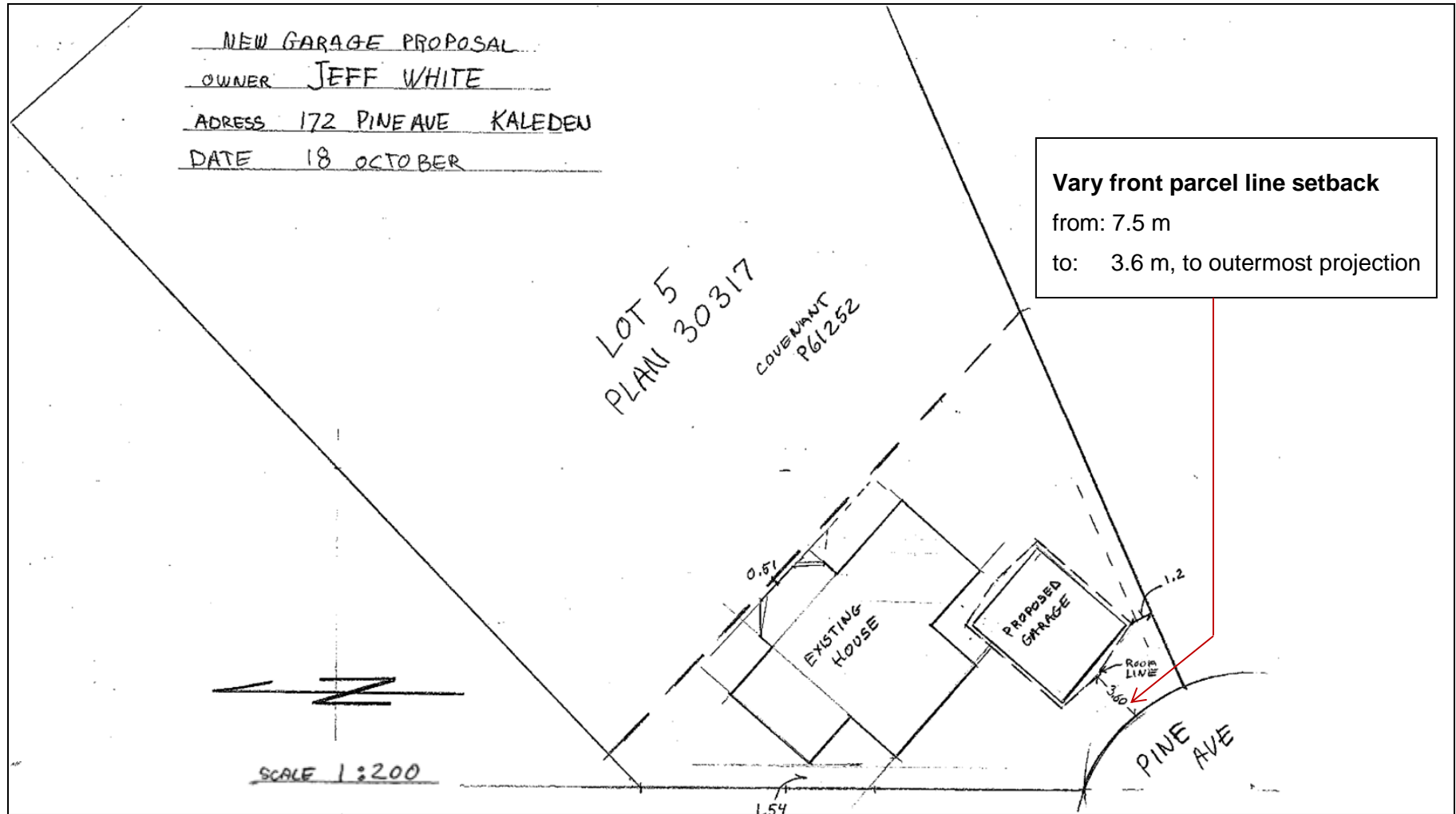
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

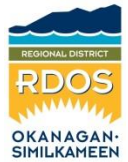
File No. D2014.121-DVP

Schedule 'X-2'



Regional District of Okanagan-Similkameen

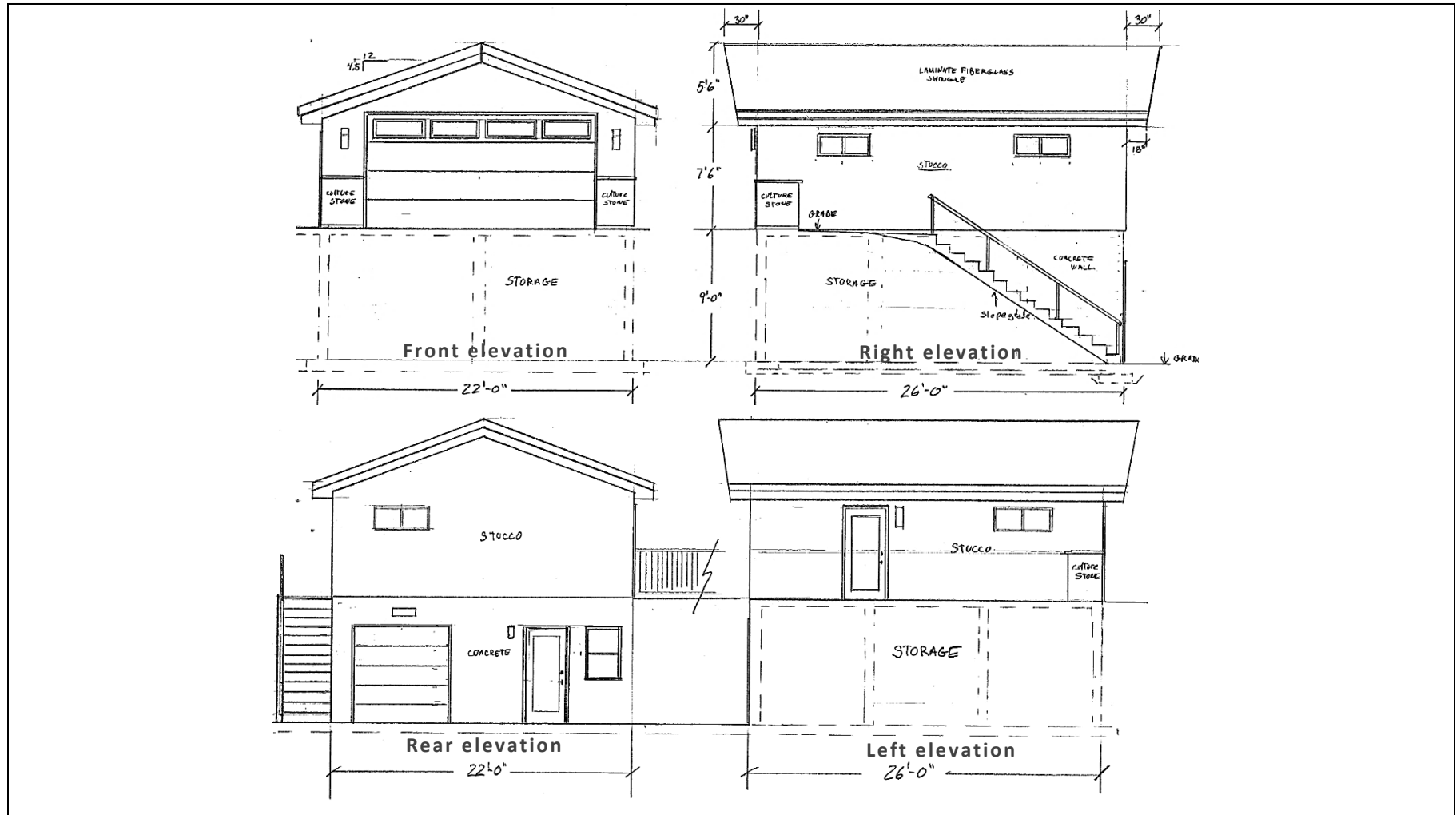
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2014.121-DVP

Schedule 'X-3'



December 18, 2014

RECEIVED
Regional District

DEC 18 2014

101 Martin Street
Penticton BC V2A 5J9

Regional District Board c/o RDOS

To whom it may concern:

Regarding: Development Variance Permit Application - 172 Pine Ave. Kaleden.

RDOS File: 2014.121-DVP.

We have the following strong concerns about this variance application:

- 1) The proposed structure is too close to the street and will irrevocably change the ambiance of the neighbourhood, which is currently rural and open, without the unsightly garage doors that blight so many urban streets.
- 2) The proposed sight is in a view corridor and the building would block existing views of trees and Skaha Lake from the street.
- 3) More importantly, it would block views from the existing property at 173 Pine Ave. replacing what is now a pastoral setting with a cluttered look dominated by a huge garage door.

Michael & Tracy Maloney

173 Pine Avenue, Kaleden, BC

250-497-0005

December 15, 2014

To: Regional District Board, Regional District of Okanagan Similkameen

RE: Development Variance Permit application - 172 Pine Avenue, Kaleden
Legal: Lot 5, Plan 30317, District Lot 105s, SDYD

RDOS FILE: 2014.121-DVP

In response to this variance application, we must oppose it. Based upon the information as presented in the application, we have the following concerns:

- A) The distance of the finished building from the lot line, using the drawings provided, will result in a crowding effect on the adjacent property to the south (166 Pine Avenue). The footprint plan, as drawn, does not show the included external stairway which will run down the south side of the garage. Such a stairway would be approximately ninety-two centimeters (three feet) in width and would create an unseemly aspect to the south side of the structure, along with an increased visual imposition, with respect to its proximity to the lot line.
- B) The proposed building would present a wall with a vertical measure, on the south side (left elevation) totalling *twenty-two feet (6.7M)*. Particular attention needs to be drawn to the Left Elevation drawing, which depicts soil/fill covering the lower floor of the structure. This drawing is somewhat misleading in that *this grade does not currently exist*. Essentially, the lower floor of the proposed garage will sit on the existing grade. Creating a covering grade for the lower level would be within such a small distance (at a guess, 2M) from the lot line as to require a retaining wall or other stabilizing bulwark to be constructed. This total presentation of such a large imposing wall would seriously encroach on the adjacent property to the south as well as diminishing the aesthetics of the street.
- C) The paving-bricked parking area, (currently in use for vehicle parking) on the west side of the 172 Pine avenue house, is adequate to accommodate a garage of the size depicted in the submitted drawings. As pointed out by RDOS, a variance would also be required for this area to be used for construction of a garage. Still, given that requirement, using the existing parking area, or an area to the north of the dwelling, would be *far less of an intrusion to the street and neighbourhood* than would the above proposed plan. Unfortunately, due to its extreme slope, Lot 5 does not allow for many building site opportunities. This fact should not skew the decision model to such an extent as to allow us to arrive at poor quality solutions.
- D) The proximity of the structure to the roadway would be imposing. The current cul de sac is open, yet provides only limited parking areas. The proposed structure would present a dominant wall that would detract from the appeal of the street, creating a barrier effect, and potentially interrupting the turnaround space of the cul de sac.



- E) All current structures on Pine avenue are situated using standard bylaw setbacks. The one exception is the dwelling at 172. Other than this exception, the street enjoys an uncluttered, open, and welcoming aspect. Adding a further structure to the already cramped positioning at 172 will detract further from this appeal by creating a jumble of structures close to the road and each other, damaging not only the effect on 172 itself, but wounding the surrounding properties' appeal and feeling of space.
- F) The residents of 172 Pine will not have to view this structure every time they look out their window. All other residents of the avenue will. Further, the 172 Pine Avenue dwelling is not the principal residence of the owner(s), but rather an occasional holiday property. The impact of construction of the proposed garage in the proposed location will have a disproportionately negative impact on the lifestyle quality of surrounding properties, while impacting only minimally on the the residents of 172 Pine Avenue. i.e., the consequences of construction will not be a fair weighting to all involved. The builders may gain marginal benefit from the garage construction, while all other residents of Pine Avenue will pay for its intrusion.
- G) The structure, as drawn, appears to sit over the septic field. The access to the field pump, and the field itself, cannot be built upon. If this is truly the case, this alone is enough to deny this application.

Thank you for the opportunity for us to respond to this variance application. If you may have any discussion or questions further to this letter, please contact us at 250 809 8385 or 250 497 5263.

Sincerely,



Fraser W Barton



Elizabeth L Barton

166 Pine Avenue
Kaleden, BC
V0H 1K0

RECEIVED
Regional District

DEC 17 2014

101 Martin Street
Penticton BC V2A 5J9

Dec 15/14

RDOS
101 Martin Street,
Penticton, BC
V2A 5J9

RE: DEVELOPMENT VARIANCE PERMIT APPLICATION
RDOS FILE: D2014.121-DVP

Attention: Timothy Donegan

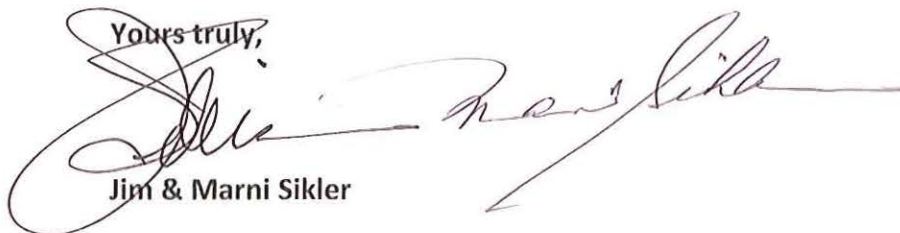
We have owned our property at 156 Pine Street since 1993, and like all existing owners, have enjoyed the openness and spaciousness of our area. By allowing yet another variance to this property, to allow for a large 2 story garage to be built on the property will surely take away from the appearance of the street, and making it nonconforming to the rest of the neighboring properties.

I understand that the drawings provided are solely to apply for this variance, and not the actual building plans. These plans are backwards and do not fit the property the way they are drawn. If the garage is built as shown it will be right over top, or at least encroach on the existing septic system.

I do think that the RDOS should take a closer look into these issues as to not create problems down the road, which has happened in two other instances here in Kaleden, that I know of.

Thank you for allowing us the opportunity to submit our comments and concerns regarding this variance request.

Yours truly,


Jim & Marni Sikler

RECEIVED
Regional District

DEC 17 2014

101 Martin Street
Penticton BC V2A 5J9



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 8, 2015
RE: Temporary Use Permit Renewal Application — Electoral Area “D”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. D2014.108-TUP

Purpose: To allow for the temporary operation of gravel crushing and processing.

Owner: High Risk Entertainment Applicant: Ecora Engineering Folio: D06799.900

Location: Vintage Views Subdivision Phase 3 (Chadwell Place)

Legal: Lot 1, DL 2710, SDYD, Plan KAP50897, except Plans KAP51161, KAP52868, KAP86678 and KAP91225

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

Proposal:

This application seeks approval to operate a temporary gravel crushing operation on site in order to construct roads and building sites with on-site materials for completion of the third and final phase of the Vintage Views subdivision.

Specifically it is proposed to permit crushing within the hours of 9 am to 4 pm Monday to Friday, from January 15 to May 31, 2015. The crushing operation is intermittent in nature and therefore not continuous over the entire timeframe. The *Local Government Act* does permit the ability to apply for a TUP renewal.

In support of the proposal, the applicant states: “the development has considerable amount of rock that has to be blasted in order to meet the Ministry of Transportation and Infrastructure (MoTI) road requirements and to create lots. There is considerable cost associated with blasting, to offset these costs the developer proposes to utilize blast rock for his road structure and his lot fills. In order to use the blast rock as his road structure and for lots fills, he will need to crush the rock to produce the MOTI approved material and the structural fill material for the lots.”

Further, the applicant states: “the developer understands that the construction in the previous two phases of Vintage Views was not handled that well by the previous developer. There was apparently no consideration for the surrounding residences regarding dust control, noise, safety, construction scheduling, traffic concerns with trucking, and the scheduled times & dates for crushing/blasting.”

Site Context:

The subject property is approximately 8.2 ha in size and is situated approximately 285 metres east of Skaha Lake and Eastside Rd. The property is located within the Vintage Views subdivision and is approximately 3 km south of the City of Penticton boundary.

Adjacent neighbourhood characteristics include low density residential to the north, east and west. To the south are several larger agricultural parcels.

The subject property is serviced by the Lake Shore Highland water and sanitary system.

There is a 29 lot subdivision under construction on the subject property. The applicant submitted subdivision plan to Ministry of Transportation and Infrastructure (MOTI) prior to the adoption of the

Electoral Area “D-2” OCP Bylaw No. 2603, 2013, and therefore has one year ‘grace’ period to complete the subdivision requirements before needing to meet the requirements of the new OCP.

Background:

The subject property is identified as having a Watercourse Development Permit (WDP) Area on the eastern portion that will be dealt with separately. There is also an Environmentally Sensitive Development Permit (ESDP) Area identified on a western portion of the property. The ESDP area was identified in the new Electoral Area “D-2” OCP Bylaw and is therefore not applicable at this time. The previous OCP Bylaw did not identify the area as an ESDP.

The three phase Vintage Views residential subdivision has been underway for nearly a decade and is now completing the third and final phase. Phase one and two were developed by another owner and developer. The Vintage Views subdivision is the final phase of the overall Heritage Hills neighbourhood.

Additional Information on completion of phase 3 of the subdivision

The Board should also be made aware that the overall completion of Phase 3 of the Vintage Views subdivision involves many different facets that are not specifically connected to this TUP application, nor in some cases under the jurisdiction of the RDOS but may be of interest.

Of note, are the following items:

- Blasting- any blasting associated with this subdivision is done only for on-site construction purposes. The blaster on contract is T&A Blasting, out of Kelowna and the contractor is certified in urban blasting, as required by Workers Compensation Board. A telephone ‘hotline’ is available to residents by the contractor for any concerns about the blasting work.
- Park donation – through ongoing negotiation the RDOS and Heritage Hills residents, the applicant will be donating an approximate 1 ha of land for a neighbourhood park.
- Road construction – roads must meet Ministry of Transportation and Infrastructure (MOTI) requirements for width of ROW and grade. In order to meet these demands and create usable building sites in an adjacent gully, the owner is proposing to construct a fairly large retaining wall near Parsons Rd that will require a building permit and a Hillside / Steep slope Development Permit.
- Emergency Egress road – completion of phase 3 of this development will include construction of an emergency egress road for the residents in the area, including Heritage Hills residents.
- Riparian Area work – road construction will involve working within the riparian area along both the areas of the small pond are, to be dedicated as park, and near the intersection of Parsons Road and Sunnybrook Drive where a 30 m culvert is to be installed. The applicant requires a Section 9 Permit under provincial Water Act regulations and a Watercourse Development Permit (WDP) under RDOS regulation. Both applications are in process.
- Variance to height calculation – given that building height is calculated from ‘natural grade’ in Electoral Area “D-2”, a variance will be requested by the developer to vary height to finished grade. The application, once received, will go through the regular public process.

Public Process:

In accordance with Section 2.5 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 1. All comments received through this process are compiled and included as a separate item on the Board Agenda.

To date, responses have been received from Ministry of Transportation and Infrastructure, Ministry of Forests Lands and Natural Resource Operations, Ministry of Agriculture, and Archaeology Branch, all

generally with no concerns. Letters have also been sent to nearby land owners and an advertisement has been placed in a local paper to notify the public.

Under Section 5.1.1 of the Regional District's Development Procedures Bylaw No. 2500, 2011, the Board may require that a Public Information Meeting be held prior to the consideration of a TUP, "if it considers the proposal to be of a significant scale or nature warranting an additional opportunity for the public to access information and inquire about the proposal beyond that available through the regular application referral and public hearing process."

In this instance, Administration does consider a Public Information Meeting to be warranted as the proposal is seen to be of a significant enough scale. The applicant held an open house/ information event on Nov 18, 2014, at which approximately 70 members of the public were in attendance. The items on the meeting agenda included more than just discussion of crushing but also other aspects of the proposed development, including blasting, water and sewer capacity and a new park donation.

Feedback forms were available at the public information meeting and on the RDOS website. To date (Dec 5, 2014), 29 responses have been received, 21 do support the proposal, 7 do support the proposal with conditions, and one does not support. Out of the 29 feedback forms received, 13 did not contain names or addresses.

All comments received through the public consultation process area compiled and included as a separate item on the Board Agenda.

Alternatives:

- .1 That the Regional Board of Directors deny Temporary Use Permit No. D2014.108-TUP; or
- .2 That the Regional Board of Directors defers making a decision and directs that the proposal first be considered by the Electoral Area "D" Advisory Planning Commission (APC).

Analysis:

In assessing this proposal, the primary consideration is the appropriateness of permitting a temporary gravel crushing operation on site for up to five months, from January 8, 2014 to May 31, 2015, as requested by the applicant. Delaying approval may limit the effectiveness or necessitate work extending into the summer months.

The Electoral Area "D-2" OCP contains a list of criteria against which a TUP application may be considered, including:

- a) *the use must be clearly temporary or seasonal in nature;*
- b) *compatibility of the proposal with adjacent uses;*
- c) *impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;*
- d) *intensity of the proposed use;*
- e) *opportunity to conduct the proposed use on land elsewhere in the community; and*
- f) *the remedial measures to be carried out to mitigate any damage to the natural environment as a result of the temporary use.*

In this case, the crushing will be temporary in nature with a proposed completion of no later than May 31, 2015.

Rock crushing may not always be seen as being compatible with adjacent residential use; however, completion of the final phase of the subdivision could be problematic without temporarily crushing rock for road building and site construction. Crushing is to be done intermittently so that it will not be a constant source of noise.

The applicant is attempting to reduce noise impact by placing the crusher in a excavated pocket area and in a location furthest away from any existing residents. Dust control measures will also available on site with a water tanker truck on site during operation.

The crushing operation, which is the item under consideration for this TUP, will unlikely impact the natural environment or environmentally sensitive areas. Crushing on-site may be perceived to be the most environmentally option given other options for construction.

The options for the applicant to conduct the proposed use elsewhere in the community are limited. In order to crush rock off-site, it is estimated that approximately 1000 trucks of material (equating to up to 2000 road trips) would need to pass through Vintage Views and Heritage Hills. Trucking the rock to crush off-site would have a negative impact on roads and would not eliminate dust or noise and could potentially prove to be even a greater negative impact.

The other option for the applicant would be to create enough small aggregate by blasting and screening and not actually crushing on site. However, this would take far longer to complete and potentially create a longer and greater disruption to residents.

The Board should note that the decision regarding the subject TUP application must be made on its own merits and not be conditional on other possible permits of construction works or blasting tied to the subdivision.

Conditions included in the Temporary Use Permit include:

- crushing of aggregate is limited to only material found on site;
- crushing of material will be limited to the period between Jan 15, 2015 and May 31, 2015;
- hours of operation will be limited to 9 am to 4 pm Monday to Friday, not on statutory holidays;
- dust will be controlled on site and a water tanker truck will be operated daily, at a minimum, unless it is raining or below freezing temperatures;
- crushing will cease if an excess amount of dust is being created;
- any use of exterior lights will be only during hours of operation;

In summary, given the criteria used to assess a temporary use permit application, Administration considers the proposed use to be temporary in nature and is satisfied by the effort to mitigate any negative impacts on neighbouring properties, therefore supports the proposed TUP application.

Respectfully submitted:

E Riechert

Planner

Endorsed by:



C. Garrish, Planning Supervisor

Endorsed by:

D. Butler

D. Butler, Development Services Manager

Attachments: Attachment No. 1 – Agency Referral List
 Attachment No. 2 – Context maps
 Attachment No. 3 – Applicant's Site Plan

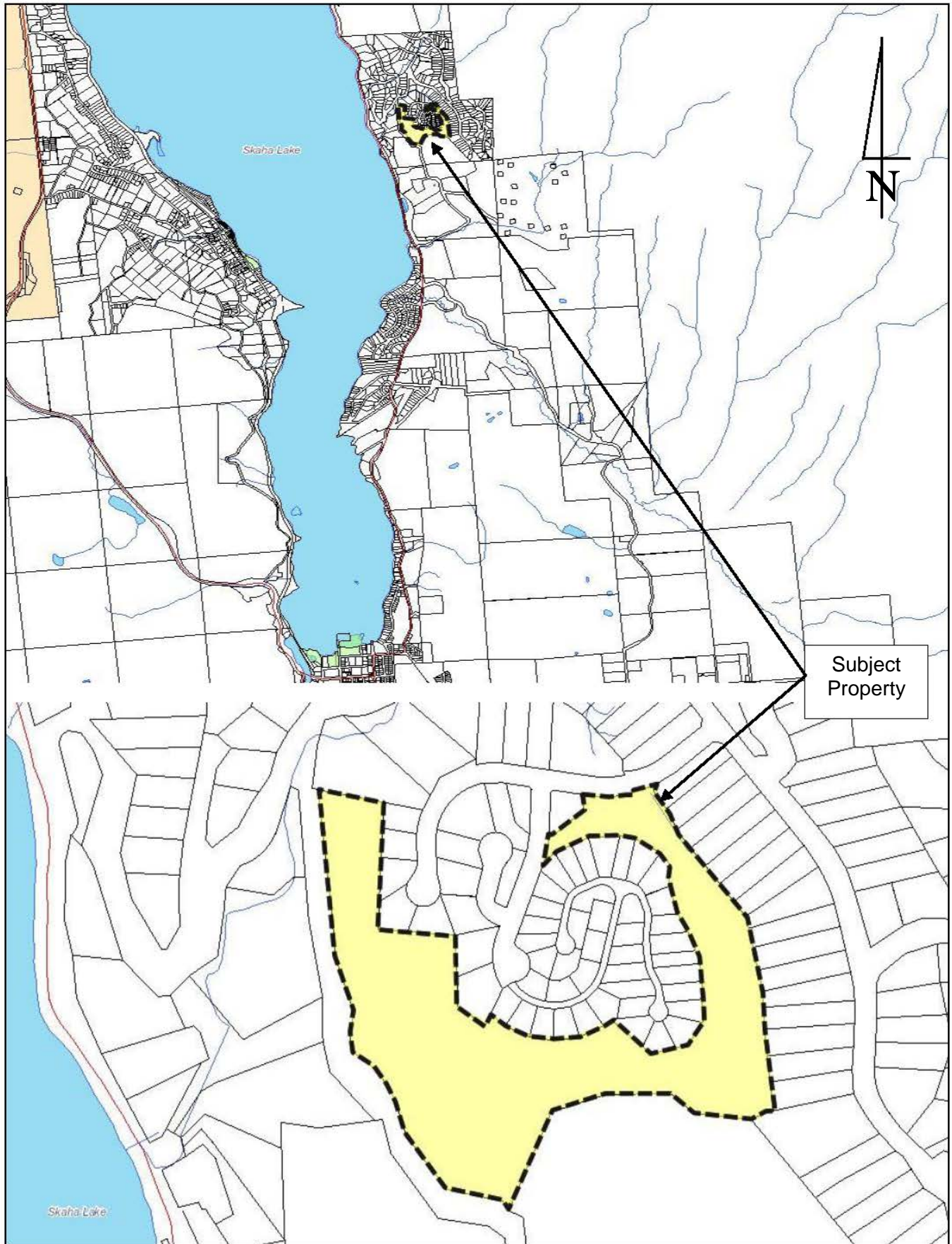
Attachment No. 4 – Photographs

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. 2014.108-TUP:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	District of Summerland
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input checked="" type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Village of Keremeos
<input checked="" type="checkbox"/>	Ministry of Forests, Lands & Natural Resource Operations	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Archaeology Branch	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input checked="" type="checkbox"/>	BC Parks	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	School District #67 (Okanagan Skaha)		

Attachment No. 2 – Context maps



The map shows a 29-lot subdivision with various topographic features. A red star marks the 'Approximate Location of crusher' in the lower-left quadrant, near Lot 24 and Lot 25. The map includes labels for 'HIGHLAND DRIVE' on the left, 'PROV. ROAD 1' at the bottom, and 'PROV. ROAD 2' on the right. A 'RUSHY AREA' is indicated near the crusher location. A north arrow is located in the top right corner. A legend at the bottom center states: '--- CONTOURS REPRESENT EXISTING GROUND TO GEODETIC ELEVATION'.

Approximate Location of crusher

Legend:
--- CONTOURS REPRESENT EXISTING GROUND TO GEODETIC ELEVATION

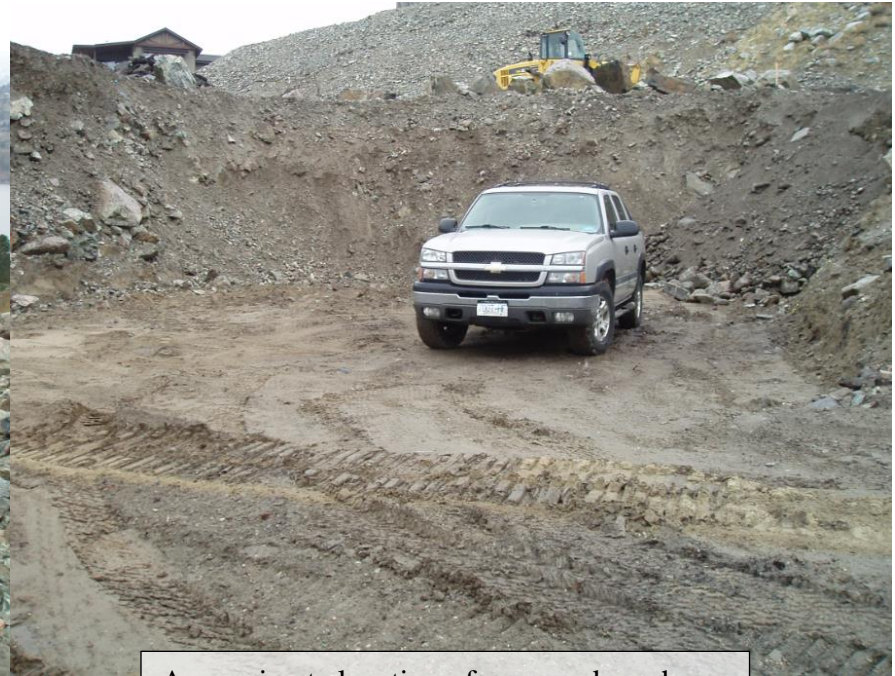
Project Information:
PROJECT: PROPOSED 29 LOT SUBDIVISION
LOCATION: PARSONS ROAD, OKANAGAN FALLS, BC
OWNER: CHADWELL PLACE

Scale and Date:
HORIZONTAL SCALE: 1:1000
VERTICAL SCALE: --
FIELD BOOK: --
DESIGN BY: K.M.
DRAWN BY: T.R.
DATE: SEPTEMBER 26, 2014
JOB NO.: 2014-001

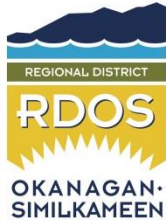
Attachment No. 4 – Photographs



View looking down towards where crushing will take place



Approximate location of proposed crusher



TEMPORARY USE PERMIT

FILE NO.: D2014.108 -TUP

TO: High Risk Entertainment
PO Box 24101,
Government Street
Penticton, BC V2A 8L9

AGENT: Ecora Engineering Ltd
543 Ellis Street
Penticton, BC
V2A 4M4

ADMINISTRATION

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 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 permit and permit drawings and/or figures, the permit figures stand.
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 'X-1' and 'X-2', and described below:

Legal Description: Lot 1, District Lot 2710, SDYD, Plan KAP50897, except Plans KAP51161, KAP52868, KAP86678 and KAP91225

Civic Address/location: Vintage Views Subdivision Phase 3 (Chadwell Place)

Parcel Identifier (PID): 018-480-918 Folio: D06799.900

CONDITIONS

6. In accordance with Section 23 of the East Skaha, Vaseux Electoral Area "D-2" Official Community Plan Bylaw No. 2603 2013, in the Regional District of Okanagan-Similkameen, the following temporary use is permitted:
 - a) "crushing operation", which is defined as meaning the processing of aggregate material for the purpose of constructing roads and home sites, subject to the following provisions:
 - i) The crushing of aggregate is limited to only material found on site and as shown in the area shown shaded on Schedule 'X-2';

- ii) The crushing of material will be limited to the period between Jan 15, 2015 and May 31, 2015;
- iii) The hours of operation shall be 9:00 AM to 4:00 PM, Monday to Friday; and not on Statutory Holidays.
- iv) Dust will be controlled through a water sprinkling system.
 - a) a water truck will be on site and operated daily, at a minimum, when crushing occurs unless it is raining or below freezing temperatures.
 - b) crushing will cease if there is an excess amount of dust occurring
- vi) The use of exterior lights will only take place during hours of operation;

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

This Permit shall commence on January 8, 2015, and shall expire on May31, 2015.

Authorized resolution **XXXX** passed by the Regional Board on the ___ day of ____, 2015.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

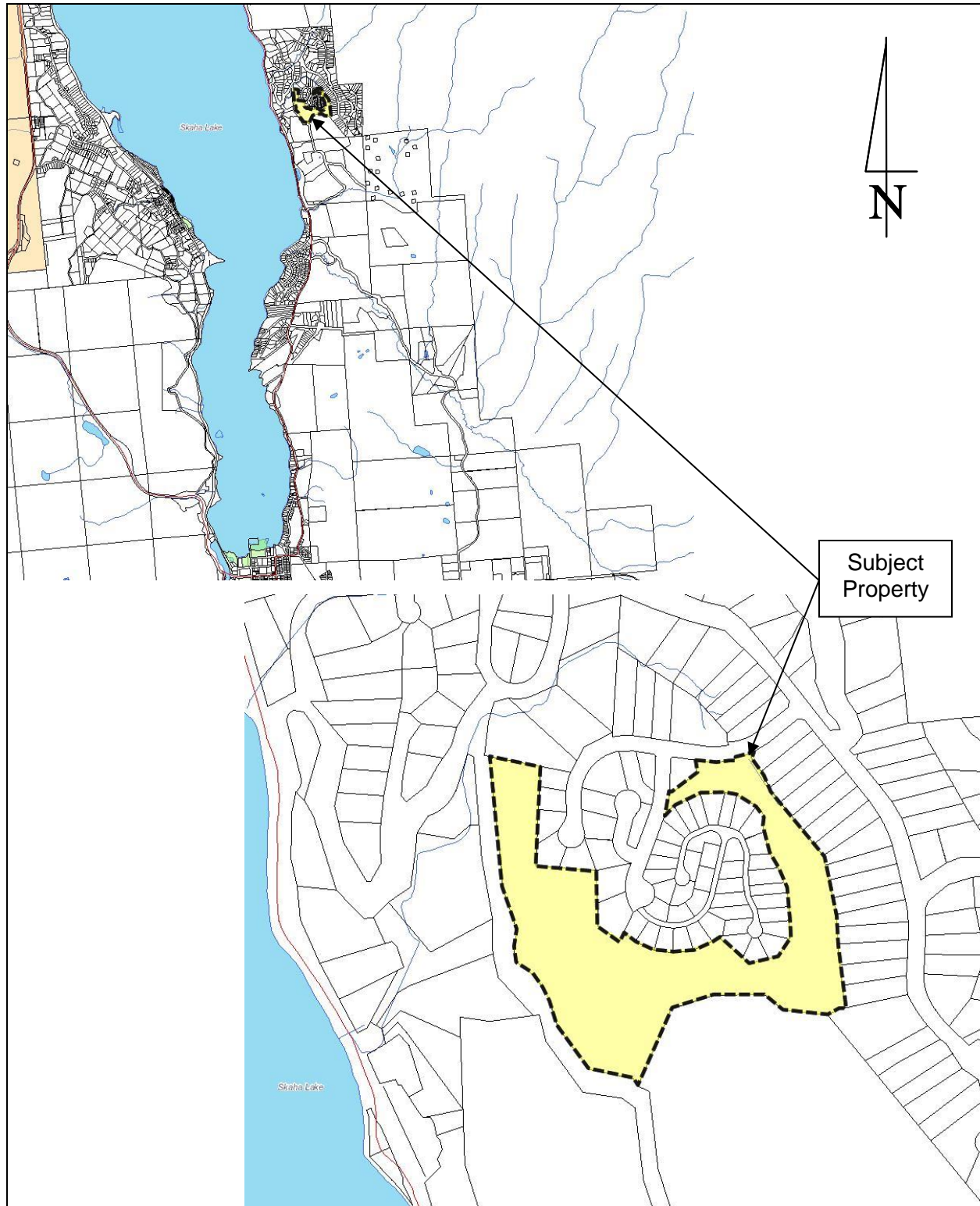
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. D2014.108-TUP

Schedule 'X-1'



Regional District of Okanagan-Similkameen

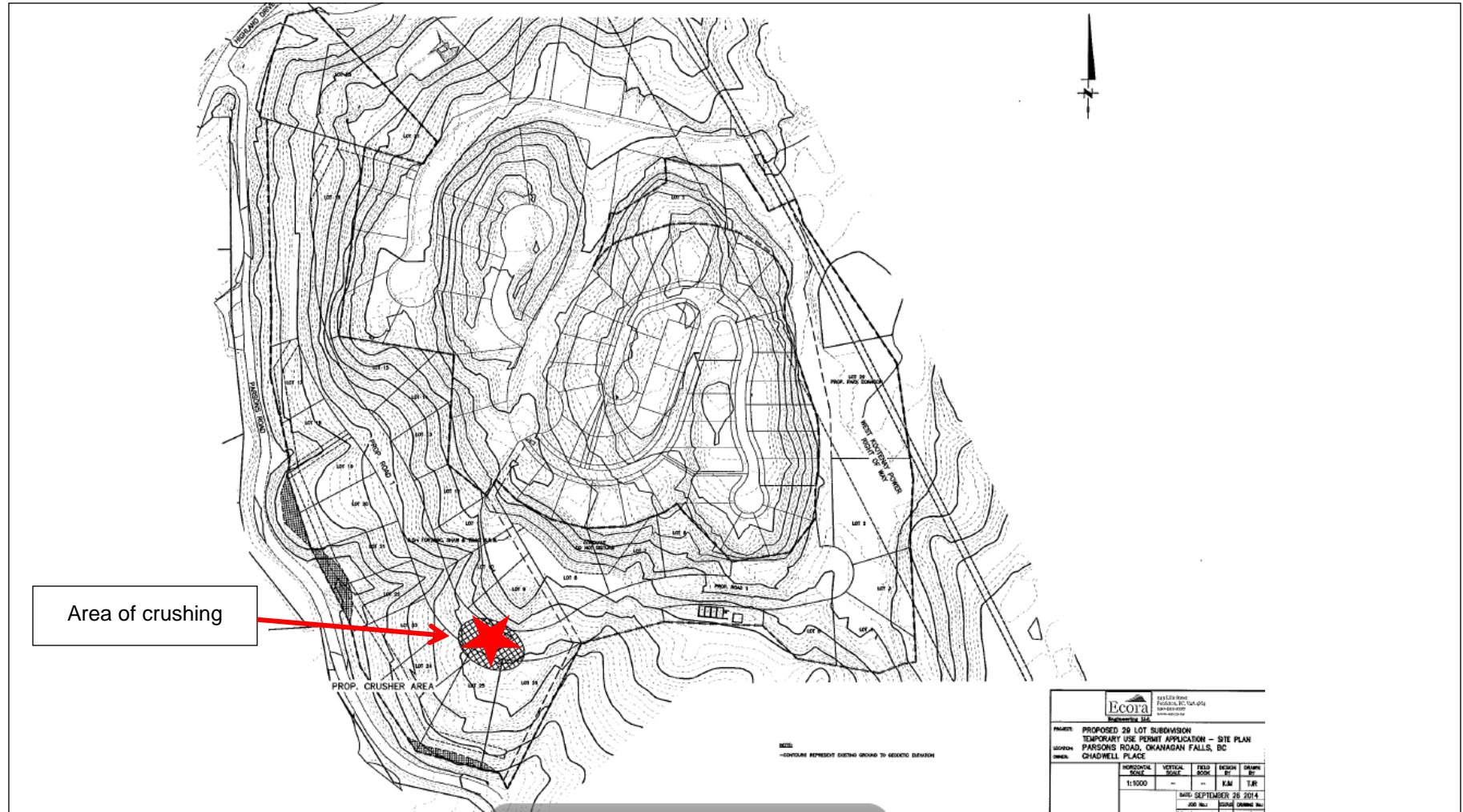
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. D2014.108-TUP

Schedule 'X-2'



From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: December-12-14 2:58 PM
To: Planning
Subject: Temoporary Use Permit Application Referral - RDOS File: D2014.108-TUP

Evelyn Riechert
Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC
V2A 5J9

Dear Ms. Riechert:

Re: Temporary Use Permit Application To Permit Processing and Crushing of Gravel Between January 2015 and May 2015.

Lot 1, DL 2710, SDYD, Plan KAP50897, except Plans KAP51161, KAP52868, KAP86678 and KAP91225

Thank you for the opportunity to provide comment on the above referenced Temporary Use Permit Application.

This office recommends that the industry's best practices for control of dust and noise be implemented during the gravel processing and crushing operations to minimize any impact on neighbouring properties and their residents.

Please contact me if you have any questions.

Thank you.

John C. Beaupre, C.P.H.I.(C)
Environmental Health Officer
Interior Health Authority
Penticton Health Protection
105 – 550 Carmi Avenue, Penticton, BC, V2A 3G6
Bus: (250) 770-5540
Direct: (250) 492-4000 Ext: 2744
Cell: (250) 809-7356
Fax: (250) 770-5541
Email: john.beaupre@interiorhealth.ca
Web: www.interiorhealth.ca

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: December-02-14 9:28 AM
To: Planning
Subject: Temporary Use Permit - Referral D2014-108-TUP Vintage Views

Hello Evelyn,

Thank you for your referral regarding a Temporary Use Permit application for the property with the legal description of Lot 1, DL 2710, SDYD, Plan KAP50897, except Plans KAP51161, KAP52868, KAP86678 and KAP91225, PID 018-480-918. Provincial records indicate no known archaeological sites are recorded on the property. However, archaeological potential mapping for the area indicates that the property has potential to contain unknown archaeological sites.

Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Given the potential to contain unknown archaeological sites, an eligible consulting archaeologist (able to hold Provincial heritage permits through the Archaeology Branch) should be engaged prior to any land-altering activities to determine if development activities are likely to impact unknown archaeological sites. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required. I am informing you of this archaeological potential so proponents are aware of the potential risk for encountering a site if they choose to conduct any land-altering activities on the property. Proponents should contact an archaeologist prior to development to conduct an in-field assessment and/or detailed review of the property. However, the Archaeology Branch is not requiring the proponent conduct an archaeological study or obtain a permit prior to development of this property. In this instance it is a risk management decision for the proponent.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and face possible fines and likely experience development delays while the appropriate permits are obtained.

Archaeologists may be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca/) or through local yellow pages and online directories.

If you or project proponents have questions please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm.

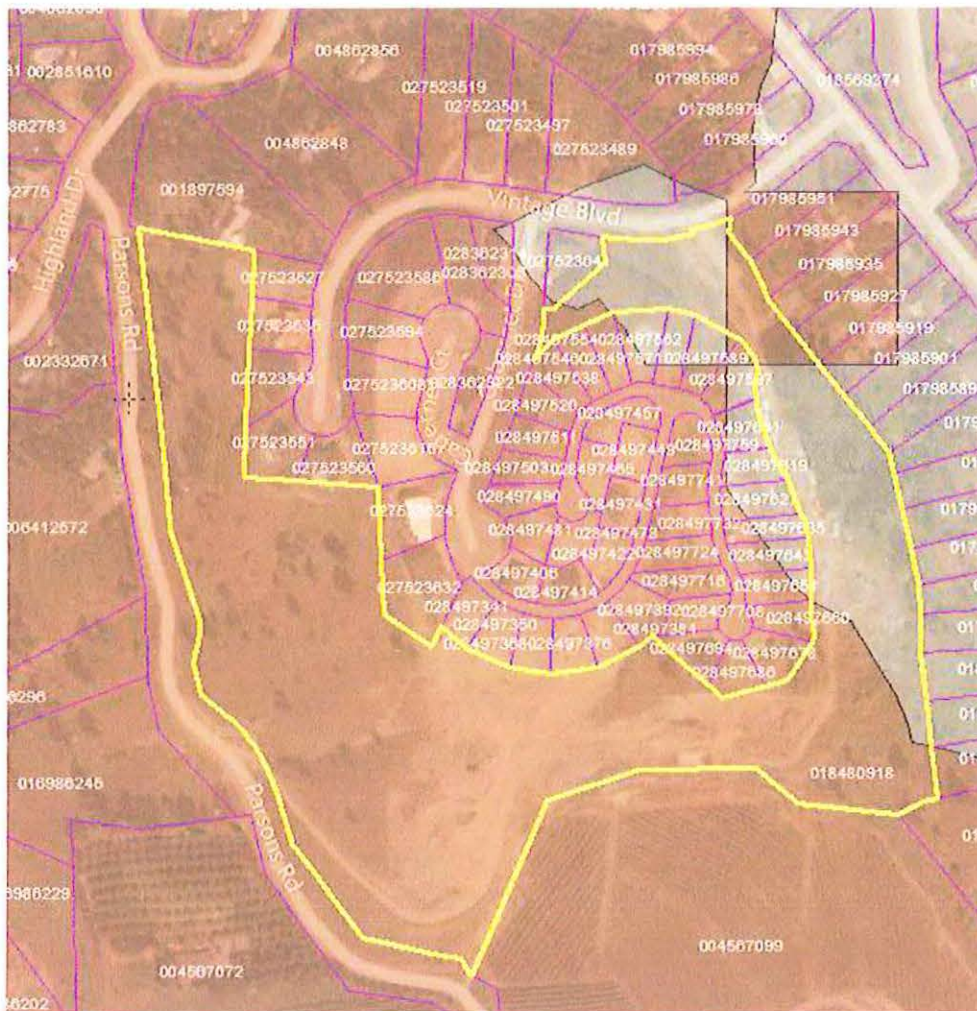
Please review the screenshot of the property below (outlined in yellow). If this does not represent the property as described in the data request please contact me. The dark brown colour represents high archaeological potential and the beige represents moderate potential.

Please feel free to contact me if you have any questions regarding my response above.

Kind regards,

Diana





Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
 Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
 Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

Lauri Feindell

From: Evelyn Riechert
Sent: December-01-14 4:29 PM
To: Planning
Subject: FW: TUP Referral File:D06799.900

From: Dinwoodie, Rob FLNR:EX [mailto:Rob.Dinwoodie@gov.bc.ca]
Sent: December-01-14 4:13 PM
To: Evelyn Riechert
Subject: TUP Referral File:D06799.900

Evelyn:

I am responding to the TUP referral for crushing for road construction in the Penticton area. As the range officer I am concerned if any of the activities in this TUP or associated sub-division impact the Crown range boundary fences. Please ensure that any impact to these are appropriately mitigated with fencing adjacent to a Crown range tenure. If you require additional information please call me.

Thanks
Rob

~~~~~  
*Ride with a long rein!*

Rob Dinwoodie P.Ag.  
Range Officer  
Okanagan Shuswap District  
Ministry of Natural Resource Operations  
(250) 558-1768 fax (250) 549-5485  
email:Rob.Dinwoodie@gov.bc.ca  
*BC's rangelands rich in history and promise for the future*



## RESPONSE SUMMARY

**D2014.108 -TUP**

- |                                                                           |                                                                                 |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below  | <input type="checkbox"/> Interests Unaffected by Permit                         |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

- Do not object subject to the following conditions and concerns.

Dust coatings can inhibit the normal respiration and photosynthesis mechanisms within the leaf, causing chlorosis and even death of leaf tissue. Dust coatings can affect the normal action of pesticides applied as sprays to foliage and fruit. Coatings can also downgrade the fruit product, affecting marketability.

The proponent should specify how they plan to control dust that could affect neighboring agricultural plants.

Signature: Blaine Recksiedler Signed By: \_\_\_\_\_

Agency: Ministry of Agriculture Title: \_\_\_\_\_ Regional Agrologist

Date: \_\_\_\_\_ December 8, 2014

## RESPONSE SUMMARY

D2014.108 -TUP

☐ Approval Recommended for Reasons Outlined Below

☒ Interests Unaffected by Permit

☐ Approval Recommended Subject to Conditions Below

☐ Approval Not Recommended Due to Reasons Outlined Below

Signature: Rob Bitte

Signed By: ROB BITTE

Agency: BC MOT

Title: DEVELOPMENT TECH.

Date: DECEMBER 2, 2014



**Subject:** FW: Vintage Views Phase 3 Subdivision

**From:** [theleducs@shaw.ca](mailto:theleducs@shaw.ca) [mailto:[theleducs@shaw.ca](mailto:theleducs@shaw.ca)]

**Sent:** Monday, December 01, 2014 6:53 AM

**To:** Donna Butler; Stephen Juch

**Cc:** Bill Newell; Tom Siddon

**Subject:** Vintage Views Phase 3 Subdivision

Hello,

We live on Christie Mountain Lane, in Heritage Hills and have since 2002. During the development of Vintage Views Phases 1 & 2, there was been blasting, non stop noise from the crushing and of course the dust. We have sustained cracking, both inside and outside our home, which are scheduled to be repaired in the spring. Now it appears we are going to be subjected to the same noise, dust and damage in the near future.

If we had known what we were moving into, we would have never moved here. At this time in our lives, after fixing problems and renovating, we thought we were finished. We have attended meetings, through our Homeowner's Association and listened to Johnny Aantjes and others. It seems there is no concern for the residents around this project.

We have fought through the loss of the Heritage Hills water system to a private utility, the increase in water rates, knowing money has been fed into Vintage Views. Why is Phase 3 being pushed through at this time, when there are many homes and vacant lots still for sale? Is there any consideration for the other residents who have sustained damage and have no where to turn?

We look forward to a response from you at your earliest convenience.

Yours truly,

Louise & Wil Leduc



**Lauri Feindell**

---

**Subject:** FW: Rock Crushing For Chadwell Estates / Phase 3 Vintage Views

From: Tom Siddon  
Sent: November-21-14 2:52 PM  
To: Brian Jackson  
Cc: [Linda.Larson.MLA@leg.bc.ca](mailto:Linda.Larson.MLA@leg.bc.ca); Tom Styffe  
Subject: RE: Rock Crushing For Chadwell Estates / Phase 3 Vintage Views

Dear Brian - Thank you for your clear and well-informed assessment of the rock blasting and crushing proposals by the developer of the Vintage Views Phase 3 development. I am not inclined to support any special use "rock crushing permit" for this operation until all the concerns of neighbouring residents have been fully considered and properly addressed.

Currently I am away for a couple weeks of "post election" break with my wife. I don't expect that any Temporary Use Permit can be approved in any event until the newly elected RDOS Board holds its first business meeting in early January. Meanwhile I'm taking the liberty of forwarding your well-expressed apprehensions to Linda Larson, MLA (the Provincial Mines Ministry regulates all blasting permits), and to my Alternate Director Mr. Tom Styffe should you wish to discuss this issue further with him.

I look forward to discussing these matters with you and other concerned residents in Heritage Hills, as soon as I return around the 10th of December.

Sincerely,  
Tom Siddon

---

From: Brian Jackson [[brian2424@shaw.ca](mailto:brian2424@shaw.ca)]  
Sent: November 19, 2014 10:00 AM  
To: Tom Siddon  
Subject: Rock Crushing For Chadwell Estates / Phase 3 Vintage Views

Director Siddon,

I attended the information meeting last night regarding the proposed development for Chadwell Estates AKA phase 3 of Vintage Views. I understand a request has been made to obtain a Temporary Use Permit from the RDOS to operate a rock crushing plant to transform the blast material into usable road building materials. This is proposed to be on site with allowances for Monday to Friday 7 AM to 5 PM and into the summer months. As you know Tom, this is no longer a rock quarry or gravel pit area but a residential neighbourhood. As such the developer should not be allowed to disrupt the area by running a rock crushing facility. It is also ludicrous to allow it during months when most people will want to enjoy an outdoor lifestyle that they have paid dearly to obtain. I would contend that the outdoor patio living starts in this area mid March. The developer should have to truck suitable materials in or take the blast rock out of the area into a suitably zoned location for processing.

The developer is already breaking the noise by-laws by starting his back hoe's and graders before the allowed times, which he is well aware of. This morning they started at 6:15 AM running heavy equipment directly below my bedroom window. I have little faith that they would live within the terms of the rock crushing TUP either.



I know this TUP application goes before your board soon. I am opposed to it's approval as written. I may be in favour IF and only if the permit would expire March 15, with operation hours 10 AM – 3 PM three days a week. Other than that I am totally opposed.

Thank you,  
Brian Jackson  
126 Cabernet Drive,  
Okanagan Falls, B.C. V0H 1R3  
[brian2424@shaw.ca](mailto:brian2424@shaw.ca)<mailto:brian2424@shaw.ca>  
778-515-4550



# Public Information Meeting

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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

*JD Lythall*

(please print)

Street Address:

*297 HERITAGE*

Tel/Email:

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

✓ Dust to be controlled

My comments / concerns are:

☐

I do support this Temporary Use Permit

☒

I do support this TUP, subject to the comments / conditions listed below.

☒

I do not support this TUP for the reasons listed below.

*JD Butler*  
• change requested by Doug on Nov. 20/14 by phone

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

*- Speed limit lines  
- Noise Reduction db  
- Dust Control*



# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:      ✓ January to June 2015 only  
              ✓ 8 am to 6 pm Monday – Friday only  
              ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

*\* No work on weekends. \**





# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

- given:
- ✓ January to June 2015 only
  - ✓ 8 am to 6 pm Monday – Friday only
  - ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

Noise control!

Dust control!





# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

- given:
- ✓ January to June 2015 only
  - ✓ 8 am to 6 pm Monday – Friday only
  - ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

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If the project doesn't need crushing for more than 6 months.





# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),  
given:     ✓ January to June 2015 only  
              ✓ 8 am to 6 pm Monday – Friday only  
              ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

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*It needs to make the area look better.*





# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

- given:
- ✓ January to June 2015 only
  - ✓ 8 am to 6 pm Monday – Friday only
  - ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

- NO COST TO LOCALS FOR THE DEV'T.



# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:      ✓ January to June 2015 only  
              ✓ 8 am to 6 pm Monday – Friday only  
              ✓ Dust to be controlled

My comments / concerns are:

- ☐ I do support this Temporary Use Permit
- ☒ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

*As long as they're done  
by Spring!*





# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),  
given:      ✓ January to June 2015 only  
                  ✓ 8 am to 6 pm Monday – Friday only  
                  ✓ Dust to be controlled

My comments / concerns are:

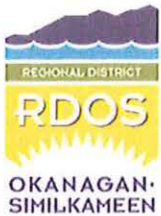
☐ I do support this Temporary Use Permit

☒ I do support this TUP, subject to the comments / conditions listed below.

☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

*As long as water pressure and rates aren't affected by the new subdivision*



# Public Information Meeting

## 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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name: Werner Kühlen  
(please print)

Street Address: 167 Sunnybrook Drive

Tel/Email: werlinda@shaw.ca

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),  
given: ☒ January to June 2015 only  
☒ 8 am to 6 pm Monday – Friday only  
☒ Dust to be controlled

My comments / concerns are:

- ☒ I do support this Temporary Use Permit
- ☐ I do support this TUP, subject to the comments / conditions listed below.
- ☐ I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.





# Public Information Meeting

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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

Maureen + Jack Muise

(please print)

Street Address:

174 Vintage Blvd. Ok Falls

Tel/Email:

778-515-2236

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday - Friday only

✓ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



I do support this TUP, subject to the comments / conditions listed below.



I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

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18





OKANAGAN-  
SIMILKAMEEN

# Public Information Meeting

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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name: David and Cy Atkinson

(please print)

Street Address: 240 Parsons Road

Tel/Email: 250-487-1210 - david @fivestarpermits.com

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given: ✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

✓ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



I do support this TUP, subject to the comments / conditions listed below.



I do not support this TUP for the reasons listed below.

Written submissions made at this public information meeting will be included at the meeting in which the TUP application will be considered by the RDOS Board of Directors.

I do support this application.

Johnny has taken extra steps as to not repeat the disaster that was Vintage views above our property. In the past the crushing went on from early morning to evening and the product from what we could see didn't stay for construction needs here. The steps taken have ensured the best possible solution to noise control and the times set out to crush and blast.

This is necessary and the quickest way to complete the construction phase of the new subdivision





OKANAGAN-  
SIMILKAMEEN

# Public Information Meeting

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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

DARYL & LINDA CHADWELL  
(please print)

Street Address:

166 VINTAGE BLVD HERITAGE HILLS  
OK FALLS

Tel/Email:

chadwell@shaw.ca

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),  
given: ☒ January to June 2015 only  
☒ 8 am to 6 pm Monday – Friday only  
☒ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



I do support this TUP, subject to the comments / conditions listed below.



I do not support this TUP for the reasons listed below.

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# Public Information Meeting

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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

DOUG KLETTE

(please print)

Street Address:

158 VINTAGE BLVD OK FALLS B.C.

Tel/Email:

douglask@citypress.com

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday - Friday only

✓ Dust to be controlled

My comments / concerns are:



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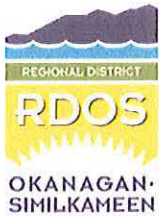
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# Public Information Meeting

## 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](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

Jay Tavender

(please print)

Street Address:

27-125 Caber net Dr

Tel/Email:

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

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✓ Dust to be controlled

My comments / concerns are:



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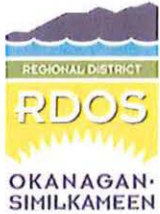
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101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

BRIAN SPENCE

(please print)

Street Address:

#28 125 CABERNET DRIVE

Tel/Email:

brian@SNOWSHOESAMS.COM 250 490 7927

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

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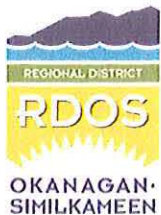
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101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

Jasmine ANTJES

(please print)

Street Address:

168 Sunnybrook

Tel/Email:

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

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My comments / concerns are:



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DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

BRIAN SPENCE

(please print)

Street Address:

#42 125 CABERNET DRIVE

Tel/Email:

brian@SNOWSHOESAMS.COM 250 490-7927

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

✓ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



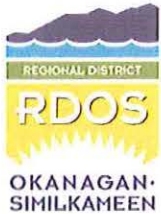
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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

Brian Spence

(please print)

Street Address:

#22 #23 #38-125 CABERNET DRIVE

Tel/Email:

brian@spencehomes.com 250 490 7927

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

✓ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



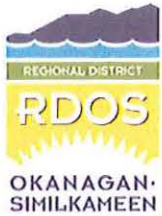
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101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

**Name:** GLENN SPENCE (JESSLYN HOLDINGS LTD)  
(please print)

**Street Address:** 33-125 CABERNET DR. OK. TITLE

**Tel/Email:** 250 490 5371

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

**given:** ✓ January to June 2015 only  
✓ 8 am to 6 pm Monday – Friday only  
✓ Dust to be controlled

My comments / concerns are:

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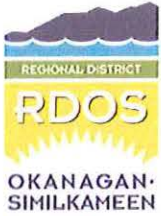
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# Public Information Meeting

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101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

JOHNNY HANDES

(please print)

Street Address:

168 SUNNYBROOK

Tel/Email:

speedway17@shaw.ca

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

✓ Dust to be controlled

My comments / concerns are:



I do support this Temporary Use Permit



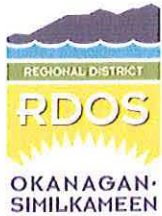
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101 Martin Street, Penticton, BC, V2A 5J9

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DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name: GLEN SPENCE (JESSLYN HOLDINGS LTD)  
(please print)

Street Address: 1-125 CABINET DR.

Tel/Email: 250-490-5371

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

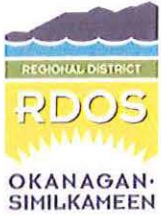
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DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

GUNN SPENCE (JESSLYN HOLDINGS LTD)  
(please print)

Street Address:

# 12/14/15/29/30 - 125 CARSON DR.

Tel/Email:

250 - 490 - 5371

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

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My comments / concerns are:

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I do support this Temporary Use Permit

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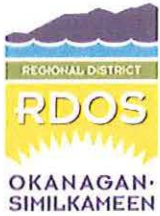
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*M*



# Public Information Meeting

**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](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name:

*Lise & Bob Pelletier*

(please print)

Street Address:

*152 Christie Mtn. Lane.*

Tel/Email:

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

✓ January to June 2015 only

✓ 8 am to 6 pm Monday – Friday only

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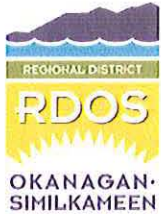
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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name:

Bonnie McEACHNIE

(please print)

Street Address:

135 EAGLE Rd

Tel/Email:

dundee25@shaw.ca

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

given:

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✓ Dust to be controlled

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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

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**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name:

(please print)

Street Address:

Tel/Email:

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**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

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**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

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**DATE:** Tuesday, November 18, 2014

**FILE NO.:** D2014.108-TUP

**TO:** Regional District of Okanagan Similkameen

**FROM:** (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),

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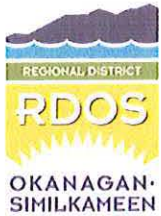
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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

DATE: Tuesday, November 18, 2014

FILE NO.: D2014.108-TUP

TO: Regional District of Okanagan Similkameen

FROM: (Optional)

Name: \_\_\_\_\_  
(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

RE: Electoral Area "D" Temporary Use Permit No. D2014.108-TUP (gravel crushing),  
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## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Temporary Use Permit Renewal Application — Electoral Area “C”

---

### **Administrative Recommendation:**

**THAT the Board of Directors approve Temporary Use Permit No. C2014.120-TUP**

---

Purpose: To allow for the placement of a single wide manufactured home for farm workers.

Owner: 436167 BC Ltd (Sundial Vineyards)      Applicant: H McWatters, B Wareham      Folio: C06519.100

Civic: 4315 Black Sage Rd      Legal: Lot 1, DL 2450s, SDYD, Plan 14038, exc Plan KAP89605

OCP: Agriculture (AG)      Zoning: Agricultural Two (AG2)

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### **Proposal:**

The applicant is seeking approval for the continued use of a single wide manufactured home on the subject property for the purposes of housing temporary farm labour for a period of three years. A Temporary Use Permit (TUP) for a five month period was approved by the Board on May 22, 2014.

The applicant stated in the original application form that a permanent structure to house farm workers will be constructed within a three year time frame and the manufactured home will be removed.

### **Site Context:**

The subject property is situated on the east side of Black Sage Rd and is approximately 46.7 hectares in size. The property is located approximately 1.7 km east of Highway 97 and approximately 877 m north of the Electoral Area “A” boundary.

The land is under productive agricultural use with the majority of land being planted as a vineyard and is entirely within the ALR. There is an existing farm shop/storage building on site. A winery is currently being constructed on the property.

The surrounding pattern of development is characterised by fairly large tracts of agricultural land, zoned AG2, and mostly planted as vineyards. There is a small single parcel zoned as Small Holdings Three (SH3) to the west across from Black Sage Rd.

The subject property is within the Oliver Fire Protection area and is identified as having a ‘moderate’ fire hazard rating. The property is serviced with a well.

### **Background:**

A building permit was issued in 2005 for a winery workshop structure on the subject property.

In April 2013, a manufactured home was placed on the property without a building permit. A letter was subsequently sent to the owners requesting they apply for a building permit and to ensure the use meets with the zoning regulations.

The Electoral Area “C” Zoning Bylaw No. 2453, 2008, permits additional dwellings or ‘seasonal accommodation facility’ for farm labour as a secondary use in the AG2 Zone and as the subject property is approximately 46 ha in size, theoretically, there may be up to 4 additional dwellings or seasonal accommodation of up to 280 m<sup>2</sup> in size permitted.

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The zoning bylaw; however, only permits a manufactured home on the Residential Manufactured Home (RSM) zones; therefore, the use of manufactured home for farm workers is not permitted within the AG2 Zone.

At the May 22, 2014 meeting the Board approved a TUP for five months, which meant the expiry date for the TUP was October 22, 2014. The applicant submitted an application to renew the TUP on October 20, 2014 and has requested a three year period.

### **Public Process:**

In accordance with Section 2.5 of Schedule '5' of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 1. All comments received through this process are compiled and included as a separate item on the Board Agenda.

To date, responses have been received from Interior Health Authority, Agricultural Land Commission, Ministry of Forests, Lands, and Natural Resource Operations, Ministry of Agriculture, and Archaeology Branch, all generally with no concerns. Letters have also been sent to nearby land owners and an advertisement has been placed in a local paper to notify the public.

Under Section 5.1.1 of the Regional District's Development Procedures Bylaw No. 2500, 2011, the Board may require that a Public Information Meeting be held prior to the consideration of a TUP, "if it considers the proposal to be of a significant scale or nature warranting an additional opportunity for the public to access information and inquire about the proposal beyond that available through the regular application referral and public hearing process."

In this instance, Administration does not consider a Public Information Meeting to be warranted as the proposal is not seen to be of a significant enough scale. The option for the decision for this TUP application to be deferred until a Public Information Meeting is held is available to the Board.

### **Alternatives:**

- .1 That the Regional Board of Directors deny Temporary Use Permit No. C2014.120-TUP; or
- .2 That the Regional Board of Directors defers making a decision and directs that the proposal first be considered by the Electoral Area "C" Advisory Planning Commission (APC).
- .3 That the Regional Board of Directors defers making a decision and directs that a Public Information Meeting be held by the applicant.

### **Analysis:**

In assessing this proposal, the primary consideration is the appropriateness of permitting a single wide manufactured home on the subject property on a temporary basis of up to three years. The proposed placement of a singlewide manufactured home is not permitted within the AG2 Zone. Under the *Local Government Act*, a TUP may be issued for up to three years with an option to renew for another three years.

The Electoral Area "C" OCP contains a list of criteria against which a TUP application may be considered, including:

- a) *the use must be clearly temporary or seasonal in nature;*
- b) *compatibility of the proposal with adjacent uses;*
- c) *impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;*
- d) *intensity of the proposed use;*
- e) *opportunity to conduct the proposed use on land elsewhere in the community; and*

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f) *the remedial measures to be carried out to mitigate any damage to the natural environment as a result of the temporary use.*

In this case, the applicant has stated that the use is only seasonal for the duration of grape production and harvesting, proposed to be between 8 to 9 months a year, in order to house temporary foreign farm labour. The applicant has also stated in an email, dated January 27, 2014: "we have decided to erect a permanent non-manufactured home on the property before the expiration of the three year process.... For the next two years we will be ... building a winery on the property... In the third year it will be our intent to construct a permanent housing facility for the workers".

Most of the adjacent lands are productive farmland; therefore, it is not anticipated that the proposal will negatively impact any nearby residential users, or other adjacent uses. The placement of the manufactured home is located approximately 340 metres east of Black Sage Rd and is situated near and behind the existing farm storage structure. The placement of the manufactured home would not be seen to negatively affect any neighbourhood characteristics or impact the streetscape of Black Sage Road.

The subject property is not identified as being within an Environmentally Sensitive Development area, but is within the ALR and under grape production; therefore, the impact of the proposed use on the natural environment is thought to be minimal. The manufactured home will be connected to the on-site septic system and the system will need to be assessed and approved by a qualified wastewater practitioner prior to a building permit being issued.

Housing of farm labour is an ongoing issue for the agricultural community and accommodations vary widely in terms of the type and associated amenities with each farm. The federal temporary foreign farm worker program stipulates certain housing standards for all of the workers in that program. Administration realizes that there is a possibility that farm labourers can be housed off the property, for example, in a motel; however, it is also cognizant that traditionally farmers have usually provided housing for its workers.

In summary, given the six criteria used to assess a temporary use permit application, Administration considers the proposed use to be relatively minor in scale, seasonal in nature, and not appear to be damaging to the natural environment, and therefore supports the proposal.

**Respectfully submitted:**

*E Riechert*

Planner

**Endorsed by:**



C. Garrish, Planning Supervisor

**Endorsed by:**

*D. Butler*

D. Butler, Development Services Manager

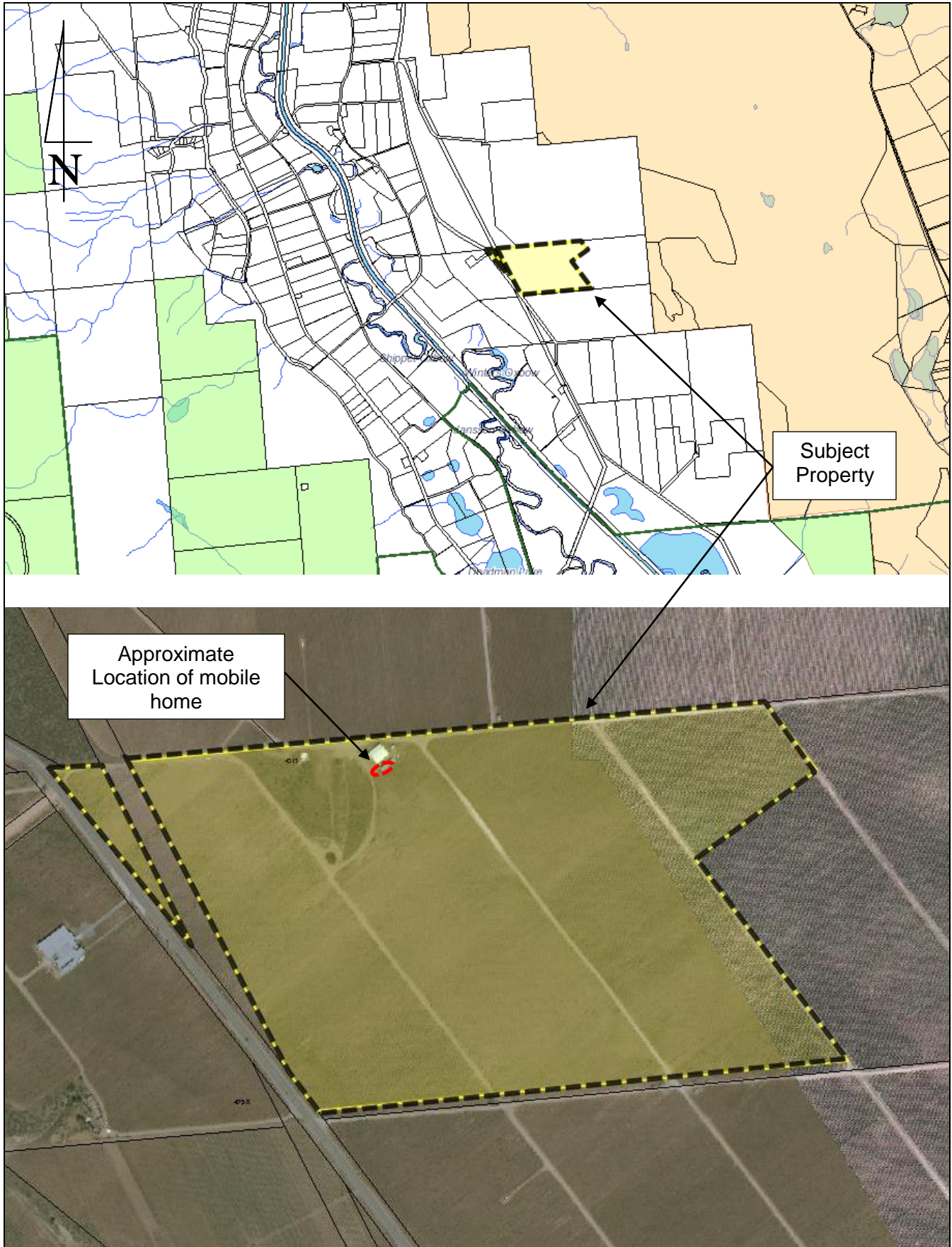
Attachments:    Attachment No. 1 – Agency Referral List  
                         Attachment No. 2 – Context maps  
                         Attachment No. 3 – Applicants Sketch Plan  
                         Attachment No. 4 – Photos

## Attachment No. 1 – Agency Referral List

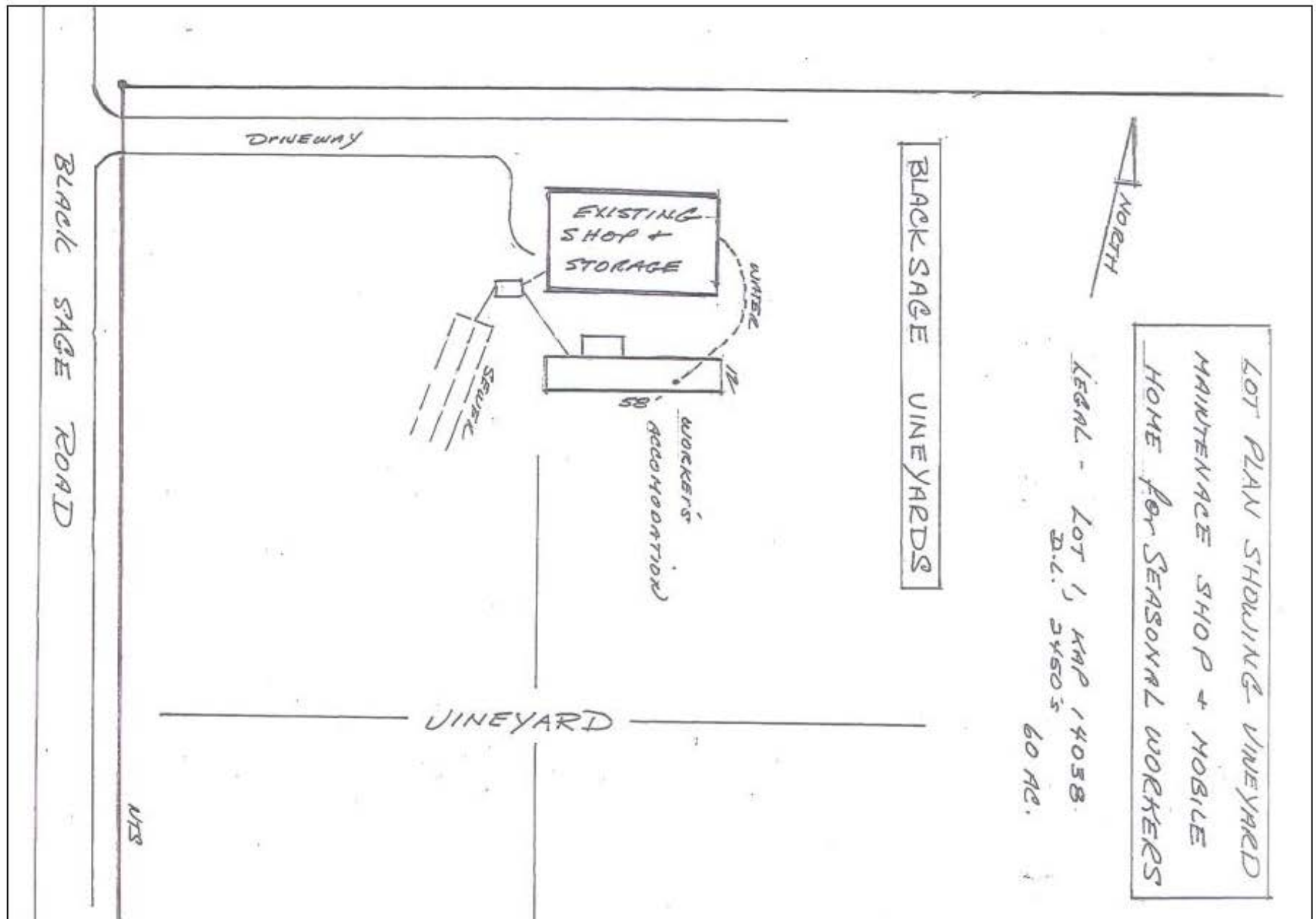
Referrals have been sent to the following agencies as highlighted with a ☒, prior to Board consideration of TUP No. 2014.120-TUP:

|                                     |                                                          |                                     |                                       |
|-------------------------------------|----------------------------------------------------------|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | Agricultural Land Commission (ALC)                       | <input type="checkbox"/>            | City of Penticton                     |
| <input checked="" type="checkbox"/> | Interior Health Authority (IHA)                          | <input type="checkbox"/>            | District of Summerland                |
| <input checked="" type="checkbox"/> | Ministry of Agriculture                                  | <input checked="" type="checkbox"/> | Town of Oliver                        |
| <input type="checkbox"/>            | Ministry of Community, Sport and Cultural Development    | <input type="checkbox"/>            | Town of Osoyoos                       |
| <input checked="" type="checkbox"/> | Ministry of Energy & Mines                               | <input type="checkbox"/>            | Town of Princeton                     |
| <input checked="" type="checkbox"/> | Ministry of Environment                                  | <input type="checkbox"/>            | Village of Keremeos                   |
| <input checked="" type="checkbox"/> | Ministry of Forests, Lands & Natural Resource Operations | <input checked="" type="checkbox"/> | Okanagan Nation Alliance (ONA)        |
| <input checked="" type="checkbox"/> | Archaeology Branch                                       | <input type="checkbox"/>            | Penticton Indian Band (PIB)           |
| <input checked="" type="checkbox"/> | Ministry of Transportation and Infrastructure            | <input checked="" type="checkbox"/> | Osoyoos Indian Band (OIB)             |
| <input type="checkbox"/>            | Integrated Land Management Bureau                        | <input type="checkbox"/>            | Upper Similkameen Indian Bands (USIB) |
| <input checked="" type="checkbox"/> | BC Parks                                                 | <input type="checkbox"/>            | Lower Similkameen Indian Bands (LSIB) |
| <input type="checkbox"/>            | School District #53 (Okanagan Similkameen)               | <input type="checkbox"/>            | Environment Canada                    |
| <input type="checkbox"/>            | School District #58 (Nicola Similkameen)                 | <input type="checkbox"/>            | Fisheries and Oceans Canada           |
| <input type="checkbox"/>            | School District #67 (Okanagan Skaha)                     |                                     |                                       |

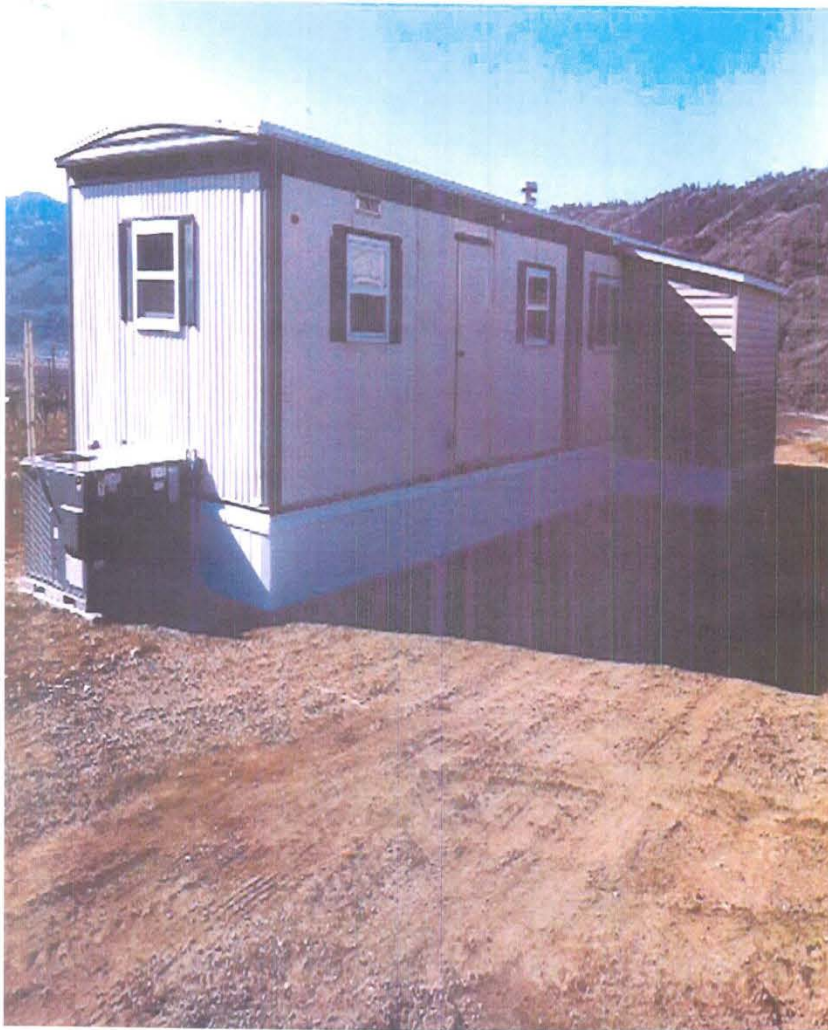
Attachment No. 2 – Context maps



Attachment No. 3 – Site Plan



Attachment No. 4 – Photos





# TEMPORARY USE PERMIT

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FILE NO.: C2014.120-TUP

TO: 043167 BC Ltd (Sundial Vineyards)  
#7-7519 Prairie Valley Rd  
Summerland, BC V0H 1Z4

Agent: Harry McWatters/Bob Wareham  
5836 Vicary Rd  
Peachland, BC V0H 1X4

## ADMINISTRATION

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 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 permit and permit drawings and/or figures, the permit figures stand.
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 'X-1' and 'X-2', and described below:

Legal Description: Lot 1, Plan 14038, except Plan KAP89605, District Lot 2450S, SDYD

Civic Address: 4315 Black Sage Road

Parcel Identifier (PID): 009-123-008 Folio: 71406519.100

## CONDITIONS

6. In accordance with Section 16 of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, in the Regional District of Okanagan-Similkameen, the following temporary use is permitted:
  - a) manufactured home for temporary farm labour accommodation;
7. **Covenant** Not Applicable
8. **Security** Not Applicable

9. **Schedule**

This Permit shall commence on January 8, 2015 and shall expire on January 8, 2018.

Authorized resolution **XX** passed by the Regional Board on the \_\_\_ day of \_\_\_\_, 2015.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

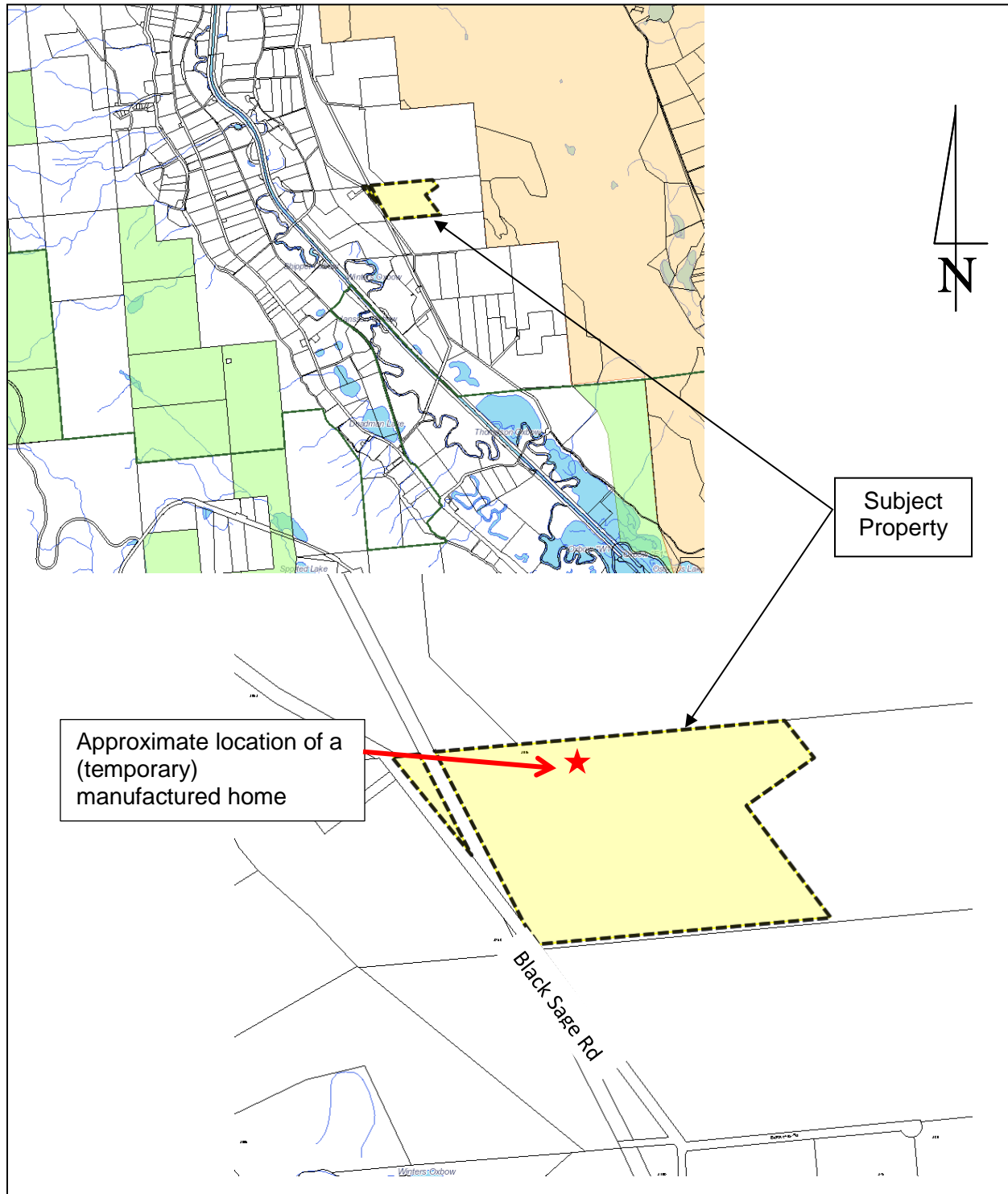
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. C2014.120-TUP

Schedule 'X-1'



# Regional District of Okanagan-Similkameen

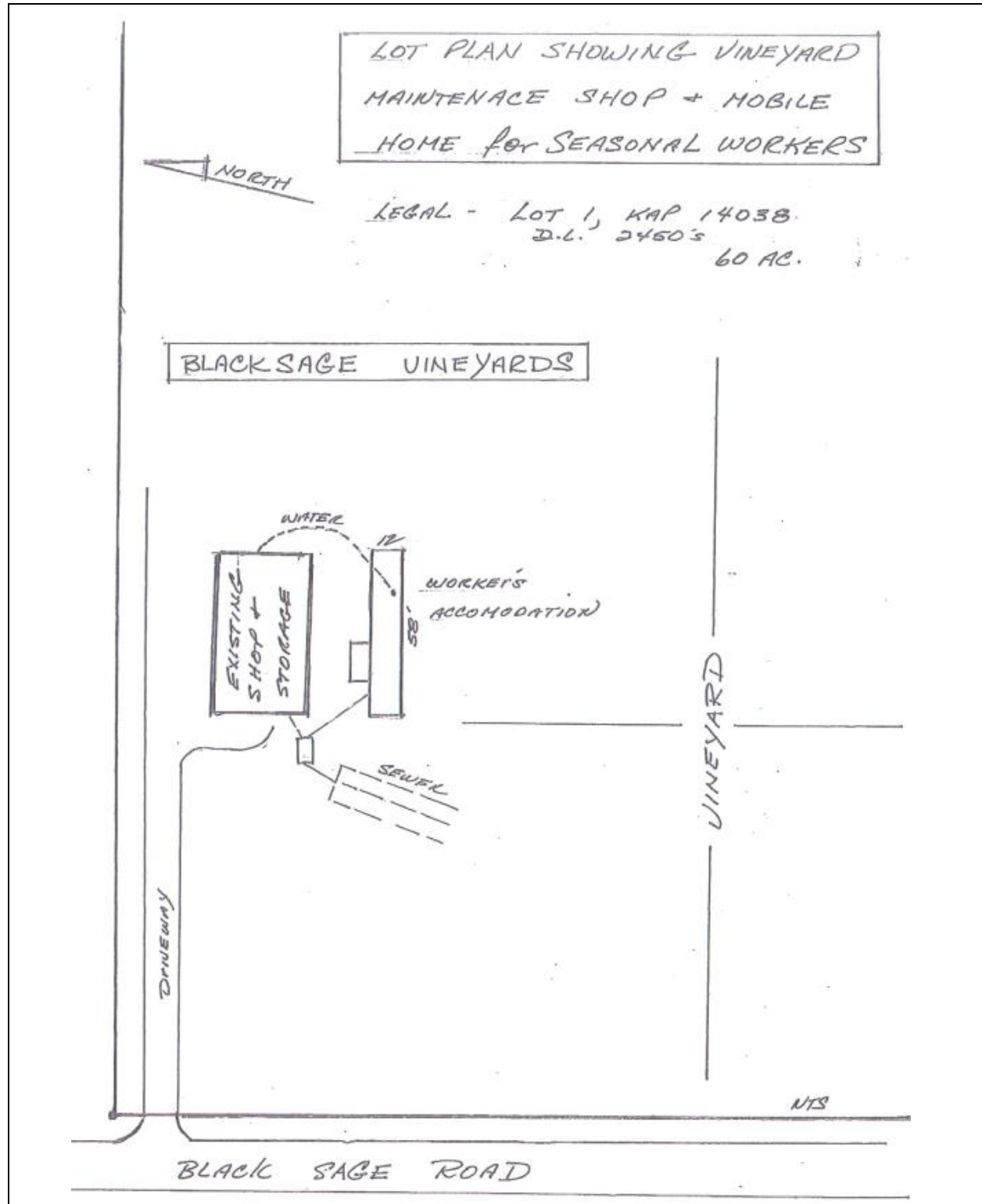
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. C2014.006-TUP

Schedule 'X-2'



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** OCP & Zoning Bylaw Amendment — Electoral Area “D-2”

---

### **Administrative Recommendation:**

**THAT** Bylaw No. 2603.01, 2015, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.16, 2015, Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

**AND THAT** the Board considers the process, as outlined in the report from the Chief Administrative Officer dated January 8, 2015, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

**AND THAT**, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2603.01, 2015, in conjunction with its Financial and applicable Waste Management Plans;

**AND THAT** the holding of the public hearing be delegated to Director Siddon or delegate;

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

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

---

### **Proposal:**

That the Regional District Board initiate an amendment to the Electoral Area “D-2” Official Community Plan (OCP) Bylaw and Zoning Bylaw in order to address a number of new policy directions stemming from the OCP as well as a typographical errors and other corrections identified by staff through the day-to-day use of the zoning bylaw.

### **Background:**

At its meeting of March 6, 2014, the Regional District Board adopted a new Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

The OCP contemplates a number of changes to the Zoning Bylaw, including, amongst other things, the removal of references to the Okanagan Falls “Townsite” (as this language is no longer used within the OCP), as well as the introduction of “secondary suites” as a permitted uses “within all zones, where determined to be appropriate”.

Administration has also identified a number of other amendments to the Zoning Bylaw that are seen to require attention, such as typographical errors, an oversight in the Medium Density Residential Zones relating to the 2008 Repeal and Re-enactment (R&R) Process, the need to formalize the operation of the Okanagan Falls Landfill and to amend the OCP designation and zoning of two separate parcels acquired for parkland purposes.

These proposed amendments were considered by the Planning and Development (P&D) Committee of the Board at their meeting of May 22, 2014, where it was resolved to direct staff to make the following changes prior to bringing the bylaws forward to the Board for readings:

1. *Consult with Director Siddon regarding proposed changes to the zoning of the Weyerhaeuser property; and*

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## 2. *Withdrawal of changes proposed for parkland on Green Lake Road.*

### **Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the proposed amendments are seen to affect land within 800 metres of a controlled area (i.e. Highway 97).

Pursuant to Section 881 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 & 67 have been made aware of the proposed amendment bylaw.

Pursuant to Section 882 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

### **Alternative:**

THAT Bylaw No. 2603.01, 2015, Electoral Area "D-2" Official Community Plan Amendment Bylaw and Bylaw No. 2455.16, 2015, Electoral Area "D-2" Zoning Amendment Bylaw be denied.

### **Public Process:**

At its meeting of July 8, 2014, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved subject to the following condition:

- *that further study be given to looking at Air & Water Quality issues related to proposed uses in the industrial zone.*

A Public Information Meeting was held on the proposed amendments bylaws was held on October 16, 2014, at Kenyon House (712 Cedar Street) in Okanagan Falls from 5-7pm. Approximately four (4) members of the public attended.

A web-site, including copies of the amendment bylaws, an overview of proposed changes and feedback forms that could be submitted has been available on the Regional District's web-site for the past 6 months.

Comments have been received from the Agricultural Land Commission (ALC), Ministry of Transportation and Infrastructure (MoTI), Ministry of Energy and Mines, Interior Health Authority (IHA), Ministry of Forests, Lands and Natural Resource Operations (Archaeological Branch & Ecosystem Branch) and Fisheries and Oceans Canada, and these are included as a separate item on the Board Agenda.

Administration recommends that formal referral to the agencies listed at Attachment No. 1, consideration by the APC as well as the Public Information Meeting should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*.

### **Analysis:**

As conveyed to Board members at the P&D Committee meeting of May 22, 2014, Administration supports the following amendments to the Zoning Bylaw:

- introducing "secondary suites" as a permitted use in the RA, AG1, AG3, LH, SH1, SH5, RS1 and RS2 Zones;
- introducing a new Community Waste Management (CWM) Zone (I5) to be applied to the Okanagan Falls Landfill site;

- 
- introducing a Parks and Recreation (PR) Zone to the land consolidated within Kenyon Park in 2010;
  - addressing an error with the Integrated Housing (RM1) Zone and Multiple Dwelling 2 (RM2) Zone that resulted from the 2008 Repeal and Re-enactment (R&R) Process;
  - updating the list of permitted uses in the Industrial (Light) One (I1) and Industrial (Heavy) Two (I2) Zone; and
  - removing references to the Okanagan Falls “Townsite” from the bylaw.

A full copy of the report previously considered by the P&D Committee detailing many of the reasons behind these proposed changes can be accessed at the following link: [Click Here](#).

Further to the direction provided by the P&D Committee on May 22, 2014, the proposed rezoning of the property at 1295 Green Lake Road has been removed from the amendment bylaw.

Administration has also consulted with Director Siddon on the proposed amendment to the permitted uses in the industrial zones and has forwarded the I2 amendments to Weyerhaeuser for review (the company has not provided any formal response comments).

With regards to the comments provided by the APC, Administration considers this to exceed the scope of this project but will consider such a review should the Board identify this as a future strategic project.

Finally, and further to direction provided by the Board at its meeting of November 6, 2014, in relation to the proposed rezoning of the property at 2170 Highway 97 (McCall), Administration has transferred a number of minor mapping alignment changes to Amendment Bylaw No. 2603.01. These involve adjustments to:

- Crown parcels at the south end of the Okanagan River channel being amended from Large Holdings (LH) to Conservation (CA);
- parcels within the Pinewoods Place subdivision being amended from Agriculture (AG) to Small Holdings (SH).
- a number of parcels that are split by an OCP designation being amended from LH to AG; and
- a small section of land adjacent to the river channel being amended from Parks and Recreation (PR) to AG in order to reflect a newly surveyed section of the river.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**

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D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a ☒, prior to the Board considering first reading of Amendment Bylaw No. 2603.01, 2015, and No. 2455.16, 2015.

|                                     |                                                         |                                     |                                       |
|-------------------------------------|---------------------------------------------------------|-------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | Agricultural Land Commission (ALC)                      | <input checked="" type="checkbox"/> | Kootenay Boundary Regional District   |
| <input checked="" type="checkbox"/> | Interior Health Authority (IHA)                         | <input checked="" type="checkbox"/> | City of Penticton                     |
| <input checked="" type="checkbox"/> | Ministry of Agriculture                                 | <input type="checkbox"/>            | District of Summerland                |
| <input checked="" type="checkbox"/> | Ministry of Energy & Mines                              | <input type="checkbox"/>            | Town of Oliver                        |
| <input type="checkbox"/>            | Ministry of Community, Sport and Cultural Development   | <input type="checkbox"/>            | Town of Osoyoos                       |
| <input checked="" type="checkbox"/> | Ministry of Environment                                 | <input type="checkbox"/>            | Town of Princeton                     |
| <input checked="" type="checkbox"/> | Ministry of Forest, Lands & Natural Resource Operations | <input type="checkbox"/>            | Village of Keremeos                   |
| <input checked="" type="checkbox"/> | Ministry of Jobs, Tourism and Innovation                | <input checked="" type="checkbox"/> | Okanagan Nation Alliance (ONA)        |
| <input checked="" type="checkbox"/> | Ministry of Transportation and Infrastructure           | <input checked="" type="checkbox"/> | Penticton Indian Band (PIB)           |
| <input checked="" type="checkbox"/> | Integrated Land Management Bureau                       | <input checked="" type="checkbox"/> | Osoyoos Indian Band (OIB)             |
| <input checked="" type="checkbox"/> | BC Parks                                                | <input checked="" type="checkbox"/> | Upper Similkameen Indian Bands (USIB) |
| <input checked="" type="checkbox"/> | School District #53 (Okanagan Similkameen)              | <input checked="" type="checkbox"/> | Lower Similkameen Indian Bands (LSIB) |
| <input type="checkbox"/>            | School District #58 (Nicola Similkameen)                | <input checked="" type="checkbox"/> | Environment Canada                    |
| <input checked="" type="checkbox"/> | School District #67 (Okanagan Skaha)                    | <input checked="" type="checkbox"/> | Fisheries and Oceans Canada           |
| <input type="checkbox"/>            | Central Okanagan Regional District                      | <input checked="" type="checkbox"/> | Archaeology Branch                    |
| <input checked="" type="checkbox"/> | Fortis                                                  | <input type="checkbox"/>            | Westbank First Nation                 |
| <input checked="" type="checkbox"/> | Okanagan Basin Water Board                              | <input checked="" type="checkbox"/> | Shaw Cable                            |
| <input checked="" type="checkbox"/> | Telus                                                   | <input checked="" type="checkbox"/> | Nature's Trust of BC                  |

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2603.01, 2014**

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**A Bylaw to amend the Electoral Area 'D-2'  
Official Community Plan Bylaw No. 2603, 2013**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "D-2" Official Community Plan Amendment Bylaw No. 2603.01, 2014."
2. The Future Land Use Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation for an approximately 9.66 hectare (ha) area of land described as part of District Lot 2710, SDYD, and shown hatched on the attached Schedule 'X-1', which forms part of this Bylaw, from Resource Area (RA) to Industrial (I).
3. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown hatched pink on Schedule 'X-2', which forms part of this bylaw, from Parks and Recreation (PR) to Agricultural (AG).
4. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown hatched salmon on Schedule 'X-2', which forms part of this bylaw, from Agricultural (AG) to Small Holdings (SH).
5. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown hatched orange on Schedule 'X-2', which forms part of this bylaw, from Large Holdings (LH) to Agricultural (AG).
6. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the

land use designation on the lands shown hatched teal on Schedule 'X-2', which forms part of this bylaw, from Large Holdings (LH) to Small Holdings (SH).

7. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown hatched lime on Schedule 'X-2', which forms part of this bylaw, from Large Holdings (LH) to Conservation (CA).

READ A FIRST AND SECOND time this \_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held this \_\_ day of \_\_\_\_ 2015.

READ A THIRD time this \_\_ day of \_\_\_\_, 2015.

ADOPTED this \_\_ day of \_\_\_\_, 2015.

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

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

# Regional District of Okanagan-Similkameen

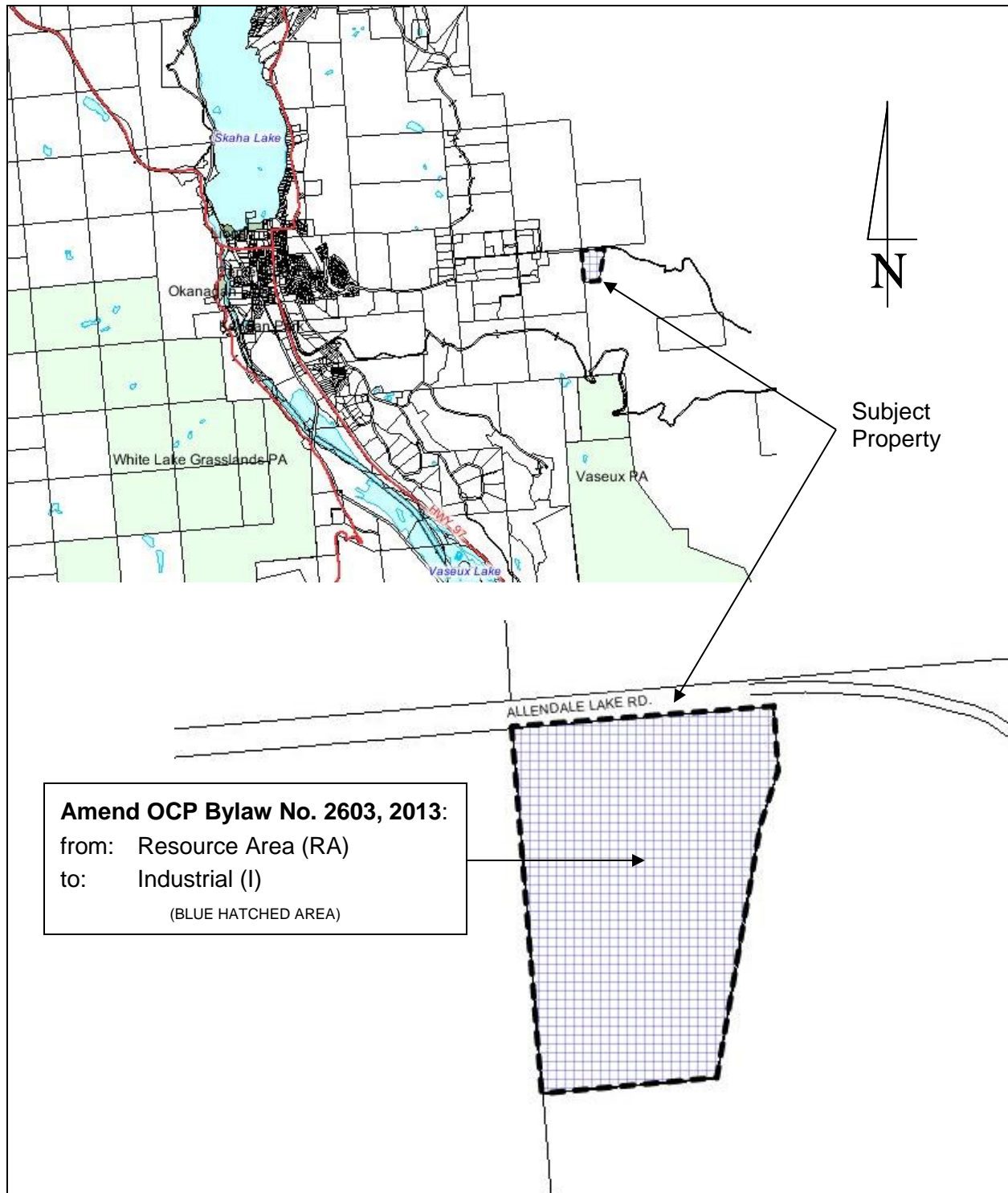
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.01, 2015

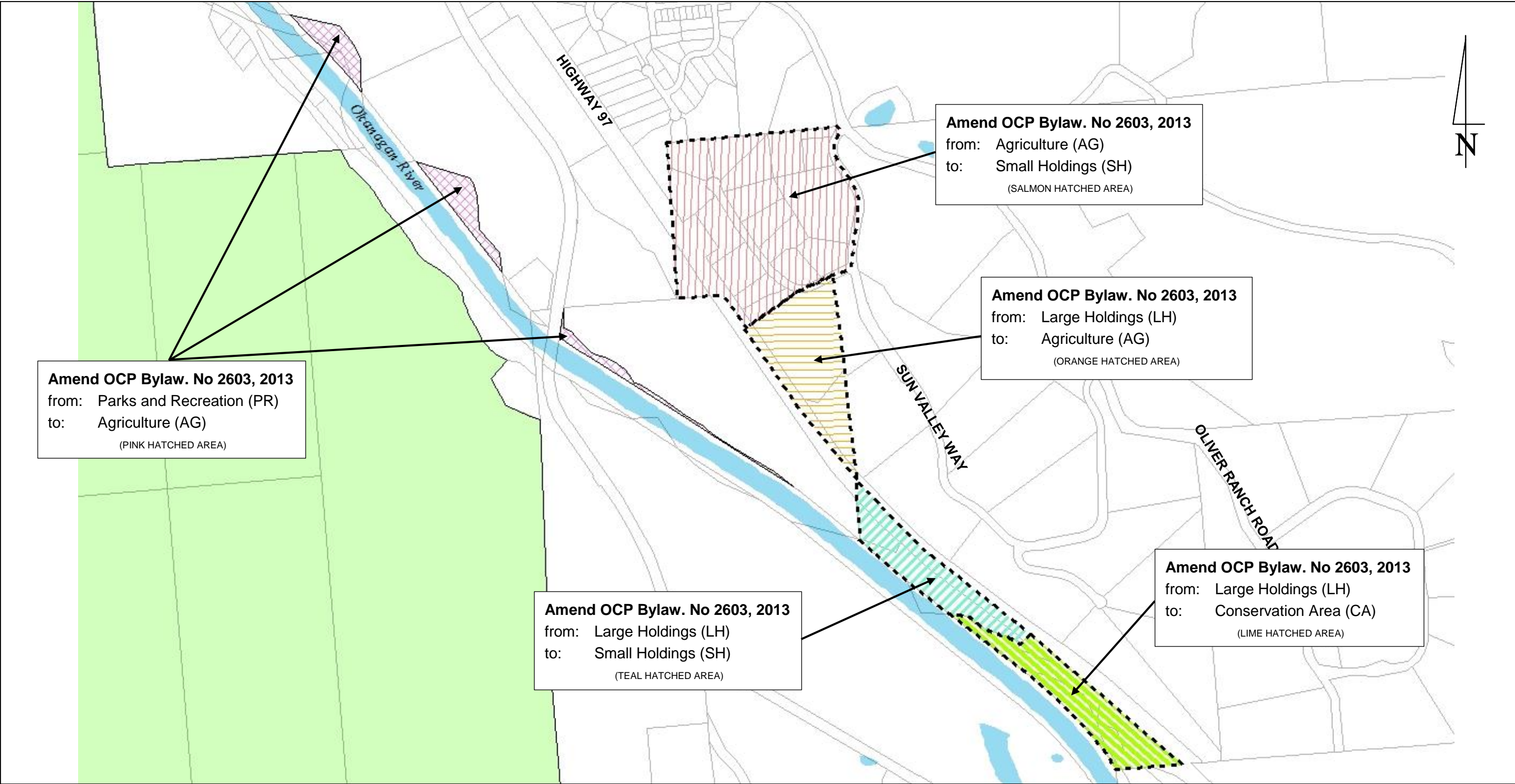
File No.: D2014.033-ZONE

## Schedule 'X-1'





Schedule 'X-2'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2455.16, 2015**

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**A Bylaw to amend the Electoral Area 'D'  
East Skaha, Vaseux Zoning Bylaw No. 2455, 2008**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" East Skaha, Vaseux Zoning Amendment Bylaw No. 2455.16, 2015".
2. The "Electoral Area "D" East Skaha, Vaseux Zoning Bylaw No. 2455, 2008" is amended by:
  - i) deleting the definitions of "heavy industry" and "light industry" under Section 4.0 (Definitions).
  - ii) adding a new definition for "asphalt plant" under Section 4.0 (Definitions) to read as follows:

**"asphalt plant"** means the processing and manufacturing of road paving materials from raw material and petroleum products;
  - iii) adding a new definition for "composting operation" under Section 4.0 (Definitions) to read as follows:

**"composting operation"** means the entire area, buildings, and equipment used for the biological decomposition of organic materials, substances or objects under controlled circumstances in composting storage facilities and composting storage sites;
  - iv) adding a new definition for "concrete plant" under Section 4.0 (Definitions) to read as follows:

**“concrete plant”** means the processing, manufacturing and sale of concrete, and includes the accessory manufacture and sales of products made from concrete;

- v) amending the definition of “gravel processing” under Section 4.0 (Definitions) to read as follows:

**“gravel processing”** means screening, sorting, crushing and storing of any earth material, excluding subsequent manufacturing operations such as concrete and asphalt plants;

- vi) adding a new definition for “refuse disposal site” under Section 4.0 (Definitions) to read as follows:

**“refuse disposal site”** means an area of land for the disposal of municipal solid waste, as permitted under the *Waste Management Act (British Columbia)*;

- vii) amending the definition of “secondary suite” under Section 4.0 (Definitions) to read as follows:

**“secondary suite”** means a self-contained second dwelling unit located within a principal single detached dwelling accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal dwelling unit. A secondary suite does not include duplex housing, semi-detached housing, multiple-dwelling housing or boarding and rooming housing;

- viii) adding a new definition for “service industry” under Section 4.0 (Definitions) to read as follows:

**“service industry”** means repair shops; equipment, automobile, agricultural implement and trailer sales, rentals, repair and services; plumbing and heating establishments; contractors’ yard and shops, machine and woodworking shops;

- ix) adding a new Section 6.6 under Section 6.0 (Creation of Zones) to read as follows:

#### **6.6 Comprehensive Development Zones:**

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- x) amending Section 7.4 to read as follows:

**7.4 Prohibited Uses of Land, Buildings and Structures**

- .1 The use of land in contravention of the terms or conditions of a Temporary Use Permit that has been issued under Section 921 of the *Local Government Act* is prohibited.
- .2 The use of a tent or recreational vehicle as a permanent residence is prohibited in all zones.
- .3 The wrecking, salvage or storage of more than two derelict vehicles or the use of land as a salvage operation is prohibited in all zones except the I2 Zone.
- .4 The use of land as an “asphalt plant” is prohibited in all zones.

- xi) amending Section 7.12 to read as follows:

**7.12 Secondary Suites**

The following regulations apply to secondary suites where permitted as a use in this Bylaw:

- .1 A secondary suite shall be located in one (1) principal single detached dwelling unit. Secondary suites are not permitted in an accessory dwelling or structure.
- .2 No more than one (1) secondary suite is permitted per principal single detached dwelling unit.
- .3 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the gross floor area of the principal single detached dwelling.
- .4 Secondary suites are not permitted on parcels less than 2,000 m<sup>2</sup> in area unless connected to a community sewer system.
- .5 Secondary suites exceeding the originally constructed number of bedrooms, bathrooms, and kitchens in a principal single detached dwelling must meet the relevant Provincial regulations for septic and water capacity.
- .6 One (1) parking space per secondary suite is required in addition to those required for the principal single detached dwelling.

- xii) amending Section 7.20.5 under “General Regulations” to read as follows:

- .5 Signs permitted under Section 7.20.1 e) and g) are limited to one fascia sign and one free-standing sign. No sign must exceed a total sign area of 23 m<sup>2</sup> or a height of 6.5 metres, except in the I1 and I4 Zones where the maximum height of a free-standing sign shall not exceed 12.0 metres.

xiii) adding a new Section 10.1.1(o) under “Resource Area Zone (RA)” to read as follows:

o) secondary suite, subject to Section 7.12;

xiv) renumbering those sub-sections that follow Section 10.1.1(o).

xv) amending Section 10.1.5 under “Resource Area Zone (RA)” to read as follows:

**10.1.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principle dwelling per parcel;
- b) one (1) secondary suite per parcel; and
- c) one (1) accessory dwelling per parcel.

xvi) adding a new Section 10.2.1(i) under “Agriculture One Zone (AG1)” to read as follows:

i) secondary suite, subject to Section 7.12;

xvii) renumbering those sub-sections that follow Section 10.2.1(i).

xviii) amending Section 10.2.5 under “Agriculture One Zone (AG1)” to read as follows:

**10.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings permitted per parcel shall be as follows:

| Parcel Size        | Maximum Number of Accessory Dwellings | Maximum Number of Principal Dwellings |
|--------------------|---------------------------------------|---------------------------------------|
| Less than 4.0 ha   | 0                                     | 1                                     |
| 4.0 ha to 7.9 ha   | 1                                     | 1                                     |
| 8.0 ha to 11.9 ha  | 2                                     | 1                                     |
| 12.0 ha to 15.9 ha | 3                                     | 1                                     |
| 16.0 ha or greater | 4                                     | 1                                     |

- b) despite Section 10.2.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*; and
- c) one (1) secondary suite per parcel.

xix) adding a new Section 10.3.1(i) under “Agriculture Three Zone (AG3)” to read as follows:

i) secondary suite, subject to Section 7.12;

xx) renumbering those sub-sections that follow Section 10.3.1(i).

xxi) adding a new Section 10.3.5(b) under “Agriculture Three Zone (AG3)” to read as follows:

**10.3.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) the number of principal dwellings and the number of accessory dwellings permitted per parcel shall be as follows:

| Parcel Size        | Maximum Number of Accessory Dwellings | Maximum Number of Principal Dwellings |
|--------------------|---------------------------------------|---------------------------------------|
| Less than 4.0 ha   | 0                                     | 1                                     |
| 4.0 ha to 7.9 ha   | 1                                     | 1                                     |
| 8.0 ha to 11.9 ha  | 2                                     | 1                                     |
| 12.0 ha to 15.9 ha | 3                                     | 1                                     |
| 16.0 ha or greater | 4                                     | 1                                     |

b) despite Section 10.3.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*; and

c) one (1) secondary suite per parcel.

xxii) adding a new Section 10.4.1(k) under “Large Holdings Zone (LH)” to read as follows:

k) secondary suite, subject to Section 7.12;

xxiii) renumbering those sub-sections that follow Section 10.4.1(k).

xxiv) amending Section 10.4.5 under “Large Holdings Zone (LH)” to read as follows:

**10.4.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) one (1) principle dwelling per parcel;

b) one (1) secondary suite per parcel; and

c) one (1) accessory dwelling per parcel.

- xxv) adding a new Section 10.5.1(g) under “Small Holdings One Zone (SH1)” to read as follows:
- g) secondary suite, subject to Section 7.12;
- xxvi) renumbering those sub-sections that follow Section 10.5.1(g).
- xxvii) amending Section 10.5.5 under “Small Holdings One Zone (SH1)” to read as follows:
- 10.5.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) principle dwelling per parcel; and
  - b) one (1) secondary suite per parcel.
- xxviii) amending Section 10.5.7(a) under “Small Holdings One Zone (SH1)” to read as follows:
- a) No building or structure shall exceed a height of 10.0 metres;
- xxix) amending Section 10.6.2(a) under “Small Holdings Three Zone (SH3)” to read as follows:
- a) see Section 17.6
- xxx) amending Section 10.6.5 under “Small Holdings Three Zone (SH3)” to read as follows:
- 10.6.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) principle dwelling per parcel; and
  - b) one (1) secondary suite per parcel.
- xxxi) amending Section 10.6.7(a) under “Small Holdings Three Zone (SH3)” to read as follows:
- a) No building or structure shall exceed a height of 10.0 metres;
- xxxii) adding a new Section 10.7.1(k) “Small Holdings Five Zone (SH5)” to read as follows:
- k) secondary suite, subject to Section 7.12;
- xxxiii) renumbering those sub-sections that follow Section 10.7.1(k).

xxxiv) amending Section 10.7.5 under “Small Holdings Five Zone (SH5)” to read as follows:

**10.7.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principle dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxxv) amending Section 10.7.7(a) under “Small Holdings Five Zone (SH5)” to read as follows:

- a) No building or structure shall exceed a height of 10.0 metres;

xxxvi) adding a new Section 11.1.1(b) under “Residential Single Family One Zone (RS1)” to read as follows:

- b) secondary suite, subject to Section 7.12;

xxxvii) renumbering those sub-sections that follow Section 11.1.1(b).

xxxviii) amending Section 11.1.5 under “Residential Single Family One Zone (RS1)” to read as follows:

**11.1.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principle dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxxix) amending Section 11.1.6(a)(iv) under “Residential Single Family One Zone (RS1)” to read as follows:

- iv) Interior side parcel line: 1.5 metres

xl) amending Section 11.1.6(b)(iv) under “Residential Single Family One Zone (RS1)” to read as follows:

- iv) Interior side parcel line: 1.5 metres

xli) amending Section 11.1.7(a) under “Residential Single Family One Zone (RS1)” to read as follows:

- a) No building or structure shall exceed a height of 10.0 metres;

xl ii) adding a new Section 11.2.1(b) under “Residential Single Family Two Zone (RS2)” to read as follows:

- b) secondary suite, subject to Section 7.12;
- xliii) renumbering those sub-sections that follow Section 11.2.1(b).
- xliv) amending Section 11.2.5 under “Residential Single Family Two Zone (RS2)” to read as follows:
    - 11.2.5 Maximum Number of Dwellings Permitted Per Parcel:**
      - a) one (1) principle dwelling per parcel; and
      - b) one (1) secondary suite per parcel.
  - xlvi) amending Section 11.2.6(a)(iv) under “Residential Single Family Two Zone (RS2)” to read as follows:
      - iv) Interior side parcel line: 1.5 metres
    - xlvi) amending Section 11.2.6(b)(iv) under “Residential Single Family Two Zone (RS2)” to read as follows:
        - iv) Interior side parcel line: 1.5 metres
      - xlvi) amending Section 11.2.7(a) under “Residential Single Family Two Zone (RS2)” to read as follows:
          - a) No building or structure shall exceed a height of 10.0 metres;
        - xlvi) amending Section 11.3.1(c) under “Residential Two Family (Duplex) Zone (RS3)” to read as follows:
            - b) secondary suite, subject to Section 7.12;
          - xlix) amending Section 11.3.5 under “Residential Two Family (Duplex) Zone (RS3)” to read as follows:
              - 11.3.5 Maximum Number of Dwellings Permitted Per Parcel:**
                - a) two (2) principal dwelling units, provided that both dwellings are located in one (1) residential building; and
                - b) one (1) secondary suite per parcel.
            - l) amending Section 11.3.6(a)(iv) under “Residential Two Family (Duplex) Zone (RS3)” to read as follows:
                - iv) Interior side parcel line: 1.5 metres

- li) amending Section 11.3.6(b)(iv) under “Residential Two Family (Duplex) Zone (RS3)” to read as follows:
  - iv) Interior side parcel line: 1.5 metres
- lii) amending Section 11.3.7(a) under “Residential Two Family (Duplex) Zone (RS3)” to read as follows:
  - a) No building or structure shall exceed a height of 10.0 metres;
- liii) deleting Section 12.1 (Residential Multiple Family Zone).
- liv) adding a new Section 12.1 (Residential Multiple Family Zone) to read as follows:

## **12.1 RESIDENTIAL MULTIPLE FAMILY ZONE (RM1)**

### **12.1.1 Permitted Uses:**

#### Principal uses:

- a) single-detached dwellings;
- b) duplex dwellings;
- c) multi-family dwelling units or groups of multi dwelling units;
- d) churches;
- e) group homes;
- f) boarding homes;
- g) congregate care housing;

#### Secondary uses:

- h) home occupations, subject to Section 7.17;
- i) bed and breakfast, subject to Section 7.19;
- j) convenience stores accessory to multi-dwelling units;
- k) accessory buildings and structures, subject to Section 7.13.

### **12.1.2 Site Specific Residential Multiple Family (RM1s) Provisions:**

- a) see Section 17.11

### **12.1.3 Minimum Parcel Size:**

- a) 1,000.0 m<sup>2</sup>;

- b) 466.0 m<sup>2</sup>; for individual single detached dwelling lots on community water and community sewer;
- c) 550.0 m<sup>2</sup>, for individual duplex dwelling unit lots on community water and community sewer.

**12.1.4 Minimum Parcel Width:**

- a) Not less than 25% of the parcel depth;
- b) 15.0 metres for individual single detached dwelling lots on community water and community sewer;
- c) 18.0 metres for individual duplex dwelling unit lots on community water and community sewer.

**12.1.5 Maximum Density:**

- a) 60 dwellings per hectare;
- b) 21 single detached dwellings per hectare, for single-detached dwellings on community water and community sewer;
- c) 36 per hectare, for duplex dwelling on community water and community sewer.

**12.1.6 Maximum Floor Area Ratio:**

- a) 0.45

**12.1.7 Minimum Setbacks:**

a) Principal Buildings:

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

1. 6.0 metres

2. 1.5 metres, for individual single-detached dwellings and for individual duplex dwelling units on community water and community sewer)

b) Accessory Buildings and Structures:

- i) Front parcel line: 7.5 metres
- ii) Rear parcel line: 1.5 metres
- iii) Exterior parcel line: 4.5 metres
- iv) Interior side parcel line: 1.5 metres

**12.1.8 Maximum Height:**

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 5.5 metres.

**12.1.9 Maximum Parcel Coverage:**

- a) 35%;
- b) 45% for individual single-detached dwellings and for individual duplex dwelling units on community water and community sewer.

**12.1.10 Provisions for Accessory Convenience Stores:**

- a) must be located indoors, on the main floor, under the same roof as the building containing the principal permitted residential use;
- b) must provide separate ground-level entrance;
- c) must not occupy a gross floor area greater than 100.0 m<sup>2</sup> including storage.

**12.1.11 Requirements for amenity and open space area:**

- a) 40.0 m<sup>2</sup> for each dwelling unit;
- b) a minimum of 25% of required amenity and open space areas shall be at grade and outdoors, and the remainder shall be provided in a convenient and accessible location within the development;
- c) where open space is provided at a right angle to a principal window of a living or family room, the minimum depth of the privacy area shall be 4.5 metres when a window is within 1.8 metres of grade, with a minimum building separation of 7.0 metres;
- d) where open space is provided at a right angle to a principal window of other habitable rooms, the minimum depth of the privacy area shall be 3.5 metres when a window is within 1.8 metres of grade.

iv) amending Section 12.2 to read as follows:

**12.2 Deleted.**

- lvi) amending Section 13.1.1(e) under “Neighbourhood Commercial Zone (C3) to read as follows:
- e) accessory dwellings, subject to Section 7.11;
- lvii) amending Section 13.1.5 under “Neighbourhood Commercial Zone (C3) to read as follows:
- 13.1.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) accessory dwelling
- lviii) amending Section 13.2.1(x) under “Highway Commercial Zone (C4) to read as follows:
- e) accessory dwellings, excluding “flea market” uses, and subject to Section 7.11;
- lix) adding a new Section 13.2.5 under “Highway Commercial Zone (C4) to read as follows:
- 13.2.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) 60 dwellings per hectare for “multi-unit dwellings”; and
- b) one (1) accessory dwelling.
- lx) renumbering those sub-sections that follow Section 13.2.5.
- lxi) amending Section 13.2.6(a) under “Highway Commercial Zone (C4)” to read as follows:
- a) No building or structure shall exceed a height of 12.0 metres;
- lxii) amending Section 13.3 to read as follows:
- 13.3 Deleted.**
- lxiii) amending Section 13.4.1(g) under “Commercial Amusement Zone (C6) to read as follows:
- g) accessory dwellings, subject to Section 7.11;
- lxiv) adding a new Section 13.4.5 under “Commercial Amusement Zone (C6) to read as follows:
- 13.4.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) accessory dwelling

- lxv) renumbering those sub-sections that follow Section 13.4.5.
- lxvi) amending the newly re-numbered Section 13.4.7 under “Commercial Amusement Zone (C6)” to read as follows:
- a) No building or structure shall exceed a height of:
    - i) 8.5 metres within 100 metres of the high water mark of Skaha Lake; or
    - ii) 12.0 metres at any other location.
- lxvii) amending Section 13.5.1(j) under “Recreational Vehicle Park Zone (C7)” to read as follows:
- j) accessory dwellings, subject to Section 7.11;
- lxviii) adding a new Section 13.5.5 under “Recreational Vehicle Park Zone (C7)” to read as follows:
- 13.5.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) accessory dwelling
- lxix) renumbering those sub-sections that follow Section 13.5.5.
- lxx) amending the newly renumbered Section 13.5.11(a) under “Recreational Vehicle Park Zone (C7)” to read as follows:
- a) No building or structure shall exceed a height of 8.5 metres;
- lxxi) amending Section 13.6.1(g) under “Specialised Commercial Zone (C8)” to read as follows:
- g) accessory dwellings, subject to Section 7.11;
- lxxii) deleting Section 13.6.1(h) under “Specialised Commercial Zone (C8)”.
- lxxiii) renumbering those sub-sections that follow Section 13.6.1(g).
- lxxiv) adding a new Section 13.6.5 under “Specialised Commercial Zone (C8)” to read as follows:

**13.6.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) two (2) accessory dwellings
- lxxv) renumbering those sub-sections that follow Section 13.6.5.
- lxxvi) amending Section 13.7.1(l) under “Tourist Commercial One Zone (CT1)” to read as follows:
  - l) accessory dwellings, excluding “hotels”, “farmers’ markets”, “recreation, amusement and cultural facilities” and “convenience store” uses, and subject to Section 7.11;
- lxxvii) adding a new Section 13.7.5 under “Tourist Commercial One Zone (CT1)” to read as follows:

**13.7.5 Maximum Number of Dwellings Permitted Per Parcel:**

  - a) one (1) accessory dwelling
- lxxviii) renumbering those sub-sections that follow Section 13.7.5.
- lxxix) amending the newly renumbered Section 13.7.7 under “Tourist Commercial One Zone (CT1)” to read as follows:
  - a) No building or structure shall exceed a height of:
    - i) 7.0 metres within 100 metres of the high water mark of Skaha Lake; or
    - ii) 10.0 metres at any other location.
- lxxx) amending Section 13.8.1(l) under “Tourist Commercial Four Zone (CT4)” to read as follows:
  - l) accessory dwellings, subject to Section 7.11;
- lxxxi) adding a new Section 13.8.5 under “Tourist Commercial Four Zone (CT4)” to read as follows:

**13.8.5 Maximum Number of Dwellings Permitted Per Parcel:**

  - a) one (1) accessory dwelling
- lxxxii) renumbering those sub-sections that follow Section 13.8.5.
- lxxxiii) amending Section 14.1.1 to read as follows:

**14.1.1 Permitted Uses:**

Principal Uses:

- a) manufacturing, processing, assembling, wholesaling, warehousing, storing, distributing, testing, repair and fabricating provided that the use is entirely contained within a building;
- b) gravel processing and associated operations;
- c) service industries;
- d) log home manufacturing;
- e) packing, storage and processing of food products;
- f) building supply centres;
- g) wholesale and distribution facilities and warehouses;
- h) veterinary establishments;

Secondary Uses:

- i) one (1) accessory dwelling, subject to Section 7.11;
- j) accessory sales;
- k) accessory buildings and structures, subject to Section 7.13.

lxxxiv) amending Section 14.1.6 under “Industrial (Light) One Zone (I1)” to read as follows:

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 7.0 metres.

lxxxv) amending Section 14.2.1 to read as follows:

**14.2.1 Permitted Uses:**

Principal Uses:

- a) manufacturing, processing, assembling, wholesaling, warehousing, storing, distributing, testing, repair and fabricating;
- b) gravel processing and associated operations;
- c) concrete plant;
- d) salvage operations;
- e) stockyards and abattoirs;
- f) auctioneering establishments;
- g) electrical and natural gas substations, including generating plants;
- h) sewage treatment plants;

Secondary Uses:

- i) one (1) accessory dwelling, subject to Section 7.11;
- j) accessory buildings and structures, subject to Section 7.13.

lxxxvi) adding a new Section 14.2.6 under “Industrial (Heavy) Two Zone (I2)” to read as follows:

**14.2.6 Maximum Building Height**

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

lxxxvii) renumbering those sub-sections that follow Section 14.2.6.

lxxxviii) amending Section 14.4.1(a) under “Industrial (Mixed) Four Zone (I4)” to read as follows:

- l) manufacturing, processing, assembling, wholesaling, warehousing, storing, distributing, testing, repair and fabricating provided that the use is entirely contained within a building;

lxxxix) amending Section 14.4.5 under “Industrial (Mixed) Four Zone (I4)” to read as follows:

**14.4.5 Maximum Number of Dwellings Permitted Per Parcel**

- a) one (1) single detached dwelling

xc) amending Section 14.4.7 under “Industrial (Mixed) Four Zone (I4)” to read as follows:

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 7.0 metres.

xcii) adding a new Section 14.5 (Community Waste Management Zone) to read as follows:

**14.5 COMMUNITY WASTE MANAGEMENT ZONE (I5)**

**14.5.1 Permitted Uses:**

Principal uses:

- a) refuse disposal site;
- b) composting operation;

Secondary uses:

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

**14.5.2 Site Specific Community Waste Management (I5s) Provisions:**

- a) see Section 17.25

**14.5.3 Minimum Parcel Size:**

- a) 8.0 ha

**14.5.4 Minimum Parcel Width:**

- a) Not less than 25% of parcel depth.

**14.5.5 Minimum Setbacks:**

- a) for Principal buildings:
  - i) Front parcel line: 30.0 metres
  - ii) Rear parcel line: 30.0 metres
  - iii) Interior side parcel line: 30.0 metres
  - iv) Exterior side parcel line: 30.0 metres
- b) for Accessory buildings and structures:
  - i) Front parcel line: 30.0 metres
  - ii) Rear parcel line: 30.0 metres
  - iii) Interior side parcel line: 30.0 metres
  - iv) Exterior side parcel line: 30.0 metres
- c) despite Section 14.5.5(a) and (b), the distance between the external boundary of a composting operation and the natural boundary of a watercourse such as a river, stream, marsh, or estuary must not be less than 100.0 metres.

**14.5.6 Maximum Building Height:**

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

**14.5.7 Maximum Parcel Coverage:**

- a) 25%

xcii) amending Section 15.2.1(h) under “Parks and Recreation Zone (PR)” to read as follows:

h) accessory dwellings, subject to Section 7.11;

xciii) adding a new Section 15.2.3 under “Parks and Recreation Zone (PR)” to read as follows:

**15.2.3 Maximum Number of Dwellings Permitted Per Parcel**

a) one (1) accessory dwelling

xciv) renumbering those sub-sections that follow Section 15.2.3.

xcv) amending the new renumbered Section 15.2.5 to read as follows:

**15.2.5 Maximum Height:**

a) No building or structure shall exceed a height of:

- i) 7.0 metres within 100 metres of the high water mark of Skaha Lake in Okanagan Falls;
- ii) 10.0 metres between 100.0 metres and 150.0 metres of the high water mark of Skaha Lake in Okanagan Falls
- iii) 15.0 metres at any other location.

xcvi) amending Section 15.3.1(i) under “Conservation Area Zone (CA)” to read as follows:

i) accessory dwellings, excluding “range grazing” uses, and subject to Section 7.11;

xcvii) adding a new Section 15.3.3 under “Conservation Area Zone (CA)” to read as follows:

**15.3.3 Maximum Number of Dwellings Permitted Per Parcel**

a) one (1) accessory dwelling

xcviii) renumbering those sub-sections that follow Section 15.3.3.

xcix) adding a new newly renumbered Section 15.3.5 under “Conservation Area Zone (CA)” to read as follows:

**15.3.5 Maximum Building Height**

- a) No building or structure shall exceed a height of 15.0 metres
- c) amending Section 16.1.5 under “Comprehensive Development Zone (CD)” to read as follows:
  - 16.1.5 Maximum Density**
    - a) 18 dwellings/ha, subject to servicing requirements and Section 7.15;
    - b) 23 dwellings/ha with an approved Density Averaging Agreement, and subject to servicing requirements and Section 7.15.
- ci) adding a new sub-section after Section 17.5 (Site Specific Provisions) to read as follows:
  - 17.6 Site Specific Small Holdings Three (SH3s) Provisions:**
    - .1 *blank*
- cii) amending sub-section Section 17.7.3 under Section 17.0 (Site Specific Provisions) to read as follows:
  - .3 *deleted.*
- ciii) amending sub-section Section 17.7.4 under Section 17.0 (Site Specific Provisions) to read as follows:
  - .4 in the case of the land described as Lot 5, Plan 9324, District Lot 337, SDYD, and shown hatched on Figure 17.7.4:
    - i) despite Section 7.12.3, the minimum parcel area requirement for a “secondary suite” shall be 660.0 m<sup>2</sup>.
- civ) amending Section 17.12 (Site Specific Integrated Housing) to read as follows:
  - 17.12 *deleted.***
- cv) amending Section 17.15 (Site Specific Marina Commercial) to read as follows:
  - 17.15 *deleted.***
- cvi) adding a new sub-section after Section 17.24 (Site Specific Provisions) to read as follows:

## **17.25 Site Specific Community Waste Management (I5s) Provisions:**

### *.1 blank*

- cvii) renumbering all subsequent sub-sections after the new Section 17.6, and renumbering all references to Section 17.0 in Section 10.0 through Section 16.0.
3. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for an approximately 9.66 hectare (ha) area of land described as part of District Lot 2710, SDYD, and shown hatched on the attached Schedule 'X-1', which forms part of this Bylaw, from Resource Area (RA) to Community Waste Management (I5).
  4. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for part of the land described as Lot A, Plan EPP27598, District Lot 2883S, SDYD, and shown hatched on the attached Schedule 'X-2', which forms part of this Bylaw, from Tourism Commercial One Site Specific (CT1s) to Parks and Recreation (PR).
  5. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on land described as Lot 2, Plan KAP17652, District Lot 2883S, SDYD, and shown hatched on the attached Schedule 'X-3', which forms part of this Bylaw, from Residential Multiple Family Two (RM2) to Residential Multiple Family (RM1).
  6. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on land described as Lot 2, Plan KAP3404, District Lot 195S, SDYD, and shown shaded yellow on the attached Schedule 'X-4', which forms part of this Bylaw, from Residential Single Family One (RS1) to Parks and Recreation (PR).
  7. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the lands shown hatched pink on Schedule 'X-5', which forms part of this Bylaw, from Parks and Recreation (PR) to Agricultural Three (AG3).
  8. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the lands shown hatched black on Schedule 'X-5', which forms part of this Bylaw, from Agricultural Three Site Specific (AG3s) to Industrial One Site Specific (I1s).
  9. The Official Zoning Bylaw Map, being Schedule '2' of the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the lands

shown hatched line on Schedule 'X-5', which forms part of this Bylaw, from Large Holdings (LH) to Conservation (CA).

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held this \_\_\_\_ day of \_\_\_\_, 2015.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_, 2015.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D" East Skaha, Vaseux Zoning Amendment Bylaw No. 2455.16, 2015" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_, 2015.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_, 2015.

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

Approved pursuant to Section 52(3)(a) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_, 2015.

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

ADOPTED this \_\_\_\_ day of \_\_\_\_, 2015.

\_\_\_\_\_  
Chair

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

# Regional District of Okanagan-Similkameen

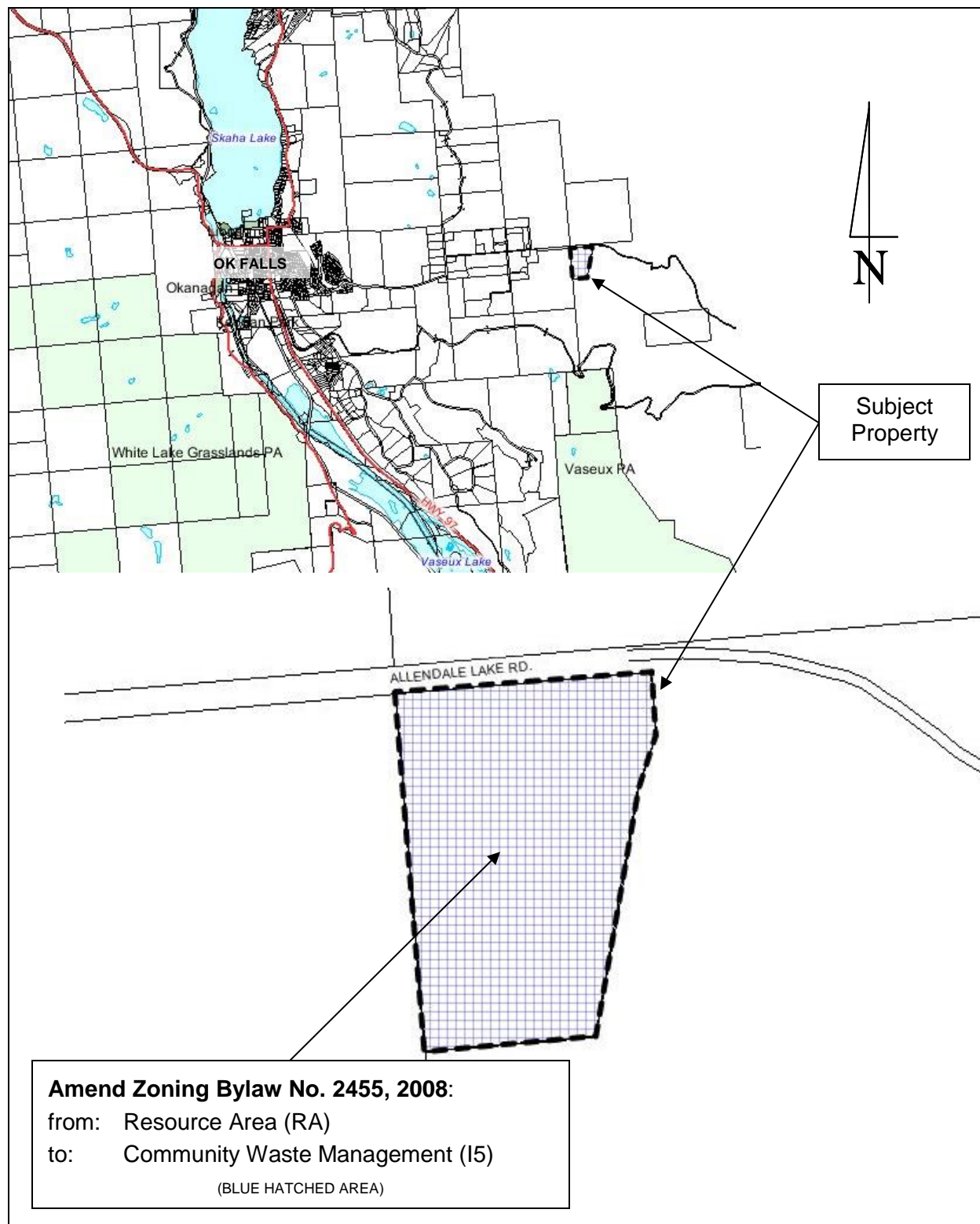
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.16, 2015

File No. D2014.033-ZONE

Schedule 'X-1'



# Regional District of Okanagan-Similkameen

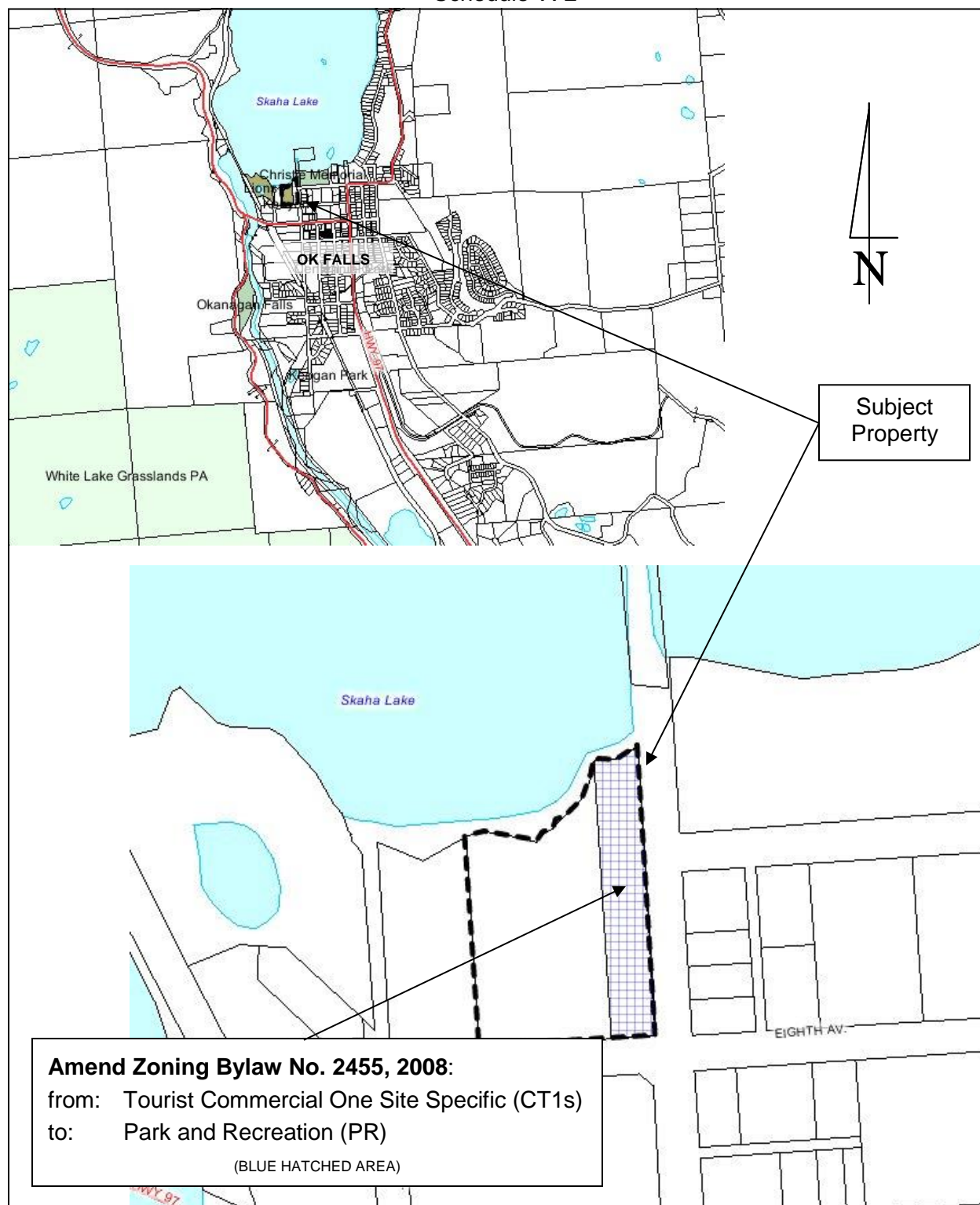
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.16, 2015

File No. D2014.033-ZONE

Schedule 'X-2'



# Regional District of Okanagan-Similkameen

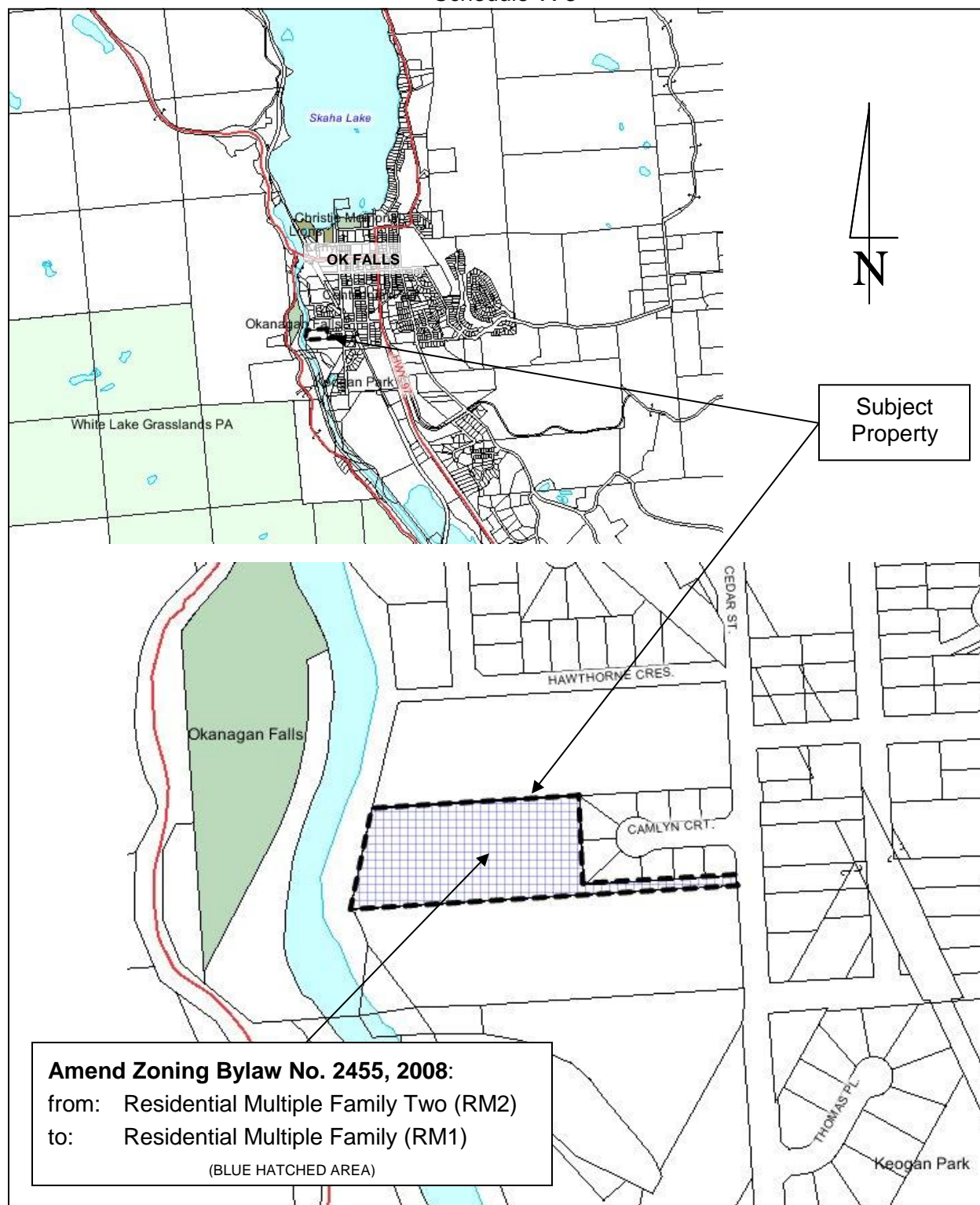
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.16, 2015

File No. D2014.033-ZONE

Schedule 'X-3'



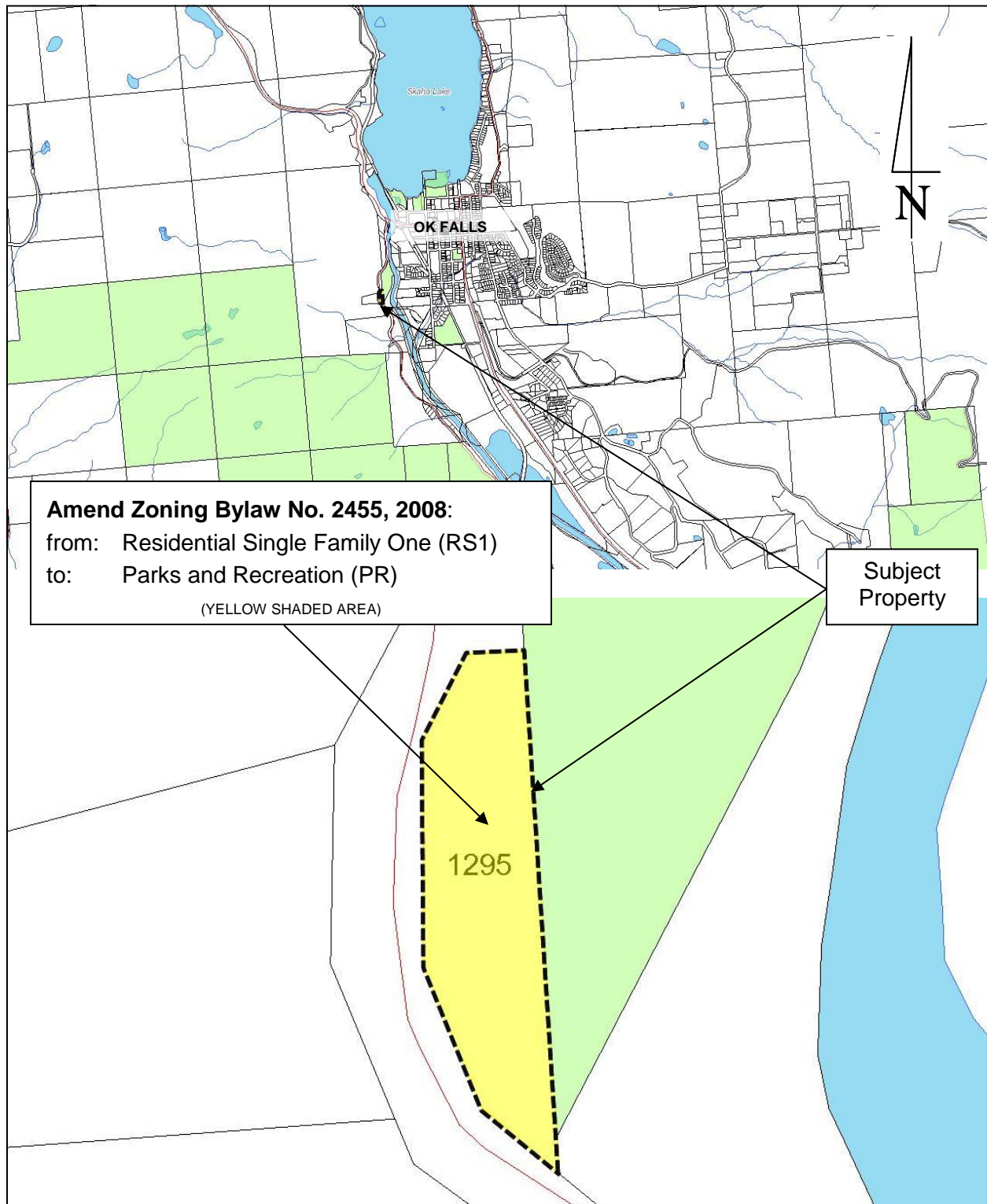
# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063

Amendment Bylaw No. 2455.16, 2015

File No. D2014.033-ZONE

Schedule 'X-4'



Regional District of Okanagan-Similkameen

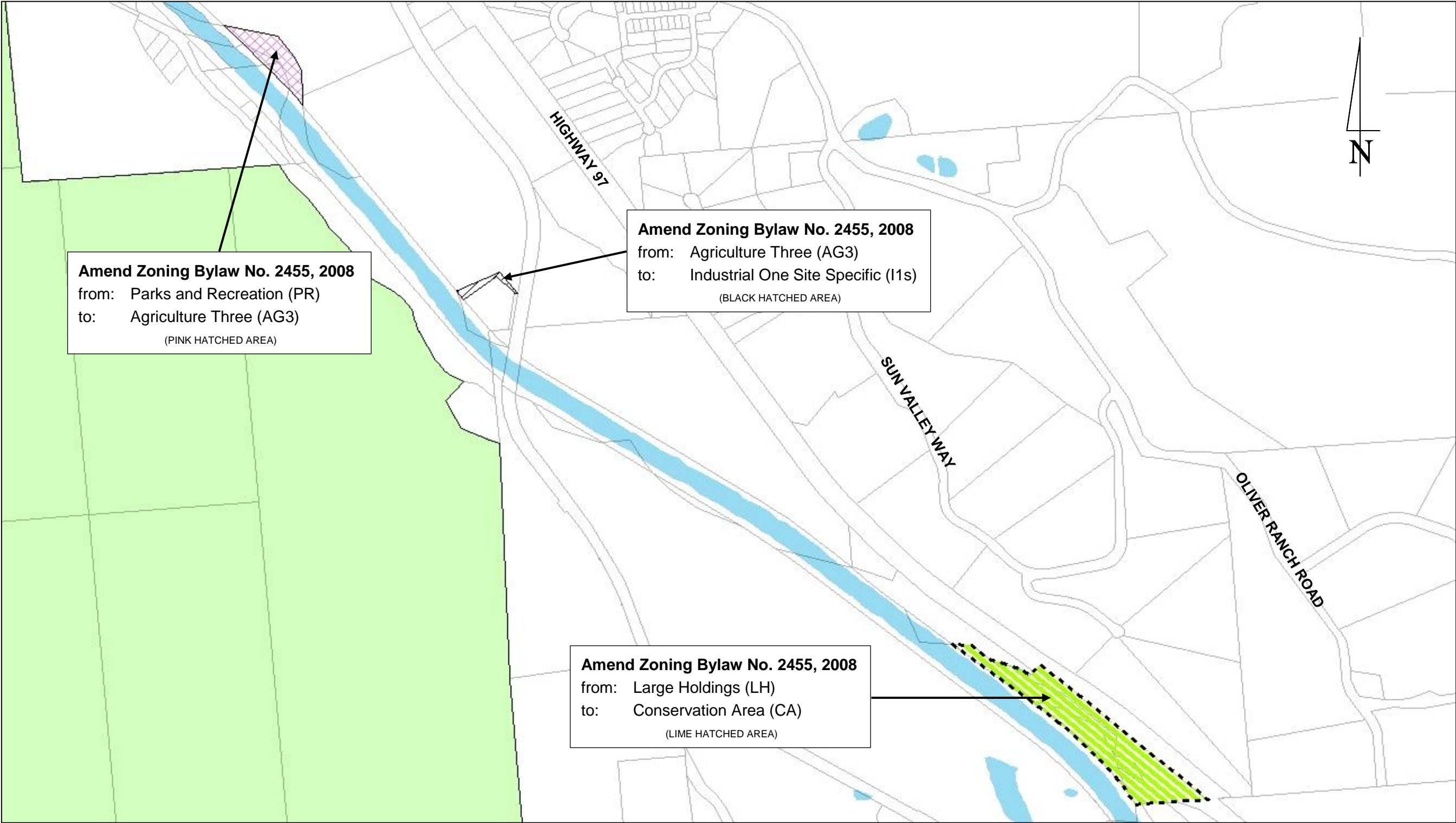
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.17, 2014

File No. D2014.033-ZONE

Schedule 'X-5'



## Lauri Feindell

---

**From:** Beaupre, John <John.Beaupre@interiorhealth.ca>  
**Sent:** July-25-14 12:10 PM  
**To:** Planning  
**Subject:** Area D-2 OCP and Zoning Bylaw Amendments - RDOS File: D2014.033-ZONE

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

Attention Christopher Garrish:

Re: Proposed Amendments to Area D-2 OCP Bylaw No. 2603 and Zoning Bylaw No. 2455

Thank you for the opportunity to provide comment on the above referenced bylaw amendments.

This office has no concern or objection to the proposed amendments.

Please contact me with any questions.  
Thank you.

John C. Beaupre, C.P.H.I.(C)  
Environmental Health Officer  
Interior Health Authority  
Penticton Health Protection  
105 – 550 Carmi Avenue, Penticton, BC, V2A 3G6  
Bus: (250) 770-5540  
Direct: (250) 492-4000 Ext: 2744  
Cell: (250) 809-7356  
Fax: (250) 770-5541  
Email: [john.beaupre@interiorhealth.ca](mailto:john.beaupre@interiorhealth.ca)  
Web: [www.interiorhealth.ca](http://www.interiorhealth.ca)



**Lauri Feindell**

---

**Subject:** FW: bylaw Referral - D2014.033-ZONE - Electoral Area D-2

---

**From:** Collins, Martin J ALC:EX [<mailto:Martin.Collins@gov.bc.ca>]  
**Sent:** July-15-14 2:23 PM  
**To:** Lauri Feindell  
**Subject:** RE: bylaw Referral - D2014.033-ZONE - Electoral Area D-2

Lauri

I have had a chance to review the amendments to the bylaws and advise that the ALC has no objection to the proposed bylaws.

Regards,

**Martin Collins**  
**Land Use Planner**  
**Agricultural Land Commission**  
**604-660-7021**



## Lauri Feindell

---

**Subject:** FW: bylaw Referral - D2014.033-ZONE - Electoral Area D-2  
**Attachments:** D2014.033-ZONE (ZB Update).pdf; D2455.16 (Update 'D2' ZB - annotated).pdf; D2603.01 (Update 'D2' OCP - annotated).pdf; Electoral Area 'D-2' Zoning Bylaw Update.pdf

---

**From:** Adams, Rick MEM:EX [<mailto:Rick.Adams@gov.bc.ca>]  
**Sent:** August-12-14 3:21 PM  
**To:** Planning  
**Subject:** FW: bylaw Referral - D2014.033-ZONE - Electoral Area D-2

My apologies for MEM's late response.

MEM has no concerns with Bylaw 2603.01, 2014.

MEM offers the following comments regarding Bylaw 2455.16:

- It is unclear from the references and changes identified, without viewing the existing Bylaw in its entirety, whether the changes and definitions suggested in 2455.16 would further restrict aggregate crushing and screening opportunities in areas of aggregate potential;
- MEM does not support changes which would further restrict aggregate crushing and screening operations in areas with aggregate potential, as proximal access to suitable quality processed aggregate material is essential for cost effective maintenance and construction of community infrastructure projects, residential growth, and provincial infrastructure projects.

Rick Adams  
Inspector of Mines  
250-828-4583

---

**From:** Kamloops, MMD MEM:EX  
**Sent:** Friday, July 4, 2014 5:11 PM  
**To:** Adams, Rick MEM:EX  
**Subject:** FW: bylaw Referral - D2014.033-ZONE - Electoral Area D-2





July 22, 2014

File: 58000-20/102097  
Your File: D2014.033-ZONE

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

Attention: Christopher Garrish

Re: Bylaw Referral: Electoral Area 'D-2' in the area of Okanagan Falls,  
OCP Bylaw No. 2603, 2008 and Zoning Bylaw 2455, 2008

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>) .

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Robert Stewart  
Ecosystems Biologist

RS/cl



## Lauri Feindell

---

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** July-08-14 1:58 PM  
**To:** Planning  
**Subject:** bylaw Referral - D2014.033-ZONE - Electoral Area D-2

Hello Christopher,

Thank you for the above-captioned referral, along with the draft amendment bylaws no. 2603.01 and 2455.16.

Archaeological interests will not be affected by these changes.

Please feel free to contact me should you have any questions.

Kind regards,

Diana

**Diana Cooper** | Archaeologist/Archaeological Site Inventory Information and Data Administrator

**Archaeology Branch** | Ministry Forests, Lands and Natural Resource Operations  
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3  
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>



**Lauri Feindell**

---

**Subject:** FW: bylaw Referral - D2014.033-ZONE - Electoral Area D-2

**From:** XPAC Referrals Pacific [<mailto:ReferralsPacific@dfo-mpo.gc.ca>]  
**Sent:** July-04-14 4:45 PM  
**To:** Lauri Feindell; Planning  
**Subject:** RE: bylaw Referral - D2014.033-ZONE - Electoral Area D-2

Hello,

The role of the DFO's Fisheries Protection Program is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the *Fisheries Act*. The FPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

DFO does not have a regulatory role related to the review of bylaw referrals because they do not directly propose works, undertakings or activities that will result in serious harm to fish.

DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you have any further questions about DFO's regulatory process or need general information, contact DFO Headquarters toll free: 1-866-845-6776 or email: [EnquiriesPacific@dfo-mpo.gc.ca](mailto:EnquiriesPacific@dfo-mpo.gc.ca).

Thank you,

**Chantelle Caron**

Fisheries Protection Biologist | Biologiste, Protection des pêches  
Fisheries Protection Program | Programme de protection des pêches  
200 – 401 Burrard Street, Vancouver BC V6C 3S4  
Fisheries and Oceans Canada | Pêches et Océans Canada  
Government of Canada | Gouvernement du Canada



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** January 8, 2015

**TYPE:** Official Community Plan & Zoning Bylaw Amendment Application — Electoral Area “D-2”

---

### **Administrative Recommendation:**

**THAT** Bylaw No. 2603.03, 2014, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.17, 2014, Electoral Area “D-2” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing; and,

**THAT** the Board considers the process, as outlined in the report from the Chief Administrative Officer dated November 6, 2014, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*; and,

**THAT**, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2603.03, 2014, in conjunction with its Financial and applicable Waste Management Plans; and,

**THAT** the holding of the public hearing be delegated to Director Siddon or delegate; and,

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

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

---

Purpose: To rezone in order to facilitate a three lot subdivision.

Owners: C & L McCall Folio: D06807.030

Legal: Lot B, DL 292, SDYD, Plan 44059 Civic: 2170 Highway 97, OK Falls

OCP: Agriculture / Large Holdings Proposed OCP: Agriculture / Small Holdings

Zoning: Agriculture One (AG3) Proposed Zoning: Agriculture One (AG1)/ Small Holdings One (SH1)

---

### **Proposed Development:**

This proposal is seeking to amend the Official Community Plan (OCP) in part, from Large Holdings (LH) to Small Holdings (SH) and Agriculture (AG); and to amend the zoning designation of the subject property from an Agriculture Three (AG3) zone to Agriculture One (AG1) zone in part and Small Holdings One (SH1) in order to facilitate a subdivision of two additional parcels.

Specifically, the applicant is seeking to subdivide the subject parcel, which is approximately 14.4 hectares (ha) in size, into three parcels of between 6.0 and 4.0 ha in size respectively. The Agricultural Land Reserve (ALR) portion of the property will not be subdivided and will remain designated Agriculture (AG).

The applicant has stated in support of this request that “we have no intention of trying to remove any ALR designation on this property. There is no impact on the surrounding properties with this proposed subdivision. The community will be positively impacted by an increased tax base on the completion of this subdivision”.

---

**Site Context:**

The subject property is approximately 14.4 ha in size located adjacent to Highway 97 and situated approximately 2.3 km south of OK Falls, and approximately 1.5 km north of Vaseux Lake.

There is one dwelling unit on the property and one additional accessory dwelling unit as well as several farm buildings.

The property is identified as having Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Areas on portions of the property. The northwest portion of the property is within the Agricultural Land Reserve (ALR) and is the property also partially within the floodplain associated with the Okanagan River. The ALR portion of the property is approximately 5.6 ha in size.

The property is not serviced with a community water nor sewer system; however, it is within the OK Falls Fire Protection District, with a moderate rating.

Adjacent properties are characterized as being mainly agricultural, zoned AG1, to the north and east. Many of the surrounding AG1 properties are approximately between 4.0 and 5.0 ha in size. To the northeast of the subject property there is a rural subdivision zoned Small Holdings Five (SH5).

**Background:**

The subject property historically was zoned in part as Agriculture Two (AG2), under both older Zoning Bylaw No. 1801, 1998 and Zoning Bylaw No. 2455, 2008, and in part as Large Holdings (LH). Both the LH and AG designations prescribe a minimum parcel size of 20 ha.

Electoral Area "D-2" is unique in its approach to Large Holdings zones in that it has maintained a 20 ha minimum parcel size whereas zoning bylaws in the other electoral areas prescribe a 4 ha minimum and Electoral Area 'H' (Rural Princeton) has two LH zones, a LH1 with a 4 ha minimum size and a LH2 with an 8 ha minimum parcel size.

The majority of the LH zoned properties in "D-2" are large (over 20 ha) and located along the north/south valley east of Skaha Lake. The LH zoned, privately held properties, tend to act as a buffer between the larger Crown owned Resource Area parcels and the smaller SH or low density residential properties closer to Skaha Lake.

A building permit was recently completed for a new single family dwelling on the subject property.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required as the proposal is situated within 800 metres of a controlled area.

**Public Process:**

At the August 12, 2014, meeting of the Electoral Area "D" Advisory Planning Commission, a motion was made to approve the subject application.

At the November 6, 2014 meeting, the Board made a motion to defer the amendment bylaws in order to remove the miscellaneous map housekeeping amendments that were also proposed by Administration at the time.

Comments have been received from Fisheries and Oceans, Interior Health Authority, Ministry of Agriculture, Agricultural Land Reserve, Ministry of Forests, Lands and Natural Resource Operations, and Ministry of Transportation and Infrastructure, and are included as a separate item on the Board agenda.

**Alternative:**

THAT the Electoral Area "D-2" subject land use amendment applications be denied.

---

**Analysis:**

The main consideration in assessing the proposed use is whether or not to rezone the property to facilitate an additional two parcels.

Proposed Agriculture (AG) Designation:

The Agricultural designation supports a broad range of agricultural production and activities and the general intent for the Large Holdings designation is to support ranching, grazing, outdoor recreation, open space and other uses that have minimal impact on the land

The proposed AG1 parcel (proposed Lot 1) includes the entire ALR portion as well as approximately 0.8 ha of land adjacent to the Highway for easement and a potential building area site. The minimum parcel size appears to be the main difference between the AG1 and AG3 zoning designations. The principal and secondary permitted uses between the two zones are essentially the same except that the AG3 zone allows agri-tourism accommodation units whereas the AG1 zone does not.

The OCP also discourages subdivisions that fragment farm land. Generally, the Agricultural Land Commission does not support subdivision of farm parcels because smaller lots offer a narrower range of agricultural options.

Conversely, the OCP recognizes that Agricultural parcel sizes vary depending on respective zoning but also directs that parcel size within the Agricultural designation shall not be not smaller than 4 ha in size. In this case, therefore, the subject proposal is seen to be in alignment with this policy.

Proposed Small Holdings (SH) Designation:

The remaining two proposed parcels (Lot 2 and Lot 3) are contemplated to be re-designated from LH to SH, and specifically from an AG3 to a SH1 zoning designation. Although currently zoned as AG3, the parcels are not in the ALR and therefore would not need to seek permission from the ALC to subdivide. The intent of a Small Holdings OCP designation is to support uses such as rural residential, hobby farming, limited agriculture that fit into the rural character of the surrounding area.

The majority of Large Holdings OCP designated lands within the Electoral "D-2" area are large parcels situated along the Skaha Lake upper valley range that act as a development 'buffer' between the numerous SH and Low Density Residential areas along the valley bottom and the upper valley Resource Area Crown parcels.

Given the intent of the Large Holdings designation outlined in the OCP, it appears that the subject property seems better suited as Small Holdings. Creating parcels that are approximately 4 – 6 ha in size would not be out of character given the number of AG1 parcels of similar size in the vicinity.

Summary:

The subject property has a number of limitations in terms of potential redevelopment, given the portion of the property within the floodplain, the amount of land designated as Watercourse Development Permit and Environmentally Sensitive Development Permit areas. The area within in the floodplain area would still be suitable as agricultural use.

Prior to subdivision, the applicant will need to complete a Watercourse Development Permit (WDP) and an Environmentally Sensitive Development Permit (ESDP), for the lands outside of the ALR.

The creation of two additional lots of approximately 4 ha in size would not be seen as compromising the intent of the Regional Growth Strategy (RGS) Human Settlement policies. The RGS recognizes that some minor form of development may take place outside of the designated growth areas, providing that the development does not significantly increase density and that it respects the character of the community.

In summary Administration considers this proposal to be reflective of the parcels in the vicinity in terms of size and designation and therefore supports the application to amend the OCP and zoning bylaws.

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**Respectfully submitted:**

*E. Riechert*

Evelyn Riechert MCIP, RPP  
Planner

**Endorsed by:**

*CG*

C. Garrish, Planning Supervisor

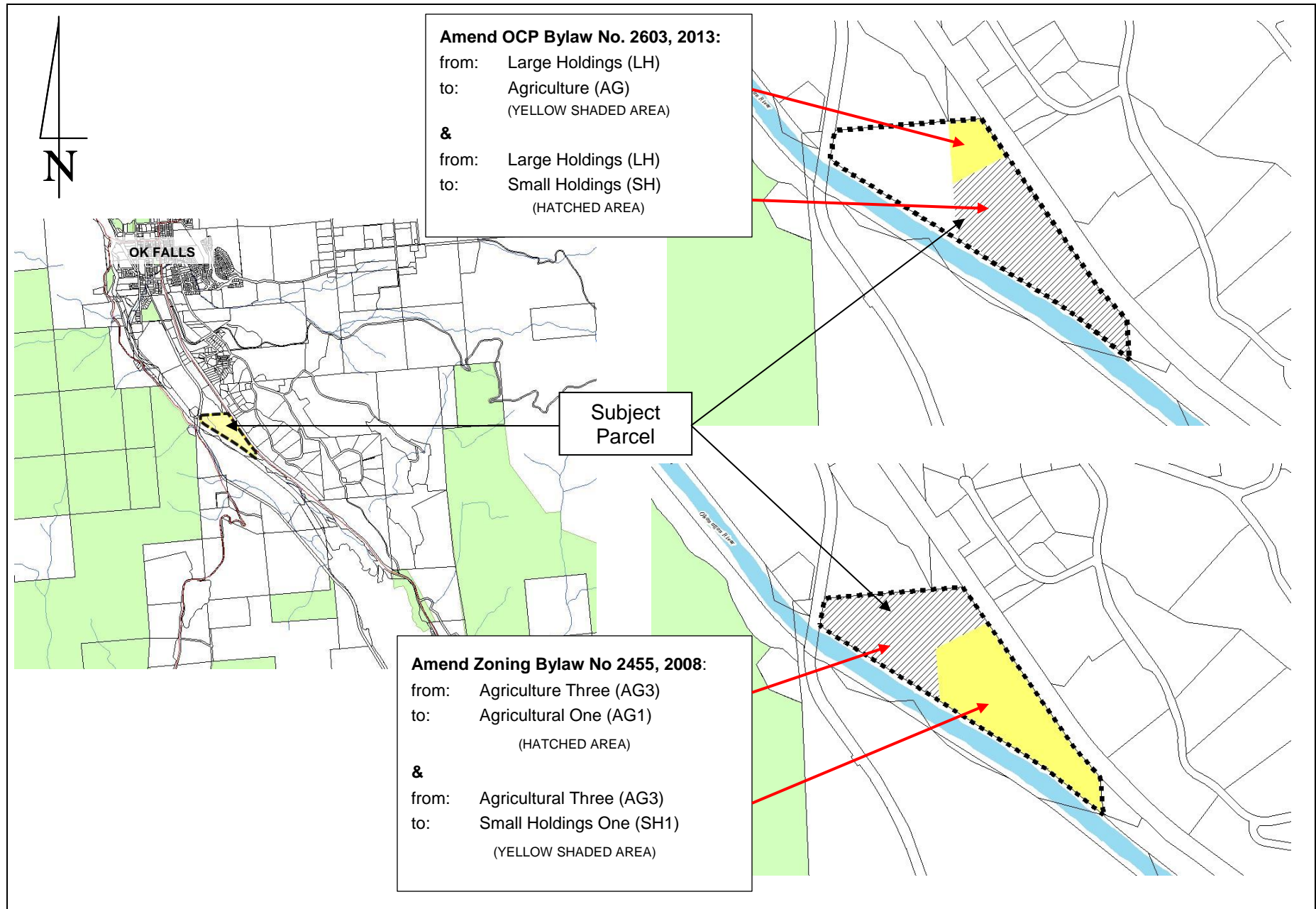
**Endorsed by:**

*D. Butler*

D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps  
No. 2 – Applicant's Site Plan

## Attachment No. 1 - Context Maps



[illegible]

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2603.03, 2014**

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**A Bylaw to amend the Electoral Area “D-2”  
East Skaha, Vaseux Official Community Plan Bylaw No. 2603, 2013**

---

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “D-2” East Skaha, Vaseux Zoning Amendment Bylaw No. 2603.03, 2014”.
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “D-2” Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown hatched black on Schedule ‘X-1’, which forms part of this Bylaw, from Large Holdings (LH) to Small Holdings (SH).
3. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “D-2” Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on the lands shown shaded yellow on Schedule ‘X-1’, which forms part of this Bylaw, from Large Holdings (LH) to Agricultural (AG).

READ A FIRST AND SECOND TIME this \_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held this \_\_ day of \_\_\_\_, 2015.

READ A THIRD TIME this this \_\_ day of \_\_\_\_, 2015.

ADOPTED this \_\_ day of \_\_\_\_, 2015.

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

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

# Regional District of Okanagan-Similkameen

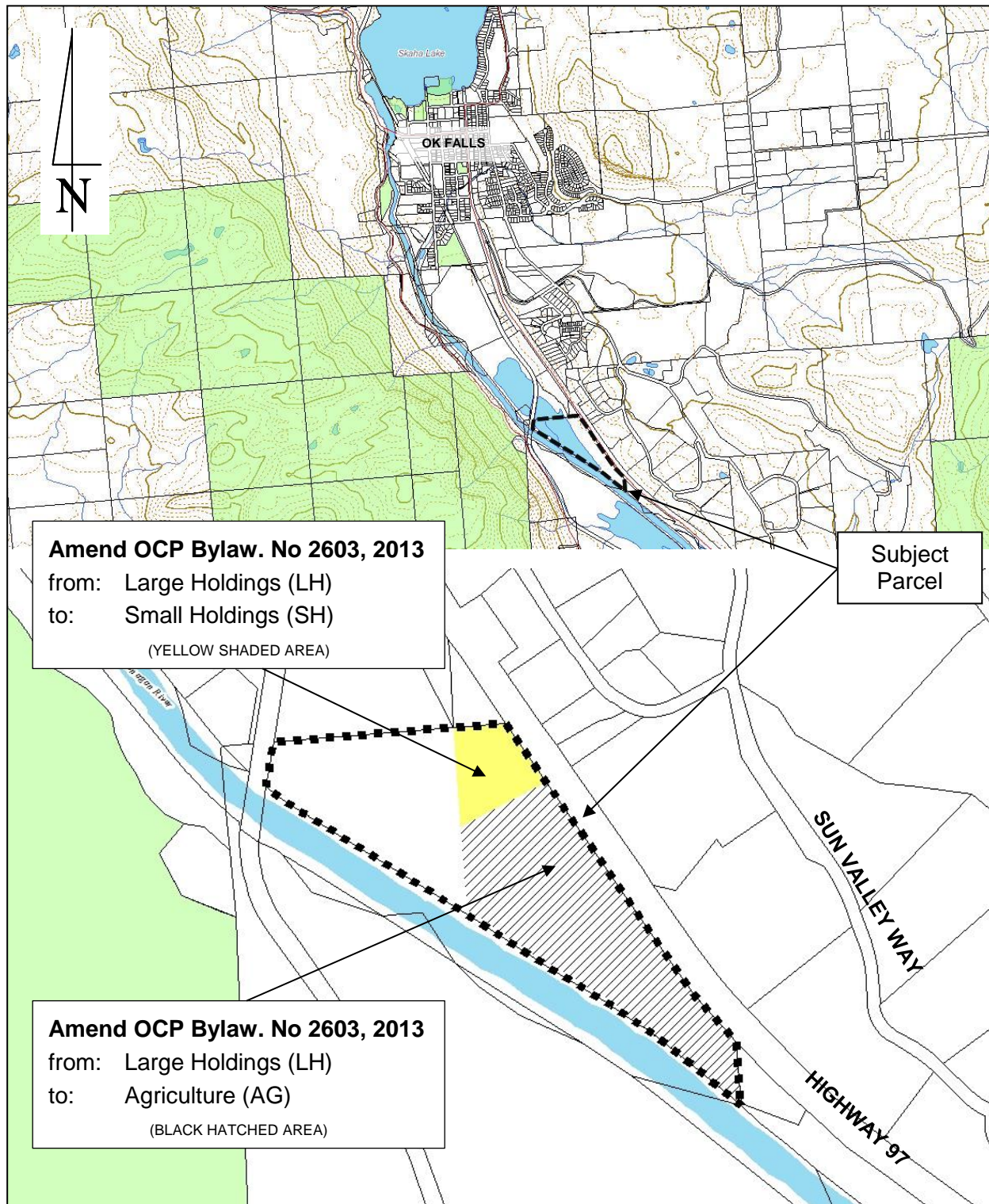
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.03, 2014

File No. D2014.036-ZONE

## Schedule 'X-1'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2455.17, 2014**

---

**A Bylaw to amend the Electoral Area “D-2”  
East Skaha, Vaseux Zoning Bylaw No. 2455, 2008**

---

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

1. This Bylaw may be cited for all purposes as the "Electoral Area “D-2” East Skaha, Vaseux Zoning Amendment Bylaw No. 2455.17, 2014”.
2. The Official Zoning Bylaw Map, being Schedule ‘2’ of the Electoral Area “D-2” Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the lands shown shaded yellow on Schedule ‘X-1’, which forms part of this Bylaw, from Agricultural Three (AG3) to Small Holdings One (SH1).
3. The Official Zoning Bylaw Map, being Schedule ‘2’ of the Electoral Area “D-2” Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on the lands shown hatched black on Schedule ‘X-1’, which forms part of this Bylaw, from Agricultural Three (AG3) to Agriculture One (AG1).

READ A FIRST AND SECOND TIME this \_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held this \_\_ day of \_\_\_\_, 2015.

READ A THIRD TIME this this \_\_ day of \_\_\_\_, 2015.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D-2" Zoning Amendment Bylaw No. 2455.17, 2014" as read a Third time by the Regional Board on this \_\_day of \_\_\_\_, 2015.

Dated at Penticton, BC this \_\_ day of \_\_\_\_, 2015

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

Approved pursuant to Section 52(3) of the Transportation Act this \_\_ day of \_\_\_\_, 2015.

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

ADOPTED this \_\_ day of \_\_\_\_, 2015.

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

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

# Regional District of Okanagan-Similkameen

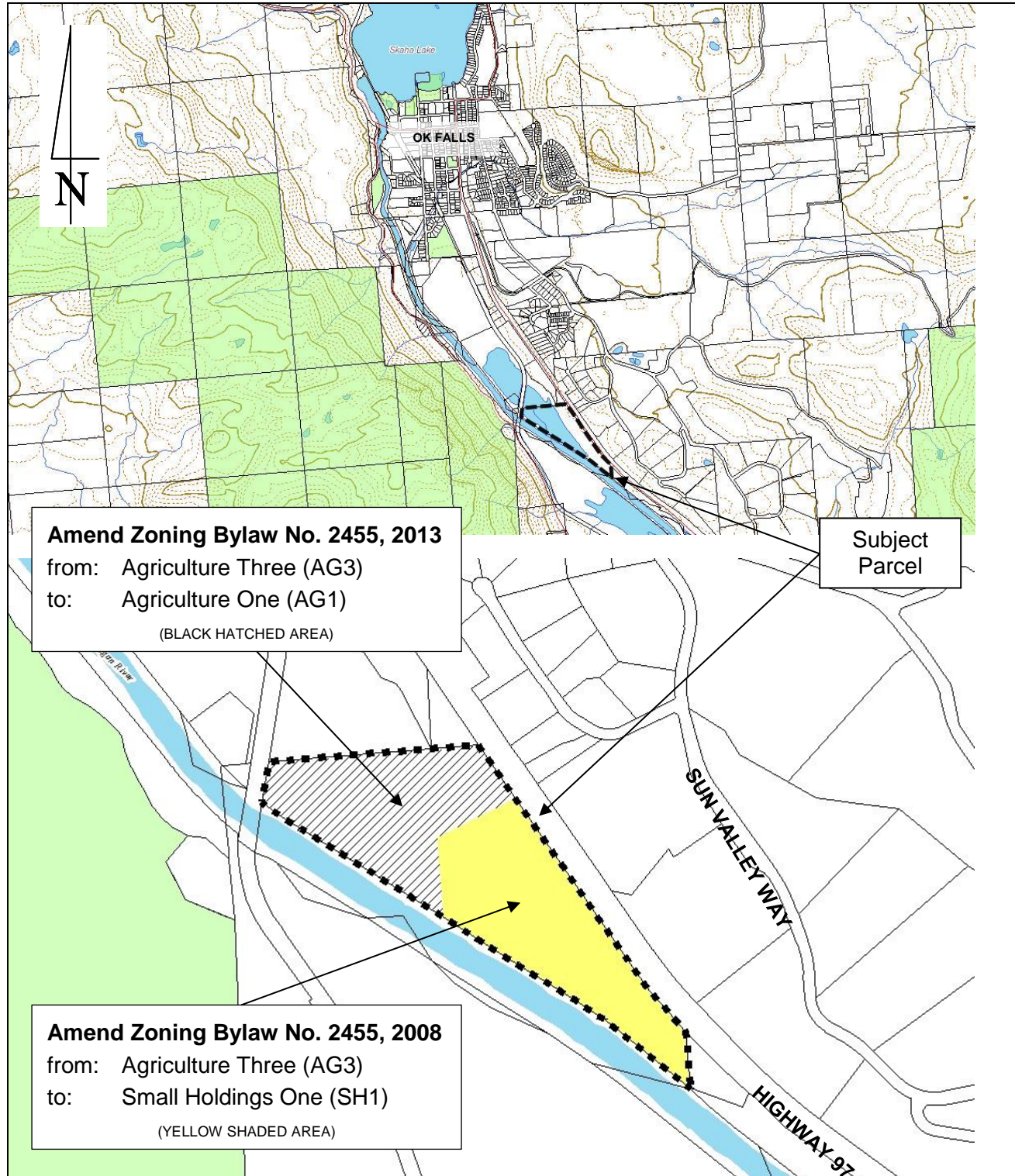
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.17, 2014

File No. D2014.036-ZONE

## Schedule 'X-1'



## Lauri Feindell

---

**From:** Evelyn Riechert  
**Sent:** May-30-14 2:51 PM  
**To:** Lauri Feindell  
**Subject:** FW: Rezoning Application - RDOS File: D06807.030 IHA File: 002650  
**Attachments:** RDOS File D06807.030 IHA File 002650.pdf

---

**From:** Beaupre, John [<mailto:John.Beaupre@interiorhealth.ca>]  
**Sent:** May-30-14 2:37 PM  
**To:** Evelyn Riechert  
**Subject:** Rezoning Application - RDOS File: D06807.030 IHA File: 002650

Evelyn Riechert  
Regional District of Okanagan Similkameen  
101 Martin St, Penticton, BC  
V2A 5J9

Dear Ms. Riechert:

Re: Rezoning Application for Lot B, DL 292, SDYD, Plan 44059.  
2150 and 2170 Hwy. 97, OK Falls

Thank you for the opportunity to comment on the above referenced and attached Rezoning Application.

This office has no objection to the rezoning of the subject property to allow for a future 3 lot subdivision. However it should be noted that at subdivision stage the applicant will be required to address the need for domestic water supply for the proposed lots and comply with all applicable legislation regarding water supply systems.

Please contact me with any questions.  
Thank you.

John C. Beaupre, C.P.H.I.(C)  
Environmental Health Officer  
Interior Health Authority  
Penticton Health Protection  
105 – 550 Carmi Avenue, Penticton, BC, V2A 3G6  
Bus: (250) 770-5540  
Direct: (250) 492-4000 Ext: 2744  
Cell: (250) 809-7356  
Fax: (250) 770-5541  
Email: [john.beaupre@interiorhealth.ca](mailto:john.beaupre@interiorhealth.ca)  
Web: [www.interiorhealth.ca](http://www.interiorhealth.ca)



## Lauri Feindell

---

**From:** Evelyn Riechert  
**Sent:** May-13-14 10:52 AM  
**To:** Lauri Feindell  
**Subject:** FW: Referral response: McCall  
**Attachments:** RESPONSE SUMMAR2.docx

**Categories:** DEADLINE

---

**From:** Withler, Carl AGRI:EX [<mailto:Carl.Withler@gov.bc.ca>]  
**Sent:** May-13-14 9:51 AM  
**To:** Evelyn Riechert  
**Cc:** Withler, Carl AGRI:EX; 'Worboys, Jill'  
**Subject:** Referral response: McCall

Good morning Evelyn, we missed you last week, but I'm sure you had an equal amount of fun at the board meeting.....not. Hope all went well anyway.....

As referenced above, please accept the attached referral response regarding the McCall application to subdivide non-ALR lands from ALR lands. Have a great day....cheers.

Sacred cows make the best hamburger.... (Mark Twain)

**Carl Withler P. Ag.**  
**Regional Agrologist**  
**Ministry of Agriculture**  
**Interior Region**



## Lauri Feindell

---

**From:** XPAC Referrals Pacific <ReferralsPacific@dfo-mpo.gc.ca>  
**Sent:** May-09-14 10:31 AM  
**To:** Planning  
**Cc:** Evelyn Riechert  
**Subject:** RE: Bylaw Referral - McCall - D06807.030

Dear Ms. Riechert,

DFO Received the Regional District of Okanagan Similkameen *Bylaw Referral* on May 8, 2014.

The role of the DFO's Fisheries Protection Program (FPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the *Fisheries Act*\*. The FPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

DFO does not have a regulatory role related to the review of your Bylaw Referral because it does not directly propose works, undertakings or activities that will result in serious harm to fish.

If you feel that the referral may facilitate works, undertakings or activities that will result in harm to fish or fish habitat, or you are unsure of how to protect fish or fish habitat through your planning initiative, then DFO recommends that the proponent retain the services of a Qualified Environmental Professional (QEP) with relevant experience and expertise. DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you have any further questions about DFO's regulatory process or need general information, contact DFO Headquarters toll free: 1-866-845-6776 or email: [EnquiriesPacific@dfo-mpo.gc.ca](mailto:EnquiriesPacific@dfo-mpo.gc.ca).

Regards,

### Chantelle Caron

Fisheries Protection Biologist | Biologiste, Protection des pêches  
Fisheries Protection Program | Programme de protection des pêches  
200 – 401 Burrard Street, Vancouver BC V6C 3S4  
Fisheries and Oceans Canada | Pêches et Océans Canada  
Government of Canada | Gouvernement du Canada

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**From:** Lauri Feindell [<mailto:lfeindell@rdos.bc.ca>]  
**Sent:** 2014–May-08 1:06 PM  
**To:** 'Collins, Martin J ALC:EX' (Martin.Collins@gov.bc.ca); HBE@interiorhealth.ca; 'carl.withler@gems3.gov.bc.ca' (carl.withler@gems3.gov.bc.ca); 'Referral Apps REG8 ENV:EX' (ReferralAppsREG8@gov.bc.ca); 'pat.d.hughes@gov.bc.ca' (pat.d.hughes@gov.bc.ca); 'Referral Apps REG8 ENV:EX' (ReferralAppsREG8@gov.bc.ca); rs@summer.com; onareception@syilx.org; jpepper@syilx.org; Patsy Kruger (PKruger@pib.ca); Carrie Terbasket (CTerbasket@pib.ca); 'jphillip@pib.ca' (jphillip@pib.ca); 'enviroinfo@ec.gc.ca' (enviroinfo@ec.gc.ca); XPAC Referrals Pacific; hayley.bond@gov.bc.ca; FBCLands@FortisBC.com  
**Cc:** Evelyn Riechert  
**Subject:** Bylaw Referral - McCall - D06807.030





Your File #: McCall -  
D06807.030  
eDAS File #: 2014-02326  
Date: May 21, 2014

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

Attention: Lauri A Feindell, Planning Secretary

**Re: Proposed Bylaw 2455.17 for:  
Lot B, District Lot 292, SDYD, Plan 44059  
2150 & 2170 Highway 97, OK Falls, BC**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Robert Bitte  
District Development Technician

Local District Address

Penticton Area Office  
102 Industrial Place  
Penticton, BC V2A 7C8  
Canada

Phone: (250) 490-8200 Fax: (250) 490-2231





May 22, 2014

File: 58000-20/101783  
Your File: C06807.030

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

Attention: Evelyn Riechert, Planner

Re: Zoning amendment for: Lot B, Plan 44059, DL 292, SDYD located at  
2150 and 2170 Hwy 97, Okanagan Falls, B.C.

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>) .

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Robert Stewart  
Ecosystems Biologist

RS/cl



**Lauri Feindell**

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**Subject:** FW: McCall rezone

---

**From:** Collins, Martin J ALC:EX [<mailto:Martin.Collins@gov.bc.ca>]  
**Sent:** May-12-14 11:23 AM  
**To:** Evelyn Riechert  
**Subject:** RE: McCall rezone

No objection to the bylaw – but how did that land escape being put in the ALR?

**Martin Collins**  
**Land Use Planner**  
**Agricultural Land Commission**  
604-660-7021

---

**From:** Evelyn Riechert [<mailto:eriechert@rdos.bc.ca>]  
**Sent:** Monday, May 12, 2014 10:12 AM  
**To:** Collins, Martin J ALC:EX  
**Subject:** McCall rezone

Hi Martin,

I'm not sure what exactly you received with the referral but here is the proposed subdivision plan. The ALR piece is not being subdivided.

If you have any other questions, let me know!

Evelyn



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**TYPE:** OCP & Zoning Bylaw Amendment Application — Electoral Area “H”

---

### Administrative Recommendation:

**THAT Bylaw No. 2497.04, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.05, 2014, Electoral Area “H” Zoning Amendment Bylaw be adopted.**

---

Purpose: To facilitate a two (2) lot subdivision.

Owners: Fred and Rebecca Ponech      Agent: McElhanney Consulting      Folio: H-00791.000

Legal: District Lot 901, YDYD, except Plan KAP57545, KAP57546 & S7.5 chains      Civic: unknown

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

Zoning: part Commercial Recreation (CR)      Proposed Zoning: part Small Holdings Two (SH2); and  
part Small Holdings Three (SH3)

---

### Proposed Development:

This proposal is seeking to amend the zoning of the subject property in order to facilitate a two (2) lot subdivision whereby a new 3.25 hectare (ha) parcel would be created while leaving an approximately 6.75 ha remainder parcel comprised of three “hooked” parts (see Attachment No. 2).

### Background:

At its meeting of August 19, 2014, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed amendments be conditionally approved.

At its meeting of October 2, 2014, the Regional District Board approved first and second reading of Amendment Bylaw Nos. 2497.04 & 2498.05, 2014, and delegated the holding of a Public Hearing.

A Public Hearing was held on October 20, 2014, where approximately seven (7) members of the public attended.

Approval from the Ministry of Transportation and Infrastructure (MoTI), due to the proposal affecting lands situated within 800 metres of a controlled area (i.e. Highway 3), was obtained on November 25, 2014.

### Alternative:

THAT the Board of Directors rescind first, second and third readings of Bylaw No. 2497.04, 2014, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.05, 2014, Electoral Area “H” Zoning Amendment Bylaw, and abandon the bylaws.

### Respectfully submitted:

C. Garrish, Planning Supervisor

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**Endorsed by:**

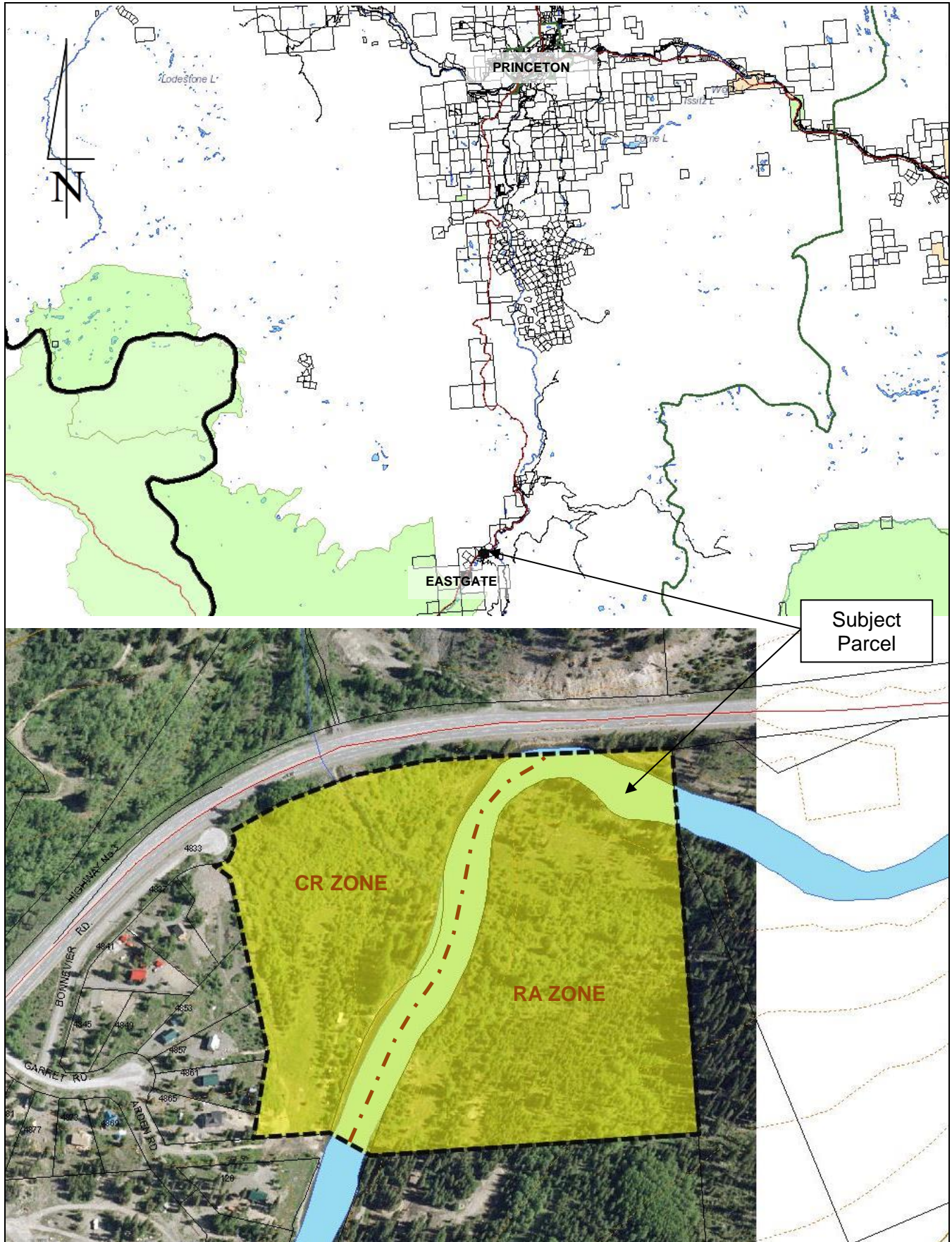
D. Butler

D. Butler, Development Services Manager

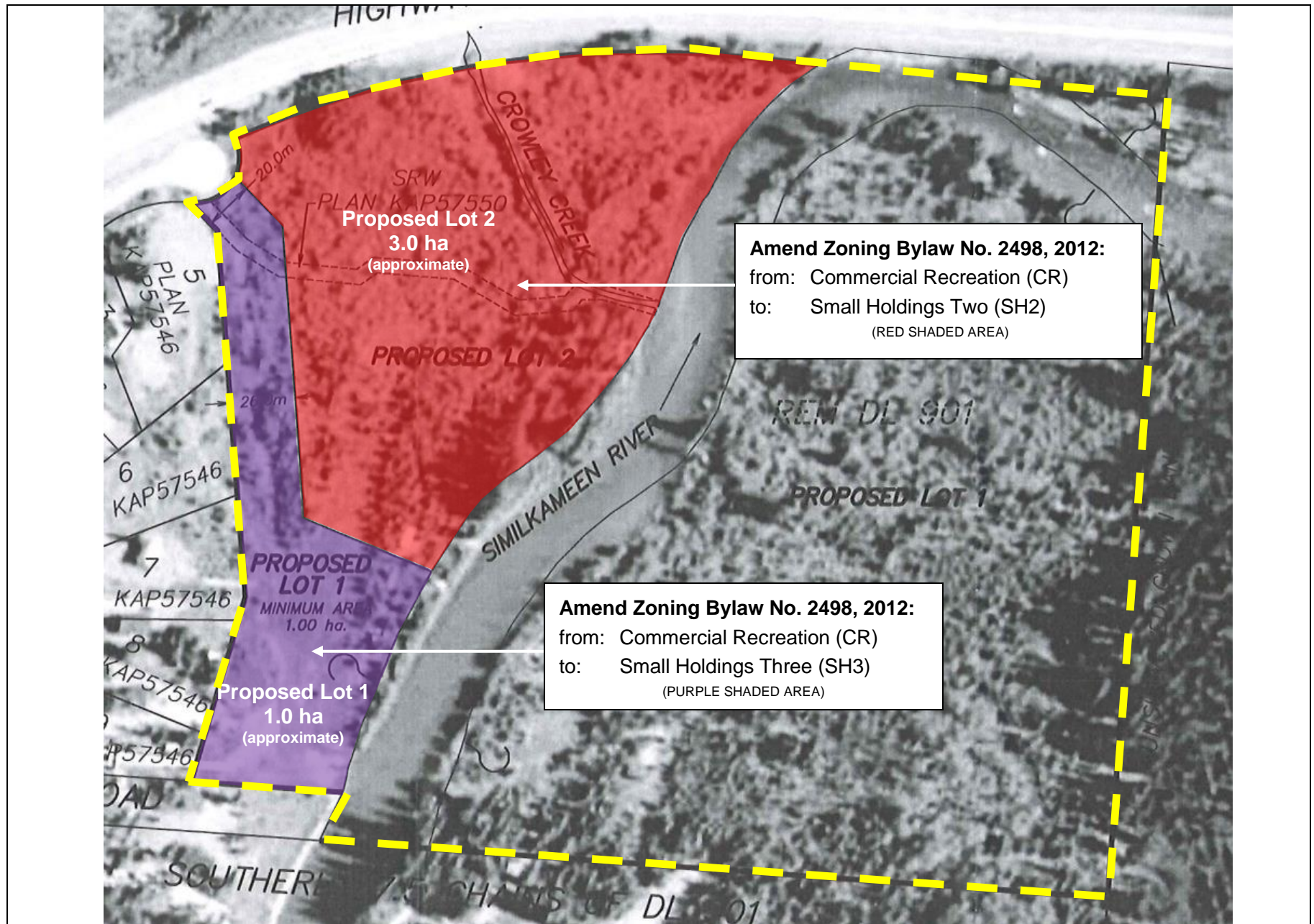
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Proposed Subdivision Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Proposed Subdivision Plan



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2497.04**

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

---

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “H” Official Community Plan Amendment Bylaw No. 2497.04, 2014.”
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area ‘H’ Official Community Plan Bylaw No. 2497, 2012, is amended by changing the land use designation of land described as part of District Lot 901, YDYD, except Plan KAP57545, KAP57546 & S7.5 chains and shown shaded yellow on Schedule ‘X’, which forms part of this Bylaw, from Commercial (C) to Small Holdings (SH).

READ A FIRST AND SECOND TIME this 2<sup>nd</sup> day of October, 2014.

PUBLIC HEARING held on this 20<sup>th</sup> day of October, 2014.

READ A THIRD TIME this 6<sup>th</sup> day of November, 2014.

ADOPTED this this \_\_ day of \_\_\_\_, 2014.

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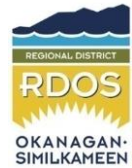
Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

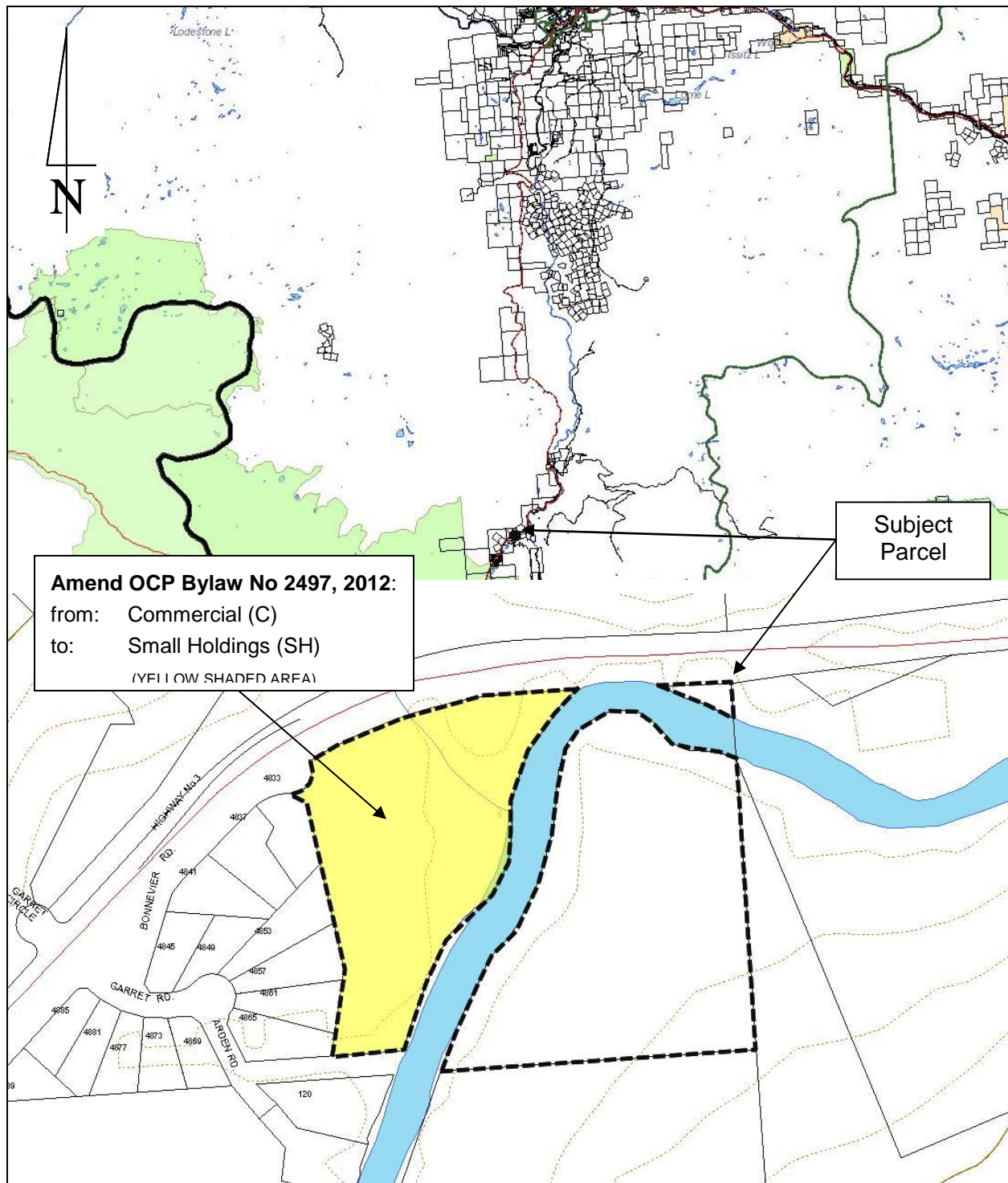
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2497.04, 2014

File No.: H2014.038-ZONE

## Schedule 'X'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2498.05, 2014**

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

---

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “H” Zoning Amendment Bylaw No. 2498.05, 2014.”
2. The Official Zoning Map, being Schedule 2 of the Electoral Area ‘H’ Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 3.0 hectare area of land described as part of District Lot 901, YDYD, except Plan KAP57545, KAP57546 & S7.5 chains and shown shaded red on Schedule ‘Y-2’, which forms part of this Bylaw, from part Commercial Recreation (CR) and part Resource Area (RA) to Small Holdings Two (SH2).
3. The Official Zoning Map, being Schedule 2 of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 1.0 hectare area of land described as part of District Lot 901, YDYD, except Plan KAP57545, KAP57546 & S7.5 chains and shown shaded purple on Schedule ‘Y-2’, which forms part of this Bylaw, from part Commercial Recreation (CR) and part Resource Area (RA) to Small Holdings Three (SH3).

READ A FIRST AND SECOND TIME this 2<sup>nd</sup> day of October, 2014.

PUBLIC HEARING held this 20<sup>th</sup> day of October, 2014.

READ A THIRD TIME this 6<sup>th</sup> day of November, 2014.

Approved pursuant to Section 52(3) of the Transportation Act this 25<sup>th</sup> day of November, 2014.

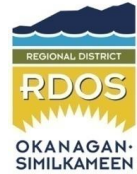
ADOPTED this \_\_ day of \_\_\_\_\_, 2015.

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

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

# Regional District of Okanagan-Similkameen

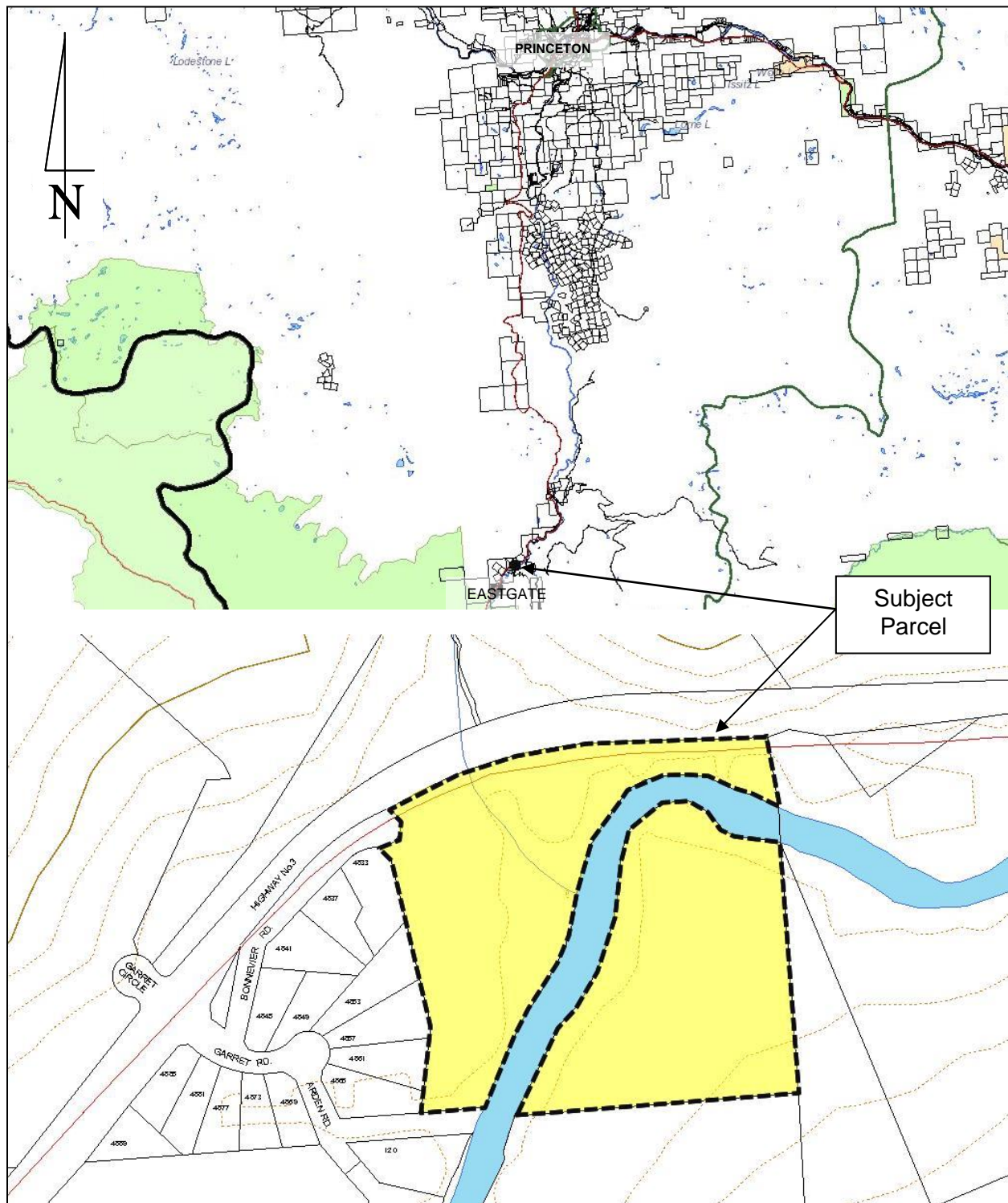
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2498.05, 2014

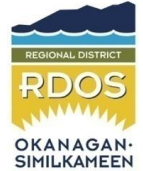
File No.: H2014.038-ZONE

## Schedule 'Y-1'



# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063

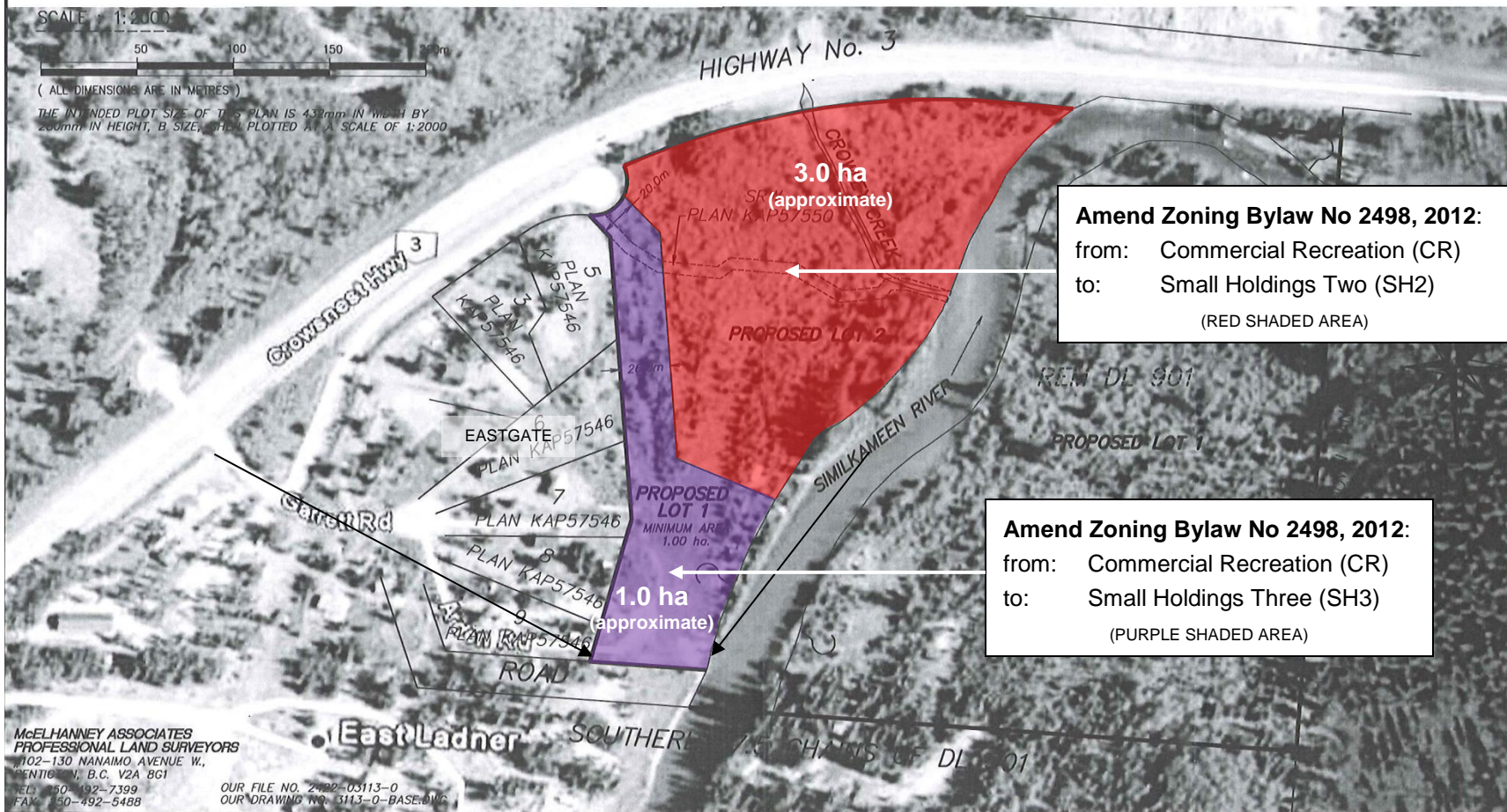


Amendment Bylaw No. 2498.05, 2014

File No.: H2014.038-ZONE

## Schedule 'Y-2'

**PROPOSED SUBDIVISION OF DISTRICT LOT 901 YDYD EXCEPT THE SOUTHERLY 7.5 CHAINS MEASURED ALONG THE EASTERLY BOUNDARY THEREOF BY THE FULL WIDTH OF THE SAID LOT AND EXCEPT PLANS KAP57545 AND KAP57546**



### Amend Zoning Bylaw No 2498, 2012:

from: Commercial Recreation (CR)  
to: Small Holdings Two (SH2)  
(RED SHADED AREA)

### Amend Zoning Bylaw No 2498, 2012:

from: Commercial Recreation (CR)  
to: Small Holdings Three (SH3)  
(PURPLE SHADED AREA)

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Petition to Enter Naramata Water Service Area

---

### **Administrative Recommendation:**

**THAT Bylaw No. 1804.06, 2011, "Naramata Water System Development Cost Charge Amendment Bylaw" be adopted;**

**AND THAT Bylaw No. 2551, 2011, "Naramata Water Service Extension Bylaw" be adopted.**

### **Reference:**

Administrative Report from March 17, 2011 Board meeting for first, second and third readings of the Bylaws.

### **History:**

Naramata Benchlands Properties initiated the petition process in early 2010 to have the subject Lands entered in to the Naramata Water System Service Area (see Attachment No. 2 for sketch plan of the subject Lands). This petition was one step in the process of their long-term residential development plan. Concurrently, the subject Lands were undergoing OCP and Zoning amendments applications. The land use amendment bylaws were adopted by the RDOS Board on November 3, 2011 and at that time there were still outstanding requirements of the service area petition for a covenant and a transfer of land.

A covenant relating to the construction of water infrastructure and Development Cost Charges (DCC) is required and is similar in format to one used in Phase One and the proposed Phase Two of the Naramata Benchlands development. There is also to be an agreement between the RDOS and Naramata Benchlands Properties to transfer to the Regional District an area of land on which the existing "Stonebrook Reservoir" is located; this transfer will be concluded as part of a pending subdivision application.

### **Alternatives:**

THAT the first, second and third readings of Bylaw No. 1804.06, 2011, "Naramata Water System Development Cost Charge Bylaw" be rescinded and the bylaw be abandoned;

AND THAT the first, second and third readings of Bylaw No. 2551, 2011, "Naramata Water Service Extension Bylaw" be rescinded and the bylaw be abandoned.

### **Referral Comments:**

#### **Naramata Water Advisory Committee (NWAC)**

At its meeting of February 8, 2011, the NWAC resolved "that the committee accepts the administrative recommendation as outlined" (in the March 17, 2011 Administrative Report).

"THAT the NWAC recommends to the RDOS Board that the subject area be included into the Naramata Water Service Area and within the DCC Bylaw Area, subject to rezoning of the area to residential being approved and the Applicant enters into a mutually agreed upon covenant for the necessary upgrades to the water system.

### **Ministry of Community, Sport and Cultural Development**

Ministry gave approval of the Bylaws in a letter dated June 24, 2011. This requirement is no longer necessary as part of the Service Area Petition process.

### **Analysis:**

The subject Lands are considered Phase Three of the Naramata Benchlands Properties long-term development plan. The Lands are currently zoned Resource Area, site specific (RAs); Small Holding 2 (SH2); and Small Holding 5, site specific (SH5s). The RAs land is proposed to be utilized partly as a wastewater treatment plant to service various phases of the development plan and the SH2 and SH5s lands will be proposed as residential development. There is an existing permit from the Ministry of Environment to allow the Petitioner to discharge treated effluent for approximately 95 single family dwelling units within the RAs zoned area.

The Naramata Water System cannot supply domestic water and fire flow to the Lands at this time due to lack of adequate infrastructure and elevation restrictions. The Petitioner has agreed to a restrictive covenant to ensure that water system infrastructure will be constructed prior to any development and subdivision registration can be approved. At the March 17, 2011 Board meeting, authorization was given to the CAO and the Chair to sign an agreed upon covenant.

The Petitioner and the RDOS have agreed upon the configuration and the size of the land to be transferred to the RDOS for the Reservoir and the land transfer will take place as part of a pending subdivision application.

The Naramata Water System currently operates and maintains a water reservoir (Stonebrook Reservoir) located on the subject Lands. This reservoir was constructed by the Petitioner as part of a Phase One of their development. At the time of construction of the "Stonebrook" reservoir on Lot "A", the Petitioner was granted a DCC credit of approximately \$550,000.00 due to the added benefit to the overall Naramata Water System and as such the Petitioner would be able to draw on this credit for DCC contributions for proposed future phases. This DCC credit does not forgive the obligation of the petitioner to adequately supply domestic water and fire flow that will be required for the future phases. It is uncertain at this time if any future upgrades to the Naramata Water System would be considered for additional DCC credits. It is also anticipated that additional water storage will be necessary. The Regional District's preference for upgrades to the water system infrastructure would be a dual-celled concrete reservoir.

### **Respectfully submitted:**

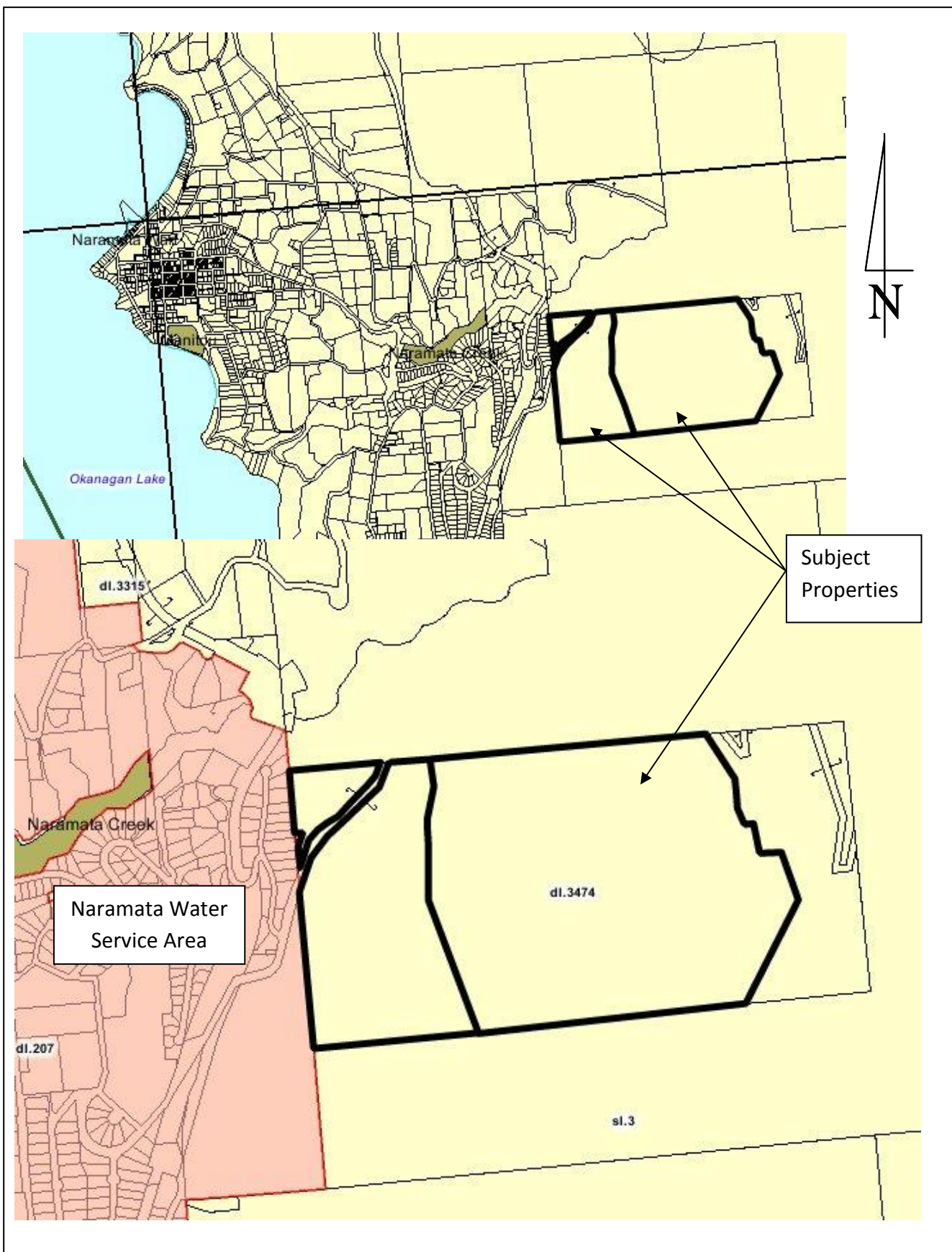


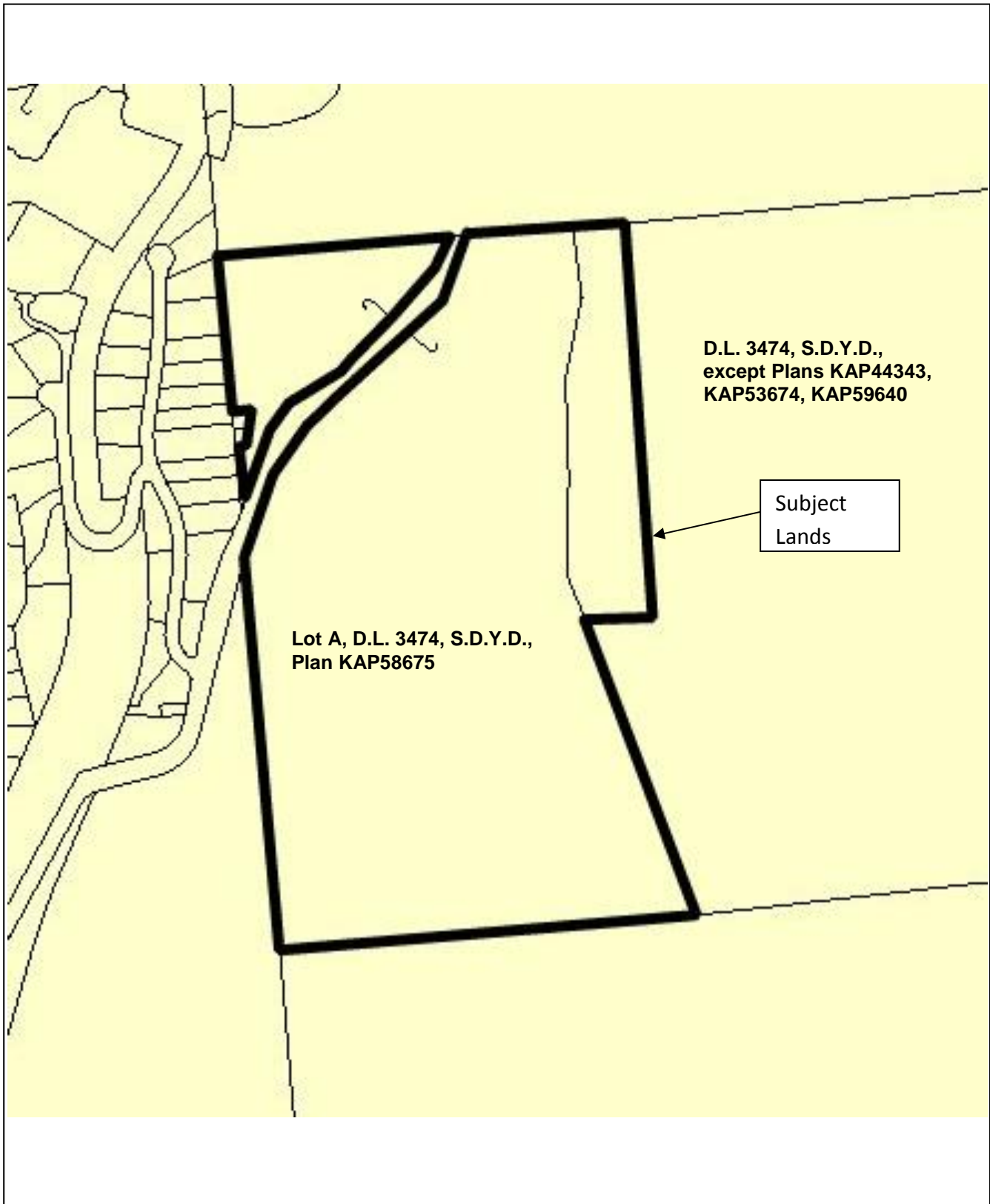
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S. Juch, Subdivision Supervisor

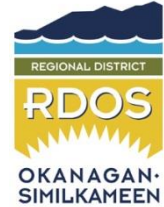
Attachments: Attachment No. 1 - Context Maps  
Attachment No. 2 - Lands for Inclusion into the Naramata Water Service

Attachment No. 1 - Context Maps





## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Licence of Occupation renewal

---

### Administrative Recommendation:

**THAT the RDOS Board of Directors authorizes the Chair and Chief Administrative Officer to execute a renewal agreement for the License of Occupation for Block B, DL 3100, SDYD to be used by the Willowbrook Fire department for water storage tanks for fire protection purposes.**

### History:

The Willowbrook Fire Department utilizes water from strategically located water storage tanks for Fire Suppression purposes within their response area. The location of one of these storage tanks is located on crown land directly behind (and uphill) the Willowbrook Fire Hall. The last agreement was for 10 years and this renew agreement is now for 30 years. The cost for this agreement is \$1.00.

### Reference:

Licence of Occupation File No. 3410773

### Respectfully submitted:

*"Dale Kronebusch"*

---

D. Kronebusch, Emergency Services Supervisor

Licence No.:

File No.: 3410773

Disposition No.: 907587

THIS AGREEMENT is dated for reference October 28, 2014 and is made under the *Land Act*.

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

**AND:**

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
101 Martin St  
Penticton BC V2A 5J9

(the "Licensee")

The parties agree as follows:

**ARTICLE 1 - INTERPRETATION**

1.1 In this Agreement,

"**Agreement**" means this licence of occupation;

"**Commencement Date**" means October 28, 2014;

"**disposition**" has the meaning given to it in the *Land Act* and includes a licence of occupation;

"**Fees**" means the fees set out in Article 3;

"**Hazardous Substances**" means any substance which is hazardous to persons, property or the environment, including without limitation

(a) waste, as that term is defined in the *Environmental Management Act*; and

- (b) any other hazardous, toxic or other dangerous substance, the use, transportation or release into the environment of which, is now or from time to time prohibited, controlled or regulated under any laws or by any governmental authority, applicable to, or having jurisdiction in relation to, the Land;

**“Improvements”** includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the Land;

**“Land”** means that part or those parts of the Crown land either described in, or shown outlined by bold line on, the schedule attached to this Agreement entitled “Legal Description Schedule” except for those parts of the land that, on the Commencement Date, consist of highways (as defined in the *Transportation Act*);

**“Realty Taxes”** means all taxes, rates, levies, duties, charges and assessments levied or charged, at any time, by any government authority having jurisdiction which relate to the Land, the Improvements or both of them and which you are liable to pay under applicable laws;

**“Security”** means the security referred to in section 6.1 or 6.2, as replaced or supplemented in accordance with section 6.5;

**“Term”** means the period of time set out in section 2.2;

**“we”, “us” or “our”** refers to the Province alone and never refers to the combination of the Province and the Licensee: that combination is referred to as **“the parties”**; and

**“you” or “your”** refers to the Licensee.

- 1.2 In this Agreement, “person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law and wherever the singular or masculine form is used in this Agreement it will be construed as the plural or feminine or neuter form, as the case may be, and vice versa where the context or parties require.
- 1.3 The captions and headings contained in this Agreement are for convenience only and do not define or in any way limit the scope or intent of this Agreement.
- 1.4 This Agreement will be interpreted according to the laws of the Province of British Columbia.
- 1.5 Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every

regulation made under it and any subsequent enactment of like effect and, unless otherwise indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.

- 1.6 If any section of this Agreement, or any part of a section, is found to be illegal or unenforceable, that section or part of a section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.
- 1.7 Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.
- 1.8 This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 1.9 Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- 1.10 Any liabilities or obligations of either party arising, or to be performed, before or as a result of the termination of this Agreement, and which have not been satisfied or remain unperformed at the termination of this Agreement, any indemnity and any release in our favour and any other provision which specifically states that it will survive the termination of this Agreement, shall survive and not be affected by the expiration of the Term or the termination of this Agreement.
- 1.11 Time is of the essence of this Agreement.
- 1.12 Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then you or we, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that you or we have sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.
- 1.13 Any requirement under this Agreement for us to act reasonably shall not require us to act in a manner that is contrary to or inconsistent with any legislation, regulations, Treasury Board directives or other enactments or any policy, directive, executive direction or other such guideline of general application.

---

**ARTICLE 2 - GRANT AND TERM**

- 2.1 On the terms and conditions set out in this Agreement, we grant you a licence of occupation of the Land for placement and use of water storage tanks for fire protection purposes, and you acknowledge this licence of occupation does not grant you exclusive use and occupancy of the Land.
- 2.2 The term of this Agreement commences on the Commencement Date and terminates on the 30th anniversary of that date, or such earlier date provided for in this Agreement. We reserve the right to terminate this Agreement in certain circumstances as expressly provided in this Agreement.

---

**ARTICLE 3 - FEES**

- 3.1 The Fee for the Term is \$1.00, the receipt of which we acknowledge.

**ARTICLE 4 - COVENANTS**

- 4.1 You must
- (a) pay, when due,
    - (i) the Fees to us at the address set out in Article 10,
    - (ii) the Realty Taxes, and
    - (iii) all charges for electricity, gas, water and other utilities supplied to the Land for use by you or on your behalf or with your permission;
  - (b) deliver to us, immediately upon demand, receipts or other evidence of the payment of Realty Taxes and all other money required to be paid by you under this Agreement;
  - (c) observe, abide by and comply with
    - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any government authority having jurisdiction in any way affecting your use or occupation of the Land or the Improvements including without limitation all laws, bylaws, orders, directions, ordinances and regulations relating in any way to Hazardous Substances, the environment and human health and safety, and
    - (ii) the provisions of this Agreement;

- (d) in respect of the use of the Land by you or by any person who enters upon or uses the Land as a result of your use of the Land under this Agreement, keep the Land and the Improvements in a safe, clean and sanitary condition satisfactory to us, and at our written request, rectify any failure to comply with such a covenant by making the Land and the Improvements safe, clean and sanitary;
- (e) not commit any wilful or voluntary waste, spoil or destruction on the Land or do anything on the Land that may be or become a nuisance to an owner or occupier of land in the vicinity of the Land;
- (f) use and occupy the Land only in accordance with and for the purposes set out in section 2.1;
- (g) not construct, place or affix any Improvement on or to the Land except as necessary for the purposes set out in section 2.1;
- (h) pay all accounts and expenses as they become due for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*;
- (i) if any claim of lien over the Land is made under the *Builders Lien Act* for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Land or any interest of yours under this Agreement to sale or forfeiture;
- (j) not alter, repair or add to any Improvement that was, or may be, placed on or made to the Land under another disposition or in connection with the use of Land apart from this Agreement, unless you obtain our prior written approval;
- (k) site the access and pipe route to minimize the disturbance of natural vegetation;
- (l) reseed all disturbed soil with local, native plant seeds or plugs, or with any native plants which have been salvaged from the disturbed areas;
- (m) take all reasonable precautions to avoid disturbing or damaging any archaeological material found on or under the Land and, upon discovering any archaeological material on or under the Land, you must immediately notify the ministry responsible for administering the *Heritage Conservation Act*;
- (n) permit us, or our authorized representatives, to enter on the Land at any time to inspect the Land and the Improvements, including without limitation to test and remove soil,

groundwater and other materials and substances, where the inspection may be necessary or advisable for us to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances, provided that we take reasonable steps to minimize any disruption of your operations;

- (o) indemnify and save us and our servants, employees and agents harmless against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of
  - (i) your breach, violation or non-performance of a provision of this Agreement,
  - (ii) any conflict between your use of the Land under this Agreement and the lawful use of the Land by any other person, and
  - (iii) any personal injury, bodily injury (including death) or property damage occurring or happening on or off the Land by virtue of your entry upon, use or occupation of the Land,

and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand; and

- (p) on the termination of this Agreement,
  - (i) peaceably quit and deliver to us possession of the Land and, subject to paragraphs (ii), (iii) and (iv), the Improvements in a safe, clean and sanitary condition,
  - (ii) within 90 days, remove from the Land any Improvement you want to remove, if the Improvement was placed on or made to the Land by you, is in the nature of a tenant's fixture normally removable by tenants and is not part of a building (other than as a tenant's fixture) or part of the Land and you are not in default of this Agreement,
  - (iii) not remove any Improvement from the Land if you are in default of this Agreement, unless we direct or permit you to do so under paragraph (iv),
  - (iv) remove from the Land any Improvement that we, in writing, direct or permit you to remove, other than any Improvement permitted to be placed on or made to the Land under another disposition, and
  - (v) restore the surface of the Land as nearly as may reasonably be possible, to the condition that the Land was in at the time it originally began to be used for the purposes described in this Agreement, but if you are not directed or permitted to remove an Improvement under paragraph (iii), this paragraph will not apply to

that part of the surface of the Land on which that Improvement is located,

and all of your right, interest and estate in the Land will be absolutely forfeited to us, and to the extent necessary, this covenant will survive the termination of this Agreement.

4.2 You will not permit any person who enters upon or uses the Land as a result of your use of the Land under this Agreement to do anything you are restricted from doing under this Article.

4.3 You must not use all or any part of the Land

- (a) for the storage or disposal of any Hazardous Substances; or
- (b) in any other manner whatsoever which causes or contributes to any Hazardous Substances being added or released on, to or under the Land or into the environment from the Land;

unless

- (c) such storage, disposal, release or other use does not result in your breach of any other provision of this Agreement, including without limitation, your obligation to comply with all laws relating in any way to Hazardous Substances, the environment and human health and safety; and
- (d) we have given our prior written approval to such storage, disposal, release or other use and for certainty any such consent operates only as a consent for the purposes of this section and does not bind, limit, or otherwise affect any other governmental authority from whom any consent, permit or approval may be required.

4.4 Despite any other provision of this Agreement you must:

- (a) on the expiry or earlier termination of this Agreement; and
- (b) at any time if we request and if you are in breach of your obligations under this Agreement relating to Hazardous Substances;

promptly remove from the Land all Hazardous Substances stored, or disposed of, on the Land, or which have otherwise been added or released on, to or under the Land:

- (c) by you; or
- (d) as a result of the use of the Land under this Agreement;

save and except only to the extent that we have given a prior written approval expressly

allowing specified Hazardous Substances to remain on the Land following the expiry of the Term.

4.5 We may from time to time

- (a) in the event of the expiry or earlier termination of this Agreement;
- (b) as a condition of our consideration of any request for consent to an assignment of this Agreement; or
- (c) if we have a reasonable basis for believing that you are in breach of your obligations under this Agreement relating to Hazardous Substances;

provide you with a written request to investigate the environmental condition of the Land and upon any such request you must promptly obtain, at your cost, and provide us with, a report from a qualified and independent professional who has been approved by us, as to the environmental condition of the Land, the scope of which must be satisfactory to us and which may include all such tests and investigations that such professional may consider to be necessary or advisable to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances.

4.6 You must at our request from time to time, but not more frequently than annually, provide us with your certificate (and if you are a corporation such certificate must be given by a senior officer) certifying that you are in compliance with all of your obligations under this Agreement pertaining to Hazardous Substances, and that no adverse environmental occurrences have taken place on the Land, other than as disclosed in writing to us.

## ARTICLE 5 - LIMITATIONS

5.1 You agree with us that

- (a) in addition to the other reservations and exceptions expressly provided in this Agreement this Agreement is subject to the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
- (b) other persons may hold or acquire rights to use the Land in accordance with enactments other than the *Land Act* or the *Ministry of Lands, Parks and Housing Act*, including rights held or acquired under the *Coal Act*, *Forest Act*, *Geothermal Resources Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Water Act* or *Wildlife Act* (or any prior or subsequent enactment of the Province of British Columbia of like effect); such rights may exist as of the Commencement Date and may be granted or acquired subsequent to the Commencement Date and may affect your use of the Land;

- (c) other persons may hold or acquire interests in or over the Land granted under the *Land Act* or the *Ministry of Lands, Parks and Housing Act*; such interests may exist as of the Commencement Date; following the Commencement Date we may grant such interests (including fee simple interests, leases, statutory rights of way and licences); you acknowledge that your use of the Land may be affected by such interests and the area or boundaries of the Land may change as a result of the granting of such interests;
- (d) you have no right to compensation from us and you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any conflict between your use of the Land under this Agreement and any use of, or impact on the Land arising from the exercise, or operation of the interests, rights, privileges and titles described in subsections (a), (b), and (c);
- (e) this Agreement does not limit any right to notice, compensation or any other benefit that you may be entitled to from time to time under the enactments described in subsection (b), or any other applicable enactment;
- (f) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any interference with your use of the Land as permitted under this Agreement that arises as a result of the lawful exercise or operation of the interests, rights, privileges and titles described in subsections (a), (b) and (c);
- (g) you will not remove or permit the removal of any Improvement from the Land except as expressly permitted or required under this Agreement;
- (h) any interest you may have in the Improvements ceases to exist and becomes our property upon the termination of this Agreement, except where an Improvement may be removed under paragraph 4.1(p)(ii), (iii) or (iv) in which case any interest you may have in that Improvement ceases to exist and becomes our property if the Improvement is not removed from the Land within the time period set out in paragraph 4.1(p)(ii) or the time period provided for in the direction or permission given under paragraph 4.1(p)(iii); and
- (i) if, after the termination of this Agreement, we permit you to remain in possession of the Land and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

## ARTICLE 6 - SECURITY AND INSURANCE

6.1 On the Commencement Date, you will deliver to us Security in the amount of \$0.00 which will

- (a) guarantee the performance of your obligations under this Agreement;
- (b) be in the form required by us; and
- (c) remain in effect until we certify, in writing, that you have fully performed your obligations under this Agreement.

6.2 Despite section 6.1, your obligations under that section are suspended for so long as you maintain in good standing other security acceptable to us to guarantee the performance of your obligations under this Agreement and all other dispositions held by you.

6.3 We may use the Security for the payment of any costs and expenses associated with any of your obligations under this Agreement that are not performed by you or to pay any overdue Fees and, if such event occurs, you will, within 30 days of that event, deliver further Security to us in an amount equal to the amount drawn down by us.

6.4 After we certify, in writing, that you have fully performed your obligations under this Agreement, we will return to you the Security maintained under section 6.1, less all amounts drawn down by us under section 6.3.

6.5 You acknowledge that we may, from time to time, notify you to

- (a) change the form or amount of the Security; and
- (b) provide and maintain another form of Security in replacement of or in addition to the Security posted by you under this Agreement;

and you will, within 60 days of receiving such notice, deliver to us written confirmation that the change has been made or the replacement or additional form of Security has been provided by you.

6.6 You must

- (a) without limiting your obligations or liabilities under this Agreement, at your expense, purchase and maintain during the Term the following insurance with insurers licensed to do business in Canada:
  - (i) Commercial General Liability insurance in an amount of not less than \$2,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) and property damage, including coverage for all accidents or occurrences on the Land or the Improvements. Such policy will include cross liability, liability assumed under contract, provision to provide 30 days advance notice to us of material change or cancellation, and include us as additional insured;

- (b) ensure that all insurance required to be maintained by you under this Agreement is primary and does not require the sharing of any loss by any of our insurers;
- (c) within 10 working days of Commencement Date of this Agreement, provide to us evidence of all required insurance in the form of a completed "Province of British Columbia Certificate of Insurance";
- (d) if the required insurance policy or policies expire or are cancelled before the end of the Term of this Agreement, provide within 10 working days of the cancellation or expiration, evidence of new or renewal policy or policies of all required insurance in the form of a completed "Province of British Columbia Certificate of Insurance";
- (e) notwithstanding subsection (c) or (d) above, if requested by us, provide to us certified copies of the required insurance policies.

6.7 We may, acting reasonably, from time to time, require you to

- (a) change the amount of insurance set out in subsection 6.6(a); and
- (b) provide and maintain another type or types of insurance in replacement of or in addition to the insurance previously required to be maintained by you under this Agreement;

and you will, within 60 days of receiving such notice, cause the amounts and types to be changed and deliver to us a completed "Province of British Columbia Certificate of Insurance" for all insurance then required to be maintained by you under this Agreement.

- 6.8 You shall provide, maintain, and pay for any additional insurance which you are required by law to carry, or which you consider necessary to insure risks not otherwise covered by the insurance specified in this Agreement in your sole discretion.
- 6.9 You waive all rights of recourse against us with regard to damage to your own property.

## **ARTICLE 7 - ASSIGNMENT**

- 7.1 You must not sublicense, assign, mortgage or transfer this Agreement, or permit any person to use or occupy the Land, without our prior written consent, which consent we may withhold.
- 7.2 Prior to considering a request for our consent under section 7.1, we may require you to meet certain conditions, including without limitation, that you provide us with a report as to the environmental condition of the Land as provided in section 4.5.

**ARTICLE 8 - TERMINATION****8.1 You agree with us that**

- (a) if you
  - (i) default in the payment of any money payable by you under this Agreement, or
  - (ii) fail to observe, abide by and comply with the provisions of this Agreement (other than the payment of any money payable by you under this Agreement),and your default or failure continues for 60 days after we give written notice of the default or failure to you,
- (b) if, in our opinion, you fail to make diligent use of the Land for the purposes set out in this Agreement, and your failure continues for 60 days after we give written notice of the failure to you;
- (c) if you
  - (i) become insolvent or make an assignment for the general benefit of your creditors,
  - (ii) commit an act which entitles a person to take action under the *Bankruptcy and Insolvency Act* (Canada) or a bankruptcy petition is filed or presented against you or you consent to the filing of the petition or a decree is entered by a court of competent jurisdiction adjudging you bankrupt under any law relating to bankruptcy or insolvency, or
  - (iii) voluntarily enter into an arrangement with your creditors;
- (d) if you are a corporation,
  - (i) a receiver or receiver-manager is appointed to administer or carry on your business, or
  - (ii) an order is made, a resolution passed or a petition filed for your liquidation or winding up;
- (e) if you are a society, you convert into a company in accordance with the *Society Act* without our prior written consent;
- (f) if this Agreement is taken in execution or attachment by any person; or

- (g) if we require the Land for our own use or, in our opinion, it is in the public interest to cancel this Agreement and we have given you 60 days' written notice of such requirement or opinion;

this Agreement will, at our option and with or without entry, terminate and your right to use and occupy the Land will cease.

- 8.2 If the condition complained of (other than the payment of any money payable by you under this Agreement) reasonably requires more time to cure than 60 days, you will be deemed to have complied with the remedying of it if you commence remedying or curing the condition within 60 days and diligently complete the same.

- 8.3 You agree with us that

- (a) you will make no claim against us for compensation, in damages or otherwise, upon the lawful termination of this Agreement under section 8.1; and
- (b) our remedies under this Article are in addition to those available to us under the *Land Act*.

## ARTICLE 9 - DISPUTE RESOLUTION

- 9.1 If any dispute arises under this Agreement, the parties will make all reasonable efforts to resolve the dispute within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.
- 9.2 Subject to section 9.5, if a dispute under this Agreement cannot be resolved under section 9.1, we or you may refer the dispute to arbitration conducted by a sole arbitrator appointed pursuant to the *Commercial Arbitration Act*.
- 9.3 The cost of the arbitration referred to in section 9.2 will be shared equally by the parties and the arbitration will be governed by the laws of the Province of British Columbia.
- 9.4 The arbitration will be conducted at our offices (or the offices of our authorized representative) in Kamloops, British Columbia, and if we or our authorized representative have no office in Kamloops, British Columbia, then our offices (or the offices of our authorized representative) that are closest to Kamloops, British Columbia.
- 9.5 A dispute under this Agreement in respect of a matter within our sole discretion cannot, unless we agree, be referred to arbitration as set out in section 9.2.

## ARTICLE 10 - NOTICE

- 10.1 Any notice required to be given by either party to the other will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to us

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS  
441 Columbia Street  
Kamloops BC V2C 2T3;

to you

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
101 Martin St  
Penticton BC V2A 5J9;

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 10.2 In order to expedite the delivery of any notice required to be given by either party to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in section 10.1.
- 10.3 The delivery of all money payable to us under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

## ARTICLE 11 - MISCELLANEOUS

- 11.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.
- 11.2 No remedy conferred upon or reserved to us under this Agreement is exclusive of any other

remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or by statute.

- 11.3 The grant of a sublicense, assignment or transfer of this Agreement does not release you from your obligation to observe and perform all the provisions of this Agreement on your part to be observed and performed unless we specifically release you from such obligation in our consent to the sublicense, assignment or transfer of this Agreement.
- 11.4 This Agreement extends to, is binding upon and enures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 11.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond your reasonable control, other than normal weather conditions, you are delayed in performing any of your obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
- (a) you give notice to us within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
  - (b) you diligently attempt to remove the delay.
- 11.6 You acknowledge and agree with us that
- (a) this Agreement has been granted to you on the basis that you accept the Land on an "as is" basis;
  - (b) without limitation we have not made, and you have not relied upon, any representation or warranty from us as to
    - (i) the suitability of the Land for any particular use, including the use permitted by this Agreement;
    - (ii) the condition of the Land (including surface and groundwater), environmental or otherwise, including the presence of or absence of any toxic, hazardous, dangerous or potentially dangerous substances on or under the Land and the current and past uses of the Land and any surrounding land and whether or not the Land is susceptible to erosion or flooding;
    - (iii) the general condition and state of all utilities or other systems on or under the Land or which serve the Land;

- (iv) the zoning of the Land and the bylaws of any government authority which relate to the development, use and occupation of the Land; and
  - (v) the application of any federal or Provincial enactment or law to the Land;
  - (c) you have been afforded a reasonable opportunity to inspect the Land or to carry out such other audits, investigations, tests and surveys as you consider necessary to investigate those matters set out in subsection (b) to your satisfaction before entering into this Agreement;
  - (d) you waive, to the extent permitted by law, the requirement if any, for us to provide you with a "site profile" under the *Environmental Management Act* or any regulations made under that act;
  - (e) we are under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating or developing the Land or the Improvements and you are solely responsible for all costs and expenses associated with your use of the Land and the Improvements for the purposes set out in this Agreement; and
  - (f) we are under no obligation to provide access or services to the Land or to maintain or improve existing access roads.
- 11.7 You agree with us that nothing in this Agreement constitutes you as our agent, joint venturer or partner or gives you any authority or power to bind us in any way.
- 11.8 This Agreement does not override or affect any powers, privileges or immunities to which you are entitled under any enactment of the Province of British Columbia.

The parties have executed this Agreement as of the date of reference of this Agreement.

SIGNED on behalf of **HER MAJESTY  
THE QUEEN IN RIGHT OF THE  
PROVINCE OF BRITISH COLUMBIA**  
by the minister responsible for the *Land Act*  
or the minister's authorized representative

\_\_\_\_\_  
Minister responsible for the *Land Act*  
or the minister's authorized representative

SIGNED on behalf of **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
by its authorized signatories

\_\_\_\_\_  
Authorized Signatory

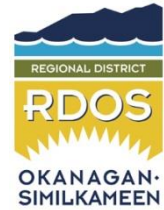
\_\_\_\_\_  
Authorized Signatory

## LEGAL DESCRIPTION SCHEDULE

LEGAL DESCRIPTION: That part of Block B, District Lot 3100, Similkameen Division Yale District, containing 0.568 hectares, more or less.



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Advisory Planning Commission (APC) Appointments

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### Administrative Recommendation:

**THAT the Board of Directors appoint the following as members of the Electoral Area “A” Advisory Planning Commission until October 31, 2018:**

|                  |                |                 |
|------------------|----------------|-----------------|
| Bill Plaskett    | Bonnie Douglas | Dwayne Svendsen |
| Gerry Hesketh    | Mark McKenney  | Peter Beckett   |
| Grant Montgomery |                |                 |

**THAT the Board of Directors appoint the following as members of the Electoral Area “D” Advisory Planning Commission until October 31, 2018:**

|               |               |               |
|---------------|---------------|---------------|
| Don Albright  | Navid Chaudry | Jerry Stewart |
| Bob Handfield | Bob Haddow    | Doreen Olson  |
| Bob Pearce    | Ed Melenka    | Mike Bland    |
|               | Doug Lychak   | Jill Adamson  |

**THAT the Board of Directors appoint the following as members of the Electoral Area “E” Advisory Planning Commission until October 31, 2018:**

|              |               |             |
|--------------|---------------|-------------|
| Bruce Clough | Phil Janzen   | Judy Harvey |
| David Kopp   | Heather Fleck |             |
| Tom Hoenisch | Tim Forty     |             |

### History:

Bylaw 2339, being a bylaw of the Regional District of Okanagan Similkameen, provides for the creation of Advisory Planning Commissions for each of our electoral areas.

Section 3 of the Bylaw establishes that the role of the 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 the Bylaw 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 and the members should represent a cross-section of the people and geographic zones in its jurisdiction.

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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 term of the Electoral Area Director unless re-appointed by the Board.

An Electoral Area Director, Alternate Director, Regional District employee or officer are not eligible to be members of the Commission but may attend a meeting of the Commission in a resource capacity.

**Analysis:**

Directors Pendergraft, Siddon and Kozakevich have requested that the above names be appointed as members of the Electoral Areas "A", "D" and "E" Advisory Planning Commission respectively.

**Respectfully submitted:**

*"C. Malden"*

---

C. Malden, Manager of Legislative Services



**JOINT COUNCIL MEETING**  
Friday, October 31, 2014 at 2:30 p.m.  
RDOS Boardroom

**MINUTES**

**Joint Council**

Mark Pendergraft, Chair RDOS - absent  
Gary Litke, Vice-Chair RDOS  
Manfred Bauer, Director RDOS  
Keith Crow, Chief LSIB  
Jonathan Kruger, Chief PIB  
Clarence Louie, Chief OIB - absent

**Steering Committee**

Greg Gabriel, PIB  
Dolly Kruger, PIB - absent  
Nelson Tallio, LSIB  
Yvonne Weinert, OIB  
Tony Baptiste, OIB  
Bill Newell, RDOS  
Christy Malden, RDOS  
Nona Lynn, RDOS

**Invited**

Charlotte Mitchell, USIB - absent  
Carmalita Holmes, USIB  
Mason Squakin, USIB - absent

- 
1. Review of the Protocol Agreement  
Identify terms to be worked on in 2015

Protocol Agreement  
Addendum

Reviewed the Protocol Agreement and Addendum.  
One change to protocol to be made (typo).

**Action:** Make correction.

2. Transport Canada – Penticton Airport  
Letter

A letter from Transport Canada was sent to the RDOS regarding their intent to engage in dialog in order to ascertain the level of interest in acquiring the Penticton Regional Airport.

PIB hasn't received the letter. PIB has sent a letter to MOT and the Premier with respect to PIBs position regarding the airport. The Regional District and the City of Penticton were cced on the letter.

Transport Canada is not interested in running regional airports; they only want to be the regulators. Transport Canada would like these airports to go to local government or Bands. If a government isn't interested it will be put the airport out to the private sector.

**ACTION** – PIB, COP and the RDOS will send a joint letter to Transport Canada, stating that they would like to be part of this discussion before anything happens with respect to Penticton Airport.  
MPs to be cced on the letter.



3.

#### Steering Committee

Reviewed the work over the past year of the Steering Committee.

Discussion around how positive the Steering Committee and Joint Council has been over the past year. Questions LSIB - How will items be formally be approved by the Steering committee or Joint council, such as the Heritage project. Look for endorsement OIB and LSIB to hold the heritage event at the Enowkin Centre. Potential to hold the event early 2015.

**ACTION:** Fortis is still an issue in the Similkameen area. Send letter to Energy Board. Prepare a second letter from the group.

4.

#### Action Plan

##### Steering Committee

USIB – Band Resolution to join the Protocol Agreement.

**Action:** Send Carmelita a copy of PIB resolution.

5.

#### Community to Community (C2C) Forum 2015 Plan

##### Draft Agenda

Potential for USIB to be included in the Protocol Agreement at the next C2C.

**ACTION:** Bring agenda forward to the next Steering Committee meeting for revisions.

6.

#### Spotted Lake

##### OCP & Zoning Bylaw Amendment Application — Electoral Area “A”

Reviewed the report which is going to the next RDOS Board meeting for information to the group.

Donna Butler provided an overview of the history and report to the Joint Council.

**ACTION:** Send letter from Joint Council to Ministry of Mines regarding mining and blasting in the South Okanagan Similkameen.

#### New Business

7.

#### PIB Update

PIB signed an APEX agreement. PIB is looking forward to a good working relationship with the new owners.

PIB signed a Protocol with the Ministry of Tourism.

PIB is talking with Challenge Penticton to potentially open part of the race course on the channel lands.

#### ADJOURN

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Appointments to the Board of Variance

---

### **Administrative Recommendation:**

**THAT the Board of Directors appoint Dave Corbeil, Jim Cavin and Margaret Chadsey to the Board of Variance.**

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### **Purpose:**

The three (3) members currently serving on the BoV, being Dave Corbeil, Jim Cavin and Margaret Chadsey have indicated a willingness to be re-appointed for another 3 year term.

Consequently, the Regional District has not, at this time, sought expressions of interest from other parties interested in serving on the BoV.

### **Background:**

Under Section 899 of the *Local Government Act*, a local government that has adopted a zoning bylaw *must*, by bylaw, also establish a Board of Variance and in a regional district is to consist of (3) persons appoint by the board.

The Act further stipulates that an appointment to a board of variance is for the later of three (3) years, or, if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed (NOTE: despite recent changes to the Act increasing the term of the Regional District Board to 4 years, the BoV term cannot exceed 3 years).

The only persons who may not serve on a BoV are Directors, members of an Advisory Planning Commission (APC) or an officer or employee of the local government.

The Regional District Board may also rescind an appointment to the BoV at any time.

### **Alternative:**

THAT, prior to the appointment of any members to the Board of Variance, staff are directed to solicit interested candidates by notifying the positions in local newspapers.

### **Analysis:**

Administration considers there to be significant value to retaining the current members given the experience they have attained over several years of serving on the BoV.

Alternatively, the option is available to the Board of seeking new members through notification of the positions in the local press.

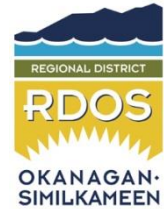
### **Respectfully submitted:**

C. Garrish, Planning Supervisor

### **Endorsed by:**

D. Butler, Development Services Manager

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Frank Venables Theatre Service Establishment Bylaw No. 2660, 2014

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### **Administrative Recommendation:**

**THAT Bylaw No. 2660, 2014, Frank Venables Theatre Service Establishment Bylaw be adopted.**

### **History:**

At the July 3, 2014 meeting of the Board of Directors, the Board gave three readings to Frank Venables Theatre Service Establishment Bylaw No. 2660, 2014. The Bylaw provides for the administration and operation of a theatre in the Town of Oliver with an annual requisitioning of up to a maximum of the greater of \$160,000 or \$0.14 per \$1,000 net taxable value of land and improvements in the service area to pay for the costs of the service. The Service Area includes the Town of Oliver and all of Electoral Area "C".

At that same meeting, the Board of Directors authorized that elector approval for the adoption of the bylaw be obtained through referendum (assent voting) in conjunction with the 2014 General Local Elections and that participating area approval be obtained for the entire proposed service area.

### **Analysis:**

On November 15, 2014, approval of the electorate was received for the adoption of Bylaw No. 2660, as follows:

Yes - 1364 ✓  
No - 458

The bylaw has received the required approvals and is now before the Board of Directors for adoption.

### **Alternatives:**

THAT first, second and third readings of Bylaw No. 2660 be rescinded and the bylaw be abandoned.

### **Respectfully submitted:**

A handwritten signature in black ink, appearing to read "C. Malden".

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C. Malden, Manager of Legislative Services

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **BYLAW NO. 2660, 2014**

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A bylaw to establish a service for the administration and operation of the Frank Venables Theatre.

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**WHEREAS** under s.796 of the *Local Government Act* a Regional District may operate any service the Board considers necessary or desirable for all or part of the Regional District;

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen wishes to establish a service for the administration and operation of the Frank Venables Theatre, located in the Town of Oliver;

**AND WHEREAS** approval of the Inspector of Municipalities has been obtained under Section 801 of the *Local Government Act*;

**AND WHEREAS** the Board has resolved by 2/3 vote that participating area approval of this bylaw is to be obtained for the entire proposed service area by the approval of the electors;

**AND WHEREAS** the approval of the electors in the participating area has been obtained under Section 801.3 of the *Local Government Act*;

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

**1. CITATION**

- 1.1 This Bylaw may be cited as the “Frank Venables Theatre Service Establishment Bylaw No. 2660, 2014”.

**2. ESTABLISHMENT OF THE SERVICE**

- 2.1 The Service known as the Frank Venables Theatre Service is established for the purpose of administration and operation of a theatre in the Town of Oliver.

**3. BOUNDARIES OF THE SERVICE AREA**

- 3.1 The boundaries of the service area are the boundaries of Electoral Area “C” and the Town of Oliver.

**4. PARTICIPATING AREA**

- 4.1 The participating areas are Electoral Area “C” and the Town of Oliver in the Regional District.

## **5. SERVICE REVIEW AND DISPUTE RESOLUTION**

- 5.1 This service shall be reviewed in one year, and every three years thereafter;
- 5.2 The review will look at the effectiveness and value of the service;
- 5.3 The costs of the scheduled service review shall be borne by the service, including any facilitating or consulting costs deemed appropriate by the participants;
- 5.4 Should any participant wish to leave the service after a scheduled service review, they will be allowed to, subject to the following restrictions:
  - 5.4.1 The leaving participant will still be responsible for their share of any existing debt or commitment;
  - 5.4.2 The leaving participant will have no claim on the assets of the service
- 5.5 Should any participant initiate a service review outside of the schedule established herein, that participant will be responsible for all costs associated with the review, unless otherwise agreed to by at least 2/3 of the participants

## **6. COST RECOVERY**

- 6.1 As provided in Section 803 of the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:
  - a) Parcel taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
  - b) Fees and charges imposed under Section 797.2 of the *Local Government Act*
  - c) Revenues raised by other means authorized by the *Local Government Act* or another act;
  - d) Revenues received by way of agreement, enterprises, gift, grant or otherwise.

## **7. LIMIT**

- 7.1 The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$160,000 or \$0.14 per \$1,000 net taxable value of land and improvements in the service area.

**READ A FIRST, SECOND AND THIRD TIME** this 3<sup>rd</sup> day of July, 2014.

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this 29th day of August, 2014.

**RECEIVED ASSENT OF THE ELECTORATE THROUGH REFERENDUM** this 15<sup>th</sup> day of November, 2014.

**ADOPTED** this day of, 2014.

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RDOS Board Chair

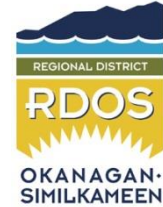
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Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Corporate Services Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** January 8, 2015  
**RE:** Appointments to External Agencies and Standing Committees

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### **Administrative Recommendation:**

THAT appointments to external agencies and appointments of Committee Chairs and Vice Chairs, as outlined in the Board report of January 8, 2015 be confirmed.

### **Analysis:**

Members of the Board of Directors were asked to submit expressions of interest to determine which appointments to Board standing committees and external agencies would be of interest to them. Taking into consideration all requests that have been received, the list of those who have expressed an interest is included below. Those positions noted in red will require an appointment.

### **External Agencies:**

#### **Municipal Finance Authority - Chair and Vice Chair**

- Mark Pendergraft (Board Chair)
- Andrew Jakubeit (Vice Chair), alternate

#### **Municipal Insurance Association - Chair and Vice Chair**

- Mark Pendergraft (Board Chair)
- Andrew Jakubeit (Vice Chair), alternate

#### **Okanagan Basin Water Board – Participants are Electoral Areas A, C, D, E, F, part of G, City of Penticton, District of Summerland, Town of Osoyoos, Town of Oliver**

- Sue McKortoff
- Andre Martin
- Peter Waterman
- Tom Siddon (alternate)
- Second alternate required
- Third alternate required

#### **Okanagan Film Commission - Participants are all jurisdictions**

- Andrew Jakubeit

#### **Okanagan Regional Library - Participants are Electoral Areas A, B, C, D, E, F, G**

- Karla Kozakevich
- Alternate required

#### **Okanagan Sterile Insect Release Board - Participants are Electoral Areas A, B, C, D, E, F, & G, City of Penticton, District of Summerland, Town of Osoyoos, Town of Oliver, Village of Keremeos**

- George Bush
- Alternate required

#### **Southern Interior Beetle Action Coalition - Participants are all jurisdictions**

- Representative required

**Okanagan and Similkameen Invasive Species Society - *Participants are all jurisdictions***

- The current representative has indicated a willingness to continue on with this committee, but noted that the committee is made up of staff and it may be appropriate for the RDOS to appoint a Public Works staff member instead of an Elected Official. Currently the Manager of Public Works is a member of this committee)

**Southern Interior Municipal Employees Association - *Participants are all jurisdictions***

- Karla Kozakevich
- **Alternate required**

**Starling Control – *Participants are all jurisdictions***

- George Bush

**UBCO Water Research Chair Advisory Committee – *All Jurisdictions***

- Manfred Bauer

**Intergovernmental FN Joint Council – *Board Chair, Vice Chair and one other member***

- Mark Pendergraft, Chair (South Okanagan)
- Andrew Jakubeit, (Large Municipality)
- Manfred Bauer, (Similkameen)

The following expressions of interest have been received from those Directors interested in Chairing or Vice-Chairing a Board standing committees.

**Committee Chairs:**

**Corporate Services:**

- Mark Pendergraft, Chair (Board Chair)
- Andrew Jakubeit, Vice Chair (Board Vice Chair)

**Community Services:**

- Karla Kozakevich, Chair
- \_\_\_\_\_, **Vice Chair**

**Environment and Infrastructure:**

- Tom Siddon, Chair
- Karla Kozakevich, Vice Chair

**Protective Services:**

- Andrew Jakubeit, Chair
- Terry Schafer, Vice Chair

**Planning and Development:**

- Michael Brydon, Chair
- \_\_\_\_\_, **Vice Chair**

**Respectfully submitted:**

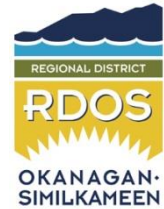


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C. Malden, Manager of Legislative Services



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** 8 January 2015  
**RE:** Vermillion Forks Community Forest Corporation Appointments

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### **Administrative Recommendation:**

**That the Board of Directors appoint the following individuals to represent the Regional District on the Vermillion Forks Community Forest Corporation:**

**Members:** Bob Coyne, Electoral Area "H" Director and Bill Newell, RDOS Chief Administrative Officer

**Alternate:** Sandy Croteau, RDOS Manager of Finance

### **History:**

In 2008, the Upper Similkameen Indian Band, the Town of Princeton and the Regional District of Okanagan-Similkameen (Electoral Area "H") began working together to pursue community forest tenure. In order to hold a community forest license, the Ministry of Forests requires that a corporation, society or cooperative be established.

At their meeting of December 10, 2009, the Board resolved:

- to obtain consent to own shares in the Corporation;
- to approve the formation of the Corporation for the purpose of acquiring and managing a Community Forest Agreement;
- to appoint the Electoral Area 'H' Director as the Regional District's director on the Board of the Corporation;
- to approve the subscription by the Regional District for 1/3 of the shares in the capital of the Corporation for a nominal purchase price; and,
- to enter into the Shareholders Agreement.

Due to the retirement of previous Electoral Area "H" Director, Brad Hope and the election of Bob Coyne, Board representation, which includes two members and one alternate, on the Vermillion Forks Forest Corporation must be re-confirmed.

### **Respectfully submitted:**

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C. Malden, Manager of Legislative Services