Regional District of Okanagan-Similkameen

SCHEDULE OF MEETINGS

THURSDAY, MARCH 19, 2015 RDOS BOARDROOM

9:00 am	-	10:45 am	Protective Services Committee
10:45 am	-	11:15 am	Environment & Infrastructure Committee
11:15 am	-	11:45 am	Planning & Development Committee
11:45 am	-	12:15 pm	Lunch
12:15 pm	-	1:30 pm	RDOS Regular Board Meeting

"Mark Pendergraft"

Mark Pendergraft RDOS Board Chair

Advance Notice of Me	etings:
April 2	RDOS Board/Committee Meetings
April 16	RDOS/OSRHD Board/Committee Meetings
May 7	RDOS Board/Committee Meetings
May 21	RDOS/OSRHD Board/Committee Meetings
June 4	RDOS Board/Committee Meetings
June 18	RDOS/OSRHD Board/Committee Meetings
July 2	RDOS Board/Committee Meetings
July 16	RDOS/OSRHD Board/Committee Meetings



E.

ADJOURNMENT

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee Thursday, March 19, 2015 9:00 am

REGULAR AGENDA

A.	APPROVAL OF AGENDA
В.	DELEGATIONS
	 Richard Rosenthal, Chief Civilian Director, Independent Investigations Office (IIO) Mr. Rosenthal will be addressing the Board to advise what the IIO's mandate operations, and investigative structure is. Independent Investigations Office-Background Richard Rosenthal's Biography Presentation
C.	POLICING REQUIREMENTS (Rural Policing/Gallagher Lake Corrections Facility) RECOMMENDATION 1 THAT the Regional District petition the Attorney General to conduct a study of the impact of the BC Corrections Facility under construction in Gallagher Lake on rural policing requirements in the South Okanagan.
D.	URBAN DEER RECOMMENDATIONS (Provincial Report)



The creation of the Independent Investigations Office (IIO) profoundly changes the way police in British Columbia are investigated as it is mandated to conduct investigations into police-related incidents of death or serious harm in order to determine whether or not an officer may have committed an offence. Incidents of serious harm include injury that may result in death, may cause serious disfigurement or may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ.

The IIO's jurisdiction extends to, municipal constables and members of the RCMP in BC, the Stl'atl'imx Tribal Police and BC Transit police, both on and off duty and Special Provincial Constables.

The IIO believes that the best way to inform communities about our work is to meet them. To achieve this goal, the IIO has developed a Community Engagement strategy that extends through 2017. This strategy commits IIO staff to attending community meetings across the province to ensuring that communities are well informed of our mandate, operations and investigative structure and to answer any questions that those attending may wish to ask. The Chief Civilian Director Richard Rosenthal of the IIO will be presenting.

For further Information

Ralph Krenz

Ph 604-586-2750

Brief Biography of Richard Rosenthal

Richard Rosenthal was appointed BC's first Chief Civilian Director of the Independent Investigations Office on January 9, 2012. He has extensive experience in civilian oversight of law enforcement having served for 15 years as a Los Angeles County Deputy District Attorney, where he worked in various assignments, including:

- The central trials division, prosecuting felony violations of the law, including homicides.
- The major fraud division, investigating and prosecuting high-profile financial crimes.
- The special investigation division, where he investigated and prosecuted public officials, judges and police officers.

In 2001, Mr. Rosenthal was hired as Portland's first director of the independent police review division of the city auditor's office. In that capacity, he created Portland's first professional police oversight agency.

In 2005, Mr. Rosenthal was hired to be the city and county of Denver's first Independent Monitor, with jurisdiction over Denver's police and sheriff departments. He was responsible for monitoring the investigations of all officer-involved shootings and incustody deaths that occurred in Denver, as well as all internal criminal and administrative investigations of police misconduct. Mr. Rosenthal helped implement key changes to the Denver police and sheriff departments' disciplinary processes and created a community-police mediation program.

Mr. Rosenthal has held teaching positions at various universities, including Loyola Law School, Portland State University and the University of Colorado at Denver. He served for five years on the board of directors for the National Association of Civilian Oversight of Law Enforcement (NACOLE). He was also a member of the committee used to create the National Guidelines for Police Monitors, published by the Police Assessment Resource Center in 2008.



Overview

- Creation of the IIO
- The Jurisdiction of the IIO
- The composition of the IIO
- Notification
- Investigation framework/MOU
- Reporting



Creation of Civilian Oversight in Canada

1990 Creation of Ontario SIU

2008 Creation of Alberta ASIRT April 2012 Creation of Nova Scotia SIRT

September 2012 Creation of BC IIO March 2013
Announcement of
Manitoba IIU

December 6, 1998 Death of Frank Paul October 14, 2007 Death of Robert Dziekanski



Independent Investigations

- The Independent Investigations Office (IIO) has jurisdiction over incidents in B.C. involving onduty and off-duty municipal police and the RCMP that result in serious harm or death
- The IIO also has jurisdiction over on-duty Provincial Special Constables while they are exercising their Special Constable authority
- Also includes Transit Police and Tribal Police



Defining Serious Harm

 Part 11 of the Police Act defines serious harm as:

"Injury that

- may result in death,
- may cause serious disfigurement, or
- may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ"



The CCD and IIO Investigators

- The CCD is not permitted to have ever served as a police officer
- The CCD and IIO investigators have "all of the powers, duties and immunities of a peace officer and constable at common law and jurisdiction throughout the Province (s. 38.07(1))
- Currently, 45% of investigators have formerly been police officers. The other 55% have investigative experience in areas other than policing
- No investigator may have served as an officer in BC during the 5 years preceding his/her appointment



Goals of the IIO

- To complete fair, thorough investigations
- To improve the timeliness of investigations
- Transparency and accountability through public reporting



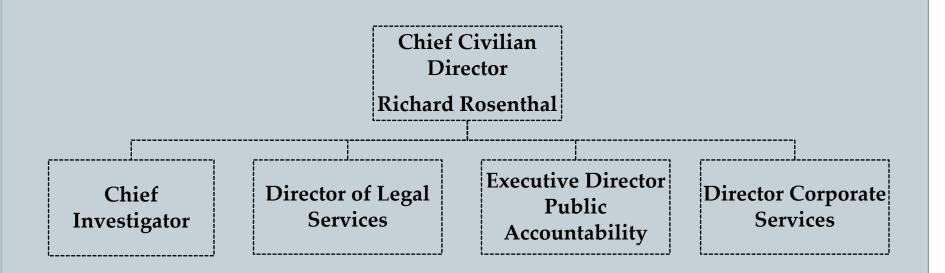
Office Location

The IIO is located at Surrey Central





Executive Team





Memorandum of Understanding with the Police Agencies

Key concepts

- Notification
- Scene Security
- Parallel (concurrent) Investigations
- Specialized Field Services
- Forensic Support
- Exhibit Storage
- Officer Sequestration
- Witness Officer Responsibilities
- Timing of Interviews
- Video Recorded Interviews



Statutory Requirements Applicable to Police Agencies

- Immediate notification of the IIO with respect to cases falling within its mandate (38.09(1))
- Until IIO arrives at the scene of an incident, officers must take any lawful measures necessary to obtain and preserve evidence
- Upon IIO arrival, officers must relinquish control over the investigation of the incident



Statutory Requirements Applicable to Police Witnesses

- 38.101: An officer must cooperate fully with an IIO Investigator in the IIO Investigator's exercise of powers or performance of duties
- As such, officers designated as "witness officers" may be compelled to make a statement to the IIO in a timely fashion
- Pursuant to 38.102(1): a statement provided during an IIO investigation is inadmissible in evidence in court in a civil proceeding where the officer is a defendant



IIO Notification Outcomes

47%
Decline Immediately

- Team Director determines no nexus and no death/serious harm; recommends decline
- No further IIO involvement

53%

Assert – Determine Serious Harm & Nexus

- Team Director asserts jurisdiction when he/she believes may be nexus and death/serious
- After preliminary investigation, recommends jurisdiction sustain or not
- About half of these result in a full investigation and the other half are closed

26%

Assert and Sustain

- Team Director asserts and CCD sustains immediately as Nexus is clear as is death/serious harm
- IIO conducts full investigation resulting in Public Report or RTCC



Responsibilities of the Chief Civilian Director

- Reporting to Crown Counsel if the CCD "considers that an officer may have committed an offence under any enactment"
- Where CCD does not make a report to crown, he will conclude the case with a public report after consulting with the Information and Privacy Commissioner



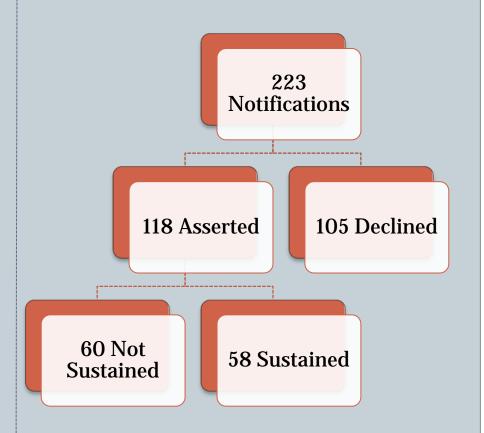
Public Reporting

- Where there is a death or significant public interest in a case, and no report to Crown has been made, the CCD will issue a public report containing:
 - · A summary of the investigation and its findings; and
 - An explanation as to why the matter is not being reported to Crown Counsel.
- Annual report containing statistical information including, the number and frequency of types of investigations, their outcome and any identified trend.



2013/14 Statistics

- 223 Notifications received
- 58 Investigations opened
- 40 Investigations closed
- 18 Cases were open as of March 31, 2014

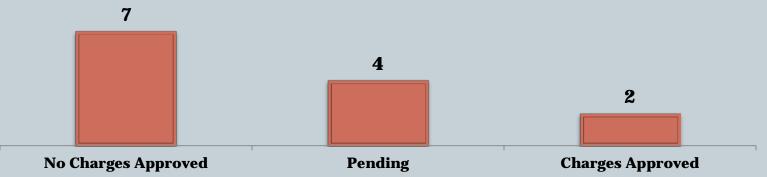


2013/14 Statistics

Closed Investigations 2013/14



Reports to Crown Counsel 2013/14





Legislative Review

- A Special Committee had been struck to review the administration, general operations of the Independent Investigations Office and progress towards civilianization of the investigative staff.
- To submit written and oral submissions from any interested person or organization by any means the committee considers appropriate. http://www.leg.bc.ca/cmt/40thParl/session-2/iio/index.htm
- A report will be submitted to the Legislative Assembly within one year, including any recommendations respecting the results of the review.



Contacting the IIO

 If you would like to know more about the IIO, please contact:

info@iiobc.ca

Tel: 604 586 5668



Questions?



ADMINISTRATIVE REPORT

TO: **Protective Services Committee**

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Rural Policing/ Gallagher Lake Corrections Facility

Administrative Recommendation:

THAT the Regional District petition the Attorney General to conduct a study of the impact of the BC Corrections Facility under construction in Gallagher Lake on rural policing requirements in the South Okanagan.

Reference:

2014 UBCM Briefing Note

History:

The Regional District of Okanagan Similkameen has been provided policing services through the Provincial Policing Program. Where each of our municipal members over a 5,000 population has entered separately into an agreement with Canada for the services of the RCMP, those smaller municipalities and unincorporated electoral areas receive policing from the Province.

The Corrections Facility is now under construction and is expected to commence operation in 2017. This will change the face of the rural Oliver area and is anticipated to have a significant impact on policing requirements, if not because of the nature of the development, than simply due to the growth that will occur due to the nature of the development and collateral services. The Regional District presented a request for additional rural members to the Attorney General at the 2014 UBCM Convention.

Business Plan Objective:

- 2.1 To implement a customer satisfaction program
- 2.4 To meet public needs through the development and implementation of key services
- 3.1 To develop a socially sustainable community

Alternatives:

1. Status Quo

Analysis:

The Town of Oliver has recently resolved to request additional policing resources from the Attorney General and it would be beneficial for the Regional District to support this request.

Date: Wednesday, Sept. 24, 2014 Time: 9:40 am Location: Westin Hotel, 4090 Whistler Way, Glacier Room B, 2nd Floor

2014 UBCM Appointments

Chair Mark Pendergraft
Vice-Chair Garry Litke

Anton
CAO, Bill Newell
Mayor Ron Hovanes
r of Justice
Councillor Jack Benest

Attendees:

The Honourable Suzanne Anton Attorney General and Minister of Justice

Briefing Note: **Policing in the South Okanagan-Similkameen**Regional District of Okanagan-Similkameen

Purpose:

To impress upon the Minister the need to address policing levels in incorporated municipalities and electoral areas to be affected by the Gallagher Lake Corrections Facility.

Overview:

The contract for construction of a new provincial corrections facility in the Senkulman Business Park within the unincorporated community of Gallagher Lake, just north of the Town of Oliver, will challenge the resources currently assigned to the Penticton and Oliver RCMP Detachments.

After several years of planning and consultation with area stakeholders, the Provincial Government announced the construction of a Provincial jail on lands owned and operated by the Osoyoos Indian Band.

There has been some discussion amongst area Police Commanders and elected Officials with respect to the potential impact on current Police resources. Both the Towns of Oliver & Osoyoos are currently subject to provincial policing, falling just under the 5,000 population threshold to qualify for a municipal contract. There are currently eight (8) Members assigned to the Oliver Detachment, comprised of one Sergeant O/C, one Corporal Supervisor and six Constable Investigators.

The current Oliver Detachment is considered "fully engaged" with the resources on strength and there is a legitimate concern that the increase in population associated to the construction and staffing of the jail will adversely impact this; e.g. during the second quarter of 2014, Oliver R.C.M.P. responded to 835 calls for service compared with 744 calls received during the second quarter of 2013, representing an increase of 12%. Oliver R.C.M.P. responded to 7% more Criminal Code files throughout the detachment area during Q2 of 2014 than during the same quarter last year.

It is anticipated that an influx of approximately 1,000 construction workers over the ensuing two years followed by a permanent increase in population between the Provincial jail employees, inmates and civilian spin-off will add to the pressure on current RCMP resources.

An increase in provincially funded RCMP officers assigned to the Oliver Detachment must be considered in light of the anticipated community growth associated to the jail. The Towns of Oliver &

Osoyoos came very close during the last official Provincial Census to surpassing the 5,000 population figure that will impact the Provincial policing agreement funding model, elevating the Town into a 70/30 funding split. There is no doubt that this will impact planning and finances for the Town of Oliver as this project moves forward and the next provincial Census is upon us.

CURRENT STATUS:

Construction of the facility is scheduled to commence in late August of 2014 and completion is scheduled for September of 2016, with operations commencing in January of 2017. On July 22nd, 2014 the Penticton South Okanagan, Similkameen Regional Police Commander, Superintendent Kevin Hewco, met with senior representatives of the Provincial Corrections Department to discuss logistics associated to the new facility.

The Corrections Officials confirmed that the facility would ultimately contain 360 regular use cells, including 18 for females and 36 assigned for segregation. As well, there would be 24 special management cells. In its entirety, the new facility can hold 666 inmates and will employ some 245 corrections officers and approximately 50 civilian employees.

The facility will have an annual operating budget nearing \$20 million dollars. Corrections forecasts estimate that, ultimately, the regional population would increase by at least 1,000 persons and there is little doubt that this would impact Policing resources in the Area "C", Area "D" and the Oliver area. It remains to be seen if there will be an influx of relatives of inmates or if some inmates take up residence locally upon their release.

Local Police are mandated with the investigation of crimes committed within the jail, amongst inmates and/or inmates upon facility staff. RCMP members are also called upon to assist with fingerprinting, photographing and interviewing inmates on the behalf of other police forces for ongoing investigations that may not be related to the reason the person is currently incarcerated.

Local Police expect to see an increase in workload associated both to the construction of the facility and its eventual sustained operation. It is anticipated that a conservative increase in provincially funded RCMP members is warranted. This increase in Officers will also have to be factored into any Policing agreement that may be reached when the Town of Oliver and the Town of Osoyoos surpass the 5,000 population. It is anticipated that the construction and subsequent operation of the jail will result in this occurring and being validated upon the next official Census.

PERFORMANCE INDICATORS:

We understand that a request for an increase in human resources will compete with others on a provincial level. Relevant statistics and current workloads at the Oliver Detachment will be examined in detail going forward. As well, consultation will occur with other RCMP Detachments to obtain statistics, if available, of work associated directly to the Provincial facility that is already in place within their community. These will include Maple Ridge, Coquitlam, Surrey, Kamloops and Prince George. Upon receipt of this data it will be compared to the current and projected future workload

associated to the Oliver Detachment. Local elected Officials are engaged in this topic and support the enhancement of RCMP resources associated to this project.

DETACHMENT COMMANDERS COMMENTS:

The Commander is in support of enhancing our resources for the reasons provided and will endeavour to gather empirical support data from other Detachments that are currently operating with local jails as this issue advances.

Proposed Outcome:

That the Minister of Justice authorize an increase of two (2) Officers for the South Okanagan-Similkameen Rural Policing Contract in the 2015/2016 fiscal year.

Respectfully submitted,

Mark Pendergraft

Chair

Regional District of Okanagan-Similkameen

Man large

Hello there,

You are receiving this email and the attached draft recommendations because your community has been identified as one that is encountering urban deer conflict issues.

In January, UBCM and the Ministry of Forests, Lands and Natural Resource Operations held a two day workshop on Urban Deer. This workshop was organized in response to local government concerns on the issue, and follows up on provincial commitments announced at the 2013 and 2014 Conventions.

The purpose of the two day workshop was to provide deer management information to local governments; lay the foundation for a deer management community of practice; and collect recommendations from participants for provincial government consideration and response.

We have attached the draft recommendations arising from this workshop for consultation amongst your board/council and staff. Please provide your comments to Marylyn Chiang, mchiang@ubcm.ca, by **April** 5.

We will be compiling this information for submission to the provincial government in May/June, and expect to receive a response from the government within 3 months.

Thank you and should you have any questions, please feel free to contact me at mchiang@ubcm.ca, or 604 270 8226 x110.

Thanks Marylyn

URBAN DEER MANAGEMENT RECOMMENDATIONS

Part A: Resources

The provincial government should offer funding to address deer management issues.

Similar to the wildfire management-funding program or the BearSmart program, the provincial government should provide financial support to communities who are facing urban deer management issues. The Province could support an urban deer management program administered by a neutral third party, such as Wildsafe BC, with program funds going to towards school education programs, fencing, or deer culls. Only communities that have undertaken some work on urban deer management should be eligible for the fund (i.e. the community has an education program, an urban deer committee, changed bylaws, etc.)

Part B: Process and Decision-making

The provincial government should clearly state the options available to local governments in managing deer populations.

For example, given that hazing is not legally permitted, it should not be presented as an option for local governments to consider.

The provincial government should clearly outline the procedures and steps for local governments to follow.

This may in the form of a checklist for applying for permits, or checklists from a legal perspective as it relates to homeowner interactions.

A Terms of Reference between the Province and local governments should be developed to outline their respective roles and responsibilities in managing urban deer. Such a terms of reference would inform any ongoing joint advisory committee.

The Terms of Reference should outline the roles and responsibilities of the provincial and local government; state which level of government determines when there is a need for a deer management plan; provide information on a threshold of conflict when a deer management plan is required (e.g. property damage and public endangerment as the threshold); and provide information on what needs to be included in a deer management plan (e.g. steps, communication/education, etc.).

Jointly determine the definition for a good public engagement process.

In the case of the Invermere injunction, the issue was raised as to what is a sufficient public process. The provincial and local governments should agree on what a good public process is, and include the information in any Terms of Reference.

A template for an Urban Deer Committee should be shared.

This template would include information on how to deal with the public, what communities need to do, and what should be in a deer management plan. The District of Oak Bay and the District of Elkford may have potential templates to adopt.

The provincial government should create criteria and overarching policy for regional FLNRO managers, and ensure equal funding between regions.

The goal of this recommendation is to reduce the amount of discretion applied by the regional managers so that deer management is addressed in an equitable and consistent manner across the province.

Part C: Roles and Responsibilities

The provincial government should clearly define their role to all stakeholders.

Stakeholders need to know what the Province is responsible for, and what they are willing to do (i.e. willing to provide funding, education, and impact information to the public and local governments on options, etc.).

Local governments should determine the best approach for their community.

Local governments should decide whether to haze or cull deer, or transport them to another location. This would be based on public surveys, public meetings, deer counts, etc.

Once the community has decided on the best approach, the provincial government should be responsible for the implementation.

For example, if the community has decided to cull the deer, the provincial government should then be responsible for taking action.

The provincial government should provide expertise on urban deer management to local governments.

This includes offering their expertise alongside local government staff and elected officials as they are discussing the issue with the public and community groups. Provincial staff could also sit on a local government's urban deer management committee.

Create a provincial advisory committee on urban deer management.

While the scope, structure, and purpose was not formally outlined, participants noted that there was value in creating a structured approach to ongoing dialogue on the deer management. FLNRO staff noted the Minister's commitment to an annual meeting, which in the past has been referred to a 'task team,' a 'community of practice,' and an 'advisory committee.'

Local governments should ensure that their communities are non-enticing environments for deer to live.

Communities can produce signage and education to the public against feeding of deer. The community can also encourage residents to secure their garbage and ensure that gardens are fenced through local bylaws.

Explore partnerships with First Nations.

First Nations potentially have a valuable role to play in urban deer management. In addition to their traditional knowledge, First Nations are neither required to apply for permits to kill deer, nor are they bound by hunting seasons. Partnerships should be explored where possible and appropriate.

The Province should work with the SPCA on the organization's urban deer policy.

Recognizing that SPCA positions inform public opinion, the Province should work with the Animal welfare organization such that the organization provides clear and consistent policy messaging. This includes definitions on 'indiscriminate culling' and their definition of 'science-based'.

Part D: Communication and Education

The Provincial government should provide consistent messaging around urban deer management.

This includes using the same non-technical terms for the public.

A survey template should be developed for communities.

Communities need assistance in drafting surveys for their constituents to ensure that constituent input informs local decisions. Guidelines and a checklist could be created, which includes information on how to get reliable feedback

Part E: Tools

A webpage should be created to provide one point of contact for accessing information and Messaging.

This webpage could be hosted by a neutral party, such as WildSafe BC, which provides: fact sheets; information on options for dealing with urban deer; and up to date research on management practices such as translocation and hazing. This webpage should be supported by both the provincial and local governments, and referred to by both parties so that the public receives consistent, clear information on urban deer management practices.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee Thursday, March 19, 2015 10:45 am

REGULAR AGENDA

A. APPROVAL OF	AGENDA
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B. DELEGATIONS

- Scott Fraser, President and CEO, Encorp Pacific (Canada)
 Mr. Fraser will be addressing the Board to discuss recent developments in their system and with the Stewardship Agencies of BC.
 - i. Presentation

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee Thursday, March 19, 2015 11:15 am

REGULAR AGENDA

- A. APPROVAL OF AGENDA
- **B.** Development Procedures Bylaw Temporary Use Permits (TUPs), Advisory Planning Commissions (APCs) and Public Information Meetings
 - 1. Bylaw No. 2500.04

To provide an overview of proposed amendments to the Regional District's Development Procedures Bylaw regarding Temporary Use Permit (TUP) applications, public consultation and Health and Safety Inspections.

RECOMMENDATION 1

THAT the Board of Directors resolves to initiate Amendment Bylaw No. 2500.04, 2015, to the Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011.

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Development Procedures Bylaw – TUPs, APCs and Public Information Meetings

Administrative Recommendation:

THAT the Board of Directors resolves to initiate Amendment Bylaw No. 2500.04, 2015, to the Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011.

Purpose:

The purpose of this report is to provide an overview of proposed amendments to the Regional District's Development Procedures Bylaw regarding Temporary Use Permit (TUP) applications, public consultation and Health and Safety Inspections.

Specifically, it is being proposed to introduce an application requirement that vacation rental TUP proposals be accompanied by a Health and Safety Inspection and that TUP applications be referred to Advisory Planning Commissions (APCs) prior to Board consideration in order to facilitate the convening of Public Information Meetings.

Background:

At its meeting of March 20, 2014, the Regional District Board adopted Amendment Bylaw No. 2595, 2013, which introduced a number of new policy statements into the Okanagan Electoral Area Official Community Plan (OCP) Bylaws relating to vacation rental uses. This included:

- a preference for vacation rentals to be dealt with through TUPs;
- the criteria against which vacation rental permit applications would be assessed (i.e. the need to meet a minimum standard for health and safety); and
- potential permit conditions for vacation rentals (i.e. contact details for the property owner or manager).

In addition, and as a result of community feedback received on Amendment Bylaw No. 2595, it was understood that new applications and renewal requests for a vacation rental TUP would be expected to undertake Public Information Meetings prior to consideration by the Board.

Alternative:

THAT the Board of Directors not initiate Amendment Bylaw No. 2500.05, 2015.

Analysis:

In order to give effect to the requirement for a health and safety inspection to ensure that a dwelling unit being proposed for use as a vacation rental complies with all relevant Building Code

requirements, Administration is proposing to include the following provision as an application requirement for a TUP:

- .7 Health and Safety Inspection
 - (a) confirmation from a Building Inspector, or other qualified individual that the proposed use of a building or structure meets minimum standards for health and safety.

Administration envisions that this is a service that can be provided by the Regional District's Building Inspectors and notes that a corresponding fee (of \$100) for such an inspection has already been incorporated into the Fees and Charges Bylaw, and that a similar provision is to be included in a new Building Bylaw that is currently being drafted.

With regard to Public Information Meetings, Administration notes that there have been challenges for applicant's unfamiliar with land use planning processes and the requirements for organizing such meetings (i.e. booking a venue, notifying neighbours and presenting proposal).

In considering how this may be improved upon, it is thought that there may be merit in scheduling such meetings immediately prior to an Advisory Planning Commission (APC) meeting at which the TUP application is to be reviewed.

This would allow for joint use of a facility and ensure that the Public Information Meeting is convened in a neutral venue, as opposed to the applicant's own premises.

It would also allow for a Regional District presence at such Meetings in the form of the Area Director, APC members and/or staff who may be attending the later APC meeting (NOTE: it would still be expected that the applicant would run the Public Information Meeting).

At present, the Development Procedures Bylaw is not structured in way that would allow for this to occur as consideration of a TUP application by an APC is at the discretion of the Board (similar to Development Variance Permit applications and Agricultural Land Commission referrals).

Administration considers that there is merit in amending this so that TUPs are dealt with similar to rezoning proposals (which also generally contemplate a change of use at a property) and to have these considered by the APCs prior to Board consideration.

It is not thought that this change would add significantly to the processing times associated with a TUP application as these are generally referred to external agencies for comment (with a 4 week deadline) and that APC meetings will generally occur while this comment period is on-going.

The Committee is also asked to be aware that this would not bind an applicant to having a Public Information Meeting for one-hour prior to an APC, it merely provides for this option.

Administration notes, however, that one of the main purposes of an APC is to provide the Board with an unbiased, community-wide perspective on land use issues. In scheduling Public Information Meetings on potentially contentious issues — such as vacation rentals — immediately prior to an APC meeting, the subsequent recommendation from the APC may be influenced by events at the Public Information Meeting.

Respectfully submitted:	Endorsed by:	
AC TOD		
C. Garrish, Planning Supervisor	D. Butler, Development Services Manager	

BYLAW NO. 2500.04

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.04, 2015

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

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

- 1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.04, 2015."
- 2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) adding a new sub-Section 1.7 (Application Requirements) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows:
 - .7 Health and Safety Inspection
 - (a) confirmation from a Building Inspector, or other qualified individual that the proposed use of a building or structure meets minimum standards for health and safety.
 - (ii) amending sub-Section 2.5 (Processing Procedures) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows:
 - .5 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies and the appropriate Advisory Planning Commission (APC). The proposal will also be referred to a Municipality if the application could affect that municipality.
 - (iii) amending sub-Section 2.10 (Processing Procedures) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows:
 - 10 The Board will consider the technical report and may grant the requested permit, or may refer, table or deny the application.

Comment [CJG1]: Proposed new provision would require the submission of a "Health and Safety Inspection". NOTE: this would apply to all TUP applications when a change of use for a building is being proposed.

Comment [CJG2]: This proposes to add a reference to APCs as an agency that will be referred a TUP application proposal.

Comment [CJG3]: Proposes to remove option of directing an application to an APC as this will now be covered off under sub-section 5.

Bylaw No. 2500.04, 2015

Page 1 of 2

READ A FIRST TIME on the day of _	, 2015.
READ A SECOND TIME on the day o	of, 2015.
READ A THIRD TIME on the day of _	, 2015.
ADOPTED on the day of, 2015	
Board Chair	Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, March 19, 2015 12:15 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

That the Agenda for the RDOS Board Meeting of March 19, 2015 be adopted.

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee - March 5, 2015

THAT the Minutes of the March 5, 2015 Corporate Services Committee be received.

THAT the Board adopt the amendments to the Harassment and Discrimination Policy, and

THAT the policy be renamed to Harassment, Bullying and Discrimination Policy.

b. Community Services Committee - March 5, 2015

THAT the Minutes of the March 5, 2015 Community Services Committee be received.

THAT staff move forward in developing a service establishment bylaw for an economic development service within the regional district, and

THAT staff develop a regional grant in aid policy.

c. RDOS Regular Board Meeting - March 5, 2015

THAT the minutes of the March 5, 2015 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

That the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services

a. Development Variance Permit (DVP) Application - Electoral Area "A" - Schou, 3910 Highway 3

THAT the Regional Board approve Development Variance Permit No. A2015.017-DVP.

- b. Development Variance Permit (DVP) Application Electoral Area "C" Blonde, 350 Jones Way, Willowbrook
 - i. Responses

THAT the Regional Board approve Development Variance Permit No. C2015.016-DVP

- c. Development Variance Permit (DVP) Application Electoral Area "C" Fortis BC Energy Inc., 8702/8604/8606 Highway 97
 - i. Responses

THAT the Board of Directors approve Development Variance Permit No. C2015.011-DVP

RECOMMENDATION 3 (Unweighted Participants Vote – Simple Majority)
That the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Building Inspection

1. 4326 – 16th Avenue, Osoyoos (expired permit)

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

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 1, District Lot 42, Plan KAP54472, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

2. 499 Grand Oro Road (build without permit for accessory building)

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

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, District Lot 2834 SDYD, Plan 33523, 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.

3. 499 Grand Oro Road (expired permit)

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

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, District Lot 2834 SDYD, Plan 33523, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

C. DEVELOPMENT SERVICES – Rural Land Use Matters

Agricultural Land Commission Referral (Exclusion) – Electoral Area "C"
 Antypowich and Granton Investments Corporation Inc., 730 & 974 Bulrush Road & 7234 Tul-el-Nuit Drive

To facilitate the exclusion of approximately 11.3 ha so that it may subsequently subdivided into approximately 29 low density residential parcels and approximately 30 rural residential parcels.

RECOMMENDATION 7 (Unweighted Participant Vote – Simple Majority)

THAT the RDOS Board not "authorise" the application to exclude approximately 11.3 ha of land comprised within Lot A, Plan KAP19778, District Lot 2450S, SDYD, and part of Lot 683, Plan KAP2115, District Lot 2450S, SDYD, in Electoral Area "C" to proceed to the Agricultural Land Commission.

2. Agricultural Land Commission Referral (Subdivision) – Electoral Area "A" Noble-Hearle, Hearle, 5037-45 Avenue.

To facilitate the subdivision of the subject property into two parcels.

RECOMMENDATION 8 (Unweighted Participant Vote – Simple Majority)

THAT the RDOS Board "authorise" the application to undertake a subdivision at Lot 1, Plan 36420, District Lots 43 & 100, SDYD (5037 45th Avenue) Electoral Area "A" to proceed to the Agricultural Land Commission.

- 3. OCP & Zoning Bylaw Amendment Electoral Area "D-2",
 - a. Bylaw No. 2603.01, 2015
 - b. Bylaw No. 2455.16, 2015

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.

RECOMMENDATION 9 (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 adopted.

- 4. OCP & Zoning Bylaw Amendment Application Electoral Area "D-2", McCall,
 - 2170 Highway 97, Okanagan Falls
 - a. Bylaw No. 2603.03, 2014
 - b. Bylaw No. 2455.17, 2014

To rezone in order to facilitate a three lot subdivision.

RECOMMENDATION 10 (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 adopted.

5. Zoning Bylaw Amendment - Electoral Area "E"

- a. Bylaw No. 2459.16, 2015
- b. Public Hearing Report March 4, 2015
- c. Responses Received

To resolve to initiate an amendment bylaw in order to address a potential issue with the zoning of the property at 126 Robinson Avenue (being Lot 6, Plan KAS540, District Lot 210, SDYD).

RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)

THAT the public hearing report be received.

RECOMMENDATION 12 (Unweighted Participant Vote – 2/3 Majority)

THAT Bylaw No. 2459.16, 2015, Electoral Area "E" Zoning Amendment Bylaw be read a third time and adopted.

D. ENGINEERING SERVICES

- 1. Okanagan Falls Development Cost Charge Bylaw Amendment
 - a. Bylaw No. 2486.01, 2015

RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2486.01, "Okanagan Falls Sanitary Sewer Development Cost Charge Amendment" be read a First, Second and Third time.

E. OFFICE OF THE CAO

1. Electoral Area "B" Parks and Recreation Commission Appointments

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors appoint the following people as members of the Electoral Area "B" Parks and Recreation Commission for the periods indicated:

Name	Term	Expires
Sonjia Vanden Hoek	2 years	December 31, 2017
Doug McLeod	2 years	December 31, 2017
Marc Lepage	2 vears	December 31, 2017

The following members continue to serve the Electoral Area "B" Parks and Recreation Commission.

Name Expires

Deanna Gibbs December 31, 2016
Bob McAtamney December 31, 2016
Marie Marven December 31, 2016
Tammy Vesper December 31, 2015

2. Appointment to Lower Similkameen Community Forest Corporation

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors support the RDOS Electoral Area "G" Director's appointment of Donald Vincent Armstrong to the Lower Similkameen Community Forest Corporation.

3. Okanagan Falls & District Parkland Acquisition Loan Authorization-Assent Vote.

For information purposes only.

F. CAO REPORTS

1. Verbal Update

G. OTHER BUSINESS

1. Chair's Report

2. Board Representation

- a. Chair's Report
- b. Municipal Finance Authority (MFA)
- c. Okanagan Basin Water Board (OBWB)
- d. Okanagan-Kootenay Sterile Insect Release Board (SIR)
- e. Okanagan Regional Library (ORL)
- f. Okanagan Film Commission (OFC)
- g. Southern Interior Beetle Action Coalition (SIBAC)
- h. Southern Interior Municipal Employers Association (SIMEA)
- i. Southern Interior Local Government Association (SILGA)
- j. Starling Control

3. Directors Motions

4. Board Members Verbal Update

H. ADJOURNMENT



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

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, March 5, 2015 10:50 am

Minutes

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A" Director R. Hovanes, Town of Oliver Vice Chair A. Jakubeit, City of Penticton Director C. Watt, Alt. City of Penticton Director F. Armitage, Town of Princeton Director K. Kozakevich, Electoral Area "E" Director M. Bauer, Village of Keremeos Director A. Martin, City of Penticton Director T. Boot, District of Summerland Director S. McKortoff, Town of Osoyoos Director M. Brydon, Electoral Area "F" Director T. Schafer, Electoral Area "C" Director E. Marven, Alt. Electoral Area "B" Director J. Sentes, City of Penticton Director E. Christensen, Electoral Area "G" Director T. Siddon, Electoral Area "D" Director B. Coyne, Electoral Area "H" Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director G. Bush, Electoral Area "B"Director H. Konanz, City of Penticton

STAFF PRESENT:

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

M. Manders, Manager of Human Resources

A. APPROVAL OF AGENDA

It was MOVED and SECONDED

THAT the agenda for the Corporate Services Committee Meeting of March 5, 2015 be adopted. – <u>CARRIED</u>

By consensus, the Committee brought forward Item C Harassment, Bullying and Discrimination Policy

C. HARRASSMENT, BULLYING AND DISCRIMINATION POLICY

- 1. Report
- 2. Policy

It was MOVED and SECONDED

THAT the Board adopt the amendments to the Harassment and Discrimination Policy, and

THAT the policy be renamed to Harassment, Bullying and Discrimination Policy.

- CARRIED

B. BOARD AND CHAIR EVALUATION

- 1. Draft Policy
- 2. Copy of previous survey

The Committee discussed the merits of the draft Board, Committee and Chair Evaluation Policy. By consensus, the Committee determined that the policy was not required. Any concerns regarding the function and performance of the Board, Committees or Chair could be discussed directly with the CAO or Board Chair.

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This item was dealt with earlier in the meeting; please refer to page 1 of these minutes.

- 2 -

D. ADJOURNMENT

By consensus, the Corporate Services Committee meeting concluded at 11:08 a.m.

CERTIFIED CORRECT:					
B. Newell					
Chief Administrative Officer					



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

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, March 5, 2015 9:03 am

Minutes

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E" Director A. Jakubeit, City of Penticton Vice Chair R. Hovanes, Town of Oliver Director C. Watt, Alt. City of Penticton Director F. Armitage, Town of Princeton Director A. Martin, City of Penticton Director S. McKortoff, Town of Osoyoos Director M. Bauer, Village of Keremeos Director T. Boot, District of Summerland Director M. Pendergraft, Electoral Area "A" Director M. Brydon, Electoral Area "F" Director T. Schafer, Electoral Area "C" Director E. Marven, Alt. Electoral Area "B" Director J. Sentes, City of Penticton Director E. Christensen, Electoral Area "G" Director T. Siddon, Electoral Area "D" Director P. Waterman, District of Summerland Director B. Coyne, Electoral Area "H"

MEMBERS ABSENT:

Director G. Bush, Electoral Area "B"

STAFF PRESENT:

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

S. Croteau, Manager of Finance

Director H. Konanz, City of Penticton

M. Woods, Manager of Community Services
J. Powell, Economic Development Coordinator

A. APPROVAL OF AGENDA

It was MOVED and SECONDED

THAT the agenda of the Community Services Committee meeting of March 5, 2015 be adopted. - **CARRIED**

B. REGIONAL ECONOMIC DEVELOPMENT SERVICE

- 1. Discussion Paper
- 2. Grant-in-Aid Discussion Paper
- 3. Presentation

The Committee was advised that the Regional District adopted a bylaw in 2003 to provide for regional economic development. The bylaw expired December 31, 2003. A Regional Economic Development Service could be re-established if all member municipalities and Electoral Areas agree to participate.

It was MOVED and SECONDED

That staff move forward in developing a service establishment bylaw for an economic development service within the regional district. - **CARRIED**

- 2 -

Opposed: Director Christensen

Director McKortoff entered the Boardroom at 10:14 a.m.

The Committee was advised that the existing grant policies were drafted in 1992 and require updating. With the introduction of new eligibility criteria for Community Works Funds, a policy regarding the use of these funds is required.

It was MOVED and SECONDED

That staff develop a regional grant in aid policy. - CARRIED

C. CLOSED SESSION

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority) It was MOVED and SECONDED

THAT in accordance with Section 90(2)(b) of the *Community Charter*, the Committee close the meeting to the public on the basis of the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party. - **CARRIED**

The meeting was closed to the public at 10:19 a.m.

The meeting was opened to the public at 10:37 a.m.

D. ADJOURNMENT

By consensus, the Community Services Committee meeting of March 5, 2015 adjourned at 10:37 a.m.

APPROVED:	CERTIFIED CORRECT:				
 K. Kozakevich	B. Newell				
N. NOZAKEVICII					
Community Services Committee Chair	Chief Administrative Officer				



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

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:15 pm Thursday, March 5, 2015 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 E. Marven, Alt. Electoral Area "B" Director E. Christensen, Electoral Area "G" Director B. Coyne, Electoral Area "H"

Director C. Watt, Alt. 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 R. Hovanes, Town of Oliver

Director P. Waterman, District of Summerland

Director G. Bush, Electoral Area "B"

Director H. Konanz, City of Penticton

STAFF PRESENT:

MEMBERS ABSENT:

B. Newell, Chief Administrative Officer

G. Cramm, Administrative Assistant

D. Butler, Manager of Development Services

L. Walton, Building Inspection Services Supervisor

S. Croteau, Manager of Finance

M. Woods, Manager of Community Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority) It was MOVED and SECONDED

THAT the Agenda for the RDOS Board Meeting of March 5, 2015 be adopted. - **CARRIED**

1. Consent Agenda – Corporate Issues

- a. Environment and Infrastructure Committee February 19, 2015
 THAT the Minutes of the February 19, 2015 Environment and Infrastructure
 Committee be received
- b. Planning and Development Committee February 19, 2015

 THAT the Minutes of the February 19, 2015 Planning and Development

 Committee be received.

That the Board add \$55,000.00 to the General Government 2015 Budget to process the direction to investigate the development of a conservation fund.

c. Protective Services Committee – February 19, 2015

THAT the Minutes of the February 19, 2015 Protective Services Committee be received; and,

THAT the Regional District of Okanagan-Similkameen (RDOS) adopt the "British Columbia Major Planned Events Guidelines" version 1.0 in its entirety as the foundation document for the approval or endorsement of such events within the boundaries of the RDOS; and,

THAT the RDOS encourage all other governing boards and councils of our member Municipalities and First Nations within the boundaries of the RDOS to do the same.

d. RDOS Regular Board Meeting – February 19, 2015

THAT the minutes of the February 19, 2015 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority) It was MOVED and SECONDED

That the Consent Agenda – Corporate Issues be adopted. - CARRIED

2. Consent Agenda – Development Services

a. Floodplain Exemption Application – Electoral Area "D"

THAT the Board of Directors approve an Exemption to the Floodplain Regulations prescribed at Section 8.2.1 of the Electoral Area "D" Zoning Bylaw No. 2457, 2008, in order to reduce the setback from Nipit Lake applied to buildings and structures on the legal parcel described as Lot 16, Block 1, Plan 9937, Section 26, Township 89, SDYD, from 7.5 metres to 6.9 metres.

AND THAT this Exemption to the Floodplain Regulations be conditional upon registration of a statutory covenant against the legal parcel described as Lot 16, Block 1, Plan 9937, Section 26, Township 89, SDYD, that will "save harmless" the Regional District against any damages as a result of a flood occurrence.

- b. Development Variation Permit (DVP) Application Kilgore, 318 Westview Road
 - i. Permit
 - ii. Responses

THAT the Board of Directors approve Development Variance Permit No. D2015.004–DVP.

- c. Development Variation Permit (DVP) Application Young, 960 Robinson Avenue
 - i. Permit

THAT the Board of Directors approve Development Variance Permit No. E2014.106–DVP to sanction the existing arbor/gazebo structure in the rear yard area.

RECOMMENDATION 3 (Unweighted Participant Vote – Simple Majority) <a href="https://linear.org/linear.com/line

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

B. DELEGATIONS

- Mr. Jim Cleghorn, B.C. Schizophrenia Society-Penticton Branch
 Mr. Cleghorn addressed the Board to provide an overview of the implementation of mental health care and their role.
- Ms. Betty Brown, Interior Health Authority
 Ms. Brown addressed the Board with regards to Healthy Communities from the Interior Health perspective.

C. DEVELOPMENT SERVICES – Building Inspection

115 Falcon Place (expired permit for swimming pool)
 The Chair asked if anyone was present to speak to the application. No one was present to speak.

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority) 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 3, District Lot 2709, SDYD Plan KAP 84536, 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

2. 115 Falcon Place (deck addition)
The Chair asked if anyone was present to speak to the application. No one was present to speak.

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority) 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 3, District Lot 2709, SDYD Plan KAP 84536, 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**

3. 2931 (447) Fairview Road (expired permit for pump house addition)
The Chair asked if anyone was present to speak to the application. No one was present to speak.

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority) 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 The Surface of District Lot 624, SDYD, As Surveyed as the "Comet" Mineral Claim, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333. - CARRIED

4078 (30480) Black Sage Road (barrel room addition)
 L. Walton, Building Inspection Services Supervisor, advised that this matter has been resolved.

D. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Agricultural Land Commission Referral (Subdivision) – Electoral Area "C"

To allow for the subdivision of the property along Testalinden Creek.

The Chair asked if anyone was present to speak to the application. No one was present to speak.

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority) <a href="https://linear.org/linear.com

THAT the Board of Directors not "authorise" the application to undertake a subdivision at 8932 Road 15 and 308 Road 15, Electoral Area "C" to proceed to the Agricultural Land Commission. - **CARRIED**

- 2. OCP and Zoning Bylaw Amendment Electoral Area "D-2"
 - a. Bylaw 2603.01, 2014
 - b. Bylaw 2455.16, 2015
 - c. Public Hearing Report February 18, 2015
 - d. Responses Received

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

Director Siddon indicated that the public hearing report is an accurate report of what took place at the public hearing held on February 18, 2015.

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

THAT the Board of Directors receive the Report of the Public Hearing held February 13, 2015 regarding Bylaw Nos. 2603.01 and 2455.16. – **CARRIED**

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority) It was MOVED and SECONDED

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 third time. – **CARRIED**

- 3. OCP and Zoning Bylaw Amendment Electoral Area "D-2"
 - a. Bylaw 2603.03, 2014
 - b. Bylaw 2455.17, 2014
 - c. Public Hearing Report February 18, 2015
 - d. Responses Received

To rezone in order to facilitate a three lot subdivision

Director Siddon indicated that the public hearing report is an accurate report of what took place at the public hearing held on February 18, 2015.

RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors receive the Report of the Public Hearing held February 18, 2015 regarding Bylaw No. 2455.17. - **CARRIED**

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority) 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 third time. – **CARRIED**

E. FINANCE

- 1. Regional District of Okanagan-Similkameen 2015-2019 Five Year Financial Plan
 - a. Bylaw No. 2686, 2015
 - b. Schedule A
 - c. Summary of changes from first reading

It was MOVED and SECONDED

THAT the Regional Conservation Fund be reduced to \$20,000. - CARRIED

Opposed: Director Christensen

It was MOVED and SECONDED

THAT the LEAN Management Program (\$10,000) be removed. - **DEFEATED**

Opposed: Directors Sentes, Waterman Brydon, Martin, Jakubeit, Watt, Pendergraft

It was MOVED and SECONDED

THAT the Business Technical Assistance Program be removed. - **DEFEATED**

Opposed: Director Watt, Schafer, McKortoff, Sentes, Pendergraft, Jakubeit, Brydon, Boot, Waterman

RECOMMENDATION 12 (Weighted Corporate Vote – 2/3)

It was MOVED and SECONDED

THAT Bylaw No. 2686, 2015 Regional District of Okanagan-Similkameen 2015-2019 Five Year Financial Plan be read a second and third time as amended and adopted.

Opposed: Director Christensen

F. OFFICE OF THE CAO

CARRIED

1. Area "A"/Town of Osoyoos Recreation Commission Appointments 2015

RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority) It was MOVED and SECONDED

THAT the Board of Directors appoint the following people as members of the Area "A"/Town of Osoyoos Recreation Commission for the periods indicated:

Name	Term	Expires
Peter Beckett	1 year	December 31, 2015
Carol Nesdoly	1 year	December 31, 2015
Brian Lobb	1 year	December 31, 2015

CARRIED

2. Gallagher Lake Area Plan Citizens Committee Appointments

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

THAT the Board of Directors endorse the Terms of Reference for the Gallagher Lake Area Plan Citizen's Committee dated March 5, 2015; and,

THAT the Board of Directors appoint the following as members of the Citizens Committee for purpose of the Gallagher Lake Official Community Plan review project:

Bill Barisoff	Grant Stevely	Barry Holliday
Thor Manson	Lorry Jamieson	Les Dunlop
Sunny Chahal		

CARRIED

- 3. Governance Study for the Incorporation of Okanagan Falls
 - a. Letter of support from Ministry of Community, Sport and Cultural Development

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

THAT the Regional District of Okanagan-Similkameen petition the Minister of Community, Sport and Cultural Development to commence a process to study the future of governance for Okanagan Falls. - <u>CARRIED</u>

4. Appointment of Additional Animal Control Officers

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

THAT the Board of Directors appoint Domenic Rampone of K-9 Control as an Animal Control Officer; and

THAT the Board of Directors appoint Patricia Ellis of K-9 Control or her designate as an Animal Control Officer for the purposes of Section 49 of the Community Charter. **CARRIED**

- 5. Fees and Charges Bylaw
 - a. Bylaw No. 2680, 2015

RECOMMENDATION 18 (Unweighted Corporate Vote – 2/3) It was MOVED and SECONDED

THAT Bylaw No. 2680, 2015 Regional District of Okanagan-Similkameen Fees and Charges Bylaw be read a second and third time and be adopted. - **CARRIED**

G. CAO REPORTS

- Community to Community Forum March 6
- CAO/Chair meeting March 31

H. OTHER BUSINESS

- 1. Chair's Report
- 2. Directors Motions

Corporate Officer

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RDOS Board Chair

By consensus, the meeting adjourned at 2:29 p.m.

APPROVED: CERTIFIED CORRECT:

M. Pendergraft

B. Newell

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Development Variance Permit Application — Electoral Area "A"



Administrative Recommendation:

THAT the Regional Board approve Development Variance Permit No. A2015.017-DVP

Purpose: To allow for the repair and maintenance of an existing deck.

Owners: Liana & Soren Schou Agent: NA Folio: A-01175.010

<u>Civic</u>: 3910 Highway 3 <u>Legal</u>: Lot 1, Plan KAP34674, District Lot 41, SDYD

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

Requested Variances: to vary the rear parcel line setback from 7.5 metres to 3.67 metres

Proposed Development:

This application is seeking to reduce the rear parcel line for a building or structure in the Agriculture One (AG1) Zone from 7.5 metres to 3.67 metres, as measured to the outermost projection, in order to undertake repairs to an existing deck.

The applicant has indicated that "the property is one part of a subdivision, dated 1984. The house pre-dates the subdivision. It is reasonable to assume that the subdivision property line was chosen for the topography ... the severe topography at the property line makes this area unsuitable for planting/harvesting ... the reconstruction of the deck – an improvement of a pre-existing condition – will not affect neighbours or environment."

Site Context:

The subject property is approximately 6,267 m² in area and is situated on the west side of Highway 3 approximately 250 metres east of the boundary with the Town of Osoyoos. The property is seen to be comprised of a single detached dwelling, accessory structure and swimming pool.

The surrounding pattern of development is seen to be characterised predominantly by agricultural and minor rural-residential uses.

Background:

The subject property was created through a subdivision approved by the Agricultural Land Commission (ALC) in 1983 in which the parcel lines between two properties approximately 2.82 ha in area were adjusted in order to create the 0.627 ha subject property and an adjacent 5.18 ha parcel (now 6805 45th Street).

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.

Although the property is less than 2.0 acres in area, due to it being created by subdivision after December 21, 1972, it 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*. That said, the Commission considers a principle dwelling unit to be related to the agricultural use of a parcel.

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 Thursday March 12, 2015.

Alternative:

- 1. THAT the Regional Board deny Development Variance Permit No. A2015.017-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 considering this proposal, it is noted that there are some limiting physical aspects in terms of the topography of the site, the location of the driveway access and the orientation of the existing dwelling unit (which appears to have been placed to take advantage of the views offered from the rear boundary line).

It is further thought that reducing the rear setback will have no affect on the streetscape characteristics of Highway 3 or adversely affect the agricultural use of adjacent properties. For these reasons, Administration is supportive of the proposed variance.

Respectfully submitted: Endorsed by:

Donna Butler

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps

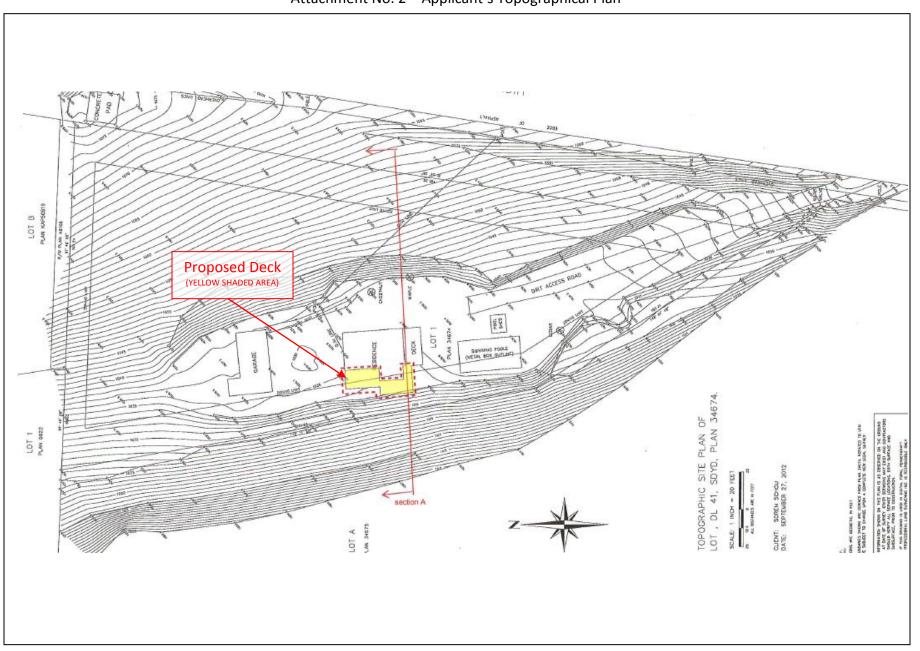
No. 2 – Applicant's Topographical Plan

No. 3 – Site Photo (Google Streetview – 2012)

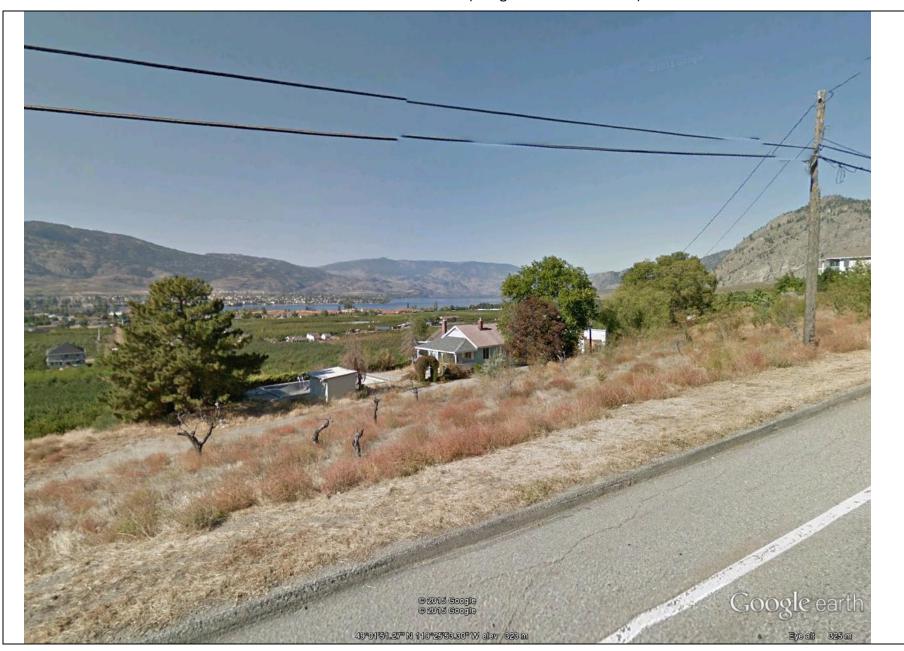
Attachment No. 1 – Context Maps osoyoos Subject property

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Attachment No. 2 – Applicant's Topographical Plan



Attachment No. 3 – Site Photo (Google Streetview - 2012)



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Development Variance Permit Application — Electoral Area "C"



File No: C2015.016-DVP

Administrative Recommendation:

THAT the Regional Board approve Development Variance Permit No. C2015.016-DVP

Purpose: To allow for the demolition of an existing "stall barn" and its replacement with a new "additional

dwelling for farm labour".

Owners: Barbara Blonde Agent: John Blonde Folio: C-01152.240

Civic: 350 Jones Way, Willowbrook Legal: Lot 20, Plan KAP1435, District Lot 28, SDYD

<u>OCP</u>: Agriculture (AG) <u>Zone</u>: Agriculture One (AG1)

Requested Variances: to vary the interior side parcel line setback from 4.5 metres to 1.59 metres.

Proposed Development:

This application is seeking to reduce the interior side parcel line setback for a building or structure in the Agriculture One (AG1) Zone from 4.5 metres to 1.59 metres, as measured to the outermost projection, in order to develop a new "additional dwelling for farm labour."

The applicant has indicated that "the new portion of the building would be the same footprint of the existing building ... [that] there are no other buildings within 800 feet of existing building. The adjacent landowners do not oppose the variance ... [and that] the building is at the back of the property while the adjacent properties are more than 800 feet away."

Site Context:

The subject property is approximately 4.0 ha in area and is situated on the south side of Jones Way approximately 7 km northwest of the Town of Oliver, in the Willowbrook area.

The property is currently developed to a single detached dwelling and assorted accessory structures related to the agricultural use of the property.

The surrounding pattern of development in the Willowbrook area is generally characterised by agricultural and rural-residential uses.

Background:

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the subject property is zoned Agriculture One (AG1) with the prescribed setback for buildings and structures being 4.5 metres from the interior side parcel line.

The subject property is not within a community water or sanitary system; is within the Willowbrook fire department area; has a 'low' fire hazard rating; and is also situated within the Agricultural Land Reserve (ALR).

At its meeting of December 10, 2009, the Regional District Board approved Development Variance Permit (DVP) No. C-09-01152.240, which reduced the rear parcel line setback at the subject property from 7.5 metres to 0.46 metres in order to allow for the development of an addition to an existing barn.

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 Thursday March 12, 2015.

Alternative:

- 1. THAT the Regional Board deny Development Variance Permit No. C2015.016-DVP; or
- 2. THAT the RDOS Board defers making a decision and directs that the proposal be considered by the Electoral Area "C" 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 this proposal, it is noted that, while the proposed development is consistent with the zoning and is intended to support the agricultural use of the property, there are also no 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 and that the proposed structure could otherwise be sited outside of the prescribed setback.

Conversely, it is also recognised that the proposed farm labour dwelling will occupy an area that has previously been developed (including a similar 1.59 metre setback) and will not result in the alienation of any parts of the property currently be utilised for agricultural purposes.

Moreover, allowing for this reduced setback is also unlikely to adversely affect the agricultural use of the adjacent properties and will not adversely affect the goal of preserving farmland under the Official Community Plan. For these reasons, Administration is supportive of the variance request.

Respectfully submitted:

Endorsed by:

Donna Butler

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

File No: C2015.016-DVP

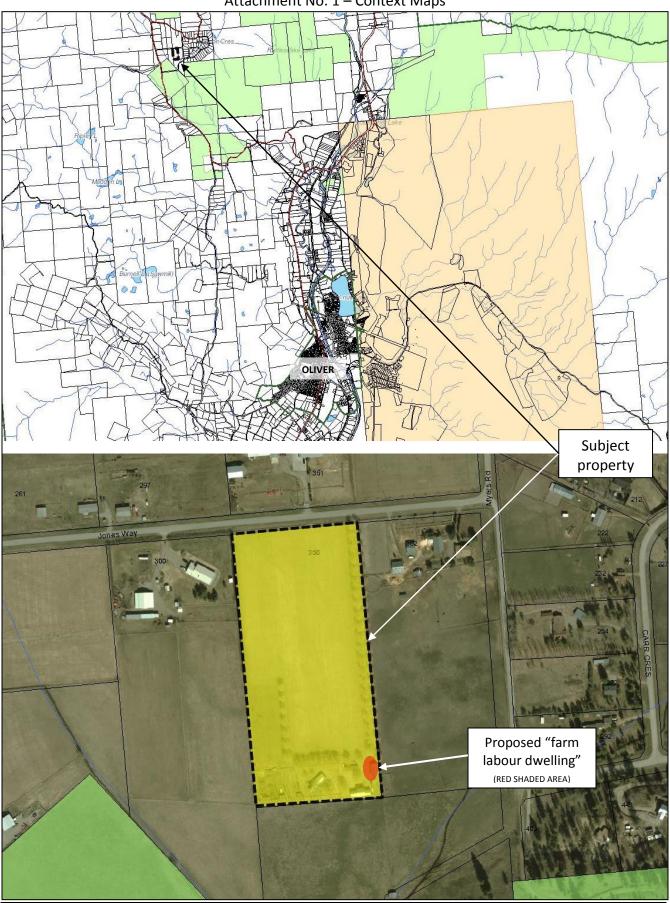
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

No. 3 – Applicant's Building Plan

No. 4 - Site Photo (Google Earth)

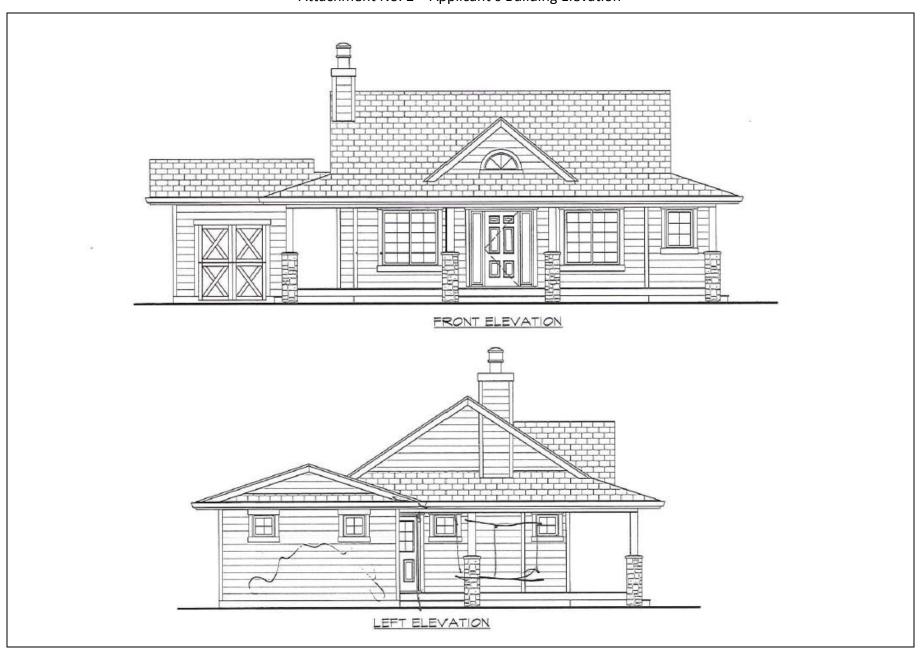
Attachment No. 1 – Context Maps



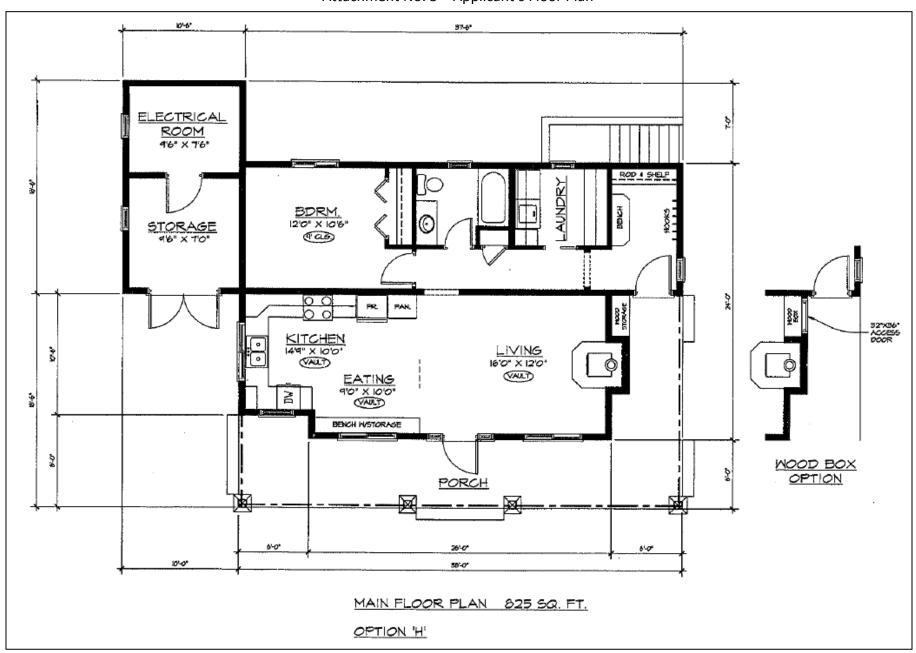
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File No: C2015.016-DVP

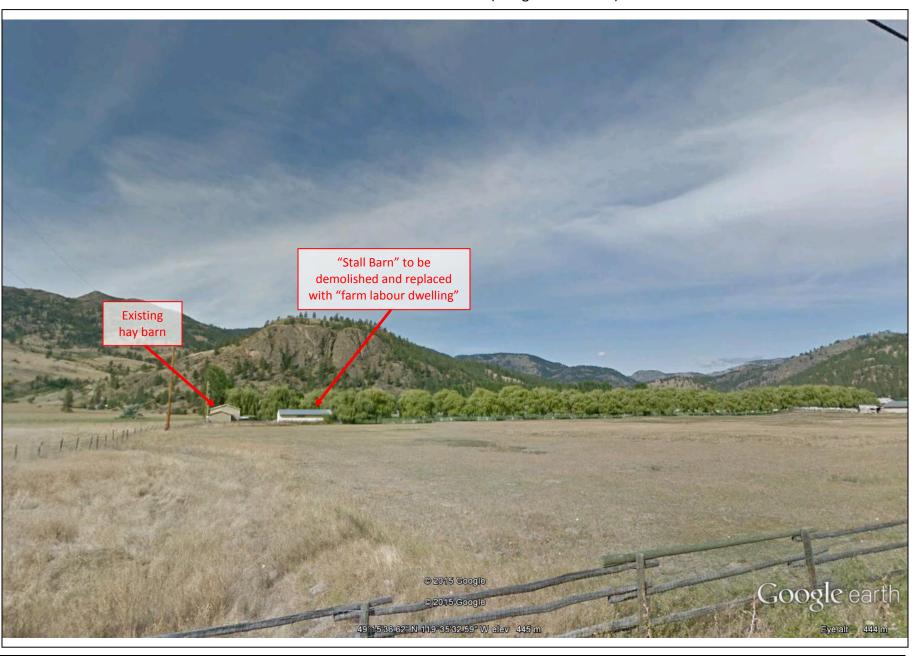
Attachment No. 2 – Applicant's Building Elevation



Attachment No. 3 – Applicant's Floor Plan



Attachment No. 4 – Site Photo (Google Streetview)



February 10, 2015.

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February 10, 2015

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300 games Way.

ADMINISTRATIVE REPORT

TO: **Board of Directors**

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Development Variance Permit Application — Electoral Area "C"

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. C2015.011-DVP

Purpose: To reduce the interior parcel line setback for an accessory building.

Fortis BC Energy Inc Folio: C 01144.500 Owners:

8702/8604/8606 Highway 97 Civic: Legal: Lot 1, DL 28s, SDYD, Plan KAP71409

OCP: Industrial (I) Zone: Industrial Two (I2)

Requested Variances: to vary the interior parcel line setback from 15.0 metres to 8.0 metres

Proposed Development:

This application is seeking to reduce the interior parcel line setback on the north side of the subject property from the required 15.0 metres to 8.0 metres for a telemetry monitoring building.

Specifically, the telemetry operation building is proposed to be 2.0 m by 2.0 m in size and approximately 3.0 m in height. The building will be housing the equipment to monitor a new natural gas pressure regulation station that is to be constructed on the subject property.

In support of the proposal, the applicant states that "due to the configuration of the lot and existing facilities on the parcel, the variance is requested to allow for installation of required now natural gas pressure regulation station to replace existing station. New station is required to meet the new gas load in the area and shall be built to meet current standards." Further, that the "location has been selected outside of existing Rights of way in the property, to suit the layout of the existing Oliver Y property, to meet the applicable bylaws as much as possible, and to limit impacts on surrounding properties... the property is fully fenced with screening to limit visibility of piping and equipment inside of the area for security reasons".

Site Context:

The subject property is approximately 1.5 ha in size, situated on the west side of Highway 97, and located approximately 700 m north of Gallagher Lake. The property is adjacent to Deer Park Manufactured Home Park.

The property currently is being used for gas distribution and operation and has several buildings and structures located on it. The property is graded and covered with gravel.



Neighbouring properties are characterized as vacant Resource Area parcel to the north, the BC Hydro powerline and gas right of way to the west, the Deer Park Manufactured home park to the south and Highway 97 to the east, with a Tourist Commercial Four zoned property and Small Holdings Four to the east. The land to the north and east are largely undeveloped.

Background:

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the subject property is zoned Industrial (Heavy) Two (I2) which permits electrical and natural gas substations, including generating plants.

Under Schedule 'C' of the Electoral Area "C" OCP Bylaw No. 2452, 2008, the subject property has been identified as lands designated as an Environmentally Sensitive Development Permit (ESDP) area. An ESDP application has been submitted; however, the proposed development is exempt from requiring an ESDP.

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 Thursday March 12, 2015.

Alternatives:

- 1. THAT the Regional Board deny Development Variance Permit No. C2015.011-DVP; or
- 2. THAT the Regional Board defers making a decision and directs that the proposal be considered by the Electoral Area "C" Advisory Planning Commission (APC).

Analysis:

When assessing a variance request, 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; and whether the proposed development will have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this case, the use is permitted on the property and there are a number of limiting factors such as existing easements and Right-of-Ways over the property that contain both overhead electrical utilities and underground high-pressure natural gas pipelines. The new gas regulation station will be constructed in the north east portion of the property to meet Fortis's operational requirements. The proposed telemetry building, which is the subject of this application is to be constructed within the proximity of the new gas regulation station. The telemetry building is to be located to meet the required front parcel line setback but not the interior parcel line setback.

The location of the proposed building is on the north side of the building and furthest away from the more developed adjacent southern side of the property.

Administration recognizes that the presence of easements and right-of-ways on the subject property and the need to maximize the efficiency of the space. The proposed telemetry building is not seen to have a detrimental impact on the amenity or character of the area.

Respectfully submitted:

8	Riechert		
_	Diochart	Dlannor	

E. Riechert, Planner

Endorsed by:

Endorsed by:

C. Garrish, Planning Supervisor

Donna Butler

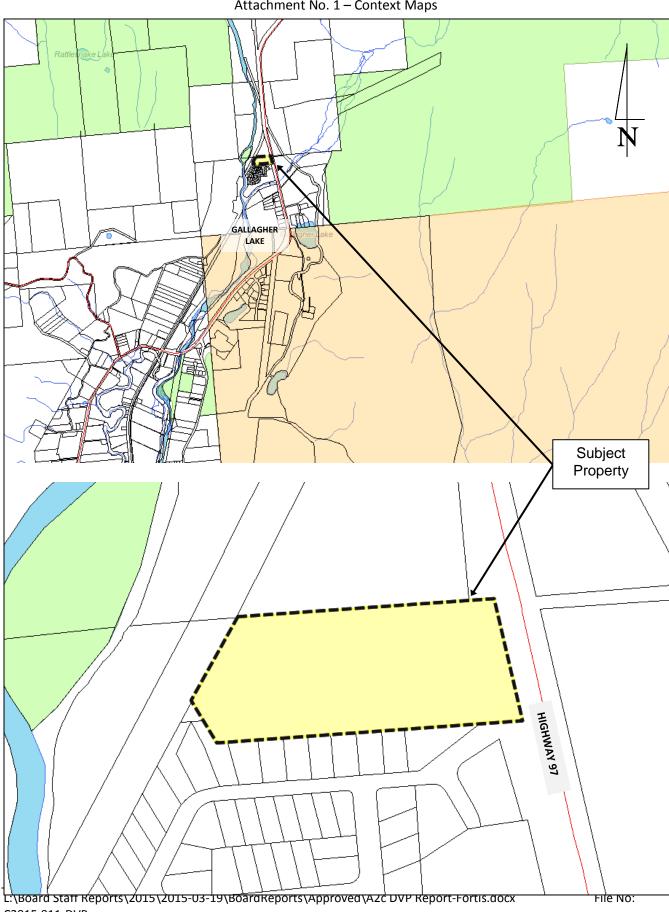
D. Butler, Development Services Manager

Attachments: Attachment No. 1 – Context Maps

Attachment No. 2 - Site Plan

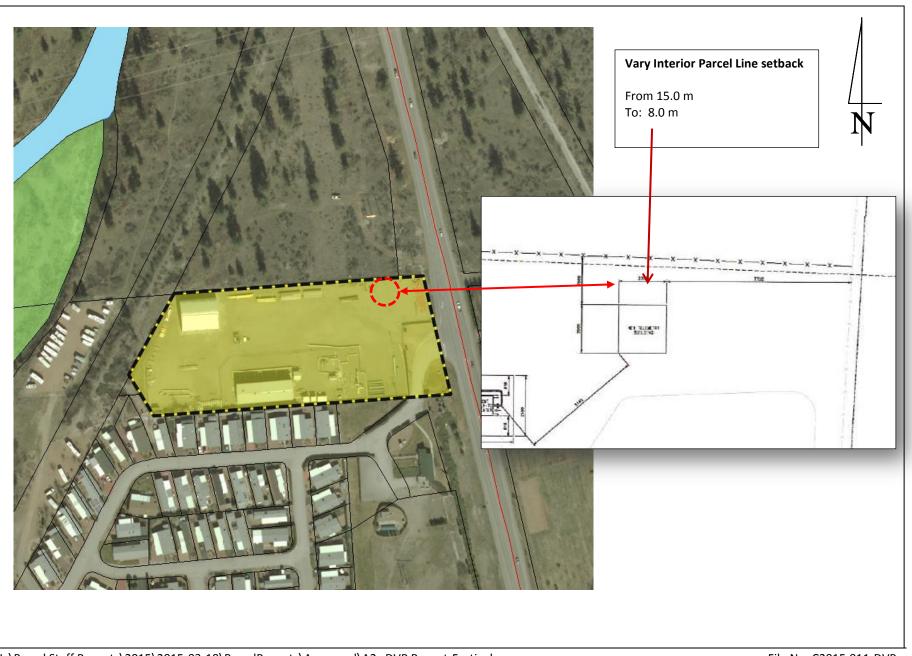
Attachment No. 3 – Applicant's building plans

Attachment No. 1 – Context Maps

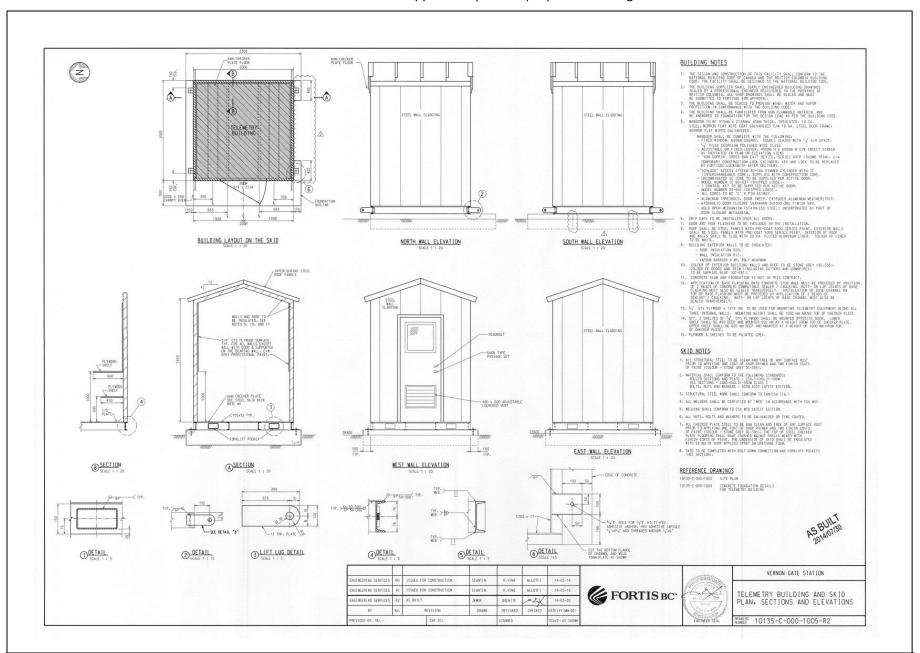


C2015.011-DVP Page 4 of 6

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's plans of proposed building



Lauri Feindell

From:

Evelyn Riechert

Sent:

March-12-15 9:07 AM

To:

Lauri Feindell

Subject:

FW: DVP application 8702, 8604, and 8606

This is for the Fortis DVP application.

From: Kennedy, George Sent: March-12-15 8:38 AM

To: Planning

Subject: DVP application 8702, 8604, and 8606

I am responding to a letter from Evelyn Riechert, February 26, 2015 sent to adjacent property owners to the above DVP application.

Our land lying immediately north of the subject property is in its natural state. As such, it benefits from having a 15 metre buffer between structures and the natural landscape. Thus, we oppose a variance that would allow a telemetry structure to be built within 15 metres of the northern property line of the subject property. In a natural landscape, the 15 metre buffer should be respected.

Thank you for the opportunity to provide input to this variance application.

Sincerely, George Kennedy For McIntyre Bluff Ranch Ltd



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Building Violation (Permit #17787)

Folio: A-01338.010 Lot: 1 Plan: KAP54472 DL: 42, SDYD

Civic Address: 4326 - 16th Avenue



Administrative Recommendation:

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 1, District Lot 42, Plan KAP54472, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333.

History:

The Contravention of Building Regulations Report dated February 2, 2015 from the Building Official indicates that Permit has expired and required inspections have not been completed. 2nd dwelling has not been rendered uninhabitable or removed as per Registered Covenant.

Building Permit No. 16801 was issued April 15, 2009 for a Single Family Dwelling. A 2nd Dwelling Covenant was also registered on title at this time to allow the original dwelling to remain during construction of the new dwelling. This Permit expired on April 15, 2011.

Completion Permit No. 17787 was issued October 3, 2011 and expired on October 3, 2013. A Permit Extension was then issued and expired on October 3, 2014.

The most recent inspection was on May 10, 2010 where a number of items were identified requiring rectification, including a deck which was added without a permit. However since all major health and safety items had been addressed the dwelling was safe for Occupancy.

The owner has since taken out a 6 month Deficiency Permit in advance of Board Approval for placing a Notice on Title. The owner also states that he will be submitting Permit Application for the construction of a rear deck which will address some of the outstanding items noted on the May 10, 2010 report.

The deficiencies are not health & safety related.

In order to close the permit file the owner must complete all outstanding items and remove or make uninhabitable the 2nd dwelling.

This Building Bylaw infraction is considered to be Category 2 as there are no health & safety concerns.

A map showing the location of this property is attached.

Alternatives:

In July 2009 the Board adopted a Policy (Resolution B354/09) to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations. This policy provides the Board with three categories of infractions and the recommended action for each.

Category 1 (Minor Deficiencies) – Place notice of deficiencies on folio file.

Category 2 (Major Deficiencies) – Place Section 695 Notice on title.

Category 3 (Health & Safety Deficiencies/Building without Permit) – Place Section 695 Notice on title and seek compliance through injunctive action.

Analysis:

Seeking a court injunction has a legal cost and the Board may wish to choose this option for enforcement of significant health or safety issues. As there are potential construction deficiencies on this property which are not a health and safety concern, a Section 695 Notice on Title is recommended by staff. The Notice on Title advises the current and future owners of the deficiency and protects the RDOS from liability.

Respectfully submitted:

"L. Walton"

Laura Walton, Building Inspection Services Supervisor

4326-16th Ave

File No: A-01338.010

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Building Violation

Folio: D-06900.080 Lot: 8 Plan: 33523 DL: 2834, SDYD

Civic Address: 499 Grand Oro Road

(Build without Permit - accessory building)



Administrative Recommendation:

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, District Lot 2834 SDYD, Plan 33523, 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.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333.

History:

The Contravention of Building Regulations Report dated January 29, 2015 from the Building Official indicates that during a site inspection on February 8, 2011 it was noted that an RV shelter and enclosure had been placed without a building permit within the side yard setback. Due to illness, the owner has not made any attempt to permit the RV structure and enclosure. The family member appointed to act on the owner's behalf has not addressed this issue despite the extra time given.

As there have been no inspections, it is unknown whether there could be health & safety related deficiencies.

In order to bring this property into compliance with RDOS bylaws, a Development Variance Permit would be required for the interior side yard setback and a Building Permit be issued, or removal of structure.

This Building Bylaw infraction is considered to be Category 3.

A map showing the location of this property and a photograph of the infraction are attached.

Alternatives:

In July 2009 the Board adopted a Policy (Resolution B354/09) to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations. This policy provides the Board with three categories of infractions and the recommended action for each.

Category 1 (Minor Deficiencies) - Place notice of deficiencies on folio file.

Category 2 (Major Deficiencies) – Place Section 695 Notice on title.

Category 3 (Health & Safety Deficiencies/Building without Permit) – Place Section 695 Notice on title and seek compliance through injunctive action.

Analysis:

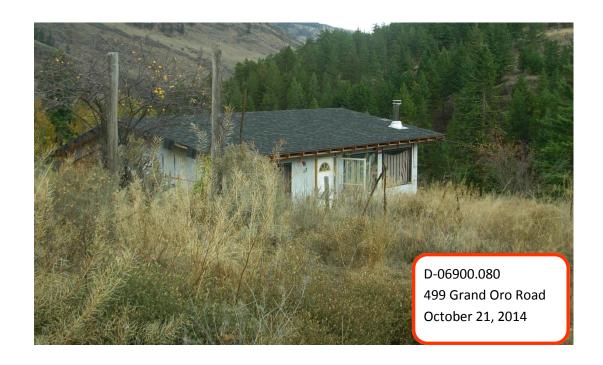
Seeking a court injunction has a legal cost and the Board may wish to choose this option for enforcement of significant health or safety issues. As there are potential construction and health and safety deficiencies on this property, a Section 695 Notice on Title and injunctive action are recommended by staff. The Notice on Title advises the current and future owners of the deficiency and injunctive action will require that the deficiencies be remedied and the property be brought into compliance with RDOS bylaws.

Respectfully submitted:

"L. Walton"

Laura Walton, Building Inspection Services Supervisor







L:\Board Staff F 06900.080 Page 3 of 3

File No: D-

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Building Violation (Permit #17571)

Folio: D-06900.080 Lot: 8 Plan: 33523 DL: 2834, SDYD

Civic Address: 499 Grand Oro Road



Administrative Recommendation:

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, District Lot 2834 SDYD, Plan 33523, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

Reference:

Regional District of Okanagan-Similkameen Building Bylaw No.2333.

History:

The Contravention of Building Regulations Report dated January 28, 2015 from the Building Official indicates that a building permit to place an existing single family dwelling on a foundation and add a woodstove has expired and required inspections have not been completed.

Building Permit No. 16593 was issued August 12, 2008, expired August 12, 2010 and was extended to August 12, 2011. Building Permit No. 17571 to complete the original permit was issued April 12, 2011 and expired April 12, 2014. Pursuant to department policy a further extension of the permit is not allowed.

The most recent inspection was the dampproofing & drain tile inspection which was undertaken on September 29, 2008. Since that time no further inspections have been called for despite correspondence and conversations with the owner.

As no framing, plumbing, insulation vapour barrier, wood burning and final inspections has been undertaken it is unknown whether health & safety related deficiencies exist. Further, due to illness the project has not been completed.

In order to close the permit file a new permit would have to be taken out to complete the remaining work.

This Building Bylaw infraction is considered to be Category 2 as the dwelling is uninhabitable in its current state.

A map showing the location of this property and a photo of the infraction are attached.

Alternatives:

In July 2009 the Board adopted a Policy (Resolution B354/09) to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations. This policy provides the Board with three categories of infractions and the recommended action for each.

Category 1 (Minor Deficiencies) – Place notice of deficiencies on folio file.

Category 2 (Major Deficiencies) – Place Section 695 Notice on title.

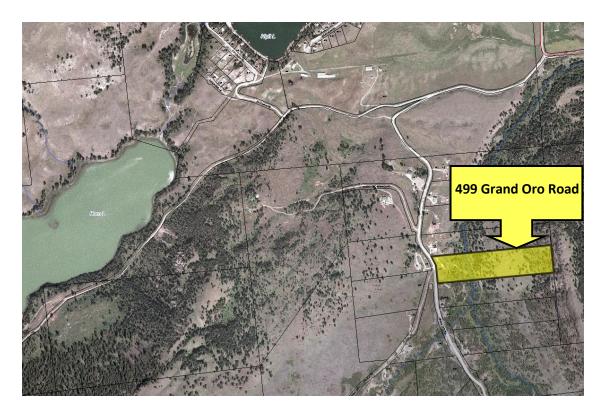
Category 3 (Health & Safety Deficiencies/Building without Permit) – Place Section 695 Notice on title and seek compliance through injunctive action.

Analysis:

Respectfully submitted:

Seeking a court injunction has a legal cost and the Board may wish to choose this option for enforcement of significant health or safety issues. As there are potential construction deficiencies on this property which are not a health and safety concern, a Section 695 Notice on Title is recommended by staff. The Notice on Title advises the current and future owners of the deficiency and protects the RDOS from liability.

"L. W	alton"					
Laura	Walton,	Building	Inspect	tion Ser	vices Su	pervisor





TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Agricultural Land Commission Referral (Exclusion) – Electoral Area "C"

Administrative Recommendation:

THAT the RDOS Board not "authorise" the application to exclude approximately 11.3 ha of land comprised within Lot A, Plan KAP19778, District Lot 2450S, SDYD, and part of Lot 683, Plan KAP2115, District Lot 2450S, SDYD, in Electoral Area "C" to proceed to the Agricultural Land Commission.

<u>Purpose</u>: To facilitate the exclusion of approximately 11.3 ha so that it may subsequently be subdivided into

approximately 29 low density residential parcels and approximately 30 rural residential parcels.

Owners: Clifford & Joyce Antypowich and Granton Investment Corporation Inc. Agent: Brad Elenko

Folio: C-06547.085/06392.000/06393.000 Civic: 730 & 974 Bulrush Road & 7234 Tul-el-Nuit Drive

Legal: Lot A, Plan KAP19778, District Lot 2450S, SDYD; Lot 683, Plan KAP2115, District Lot 2450S, SDYD; and

Lot 3, Plan KAP18770, District Lot 2450S, SDYD.

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

Proposed Development:

An application has been lodged with the Agricultural Land Commission (ALC) under Section 30(1) of the Agricultural Land Commission Act (the Act) in order to allow for an Exclusion from the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking to exclude approximately 11.3 ha in order to *potentially* undertake an approximately 59 lot subdivision that will be comprised of approximately 29 low density residential parcels fronting Bulrush Road and Tuc-el-Nuit Drive and 30 rural-residential parcels on the remainder of the area to be excluded.

A 4.9 ha remainder parcel, which is to stay within the ALR, is to comprise the remnant oxbows found adjacent the Okanagan River Channel and will comprise an approximately 2.0 ha area capable of agricultural production (along the northern property boundary of 7234 Tuc-el-Nuit Drive).

In support of this proposal, the applicant has stated that "the property owners wish to exclude a portion of their property from the ALR as a significant amount of their land is constantly wet due to the low elevation of the land resulting in a very high water table as the land is adjacent to the Okanagan River Channel. The presence of the water cannot be mitigated as the water is hydraulically present from the Okanagan River Channel, making viable agriculture impossible."

Statutory Requirements:

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must "review the application, and ... forward to the commission the application together with [its] comments and recommendations", unless Section 30(4) applies wherein the Board has the ability to refuse to "authorise" an application.

In this instance, Section 30(4) is seen to apply as the property "is zoned by bylaw to permit [an] agricultural or farm use".

Site Context:

The subject area is comprised of three legal parcels which represent a land area of approximately 16.22 ha that is situated at the north-west corner of the intersection of Bulrush Road and Tuc-el-Nuit Drive and which adjoins the boundary with the Town of Oliver to south (along Bulrush Road) and the Okanagan River Channel to the west. More specifically:

- 974 Bulrush Road is approximately 7.7 ha in area and appears to be currently fallow agricultural land (NOTE: BC Assessment has classified the property as residential). Development includes a principal dwelling and associated accessory dwellings near Tuc-el-Nuit Drive;
- 730 Bulrush Road is approximately 1.4 ha in area and is seen to be "land-locked" (i.e. no direct frontage to a road) and part of a legal title drawn around a remnant oxbow that is currently comprised of a number structures; and
- 7234 Tuc-el-Nuit Drive is approximately 7.12 ha in area and appears to be primarily under agricultural production (NOTE: BC Assessment has classified the property as farm and residential). Development includes a number of structures near Tuc-el-Nuit Drive, including a principal dwelling and associated accessory buildings.

Surrounding land use patterns within Electoral Area "C" are primarily agricultural operations within the ALR. Within the Town, there is a mix of agricultural, residential and commercial development fronting Tuc-el-Nuit Lake.

Background:

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the future preferred land use designation for this area is Agriculture (AG), and is also designated as a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area under the OCP.

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the subject property is zoned Agriculture One (AG1) Zone, which stipulates a minimum parcel size requirement of 4.0 ha.

The subject area is also within the floodplain associated with the Okanagan River Channel and Tuc-el-Nuit Lake and is further shown as comprising "high" and "very high" environmental values on the draft mapping prepared as part of the Regional District's ESDP Area Update project.

In accordance with Section 16 of the ALC Act Regulations, this proposal was notified by the applicant to surrounding residents and advertised in the local Oliver Chronicle. To date, one (1) one representation has been received by the Regional District.

Alternatives:

- THAT the RDOS Board "authorise" the application to exclude approximately 11.3 ha of land comprised within Lot A, Plan KAP19778, District Lot 2450S, SDYD, and part of Lot 683, Plan KAP2115, District Lot 2450S, SDYD, in Electoral Area "C" to proceed to the Agricultural Land Commission; OR
- 2. That the RDOS Board defers making a decision and directs that the proposal first be considered by the Electoral Area "C" Advisory Planning Commission (APC).

Analysis:

Growth Management

In considering this proposal, Administration is concerned that the subdivision of these properties — should Exclusion from the ALR be successful — into a possible 59 new parcels represents the type of suburban sprawl that the Regional Growth Strategy (RGS) is attempting to forestall from occurring within the rural areas and on ALR lands.

While the Town of Oliver ("the Town") is designated as a Primary Growth Area under the RGS, these parcels are not shown as being comprised within a Rural Growth Area, nor are they currently contemplated as a potential growth area under the Town's OCP.

Moreover, it is understand that the Town is currently in the process of initiating a review of their OCP (the first since 2003) and that growth management and how the Town will accommodate anticipated residential growth over the next 20-30 years will be an important facet of this review.

In light of this pending review (which will also include the establishment of the Town's Urban Growth Boundary as required by the RGS), the current proposal is arguably premature and may potentially be at cross-purposes with the strategic direction that the Town ultimately determines to adopt in its new OCP.

In addition, the previous exclusion of ALR lands to accommodate the growth of the Town of Oliver has generally been determined through discussions between the Town and the ALC, and not through ad hoc exclusions requests submitted by applicants.

The Board is also asked to be aware that this proposal was forwarded to the Town (by the applicant) and considered by its Council at their meeting of January 26th where it was resolved to "not comment on the Antypowich ALR Exclusion and Subdivision application."

Agricultural capability

Apart from these growth management issues, Administration notes that this application has not been supported by a capability study prepared by a qualified individual that would support the exclusion of this property on the basis of it being unsuitable for agricultural use.

Information provided by the Agricultural Land Commission (dated 1982) indicates that the Agricultural Capability of these properties is in the Class 3 to Class 5 category, while it is noted that the occurrence of farmland on low lying sections of former/remnant oxbows is not uncommon in this areas.

Floodplain considerations

Administration is also concerned about the suitability of encouraging residential development within a floodplain and in an area which the applicant has described as "low in elevation which results in a

very high water table, creating standing water on portions of the property throughout the year and seasonal flooding on the balance of the lands on a regular basis."

The OCP specifically speaks to discouraging development of land susceptible to flooding and that such land "should be used for parks, open space, recreation or agricultural uses" [emphasis added].

Under the draft mapping associated with the "Keeping Nature in our Future" strategy (accepted by the Board at its meeting of September 5, 2013), the subject property is shown as possessing "high" and "very high" environmental values.

Administration recognises that continued inclusion of these parcels within the ALR is not necessarily conducive for the long-term preservation of these environmental values, however, the proposed alternative of residential and rural-residential development is seen to be less conducive.

Generally, wetlands — which is what these subject parcels are seen to be comprised of — are very valuable in the Okanagan, and can be easily restored, if not to full function, certainly to a point where they have significant values again. To this end, it is noted that the OCP speaks to encouraging the retention of larger parcels of land within and adjacent to ESDP Areas.

Summary

While Exclusion requests are generally viewed to be the purview of the ALC, in this instance and given the proposed development, impending OCP review in the Town of Oliver, floodplain considerations and environmental values of the site, Administration is recommending that this proposal not be authorised.

Respectfully submitted:

C. Garrish, Planning Supervisor

Endorsed by:

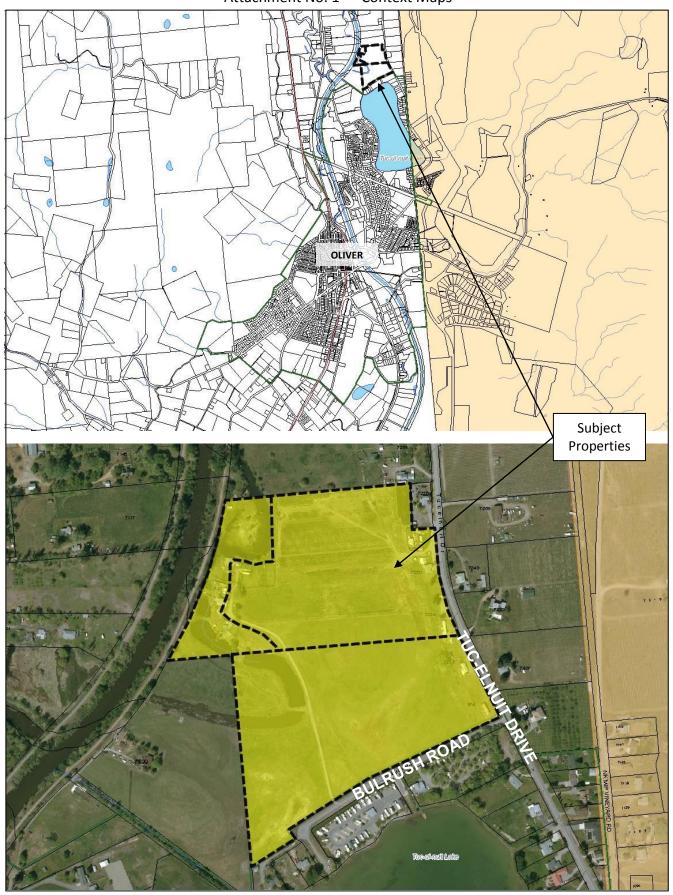
D. Butler, Development Services Manager

Attachments: Attachment No. 1 – Context Map

Attachment No. 2 – Applicant's Proposed Exclusion & Subdivision Plan

Attachment No. 3 – Aerial Photo (2007)

Attachment No. 1 — Context Maps

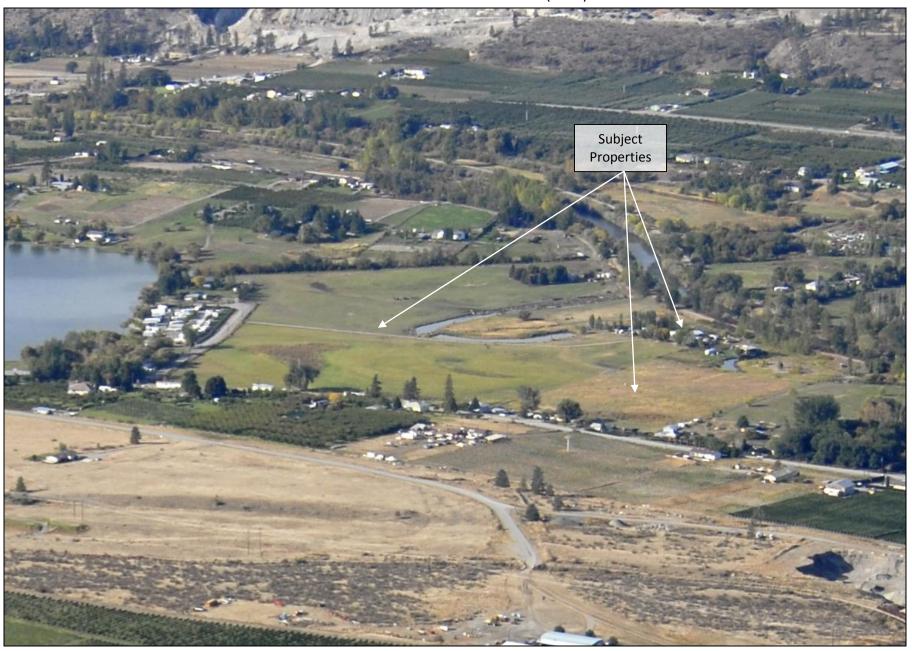


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Attachment No. 2 — Applicant's Proposed Exclusion & Subdivision Plan



Attachment No. 3 — Aerial Photo (2007)



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TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Agricultural Land Commission Referral (Subdivision) – Electoral Area "A"

Administrative Recommendation:

THAT the RDOS Board "authorise" the application to undertake a subdivision at Lot 1, Plan 36420, District Lots 43 & 100, SDYD (5037 45th Avenue) Electoral Area "A" to proceed to the Agricultural Land Commission.

<u>Purpose</u>: To facilitate the subdivision of the subject property into two parcels.

Owners: Glenn and Nancy Noble-Hearle; Denis and Shirley Hearle; Eric Hearle Folio: A-01322.010

Civic: 5037 45th Avenue Legal: Lot 1, Plan 36420, District Lots 43 & 100, SDYD

<u>OCP</u>: Agriculture (AG) <u>Zone</u>: Agriculture One (AG1)

Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 21(2) of the Agricultural Land Commission Act (the Act) has been lodged with the Regional District in order to allow for subdivision within the Agricultural Land Reserve (ALR).

Specifically, the proposal is to subdivide one parcel into two parcels, with one proposed to be approximately 8.3 ha in size and the other parcel to be approximately 4.6 ha in size.

The applicant has stated that the intent of the proposed subdivision is "to provide for an orderly succession of Denis/Shirley holding that would reflect their children's interests, respect existing plantings and irrigation systems, and create two sustainable farms." Also, the proposed subdivision "reflects the eventual holdings of Eric and of Nancy/Glenn when the interest of Denis/Shirley are divided equally between them."

Statutory Requirements:

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

In this instance, Section 25(3) is seen to apply as the property "is zoned by bylaw to permit [an] agricultural or farm use".

Site Context:

The subject property is approximately 12.9 ha in area and is situated on 45th Avenue bordering the Town of Osoyoos and approximately 25 metres from Osoyoos Lake.

The applicant has advised that the property comprises an 800 sqft. house, a manufactured home, two garages, a picker's cabin, an implement shed, and orchards.

Surrounding land use patterns include a number of similar agricultural operations. An RV park abuts the subject property to the southeast.

Background:

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the subject property is zoned Agriculture One (AG1) Zone, and the minimum parcel size requirement in this zone is 4.0 ha; therefore, a zoning bylaw amendment would not be required if approval were granted for the ALR subdivision.

Under the Electoral Area "A" OCP Bylaw No. 2450, 2008, the subject property is designated as Agriculture (AG), and is subject to a Watercourse Development Permit (WDP) area. A WDP application would be required if approval were granted for the ALR subdivision.

In 2001, the ALC approved an application to subdivide 0.4 ha from the subject property; however, this approval was not acted upon.

Alternatives:

- 1. THAT the RDOS Board not "authorise" the application to undertake a subdivision at Lot 1, Plan 36420, District Lots 43 & 100, SDYD (5037 45th Avenue) Electoral Area "A" to proceed to proceed to the Agricultural Land Commission.
- 2. That the RDOS Board defers making a decision and directs that the proposal first be considered by the Electoral Area "A" Advisory Planning Commission (APC).

Analysis:

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of viable agricultural land, and the OCP generally seeks to discourage this type of subdivision by supporting "the consolidation of legal parcels that support more efficient agricultural operations" and encouraging "the protection of agricultural lands and maximizing productive farm activity."

In addition, the subject property has been included within the "Agricultural Protection Area" described at 6.3 of the OCP and that subdivision may negatively impact the agricultural opportunities available in the long-term and that the property has more agricultural potential as a single unit.

However, Administration also recognizes that the OCP supports parcel sizes for lands designated Agriculture of "4 hectares for fruit and vegetable farming operations", that the subject property is used for fruit production and, in recognition of this, it has been zoned AG1 which stipulates a minimum parcel size requirement of 4.0 ha.

On this basis only — being that the proposed two lot subdivision will comply with this minimum parcel size requirement (i.e the smallest lot will be 4.6 ha in area) — Administration is recommending that this proposal be "authorised".

The Board is asked to be aware that, should ALC approval be obtained, a subsequent amendment bylaw would not be required.

Respectfully submitted:

T. Donegan, Planning Technician

Endorsed by:

Endorsed by:

Donna Butler

C. Garrish, Planning Supervisor

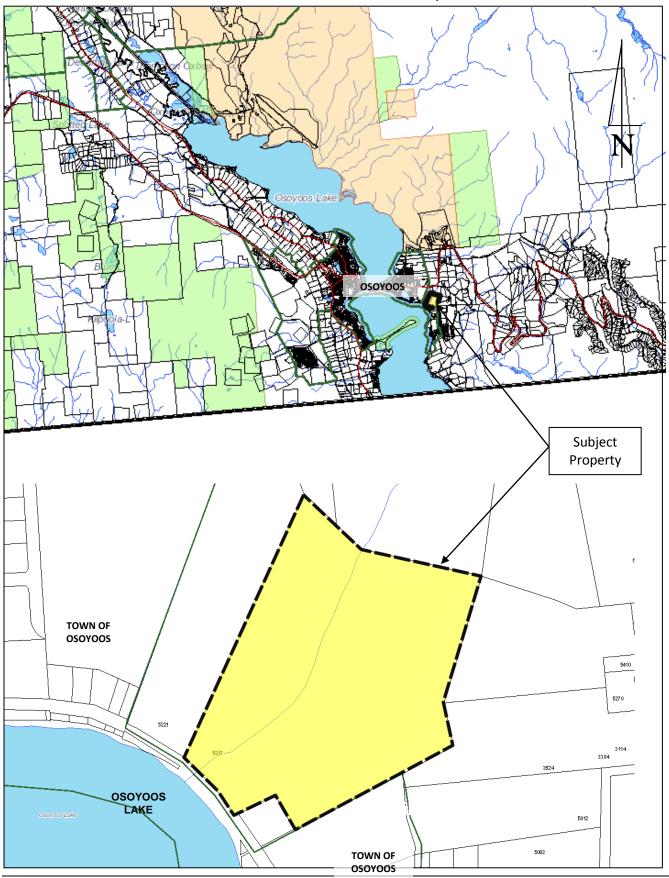
D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

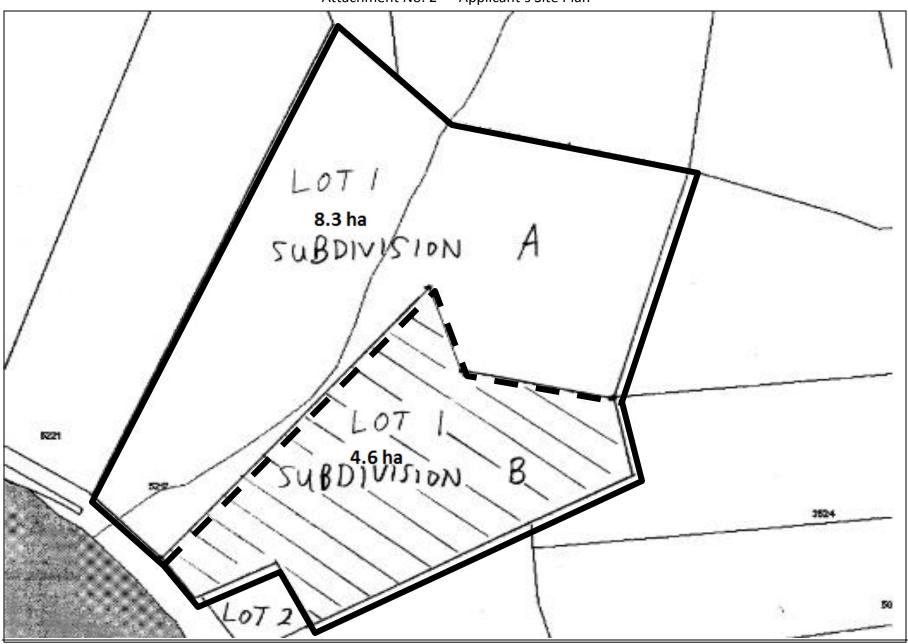
No. 3 – Street View (Google Streetview)

Attachment No. 1 — Context Maps



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Attachment No. 2 — Applicant's Site Plan



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Attachment No. 3 — Street View (Google Streetview)



Subject Property along 45th Avenue (looking east)

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

TYPE: 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 adopted.

Proposal:

That the Electoral Area "D-2" Official Community Plan (OCP) Bylaw and Zoning Bylaw be amended 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 May 22, 2014, the Planning and Development (P&D) Committee of the Board considered the proposed amendments to the land use bylaws and resolved to direct staff to make a number of changes prior to bringing the bylaws forward for first reading.

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 a condition regarding air and water quality in the industrial zone.

A Public Information Meeting was held on the proposed amendments bylaws was held on October 16, 2014, where approximately four (4) members of the public attended

At its meeting of January 8, 2015, the Regional District Board approved first and second reading of Amendment Bylaw Nos. 2603.01 & 2455.16, 2015, and delegated the holding of a Public Hearing.

A Public Hearing was held on February 18, 2015, where approximately seven (7) members of the public attended.

At its meeting of March 5, 2015, the Regional District Board approved third reading of Amendment Bylaw Nos. 2603.01 & 2455.16, 2015.

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 97), was obtained on March 9th, 2015.

Alternative:

THAT the Board of Directors rescind first, second and third reading of 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, and abandon the bylaws.

Respectfully submitted:

C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler

D. Butler, Development Services Manager

BYLAW	NO.	2603.01

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2603.01, 2015

A Bylaw to amend the Electoral Area 'D-2' 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" Official Community Plan Amendment Bylaw No. 2603.01, 2015."
- 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 tin	ne this 8 th day of January, 2015.		
PUBLIC HEARING held this 18 th day of February, 2015.			
READ A THIRD time this 5 th day of March, 2015.			
ADOPTED this day of, 2015.			
Board Chair	Corporate Officer		

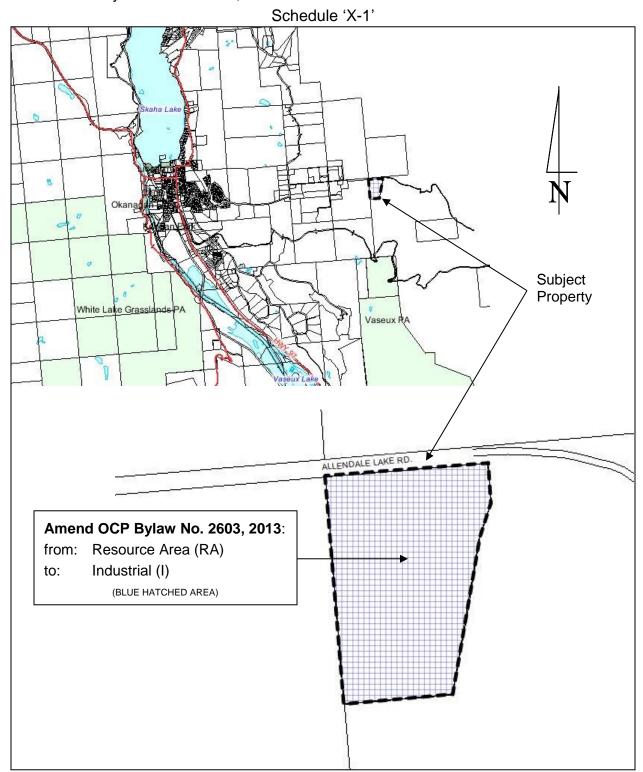
Regional District of Okanagan-Similkameen

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



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

Schedule 'X-2'

Amend OCP Bylaw. No 2603, 2013 from: Agriculture (AG) to: Small Holdings (SH) (SALMON HATCHED AREA)

Amend OCP Bylaw. No 2603, 2013 from: Parks and Recreation (PR) to: Agriculture (AG)

(PINK HATCHED AREA)

Amend OCP Bylaw. No 2603, 2013
from: Large Holdings (LH)
to: Small Holdings (SH)

(TEAL HATCHED AREA)

Amend OCP Bylaw. No 2603, 2013 from: Large Holdings (LH)

o: Conservation Area (CA)

Amend OCP Bylaw. No 2603, 2013

(ORANGE HATCHED AREA)

from: Large Holdings (LH) to: Agriculture (AG)

(LIME HATCHED AREA)

BYLAW	NO.	2455.16
,		00

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.16, 2015

A Bylaw to amend the Electoral Area "D" 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" 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 m² 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 m² 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 m² 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:
 - 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;
- xlii) 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.
- xlv) 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
- xlvii) 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;
- xlviii) 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) $1,000.0 \text{ m}^2$;

- b) 466.0 m²; for individual single detached dwelling lots on community water and community sewer;
- c) 550.0 m², 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 metresii) Rear parcel line: 7.5 metresiii) 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;
- No accessory building or structure shall exceed a height of 5.5 metres.

12.1.9 Maximum Parcel Coverage:

- a) 35%;
- 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 m² including storage.

12.1.11 Requirements for amenity and open space area:

- a) 40.0 m² for each dwelling unit;
- 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;
- 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.
- lv) 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(I) under "Tourist Commercial One Zone (CT1)" to read as follows:
 - 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:
 - 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(I) under "Tourist Commercial Four Zone (CT4)" to read as follows:
 - 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.
- Ixxxiii) 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

Ixxxvii) renumbering those sub-sections that follow Section 14.2.6.

- Ixxxviii)amending Section 14.4.1(a) under "Industrial (Mixed) Four Zone (I4)" to read as follows:
 - 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.
- xci) 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:
 - 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 m².
- 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



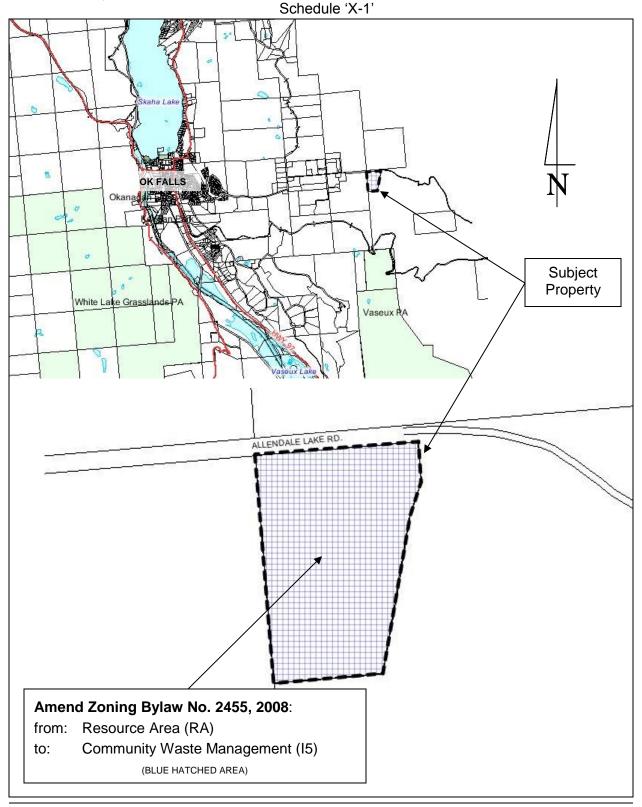
Board Chair Co	rporate Officer
ADOI 120 tilis day of, 2010.	
ADOPTED this day of, 2015.	
Approved pursuant to Section 52(3)(a) of the <i>Transportation Act</i> 2015.	this 9 th day of March,
READ A THIRD TIME this 5 th day of March, 2015.	
PUBLIC HEARING held this 18 th day of February, 2015.	
READ A FIRST AND SECOND TIME this 8 th day of January, 20	15.

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



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



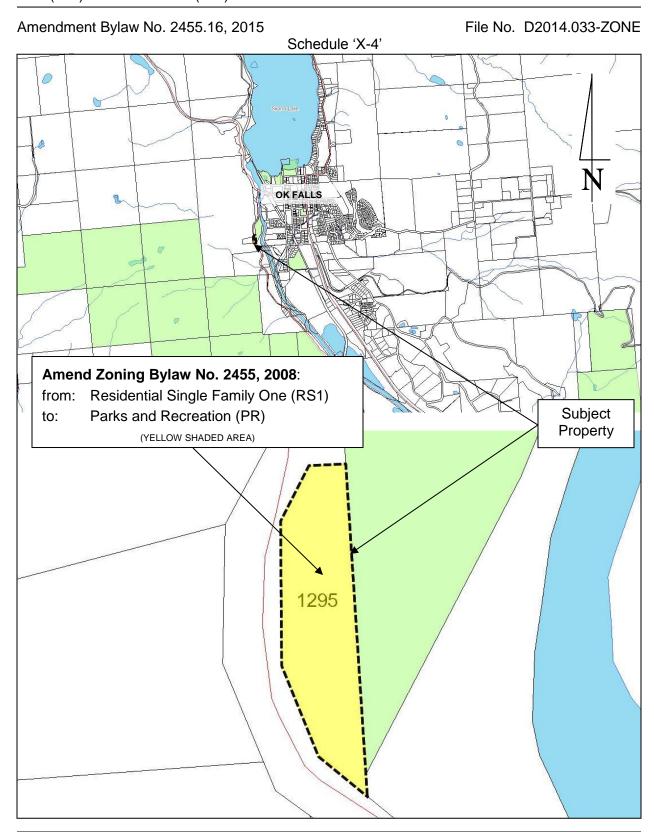
Amendment Bylaw No. 2455.16, 2015 File No. D2014.033-ZONE Schedule 'X-2' Skaha Lake Subject Property White Lake Grasslands PA Skaha Lake Amend Zoning Bylaw No. 2455, 2008: from: Tourist Commercial One Site Specific (CT1s) Park and Recreation (PR) to: (BLUE HATCHED AREA) WY 97

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' 8 Subject White Lake Grasslands PA Property 0 CRES. Okanagan Falls Amend Zoning Bylaw No. 2455, 2008: Residential Multiple Family Two (RM2) from: Residential Multiple Family (RM1) to: Keogan Park (BLUE HATCHED AREA)

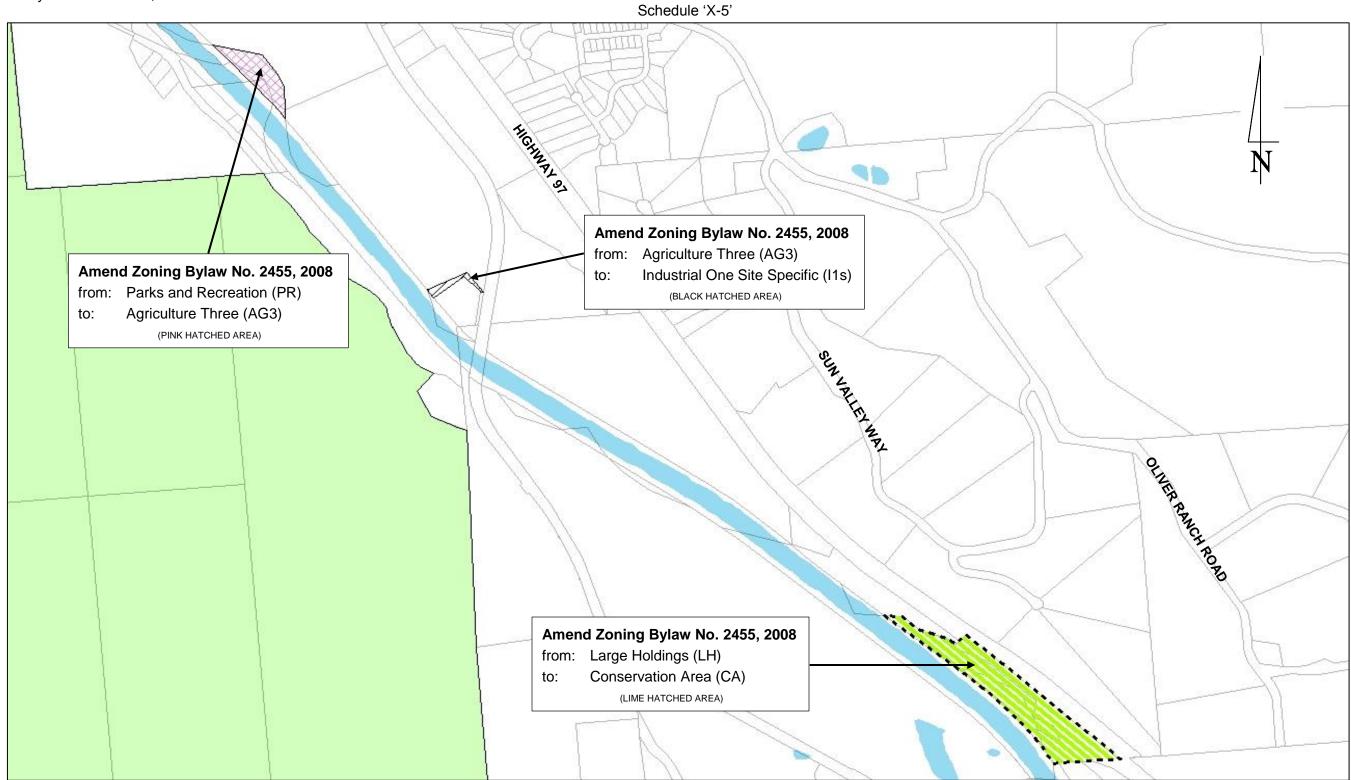
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101 Martin St, Penticton, BC V2A 5J9 Tel: (250) 492-0237 Fax (250) 492-0063

Amendment Bylaw No. 2455.16, 2014 File No. D2014.033-ZONE



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

TYPE: OCP & 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 adopted.

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)

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.

Background:

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.

At its meeting of January 8, 2015, the Regional District Board approved first and second reading of Amendment Bylaw Nos. 2603.03 & 2455.17, 2014, and delegated the holding of a Public Hearing.

A Public Hearing was held on February 18, 2015, where approximately seven (7) members of the public attended.

At the March 5, 2015 meeting, the Regional District Board approved third reading of Amendment Bylaw Nos. 2603.03 & 2455.17, 2014

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.

File No: D2014.036-ZONE

Alternative:

THAT the Board of Directors rescind first, second and third reading of 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, and abandon the bylaws.

Analysis:

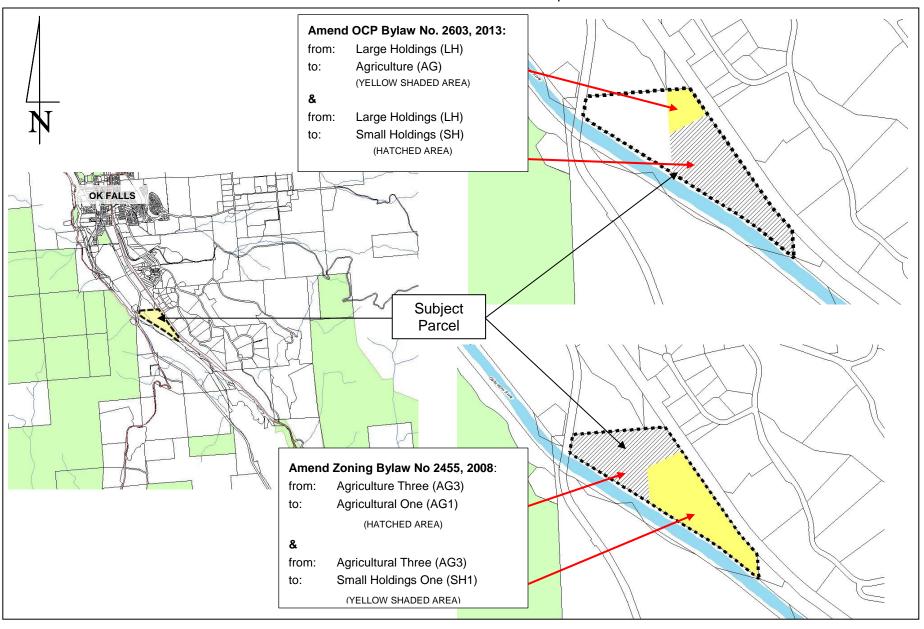
Administration considers this proposal to be reflective of the parcels in the vicinity in terms of size and designation and therefore supports the application to amend the OCP and zoning bylaws.

Respectfully submitted:	
<u>ERiechert</u>	
E. Riechert, Planner	
Endorsed by:	Endorsed by:
G	Donna Butler
C. Garrish, Planning Supervisor	D. Butler, Development Services Manager
Attachments: No. 1 – Context Maps	

No. 2 – Applicant's Site Plan

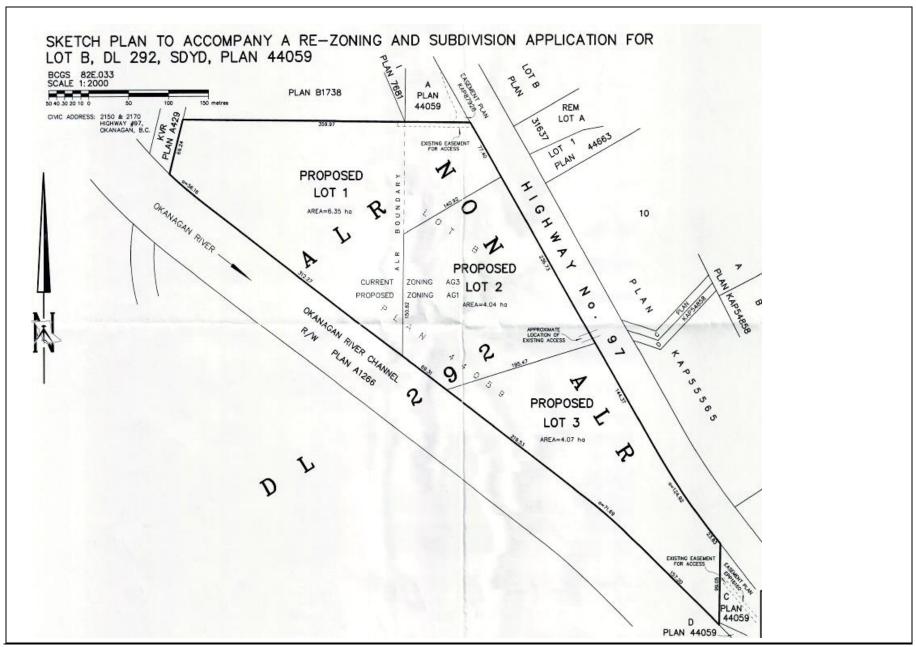
File No: D2014.036-ZONE

Attachment No. 1 - Context Maps



File No: D2014.036-ZONE

Attachment No. 2 – Applicant's Site Plan



BYLAW	NO.	2603.03

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2603.03, 2014

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).

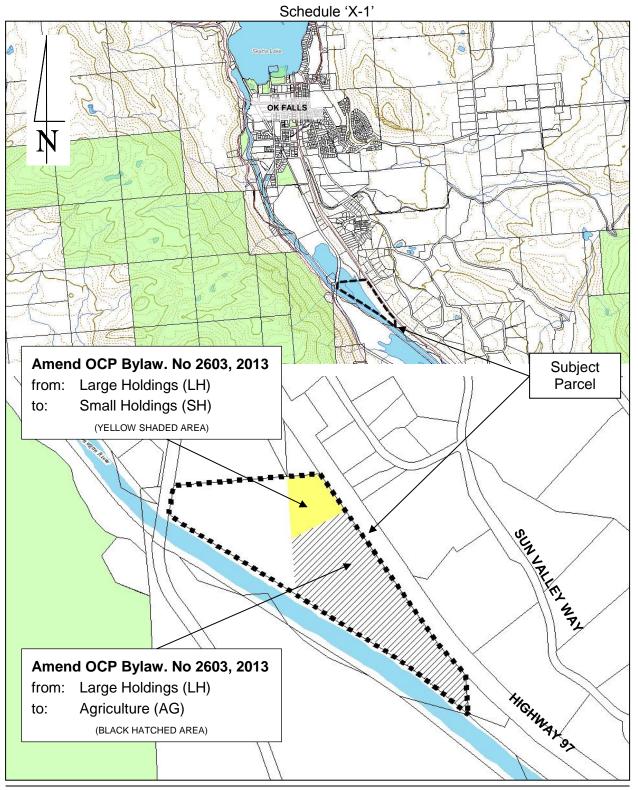
READ A FIRST AND SECOND TIME this 8 th day of January, 2015.
PUBLIC HEARING held this 18 th day of February, 2015.
READ A THIRD TIME this this day of, 2015.
ADOPTED this day of, 2015.
Board Chair Corporate Officer

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



BYLAW	NO.	2455.1	7

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).

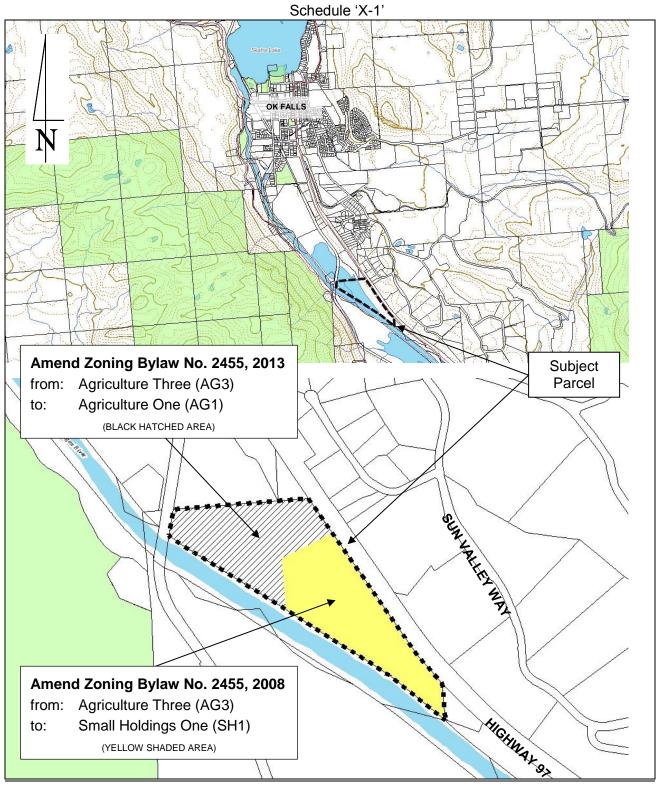
READ A FIRST AND SECOND TIME this 8 th day January, 2015.
PUBLIC HEARING held this 18 th day of February, 2015.
READ A THIRD TIME this this 5 th day of March, 2015.
approved pursuant to Section 52(3) of the Transportation Act this 9 th day of March, 2015.
ADOPTED this day of, 2015.
Board Chair Corporate Officer

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



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Zoning Bylaw Amendment — Electoral Area "E"



Administrative Recommendation:

THAT Bylaw No. 2459.16, 2015, Electoral Area "E" Zoning Amendment Bylaw be read a third time and adopted.

Purpose:

Administration is proposing that the Regional District Board resolve to initiate an amendment bylaw in order to address a potential issue with the zoning of the property at 126 Robinson Avenue (being Lot 6, Plan KAS540, District Lot 210, SDYD).

Specifically, when the Electoral Area "E" Zoning Bylaw was reviewed in 1995, it introduced a residential zoning to a property that had previously been zoned and developed for mixed-uses (i.e. commercial and residential). As a result, the commercial use of the site became legally non-conforming and subsequently lapsed in the intervening 20 years.

Recently, the property owner attempted to re-establish a commercial retail use at the site, and has advised that they were not aware that this was no longer permitted by the zoning bylaw.

Site Context:

The subject property is approximately 2,500 m² in area and is situated on the south side of Robinson Road in the Naramata Townsite. The property is seen to be comprised of a multi-unit townhouse development. The surrounding pattern of development is characterised by a mix of commercial, residential and administrative uses given its location in the "heart" of the Naramata village.

Background:

At its meeting of February 19, 2015, the Regional District Board approved first and second reading of Amendment Bylaw No. 2459.16, 2015, and delegated the holding of a Public Hearing.

A Public Hearing was held on March 4, 2015, where approximately two (2) members of the public attended.

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

Alternative:

THAT the Board of Directors rescind first and second reading of Bylaw No. 2459.16, 2015, Electoral Area "E" Zoning Amendment Bylaw, and abandon the bylaw.

Analysis:

It is unclear from Regional District files why the designation of the property was amended from Commercial to Medium Density Residential in 1993. In the absence of such files, it can only be surmised that this change was done for one of two possible reasons:

- to reflect how the site was being used at that time (i.e. commercial uses were no longer being undertaken); OR
- to reflect a new strategic direction endorsed by the Board (i.e. to encourage medium density development, or to reduce the amount of commercial space within the townsite).

Having set this new strategic direction, it is further surmised that the zoning of the subject property was subsequently changed to RM1 in 1995 in order to ensure compliance with the OCP.

In the intervening two decades, however, the OCP has been updated to include language supporting small-scale commercial development within the townsite as well as general commercial zoning in medium density residential areas "based on their contribution and impact to the general residential character of the area."

It is also noted that the floor area of the two office/retail spaces are not each greater than 38 m², and would be accessory to the predominant residential use of the site (which represents approximately 814.2 m²). Accordingly, commercial uses are unlikely to adversely impact upon surrounding dwelling units and would be consistent with the commercial character of Robinson Road at this particular location.

Respectfully	submitted:
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C. Garrish, Planning Supervisor

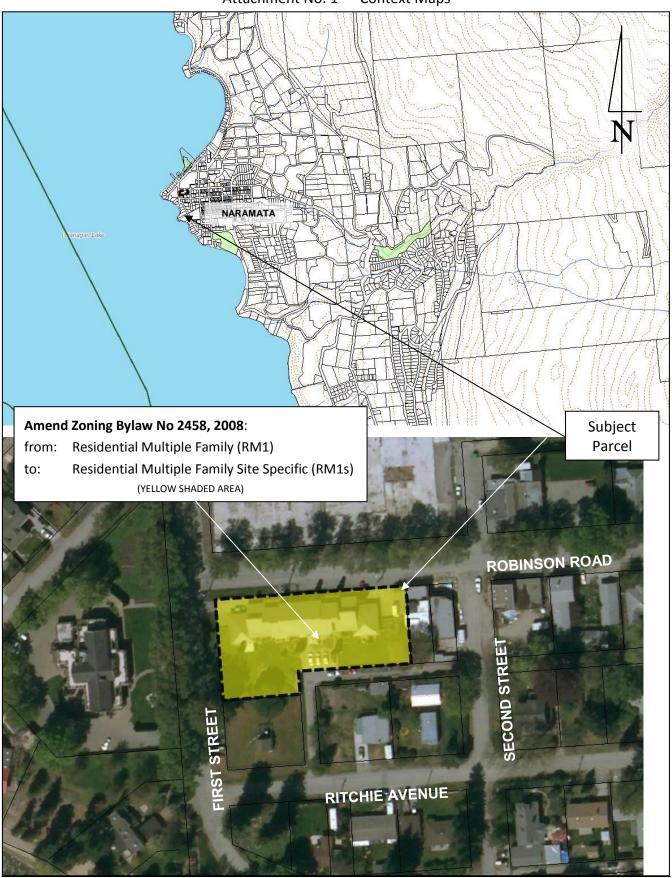
Endorsed by:

D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 — Context Maps



L:\Board Staff Reports\2015\2015-03-19\BoardReports\Approved\C5 Zoning-Area E.docx Page 3 of 4

Attachment No. 2 — Site Photo (Google Streetview)



L:\Board Staff Reports\2015\2015-03-19\BoardReports\Approved\C5 Zoning-Area E.docx Page 4 of 4

			-
BYLAW	NO.	2459.16	5

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

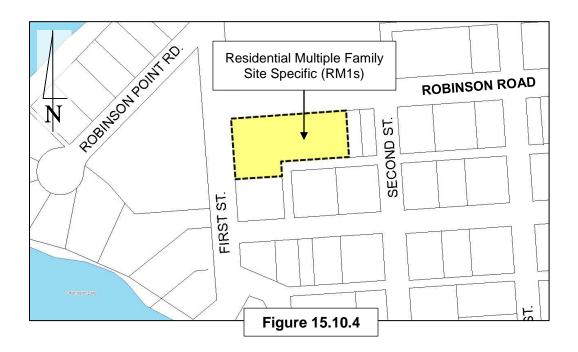
BYLAW NO. 2459.16, 2015

A Bylaw to amend the Electoral Area "E" Zoning Bylaw No. 2459, 2008

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

- 1. This Bylaw may be cited for all purposes as the "Electoral Area "E" Zoning Amendment Bylaw No. 2459.16, 2015."
- 2. The Zoning Bylaw Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by changing the land use designation for the land described as Lot 6, Plan KAS540, District Lot 210, SDYD, and shown shaded yellow on the attached Schedule 'Y-1' (which forms part of this Bylaw) from Residential Multiple Family (RM1) to Residential Multiple Family Site Specific (RM1s).
- 3. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by adding a new sub-section following Section 15.10.4, under "Site Specific Residential Multiple Family (RM1s) Provisions" to read as follows:
 - .4 In the case of land described as Lot 6, Plan KAS540, District Lot 210, SDYD, and shown shaded yellow on Figure 15.10.4:
 - i) the following principal uses shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:
 - a) "offices"; and

- b) "retail stores, general".
- ii) the gross floor area of all "office" and "retail stores, general" uses occurring on the land shall not exceed 76 m².



READ A FIRST AND SECOND TIME this 19^{th} day of February, 2015. PUBLIC HEARING held on this 4^{th} day of March, 2015.

READ A THIRD TIME this __ day of ____, 2015.

ADOPTED this __ day of ____, 2015.

Board Chair Corporate Officer

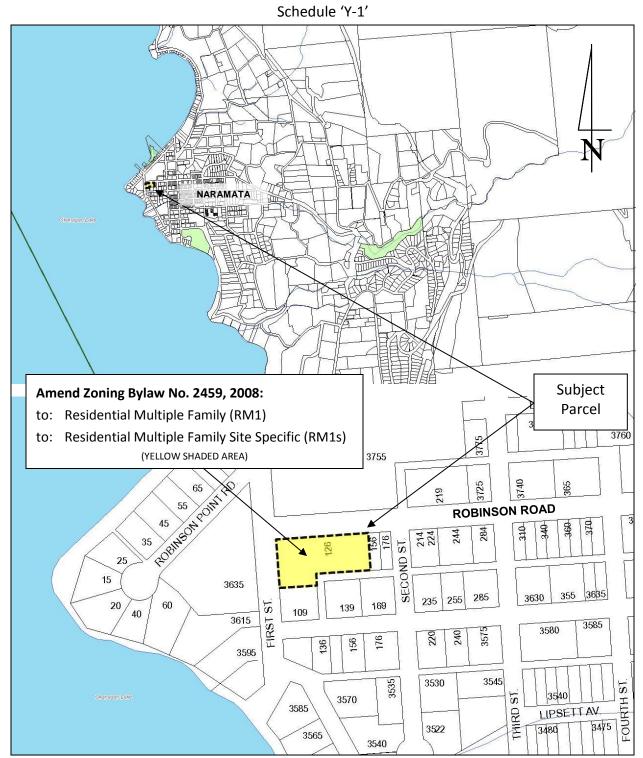
Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2459.16, 2015

File No. E2014.144-ZONE



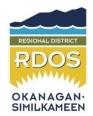
PUBLIC HEARING REPORT

TO: Regional Board of Directors

FROM: Chair Karla Kozakevich, Electoral Area 'E'

DATE: March 4, 2015

RE: Public Hearing Report on Amendment Bylaw No. 2459.16



Purpose of Amendment Bylaw:

The purpose of the amendment bylaw is to change the zoning designation from Residential Multiple Family (RM1) to Residential Multiple Family Site Specific (RM1s) to include "office" and "retail store, general" as permitted uses.

Public Hearing Overview:

The Public Hearing for Amendment Bylaw No. 2459.16, 2015

• convened on Wednesday, March 4, 2015, at 7:00 pm, at the Naramata Old Age Pensioners Hall, located at 330 3rd Street, Naramata, BC;

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

Members of the Regional District Board present were:

Chair Karla Kozakevich

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor
- · Gillian Cramm, Recording Secretary

Chair Kozakevich called the Public Hearing to order at 7:00 pm at the Naramata Old Age Pensioners Hall, 330 3rd Street, Naramata, BC.

The hearing was convened pursuant to Section 890 and 892 of the *Local Government Act* in order to consider Amendment Bylaw No. 2459.16, 2015.

In accordance with subsections 1 and 2 of Section 892, the time and place of the public hearing was advertised in the February 20 and 27, 2015, editions of the Penticton Western News newspaper and My Naramata.

Copies of reports and correspondence received related to Amendment Bylaw No. 2459.16, 2015 were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There were no written briefs submitted at the public hearing.

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

C. Garrish, Planning Supervisor, outlined the proposed amendment bylaw.

Chair Kozakevich asked if anyone wished to speak to the proposed bylaw.

CP Salting, applicant stated that he supports the application.

Marion Salting, applicant, stated that she supports the application.

Chair Kozakevich asked a second time if there was anyone who wished to speak further to the proposed bylaw.

Chair Kozakevich asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at <u>7:11</u> p.m.

Recorded by:	Confirmed:	Confirmed:
Gillian Cramm	G	Karla Kozakevich
Gillian Cramm	Christopher Garrish	Karla Kozakevich
Recording Secretary	Planning Supervisor	Chair

Lauri Feindell

From:

Christopher Garrish

Sent:

December-23-14 3:14 PM

To:

Cooper, Diana FLNR:EX

Cc:

Lauri Feindell

Subject:

RE: Bylaw Referral - E2014.144-ZOEN - bylaw No. 2459.16

Thanks Diana, Chris.

From: Cooper, Diana FLNR:EX [mailto:Diana.Cooper@gov.bc.ca]

Sent: December-23-14 3:13 PM

To: Planning

Subject: RE: Bylaw Referral - E2014.144-ZOEN - bylaw No. 2459.16

Hello Christopher,

Thank you for the referral regarding 126 Robinson Road, Naramata, PID 002-093-405, STRATA L 12 DL 210 SIMILKAMEEN DIVISION YALE DISTRICT STRATA PL K540 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPTN TO THE UNIT ENTITLEMENT OF THE STRATA L SHWN ON FORM 1. According to Provincial records there are no known archaeological sites recorded on the subject property. The property is in an area with potential to contain unrecorded archaeological sites however.

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. If any land-altering development is planned for the property, 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.

Please review the screenshot of the property below (outlined in yellow). The high potential areas are denoted by the brown colour, the remainder is moderate potential.

If this does not represent the property listed in the referral please contact me.

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/

From: Lauri Feindell [mailto:lfeindell@rdos.bc.ca]
Sent: Tuesday, December 23, 2014 2:44 PM

To: HBE@interiorhealth.ca; Cooper, Diana FLNR:EX; FBCLands@FortisBC.com; onareception@syilx.org;

jpepper@syilx.org; Patsy Kruger (PKruger@pib.ca); Carrie Terbasket (CTerbasket@pib.ca); XT:Phillip, Joan Pentiction

Indian Band EAO:IN Cc: Christopher Garrish

Subject: Bylaw Referral - E2014.144-ZOEN - bylaw No. 2459.16

Please find attached a bylaw Referral along with Bylaw No. 2459.16. If you have any comments please forward to planning@rdos.bc.ca. Any questions can be directed to Christopher Garrish, at cgarrish@rdos.bc.ca.

Sincerely,



Lauri Feindell · Planning Administrative Assistant Regional District of Okanagan-Similkameen 101 Martin Street, Penticton, BC V2A 5J9 p. 250.490.4107 · tf. 1.877.610.3737 · f. 250.492.0063

www.rdos.bc.ca · lfeindell@rdos.bc.ca

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Lauri Feindell

From:

Beaupre, John < John.Beaupre@interiorhealth.ca>

Sent:

January-21-15 2:34 PM

To:

Planning

Subject:

Zoning Amendment - RDOS File: E2014.144-Zone

Attention Christopher Garrish, MCIP RPP Regional District of Okanagan-Similkameen 101 Martin Street, Penticton BC V2A 5J9

Dear Mr. Garrish:

Re: Proposed Zoning Amendment to Allow Limited Commercial Use Lot 6, Plan KAS540, District Lot 210, SDYD 126 Robinson Road, Naramata

Thank you for the opportunity to provide comment on the above referenced proposed zoning bylaw amendment from the viewpoint of our policies and regulations governing wastewater and water supply.

This office has no objection to the proposed amendment to allow "offices" and "retail stores, general" as a permitted use with a limited gross floor area of these uses of not more than 76 square meters.

However it is recommended that prior to any change of use on the property the existing onsite sewage disposal system be assessed by an "Authorized Person" as defined in the Sewerage System Regulation to determine whether the existing disposal system(s) is adequate for sewage flows from the new use.

Please contact me with any questions you may have.

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

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Okanagan Falls Development Cost Charge Bylaw Amendment



Administrative Recommendation:

THAT Bylaw No. 2486.01, "Okanagan Falls Sanitary Sewer Development Cost Charge Amendment" be read a First, Second and Third time.

Reference:

Okanagan Falls Sanitary Sewer Development Cost Charge Bylaw No. 2486, 2009

Development Cost Charge Guide for Elected Officials, published by the BC Ministry of Community Development

History:

The Okanagan Falls Sanitary Sewer Development Cost Charge Bylaw No. 2486, 2009 was adopted by the Board October 8th, 2009 and at that time the Okanagan Falls Wastewater Treatment Plant (WWTP) was in the construction phase of the overall project.

A Development Cost Charge (DCC) is money collected from a land developer to offset some of the infrastructure costs required to build capacity to service the needs of a new development. Imposed by bylaw and pursuant to the sections 932 through 937 of the *Local Government Act*, in this instance the DCC is intended to facilitate development by providing additional capacity at the WWTP.

Alternatives:

THAT Bylaw No. 2486.01, "Okanagan Falls Sanitary Sewer Development Cost Charge Amendment" not be read a First, Second and Third time.

Analysis:

An independent engineering consultant was used to establish the present DCC using the best calculated costs for the WWTP in 2009. Using the same consultant, the RDOS has conducted a review of the costs based on the actual costs of the WWTP and the grants received from senior governments. The assumptions used for the revised calculations are as follows:

• The final cost for the sewage treatment plant was \$11,685,000.

- The grant amount received by the Regional District of Okanagan-Similkameen (RDOS) was \$6,253,332.
- The total net cost of the sewage treatment plant to the RDOS was \$5,431,668.
- All other factors in the DCC calculation are unchanged.

Unit DCC Calculation:

	Existing Calculation	Proposed Calculation
Net Sewer DCC Program Recoverable	\$8,801,000.00	\$11,685,000.00
Existing Sewer DCC Reserve Monies	\$0.00	\$0.00
Grant Money Received	\$0.00	\$6,253,332.00
Net Amount to be paid by DCCs	\$8,801,000.00	\$5,431,668.00
Total Equivalent Population	1,321	1,321
DCC per Equivalent Population	\$6,662.00	\$4,111.00

Comparison of the DCCs:

Land Use	Units	Existing Sanitary Sewer DCC	Proposed Sanitary Sewer DCC	Percent Reduction	When Payable
Single Detached Dwelling	per lot/ per dwelling unit	\$9,500.00	\$5,900.00	37.9%	Subdivision approval or if subdivision is not required, then at building permit issue
Duplex	per dwelling unit	\$9,500.00	\$5,900.00	37.9%	Subdivision approval or if subdivision is not required, then at building permit issue
Townhouse	per dwelling unit	\$6,800.00	\$4,200.00	38.2%	Building permit issue
Apartment	per dwelling unit	\$6,800.00	\$4,200.00	38.2%	Building permit issue
Commercial	per m ² gross floor area	\$30.00	\$19.00	36.7%	Building permit issue
Industrial	per m ² gross floor area	\$30.00	\$19.00	36.7%	Building permit issue
Institutional	per m ² gross floor area	\$27.00	\$17.00	37.0%	Building permit issue

The proposed DCCs show a reduction in every land use category of 36 to 38 percent and by adjusting the DCCs at this time will reflect a more accurate cost of the WWTP. In the future a more comprehensive review should be conducted to consider the recently adopted Area "D-2" Official Community Plan and potential sewer service expansion areas such as the Weyerhaeuser property, Skaha Estates and Kaleden.

Respectfully submitted:

S. Juch, Subdivision Supervisor

Stephu ff

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN BYLAW NO. 2486.01 2015

A bylaw to amend the Development Cost Charge for the Okanagan Falls Sanitary Sewer Service Area

WHEREAS the Board has adopted a Development Cost Charges Bylaw under s. 933 of the Local Government Act;

AND WHEREAS development cost charges may be imposed for the purposes of providing funds to assist the Regional District of Okanagan-Similkameen to pay the capital costs of providing, constructing, altering or expanding sewer facilities to service, directly or indirectly, the development for which the charge is being imposed; and

AND WHEREAS the Board may, adopt a under s. 933 of the Local Government Act, to amend the current Development Cost Charges Bylaw;

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

CITATION

1. This bylaw may be cited for all purposes as the "Okanagan Falls Sanitary Sewer Development Cost Charge Amendment Bylaw No. 2486.01 2015".

AMENDMENT OF SERVICE

- 2. "Okanagan Falls Sanitary Sewer Development Cost Charge Bylaw No. 2486, 2009" is amended by:
 - (a) deleting Schedule 'A'; and
 - (b) adding the attached Schedule 'A'.

READ A FIRST, SECOND AND THIRD TIME	E this day of, 2015.
DIRECTOR CONSENT OBTAINED this	day of, 2015.
MUNICIPAL CONSENT OBTAINED this	day of, 2015.
APPROVED BY THE INSPECTOR OF MUN, 2015.	ICIPALITIES this day of
ADOPTED this day of	, <u>2015</u>
Chairman	Manager of Legislative Services
FILED WITH THE INSPECTOR OF MUNICIF 2015.	PALITIES this day of,

SCHEDULE 'A'

DEVELOPMENT COST CHARGE BYLAW NO. 2486, 2009

DEVELOPMENT COST CHARGES

Upon approval of a subdivision or the issuance or a building permit for any lands within the Regional District of Okanagan-Similkameen Okanagan Falls Sanitary Sewer Service Area, the following development cost charges shall be paid:

Land Use	Sanitary Sewer DCC	Units	When Payable
Single Detached Dwelling	\$5,900.00	per lot/ per dwelling unit	Subdivision approval or if subdivision is not required, then at building permit issue
Duplex	\$5,900.00	per dwelling unit	Subdivision approval or if subdivision is not required, then at building permit issue
Townhouse	\$4,200.00	per dwelling unit	Building permit issue
Apartment	\$4,200.00	per dwelling unit	Building permit issue
Commercial	\$19.00	per m ² gross floor area	Building permit issue
Industrial	\$19.00	per m ² gross floor area	Building permit issue
Institutional	\$17.00	per m ² gross floor area	Building permit issue

MEMORANDUM



Date: July 11, 2013

To: Stephen Juch, Regional District of Okanagan-Similkameen (RDOS)

cc: Doug French, RDOS; Liisa Bloomfield, RDOS

From: Joel Short and Shaun Heffernan

File: 1564.0022.01

Subject: Okanagan Falls Sewage Treatment Plant DCC

Using the updated cost figures for the sewage treatment plant, including the grant amount used for the building the sewage treatment, this memo sets out the revised development cost charges (DCC's) for Okanagan Falls. The revised calculations are based on keeping all other aspects of the DCC calculation the same, and only changing the costs. This approach is consistent with the changes allowed under a minor DCC update with the Ministry. The assumptions used for the calculations are as follows:

- The final cost for the sewage treatment plant is \$11,685,000.
- The grant amount received by the *Regional District of Okanagan-Similkameen* (RDOS) is \$6,253,332.
- The total net cost of the sewage treatment plant to the RDOS is \$5,431,668.
- The assist factor remains at 43%.
- The benefit allocation remains at 100% to new development.
- The land use categories, the estimated amount of new development units, the equivalency factors, and the equivalent population remain unchanged from the original DCC calculations.

These DCC calculations provide a revised charge for each class of use. The resulting charges for each class of use are set out below:

- For an estimated single-family residential build-out of 243 units, the development cost charge for each unit would be \$5,858.53.
- For an estimated multi-family residential build-out of 364 units, the development cost charge for each unit would be \$4,218.14.
- For an estimated commercial build-out of 7353 m², the development cost charge per m² gross floor area would be \$18.75.
- For an estimated industrial build-out of 0 m², the development cost charge per m² gross floor area would be \$18.75.
- For an estimated institutional build-out of 0 m², the development cost charge per m² gross floor area would be \$16.40.

The change in development cost charges from using the final cost of the sewage treatment plant compared to previous cost charge estimates can be seen in Table 1. This comparison shows that using the final cost of the sewage treatment plant, including the \$6,253,332 grant, to calculate the DCC's significantly reduces the DCC amount for each class of use.

MEMORANDUM

Date: July 11, 2013 File: 1564.0022.01

Subject: Okanagan Falls Sewage Treatment Plant DCC

Page: 2 of 3



Table 1: Comparison of Existing and Revised Sewage Treatment Plant DCCs

Land Use	Existing DCC	Revised DCC Using Revised Costs and Grant
Single-Family Residential	\$ 9,492.65	\$ 5,858.53
Multi-Family Residential	\$ 6,834.71	\$ 4,218.14
Commercial	\$ 30.38	\$ 18.75
Industrial	\$ 30.38	\$ 18.75
Institutional	\$ 26.58	\$ 16.40

The resulting reduction for each class of use is set out below:

- The DCC amount for a single-family residential unit was reduced by \$3,634.12 from \$9,492.65 to \$5,858.53.
- The DCC amount for a multi-family residential unit was reduced by \$2,616.57 from \$6834.71 to \$4,218.14.
- The DCC amount per m² gross floor area for commercial uses was reduced by \$11.63 from \$30.38 to \$18.75.
- The DCC amount per m² gross floor area for industrial uses was reduced by \$11.63 from \$30.38 to \$18.75.
- The DCC amount per m² gross floor area for institutional uses was reduced by \$10.18 from \$26.58 to \$16.40.

Overall, the reduced net cost for the development of the sewage treatment plant will lower DCC's in Okanagan Falls by approximately <u>38.2%</u>.

Tables 2 and 3 attached on the following pages contain the details of the existing and revised DCC calculations.

Please call or email if you have any questions regarding these revised DCC calculations.

URBAN SYSTEMS LTD.

Joel Short, RPP, MCIP Senior Planner / Principal **Shaun Heffernan**

Planner

MEMORANDUM

Date: July 11, 2013 File: 1564.0022.01

Subject: Okanagan Falls Sewage Treatment Plant DCC

Page: 3 of 3



Table 2: Previous DCC Calculations based on the estimated cost of the Sewage Treatment Plant

Sewage Treatment Plant DCC Calculations					
	(100% b	penefit allocation to new o	levelopment)		
Equivalency Factors					
Land Use	Estimated New Development	Units	Equivalency Factor		Equivalent Population
Single Family Residential	243	dwelling units	2.50	persons/DU	607
Multi Family Residential	364	dwelling units	1.80	persons/DU	655
Commercial	7353	m ² gross floor area	0.008	persons/m2 gross floor area	59
Industrial	n/a	m² gross floor area	0.008	persons/m2 gross floor area	0
Institutional	n/a	m² gross floor area	0.007	persons/m2 gross floor area	0
				Total Equivalent Population	1,321
Unit DCC Calculation					
Net Sewer DCC Program Recoverate	ole	\$8,801,000			
Existing Sewer DCC Reserve Monies		\$0			
Net Amount to be Paid by DCCs		\$8,801,000			
DCC per Equivalent Population		\$6,662			
Resulting Sewer DCCs	No Assist	43% Assist Factor			
Single Family Residential	\$16,653.78	\$9,492.65	per dwelling ur	nit	
Multi Family Residential	\$11,990.72	\$6,834.71	per dwelling ur	nit	
Commercial	\$53.29	\$30.38	per m ² gross flo	oor area	
Industrial	\$53.29	\$30.38	per m ² gross flo	oor area	
Institutional	\$46.63	\$26.58	per m ² gross flo	oor area	

Table 3: Revised DCC Calculations based on the final cost of the Sewage Treatment Plant

Sewage Treatment Plant DCC Calculations					
	(100% benefit allocation t	o new development)		
Equivalency Factors					
Land Use	Estimated New Development	Units	Equivalency Factor		Equivalent Population
Single Family Residential	243	dwelling units	2.50	persons/DU	607
Multi Family Residential	364	dwelling units	1.80	persons/DU	655
Commercial	7353	m ² gross floor area	0.008	persons/m² gross floor area	59
Industrial	n/a	m² gross floor area	0.008	persons/m² gross floor area	0
Institutional	n/a	m² gross floor area	0.007	persons/m² gross floor area	0
Total Equivalent Population			1,321		
Unit DCC Calculation					
Net Sewer DCC Program Re	coverable	\$11,685,000			
Grant Monies		\$6,253,332			
Net Amount to be Paid by DC	CCs	\$5,431,668			
DCC per Equivalent Population	on	\$4,111			
Resulting Sewer DCCs	No Assist	43% Assist Factor			
Single Family Residential	\$10,278.13	\$5,858.53	per dwelling unit		
Multi Family Residential	\$7,400.25	\$4,218.14	per dwelling unit		
Commercial	\$32.89	\$18.75	per m ² gross floor	area	
Industrial	\$32.89	\$18.75	per m ² gross floor	area	
Institutional	\$28.78	\$16.40	per m ² gross floor area		

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Electoral Area "B" Parks and Recreation Commission Appointments



Administrative Recommendation:

THAT the Board of Directors appoint the following people as members of the Electoral Area "B" Parks and Recreation Commission for the periods indicated:

Name	Term	Expires
Sonjia Vanden Hoek	2 years	December 31, 2017
Doug McLeod	2 years	December 31, 2017
Marc Lepage	2 years	December 31, 2017

The following members continue to serve the Electoral Area "B" Parks and Recreation Commission.

Name	Expires
Deanna Gibbs	December 31, 2016
Bob McAtamney	December 31, 2016
Marie Marven	December 31, 2016
Tammy Vesper	December 31, 2015

Reference:

Bylaw 2270, 2004 Electoral Area "B" Parks and Recreation Commission Establishment Bylaw.

History:

It is the recommendation of the Electoral Area "B" Kobau Parks and Recreation Commission to appoint the following members to the Commission.

Respectfully submitted:

C. Malden, Manager of Legislative Services

Board of Directors TO: FROM: B. Newell, Chief Administrative Officer



DATE: March 19, 2015

Appointment to Lower Similkameen Community Forest Corporation RE:

Administrative Recommendation:

THAT the Board of Directors support the RDOS Electoral Area "G" Directors appointment of Donald Vincent Armstrong to the Lower Similkameen Community Forest Corporation.

History:

In 2007, the Lower Similkameen Indian Band, the Village of Keremeos, and the Regional District of Okanagan-Similkameen (Electoral Areas "B" and "G"), through establishment of a limited company, formed a partnership, the Lower Similkameen Community Forest Corporation (LSCFC), to obtain a community forest license from the Ministry of Forests.

As trustees of the LSCFC, the Directors for Electoral Areas "B" and "G" each have the authority to appoint a Director to the Corporation.

Analysis:

Roger Mayer, the current LSCFC Director, has indicated his desire to resign from the Lower Similkameen Community Forest Corporation. Director Christensen wishes to appoint Mr. Armstrong in his place.

Mr. Armstrong is a lifelong resident of the Similkameen Valley and brings more than 30 years in the forest industry to the table.

Respectfully submitted:	Endorsed by:
"Gillian Cramm"	"Christy Malden"
G. Cramm, Administrative Assistant	C. Malden, Manager of Legislative Services

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 19, 2015

RE: Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw No.

2685, 2015

For Information Only

History:

At the January 22, 2015 Board of Directors meeting, the Board gave three readings to Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw No. 2685, 2015. At that same meeting the Board confirmed that approval be obtained through an assent vote (referendum), appointed elections staff and approved the question, as follows:

Are you in favour of the Regional District of Okanagan-Similkameen adopting Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw No. 2685, 2015 to provide for the authorization to borrow nine hundred and fifty thousand dollars (\$950,000) to purchase parkland within the Okanagan Falls recreation service area'

Analysis:

Generally, a bylaw which requires public assent is given three readings by the Board, sent to the Inspector of Municipalities for approval and then returned to the Board with a report seeking authorization of method, date of vote, appointment of election officials and other details.

Due to the expedited timelines in this particular assent process; however, much of the required Board authorization was achieved with the initial staff report prior to being forwarded to the Inspector. Missing though, was confirmation of the date of the Assent Vote (referendum) which could not be confirmed without the Inspector's approval of the bylaw.

Now that Inspector approval has been obtained, the Board is advised of the following:

The Assent Vote will be conducted on **Saturday April 25, 2015** at the Okanagan Falls Elementary School. An advance voting opportunity will be available at the RDOS office on **Wednesday April 15, 2015**. Both of those polling stations will be operational from **8 am to 8 pm**. Mail in voting is an option available to those residents as well.

Scrutineers will be permitted, one for and one against the question.

Third party advertisers (those parties who are supporting one side or the other) may be subject to the

new Local Election Campaign Financing and Advertising Rules and are required to contact Elections BC to ensure compliance with the new regulations.

Communication Strategy:

Respectfully submitted:

Communications with respect to the required process for the assent vote will be included in the statutory advertising in the Penticton Western as well as Skaha Matters and the Okanagan Daily News.

Information regarding the process, how to vote by mail, how to register as a non-resident property elector and other details is provided under the Assent Vote tab on the Regional District public website.

"C. Malden"	
C. Malden, Manager of Legislative Services	





BOARD REPORT: March 5, 2015

1450 KLO Road, Kelowna, BC V1W 3Z4 P 250.469.6271 F 250.762.7011

www.obwb.ca

OBWB Directors

Doug Findlater - **Chair**, Regional District of Central Okanagan

Juliette Cunningham - Vice-Chair, Regional District of North Okanagan

Doug Dirk, Regional District of North Okanagan

Bob Fleming, Regional District of North Okanagan

James Baker, Regional District of Central Okanagan

Tracy Gray, Regional District of Central Okanagan

Andre Martin, Regional District of Okanagan-Similkameen

Sue McKortoff, Regional District of Okanagan-Similkameen

Peter Waterman, Regional District of Okanagan-Similkameen

Peter Waardenberg, Okanagan Nation Alliance

Toby Pike, Water Supply Association of B.C.

Don Dobson, Okanagan Water Stewardship Council

The next regular meeting of the OBWB is 10 a.m. May 5, 2015 at Regional District of Central Okanagan in Kelowna.

Okanagan Basin Water Board Meeting Highlights

Board grants \$300,000 to projects that protect valley water: Directors approved \$300,000 in funding to 18 projects through its Water Conservation and Quality Improvement Grant Program. The projects include several innovative research projects (e.g. on wastewater, and the impact of various land uses on water), habitat restoration, WaterWise landscaping and irrigation, and more. In all, there were 34 applications with a total ask of \$643,138. Since the program began awarding funds in 2006, the OBWB has awarded \$3.2 million to 197 projects throughout the Okanagan. Projects must meet a number of criteria, including the ability to demonstrate water savings or improvements to water quality, show collaboration, and provide valley-wide benefit. Find the news release & a full list of grant recipients here: www.obwb.ca/funds-flow.

Canada Water Week panel and contest makes a return: Canada Water Week (CWW) is March 16-22. As part of the festivities, the Water Board and its Okanagan WaterWise program are holding a number of events around the theme of wetlands. The fun begins on March 18 with a guided wetland tour of Kelowna's Rotary Marshes, 4 to 6 p.m., followed by our annual panel discussion at the Laurel Packinghouse, from 6 to 8 p.m. CBC Daybreak South host Chris Walker returns to MC this popular event. Refreshments will be served and registration is required. Registration opens Monday, March 9. CWW also marks the launch of the annual Okanagan WaterWise Youth Challenge – a multi-media contest. For wetland tour details, panel registration and more on the youth challenge visit: www.OkWaterWise.ca.

Issues with milfoil control prompt outreach: There has been an increasing number of issues getting in the way of milfoil control operations on our lakes. This is related to foreshore development in areas traditionally used to launch the program's machines and used as weed transfer sites. To address these concerns the OBWB will be sending a letter to local governments explaining the situation with an offer to meet and discuss further.

OBWB applies for funds to study water needs of fish: The board gave staff approval to pursue a large grant proposal to the province. The grant would help fund studies to calculate the amount of water needed to remain in streams for fish. The studies would be conducted in preparation for the province updating its water licencing protocol.

Okanagan Nation Alliance presents Syilx water strategy update: The Water Board heard a presentation from the Okanagan Nation Alliance's Tessa and Carrie Terbasket who provided an update on the Syilx water strategy and delivered a copy of the Syilx Nation Declaration on Water. The strategy is intended to help address water issues and describe how to properly protect and manage water use and allocation in a respectful and holistic way. It's expected the strategy will be completed and released within the year. For more information, visit: www.syilx.org/operations/natural-resourcesland-use/water/.

For more information, please visit: www.OBWB.ca