

Regional District of Okanagan-Similkameen

**SCHEDULE OF MEETINGS**

**THURSDAY, AUGUST 20, 2015**

**RDOS BOARDROOM**

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9:00 am	-	10:00 am	Environment and Infrastructure Committee
10:00 pm	-	12:00 pm	RDOS Regular Board Meeting
12:00 pm			Lunch

*"Mark Pendergraft"*

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Mark Pendergraft  
RDOS Board Chair

Advance Notice of Meetings:

September 3	RDOS Board/Committee Meetings
September 17	RDOS/OSRHD Board/Committee Meetings
October 1	RDOS Board/Committee Meetings
October 15	RDOS/OSRHD Board/Committee Meetings
November 5	RDOS Board/Committee Meetings
November 19	RDOS/OSRHD Board/Committee Meetings
December 3	RDOS/OSRHD Inaugural Board Meetings
December 17	RDOS/OSRHD Board/Committee Meetings



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, August 20, 2015

9:00 a.m.

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

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**B. Delegation**

Natasha Lukey, Fluvial Geomorphologist, Okanagan Nation Alliance

Ms. Lukey will address the Committee regarding fish habitat enhancements in Penticton.

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**C. Free Roaming Horses Update**

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**D. ADJOURNMENT**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, August 20, 2015

10:00 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

**RECOMMENDATION 1** (Unweighted Corporate Vote – Simple Majority)

**That the Agenda for the RDOS Board Meeting of August 20, 2015 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – August 6, 2015

*THAT the Minutes of the August 6, 2015 Corporate Services Committee be received.*

*THAT the Board of Directors rescind the following policies as presented at Committee August 6, 2015:*

- *Annual Strategic Planning Policy*
- *Electoral Area Contingency Fund – Special Projects Policy*
- *Internal Audit – Recreation Facilities Policy*
- *Correspondence to Chairman/Directors*
- *Communications Protocol*

*THAT the Board of Directors amend the Liability Insurance policy and the Records Management Policy as presented at Committee August 6, 2015.*

##### b. Environment and Infrastructure Committee – August 6, 2015

*THAT the Minutes of the August 6, 2015 Environment and Infrastructure Committee be received.*

*THAT the Board of Directors approve taking an inventory of all Electoral Area boat launches, marinas and recreational launch points for appropriate signage for the prevention of the spread of Quagga/Zebra Mussels.*

*THAT member Municipalities be requested to consider endorsement and provide inventories to be included in overall South Okanagan inventory of Quagga/Zebra signage.*

##### c. Planning and Development Committee – August 6, 2015

*THAT the Minutes of the August 6, 2015 Planning and Development Committee be received.*

**d. RDOS Regular Board Meeting – August 6, 2015**

*THAT the minutes of the August 6, 2015 RDOS Regular Board meeting be adopted.*

**RECOMMENDATION 2** (Unweighted Corporate Vote – Simple Majority)

**That the Consent Agenda – Corporate Issues be adopted.**

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**2. Consent Agenda – Development Services****a. Development Permit Application – Electoral Area “D”, R. & J. Leslie, 150 Vintage Blvd.**

i. Permit

To facilitate the construction of a principal single detached dwelling.

*THAT the Regional Board approve Development Variance Permit No. D2015.075–DVP.*

**b. Development Variance Permit - Electoral Area “D”, D. Martel, 162 Saliken Drive**

i. Permit

To reduce the front parcel line setback for a principal building.

*THAT the Board of Directors approve Development Variance Permit No. D2015.081-DVP*

**c. Development Variance Permit Application – Electoral Area “D”, J. Bryant, 1324 Peachcliff Drive, Okanagan Falls**

i. Permit

To allow for the construction of a detached carport.

*THAT the Board of Directors approve Development Variance Permit No. D2015.083-DVP.*

**RECOMMENDATION 3** (Unweighted Rural Vote – Simple Majority)

**That the Consent Agenda – Development Services be adopted.**

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**B. DEVELOPMENT SERVICES – Rural Land Use Matters**

- 1. Temporary Use Permit Application – Electoral Area “C”, D. & S. Chipchura, 166 Sundial Road**
  - a. Permit
  - b. Responses Received

**To formalise the operation of a short-term vacation rental use.**

**RECOMMENDATION 4** (Unweighted Rural Vote – Simple Majority)

**THAT the Board of Directors refuse Temporary Use Permit No. C2015.014-TUP.**

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- 2. Temporary Use Permit Application – Electoral Area “E”, L. Ashbrook & B. Cresswell, 3189 3<sup>rd</sup> Street, Naramata**
  - a. Permit
  - b. Responses Received

**To allow for the operation of a short-term vacation rental use.**

**RECOMMENDATION 5** (Unweighted Rural Vote – Simple Majority)

**THAT the Board of Directors approve Temporary Use Permit No. E2015.056-TUP; and,**

**THAT prior to the issuance of TUP No. E2015.030-TUP, the property owner construct four (4) off-street vehicle parking spaces in accordance with the site plan comprised at Schedule ‘B’ of the permit.**

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3. **Zoning Bylaw Amendment – Electoral Area “E”, S. & B. Paulson, 4035 First Street**
  - a. Bylaw No. 2459.17
  - b. Responses Received

To rezone the property from RSF1 to Residential Single Family 1 Site Specific in order to formalise the existing commercial use.

**RECOMMENDATION 6** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2459.17, 2015, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing.**

**RECOMMENDATION 7** (Unweighted Corporate Vote – Simple Majority)

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

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

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

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**C. COMMUNITY SERVICES – Recreation Services**

1. **Tulameen Lane Purchase**
  - a. map

To facilitate subdivision of Lot 20 and consolidation of fourteen (14) lots which are currently owned by the Regional District.

**RECOMMENDATION 8** (Weighted Corporate Vote – Simple Majority)

**THAT the Board of Directors approve the purchase of the unnamed lane as described in the Report to the Board from CAO Newell dated August 20, 2015.**

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**D. OFFICE OF THE CAO**

1. **Award of Electoral Area “D” Governance Study Agreement for Consulting Services**

To retain the services of a consultant to review and consider methods of improvement of local governance in Electoral Area “D”

**RECOMMENDATION 9** (Weighted Corporate Vote – Simple Majority)

**THAT the Board of Directors award the consulting Electoral Area “D” Governance**

**Study Agreement for Consulting Services to Leftside Partners in the amount of \$47,500 plus applicable taxes; and further,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the consulting services agreement with Leftside Partners.**

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**2. Osoyoos Museum Project**

- a. Lease Amendment Agreement
- b. Mutual Release and Termination Agreement

**To approve the lease extension and terminate the original Letter of Understanding between the RDOS and the Osoyoos Museum Society.**

**RECOMMENDATION 10** (Weighted Corporate Vote – Majority)

**THAT the Board of Directors approve the RDOS/Town/Home Hardware Lease Amendment Agreement to extend the existing lease until December 31, 2019; and,**

**THAT the Board of Directors approve the Mutual Release and Termination Agreement which terminates the current Letter of Understanding (LOU) between the Regional District and the Osoyoos Museum Society; and,**

**THAT the Chair and Chief Administrative Officer be authorized to sign the Mutual Release and Termination Agreement and the Lease Amendment Agreement.**

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**E. CAO REPORTS**

**1. Verbal Update**

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**F. OTHER BUSINESS**

**1. Chair's Report**

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**2. Board Representation**

- a. Municipal Finance Authority (MFA) - *Pendergraft*
- b. Okanagan Basin Water Board (OBWB) – *McKortoff, Martin, Waterman*
- c. Okanagan-Kootenay Sterile Insect Release Board (SIR) - *Bush*
- d. Okanagan Regional Library (ORL) - *Kozakevich*
- e. Okanagan Film Commission (OFC) - *Jakubeit*
- f. Southern Interior Beetle Action Coalition (SIBAC) - *Armitage*

- g. Southern Interior Municipal Employers Association (SIMEA) - *Kozakevich*
  - h. Southern Interior Local Government Association (SILGA) – *Konanz*
  - i. Starling Control - *Bush*
  - j. UBC Water Chair Advisory Committee - *Bauer*
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### **3. Directors Motions**

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### **4. Board Members Verbal Update**

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## **G. 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, August 6, 2015

11:09 am

## REGULAR AGENDA

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### MEMBERS PRESENT:

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

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

### MEMBERS ABSENT:

Director P. Waterman, District of Summerland

### STAFF PRESENT:

B. Newell, Chief Administrative Officer

S. Croteau, Manager of Finance

C. Malden, Manager of Legislative Services

T. Bouwmeester, Manager of Information Services

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### A. APPROVAL OF AGENDA

#### **It was MOVED and SECONDED**

THAT the agenda for the Corporate Services Committee Meeting of August 6, 2015 be adopted. - **CARRIED**

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### B. Board Policy Review

1. Annual Strategic Planning Process (to rescind)
2. Communications Protocol (to rescind)
3. Correspondence to Chairman and Directors (to rescind)
4. Electoral Area Contingency Fund Special Projects (to rescind)
5. Internal Audit – Recreation Facilities (to rescind)
6. Liability Insurance (revised)
7. Record Management (revised)

**RECOMMENDATION 1****It was MOVED and SECONDED**

1. THAT the Board of Directors rescind the following policies as presented at Committee August 6, 2015:
  - Annual Strategic Planning Policy
  - Electoral Area Contingency Fund – Special Projects Policy
  - Internal Audit – Recreation Facilities Policy
  - Correspondence to Chairman/Directors
  - Communications Protocol
  
2. THAT the Board of Directors amend the Liability Insurance policy and the Records Management Policy as presented at Committee August 6, 2015.

**CARRIED**

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**C. Strategic Planning**  
[PowerPoint Presentation](#)

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**D. Enterprise Risk Management – For Information Only**

1. Enterprise Risk Management Plan
2. Risk Management Registry

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**E. ADJOURNMENT**

By consensus, the meeting adjourned at 11:50 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
RDOS Board Chair

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B. Newell  
Corporate Officer



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## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Environment and Infrastructure Committee

Thursday, August 6, 2015

10:29 am

## MINUTES

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#### MEMBERS PRESENT:

Chair T. Siddon, Electoral Area "D"	Director R. Hovanes, Town of Oliver
Vice Chair K. Kozakevich, Electoral Area "E"	Director A. Jakubeit, City of Penticton
Director F. Armitage, Town of Princeton	Director H. Konanz, City of Penticton
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 M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Schafer, Electoral Area "C"
Director E. Christensen, Electoral Area "G"	Director J. Sentes, City of Penticton
Director B. Coyne, Electoral Area "H"	

#### MEMBERS ABSENT:

Director P. Waterman, District of Summerland

#### STAFF PRESENT:

B. Newell, Chief Administrative Officer	Z. Kirk, Public Works Projects Coordinator
C. Malden, Manager of Legislative Services	L. Scott, Invasive Species Program Coordinator

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#### A. APPROVAL OF AGENDA

##### **It was MOVED and SECONDED**

THAT the agenda of the Environment and Infrastructure Committee meeting of August 6, 2015 be adopted as amended to reverse the order of the two items. - **CARRIED**

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#### B. OASISS

##### *b. Activity Report*

To provide an update on the recent activities of the Okanagan Similkameen Invasive Species Society.

##### *a. Boat Launch and Marina Signage Inventory*

To request consideration of a full Region wide inventory of Quagga/Zebra Mussel signage.

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

THAT the Board of Directors approve taking an inventory of all Electoral Area boat launches, marinas and recreational launch points for appropriate signage for the prevention of the spread of Quagga/Zebra Mussels.

THAT member Municipalities be requested to consider endorsement and provide inventories to be included in overall South Okanagan inventory of Quagga/Zebra signage.

**CARRIED**

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**C. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting of August 6, 2015 adjourned at 11:09 a.m.

APPROVED:

CERTIFIED CORRECT:

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T. Siddon  
Environment and Infrastructure Committee Chair

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B. Newell  
Chief Administrative Officer



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## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Planning and Development Committee

Thursday, August 6, 2015

9:00 am

## MINUTES

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#### MEMBERS PRESENT:

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

#### MEMBERS ABSENT:

Director P. Waterman, District of Summerland

#### STAFF PRESENT:

B. Newell, Chief Administrative Officer	E. Riechert, Planner
C. Malden, Manager of Legislative Services	T. Donegan, Planning Technician
D. Butler, Manager of Development Services	S. Lightfoot, Planning Technician
S. Juch, Subdivision Supervisor	

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#### A. APPROVAL OF AGENDA

##### **It was MOVED and SECONDED**

THAT the agenda of the Planning and Development Committee meeting of August 6, 2015 be adopted as amended to include Item C Closed Session (to be closed under Sec 90(1)(i) of the *Community Charter*). - **CARRIED**

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#### B. Frank Leonard, Chair of Agricultural Land Commission

Mr. Leonard discussed agricultural land issues with the Committee.

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**C. CLOSED SESSION****It was MOVED and SECONDED**

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

**CARRIED**

The meeting was closed to the public at 9:30 a.m.

The meeting was opened to the public at 10:20 a.m.

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**D. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting of August 6, 2015 adjourned at 10:21a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Brydon  
Planning and Development Committee Chair

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B. Newell  
Corporate Officer



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## 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 12:30 p.m. Thursday, August 6, 2015 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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#### MEMBERS PRESENT:

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

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

#### MEMBERS ABSENT:

Director P. Waterman, District of Summerland

#### STAFF PRESENT:

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

D. Butler, Manager of Development Services  
S. Croteau, Manager of Finance

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#### 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 August 6, 2015 be adopted as amended to include item B4 Parkland Dedication Proposal – Electoral Area "A". - **CARRIED**

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#### 1. Consent Agenda – Corporate Issues

- a. Corporate Services Committee – July 16, 2015  
*THAT the Minutes of the July 16, 2015 Corporate Services Committee be received.*
- b. Community Services Committee – July 16, 2015  
*THAT the Minutes of the July 16, 2015 Community Services Committee be received.*
- c. Environment and Infrastructure Committee – July 16, 2015  
*THAT the Minutes of the July 16, 2015 Environment and Infrastructure Committee be received.*

*THAT the Regional District of Okanagan-Similkameen commence negotiations with BFI Canada to extend the Curbside Collection Contract to June 30, 2018.*

- d. Planning and Development Committee – July 16, 2015  
*THAT the Minutes of the July 16, 2015 Planning and Development Committee be received.*
- e. Protective Services Committee – July 16, 2015  
*THAT the Minutes of the July 16, 2015 Protective Services Committee be received.*
- f. RDOS Regular Board Meeting – July 16, 2015  
*THAT the minutes of the July 16, 2015 Regional District of Okanagan-Similkameen 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**

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**2. Consent Agenda – Development Services**

- a. Development Variance Application - Electoral Area “A”, T. & R. Walker, 18932 Old Richter Pass Road, Osoyoos
  - i. Permit  
To allow for construction of a deer fence on the property  
*THAT the Board of Directors approve Development Variance Permit No. A2015.068-DVP.*
- b. Development Permit Application (Industrial) – Electoral Area “D”, Easy Lock Self Storage, Ltd.
  - i. Permit  
To construct a new storage building.  
*THAT the Board of Directors approve Development Permit No. D2015.072-IDP.*
- c. Development Variance Permit Application – Electoral Area “F”, R. & D. Gerk, 2501 Pinetree Place, Penticton
  - i. Permit  
To allow for an addition to the single detached dwelling.  
*THAT the Board of Directors approve Development Variance Permit No. F2015.063-DVP.*

**RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)**

**It was MOVED and SECONDED**

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

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**B. DEVELOPMENT SERVICES – Rural Land Use Matters**

1. Official Community Plan and Zoning Bylaw Amendment – Electoral Area “A”
  - a. BL2450.06
  - b. BL2451.12

To abandon bylaws pertaining to an inactive application

**RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors rescind first, second and third readings of Bylaw No. 2450.06, 2013, Electoral Area “A” Official Community Plan Amendment Bylaw and Bylaw No. 2451.12, 2013, Electoral Area “A” Zoning Amendment Bylaw and abandon the bylaws. - **CARRIED**

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2. Official Community Plan and Zoning Bylaw Amendment – Electoral Area “C”, R. & C Lawton, 5463 Highway 97
  - a. Bylaw No. 2452.15
  - b. Bylaw No. 2453.25
  - c. Responses Received

To rezone the property from commercial to residential in order to formalise the existing use.

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

THAT Bylaw No. 2452.15, 2015, Electoral Area “C” Official Community Plan Amendment Bylaw and Bylaw No. 2453.25, 2015, Electoral Area “C” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated August 6, 2015, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

THAT, in accordance with Section 882 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2452.15, 2015, in conjunction with its Financial and applicable Waste Management Plans. - **CARRIED**

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

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

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

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

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3. Land Use Contract Discharge and Termination; and OCP & Rezoning Bylaw Amendment – Electoral Area “D”
  - a. Bylaw No. 2603.05
  - b. Bylaw No. 2455.21
  - c. Bylaw No. 2455.22
  - d. Responses Received

To remove Land Use Contract (LUC) No. LU-3-D from those parcels comprised within the “Vintage Views” neighbourhood of Electoral Area “D-2”.

**RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the following bylaws be read a first and second time and proceed to a public hearing at the Board meeting of September 3, 2015:

- Bylaw No. 2603.05, 2015, Electoral Area “D” Official Community Plan Amendment Bylaw,
- Bylaw No. 2455.21, 2015, Electoral Area “D” Vintage Views Land Use Contract Discharge and Zoning Amendment Bylaw; and
- Bylaw No. 2455.22, 2015, Electoral Area “D” Vintage Views Land Use Contract Termination and Zoning Amendment Bylaw.

THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated August 6, 2015, to be appropriate consultation for the purpose of Section 879 of the Local Government Act; and,

THAT, in accordance with Section 882 of the Local Government Act, the Board of Directors has considered Amendment Bylaw No. 2603.05, 2015, in conjunction with its Financial and applicable Waste Management Plans; and,

THAT the holding of the public hearing be delegated to Chair Pendergraft or delegate; and,

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

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Chair Pendergraft relinquished the Chair to Vice Chair Jakubeit.

The Board was advised that the Item 4 Parkland Dedication Proposal would be recorded.

4. [Parkland Dedication Proposal – Electoral Area “A”](#)

2815 85<sup>th</sup> Street, Osoyoos (Lot 1, Plan EPP15513, District Lot 2450S, SDYD)

Brad Elenko, agent for the applicant, addressed the Board regarding the park land proposal. Following Mr. Elenko, Stephen Juch, RDOS Subdivision Supervisor, addressed the Board. Mr. Elenko was provided an additional opportunity for follow-up comments.

**RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Developer’s Parkland Dedication Proposal for Lot 1, Plan EPP15513, District Lot 2450S, SDYD and option for cash-in-lieu be rejected. - **CARRIED**

Opposed: Directors Konanz and Bush

Chair Pendergraft reassumed the Chair.

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C. **COMMUNITY SERVICES – Rural Projects**

1. License of Occupation – Kaleden Foreshore
  - a. map

To renew the Licence of Occupation for the foreshore lands fronting Kaleden.

**RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the renewal License of Occupation from the Province for the term of 10 years over all that unsurveyed Crown foreshore being part of the bed of Skaha Lake and fronting on District Lots 105s and 3182s, SDYD and containing 6.3 hectares, more or less, for public recreation purposes. - **CARRIED**

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D. **FINANCE**

Director Brydon declared a conflict of interest and vacated the Boardroom.

1. Revenue Anticipation Borrowing Amendment Bylaw
  - a. Bylaw No. 2681.01
  - b. Bylaw No. 2681

To facilitate the opening of an operating line of credit with Valley First Credit Union.

**RECOMMENDATION 10 (Weighted Corporate Vote – 2/3)**

**It was MOVED and SECONDED**

THAT Bylaw No. 2681.01, 2015 Revenue Anticipation Borrowing Amendment Bylaw be read a first, second and third time and adopted. - **CARRIED**

Director Brydon returned to the Boardroom.

2. Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw
  - a. Bylaw No. 2708

**The Board was advised that the fire hall receiving the grant is the Eastgate Fire Protection Society**

To provide funding for a high efficiency propane furnace for the Eastgate fire hall building.

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2708, 2015, Electoral Area ‘H’ Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted. -

**CARRIED**

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3. Request for Support - Valley First Challenge Penticton

Vice Chair Jakubeit declared a conflict of interest and removed himself from the Boardroom.

To respond to the July 16, 2015 request from Challenge Penticton to sponsor the triathlon.

**RECOMMENDATION 12 (Weighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors deny the request for sponsorship of Challenge Penticton Triathlon events for 2015, 2016 and 2017. - **CARRIED**

Vice Chair Jakubeit returned to the Boardroom.

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**E. OFFICE OF THE CAO**

1. Alternate Approval Process for Naramata Fire Truck Acquisition Loan Authorization Bylaw
  - a. Notice
  - b. Form

To seek approval for alternative approval process notice and form

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

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2698, 2015 to the Manager of Legislative Services is no later than 4:30 pm on September 21, 2015; and,

THAT the elector response form attached to the report of August 6, 2015 be the approved form for Bylaw No. 2698, 2015 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 1420; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 142. - **CARRIED**

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2. Alternate Approval Process for Naramata Water System Back-up Power Loan Authorization Bylaw
    - a. Notice
    - b. Form

To seek approval for alternative approval process notice and form

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

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2696, 2015 to the Manager of Legislative Services is no later than 4:30 pm on September 21, 2015; and,

THAT the elector response form attached to the report of August 6, 2015 be the approved form for Bylaw No. 2696, 2015 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 1420; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 142. - **CARRIED**

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3. Temporary Change to a Liquor License – OK Falls Hotel

To allow for an extended service area during a bike rally.

**RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors advise the Liquor Control and Licensing Branch that it will not provide comment on the OK Falls Hotel application for a temporary extension of licensed area. - **CARRIED**

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4. RDOS 50<sup>th</sup> Anniversary

To advise the Board of Directors of the planning already underway to celebrate the 50<sup>th</sup> anniversary of the RDOS.

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5. Rural Broadband – request for letter of support

- a. July 20, 2015 letter from ABC Communications

To express support for ABC Communications' Rural Broadband project.

**RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Regional District of Okanagan-Similkameen supports the application to Northern Development Initiative Trust from ABC Communications for a grant of up to \$2,510,685 for "The Future is now – ABC Communications deploys TD-LTE Rural Broadband Networks in British Columbia" from the Connecting British Columbia account. - **CARRIED**

Opposed: Director Christensen

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6. Union of BC Municipalities Ministry Meetings

- a. UBCM appointments

To advise the Board of Directors of the various meeting requests for the upcoming UBCM conference

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**F. CAO REPORTS**

1. Verbal Update
- 

**G. OTHER BUSINESS**

1. Chair’s Report
- 

2. Directors Motions
- 

3. Board Members Verbal Update
- 

**H. ADJOURNMENT**

By consensus, the meeting adjourned at 2:38 p.m.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
RDOS Board Chair

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B. Newell  
Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Development Variance Permit Application — Electoral Area “D”

---

### **Administrative Recommendation:**

**THAT the Regional Board approve Development Variance Permit No. D2015.075–DVP.**

---

Purpose: To facilitate the construction of a principal single detached dwelling.

Owners: Richard and Janna Leslie                      Folio: D-06799.925

Civic: 150 Vintage Blvd.                                      Legal: Lot 5, Plan KAP86678, District Lot 2710, SDYD

Land Use Contract: Land Use Contract No. LU-3-D

Requested Variances: to reduce the minimum front parcel line setback from 25 feet to 13.75 feet; to reduce the minimum interior side parcel line setback from 5 feet to 1.14; to increase the maximum height from 30 feet to 30.98 feet; and to increase the maximum parcel coverage from 30% to 32.0%, all in relation to a principal single detached dwelling.

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### **Proposed Development:**

This application proposes a number of variances to the provisions of Land Use Contract (LUC) No. LU-3-D in order to facilitate the construction of a single detached dwelling on an existing vacant lot, specifically:

- reduce the minimum front parcel line setback from 25 feet to 13.75 feet;
- to reduce the minimum interior side parcel line setback from 5 feet to 1.14 feet;
- to increase the maximum height from 30 feet to 30.98 feet; and
- to increase the maximum parcel coverage from 30% to 32.0%.

### **Site Context:**

Approximately 924 m<sup>2</sup> in area, the subject property is located approximately 5 km north of Okanagan Falls, within the residential subdivision known as Vintage View, on the west side of Vintage Boulevard. The currently vacant property slopes downward to the northwest. Surrounding land uses are predominantly low density residential.

### **Background:**

The subject property was created by subdivision in 2008. Due to an administrative error, the proposed discharge of LUC No. LU-3-D from the parent parcel area was not properly executed in 1982, thereby resulting in the Contract remaining on title. Consequently, the property’s land use designations of Low Density Residential (LR) under the Official Community Plan (OCP) and Residential

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Single Family One (RS1) under the zoning bylaw are of no effect and the terms of the LUC remain in force. The applicant was made aware of the “voluntary discharge” option, but has declined the opportunity.

**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 August 13, 2015.

**Alternatives:**

- .1 THAT the Regional Board deny Development Variance Permit No. D2015.075–DVP; or
- .2 THAT the Regional Board defers making a decision and directs that the proposal be considered by the Electoral Area “D” Advisory Planning Commission (APC).

**Analysis:**

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

In support of the proposal, the applicant has provided a very detailed rationale, summarized as follows:

With respect to the front parcel line: The lot slopes steeply immediately from the curb. Reducing the setback by 2.4 m significantly reduces the height of the building and drastically decreases the amount of exposed rear foundation walls. It also allows for at least a very minimal rear yard to be constructed

With respect to the side parcel line: The stairs and landing are necessary to provide safe and easy access to this side of the building. In the event of a fire, they would provide firefighters safer and quicker access than clambering over steep grade. Being made entirely of non-combustible materials (concrete, steel & glass railings), they are not a fire-spread hazard in relation to the building code. Impact on the adjacent property is unexpected as this area is unusable due to the steepness of grade.

With respect to height: From the street, this home is significantly smaller than the adjacent home to the south. Because of the steep grade it would only be possible to meet the proposed height restriction if the house were dropped below the road level another 2’6” (0.7 m), causing it to look out of place with the home next door. It would also require a significant down-sloped driveway, which would be difficult to exit in winter months and is not the preferred standard. Design-wise, dropping the ceiling heights 0.7 m to meet the bylaw is not feasible. Because it already has a smaller feel than most homes on the street, dropping the house further into the site would significantly affect its architectural style, value, and function.

With respect to parcel coverage: The proposed height is consistent with the RS1 zone and existing residential development in the area. The variance request is for an increase of only 4%, the majority of which is due to an elevated deck, which because it is without a perimeter foundation wall would not appear to be covering as much area.

In assessing the proposal, Administration considers the proposed height and parcel coverage to be consistent with the provisions of the RS1 zone and consistent with existing residential development

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within the area (over 40 previously issued building permits for the area assumed the RS1 zoning to be in effect).

Administration also recognizes that the presence of a steep slope on the property potentially limits development such that it would be difficult to meet the setback requirements without compromising the visual appeal of the building and increasing the exposure of the rear foundation walls and the overall height of the building.

Though allowing for the development of a dwelling within a front setback is often considered poor streetscape design, this is not the case here, as the front wall of the dwelling is actually proposed to be located 2 feet further back from the front parcel line than its most immediate neighbour – a two-storey single detached dwelling to the south (issued a DVP for front setback and height in 2012). Note that the dwelling on the property adjacent to the north is more than 50 m downslope from Vintage Boulevard.

**Respectfully submitted:**

**Endorsed by:**

**Endorsed by:**

  
T. Donegan, Planning Technician



C. Garrish, Planning Supervisor

\_\_\_\_\_  
D. Butler, Development Services Manager

Attachments: No. 1 – Photos (Google Streetview)

Attachment No. 1 – Photos (Google Streetview)



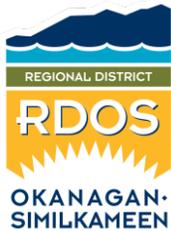
Photo 1: View of the property facing west.



Photo 2: View of the property facing north.



Photo 3: View of the property facing south.



# Development Variance Permit

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FILE NO.: D2015.075-DVP

Owner: Richard and Janna Leslie  
2685 Noyes Road  
Naramata, BC V0H-1N0

Agent: Dave Sutton  
P.O. Box 22024  
Penticton, BC V2A-8L1

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 5, Plan KAP86678, District Lot 2710, SDYD

Civic Address: 150 Vintage Blvd.

Parcel Identifier (PID): 027-523-527 Folio: 715 06799.925

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to Schedule 'B' of Land Use Contract No. 3-D (Bylaw No. 158, 1972), in the Regional District of Okanagan-Similkameen:
  - a) The minimum front parcel line setback for a principal building or structure is varied:
    - i) from: 25 feet

- to: 13.75 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- b) The minimum interior side parcel line setback for a principal building or structure is varied:
  - i) from: 5 feet
  - to: 1.14 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- c) The maximum height of a dwelling is varied:
  - i) from: 30 feet
  - to: 30.98 feet, as shown on Schedule 'B'.
- d) The maximum parcel coverage is varied:
  - i) from: 30%
  - to: 32.0%, as shown on Schedule 'B'.

**7. COVENANT REQUIREMENTS**

- a) Not Applicable

**8. SECURITY REQUIREMENTS**

- a) Not Applicable

**9. EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

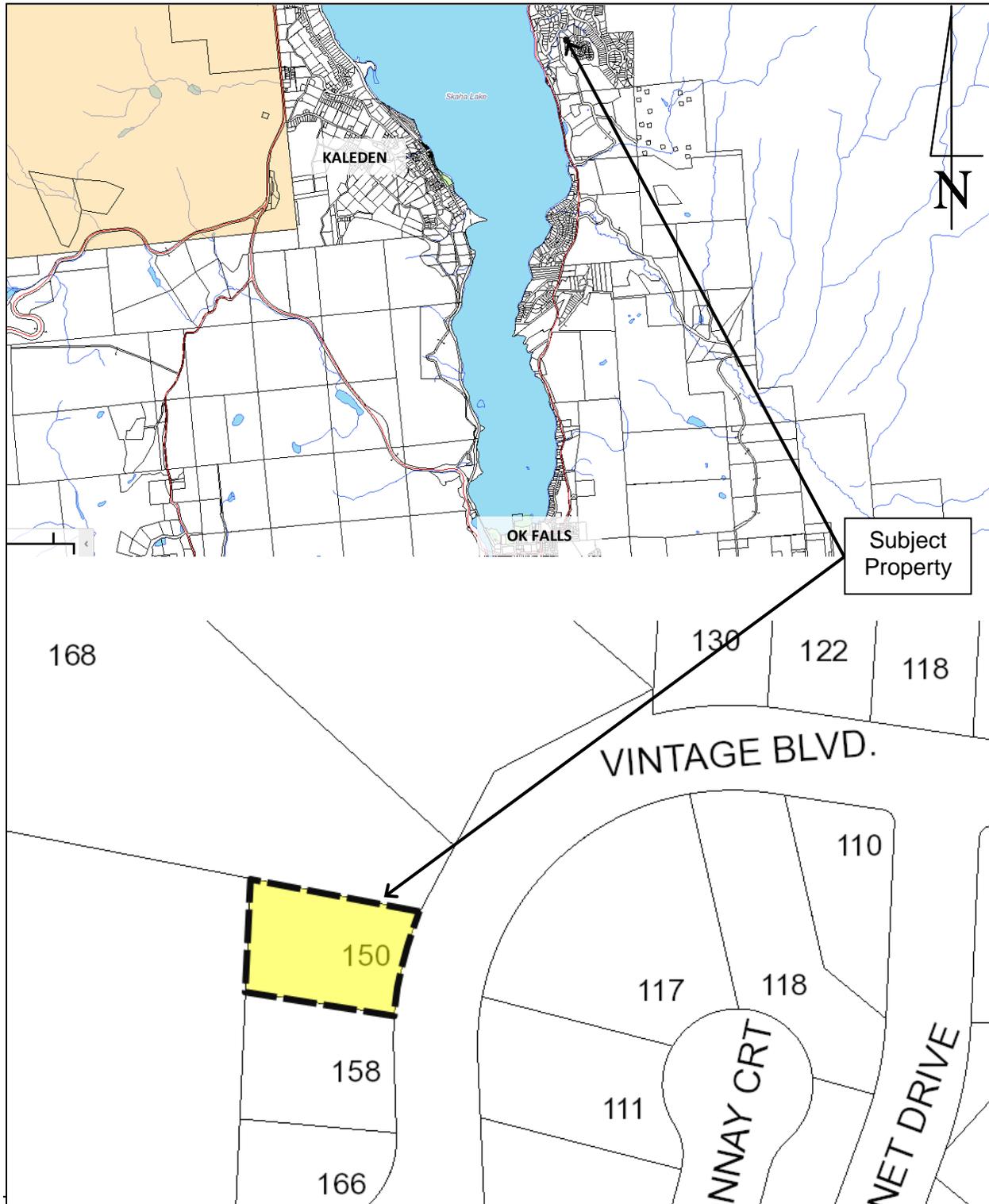
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.075-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

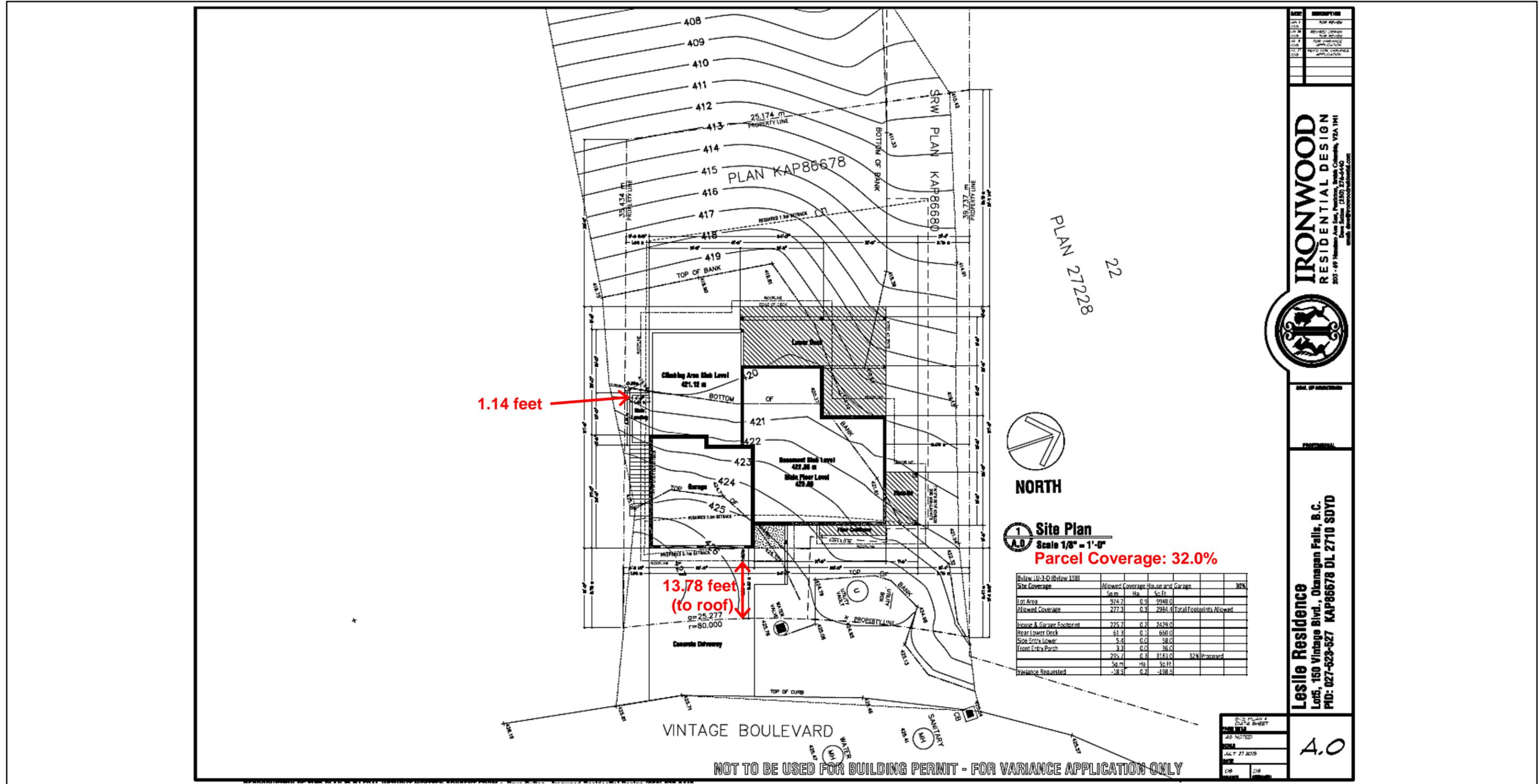
101 Martin St, Penticton, BC V2A 5J9  
 Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.075-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

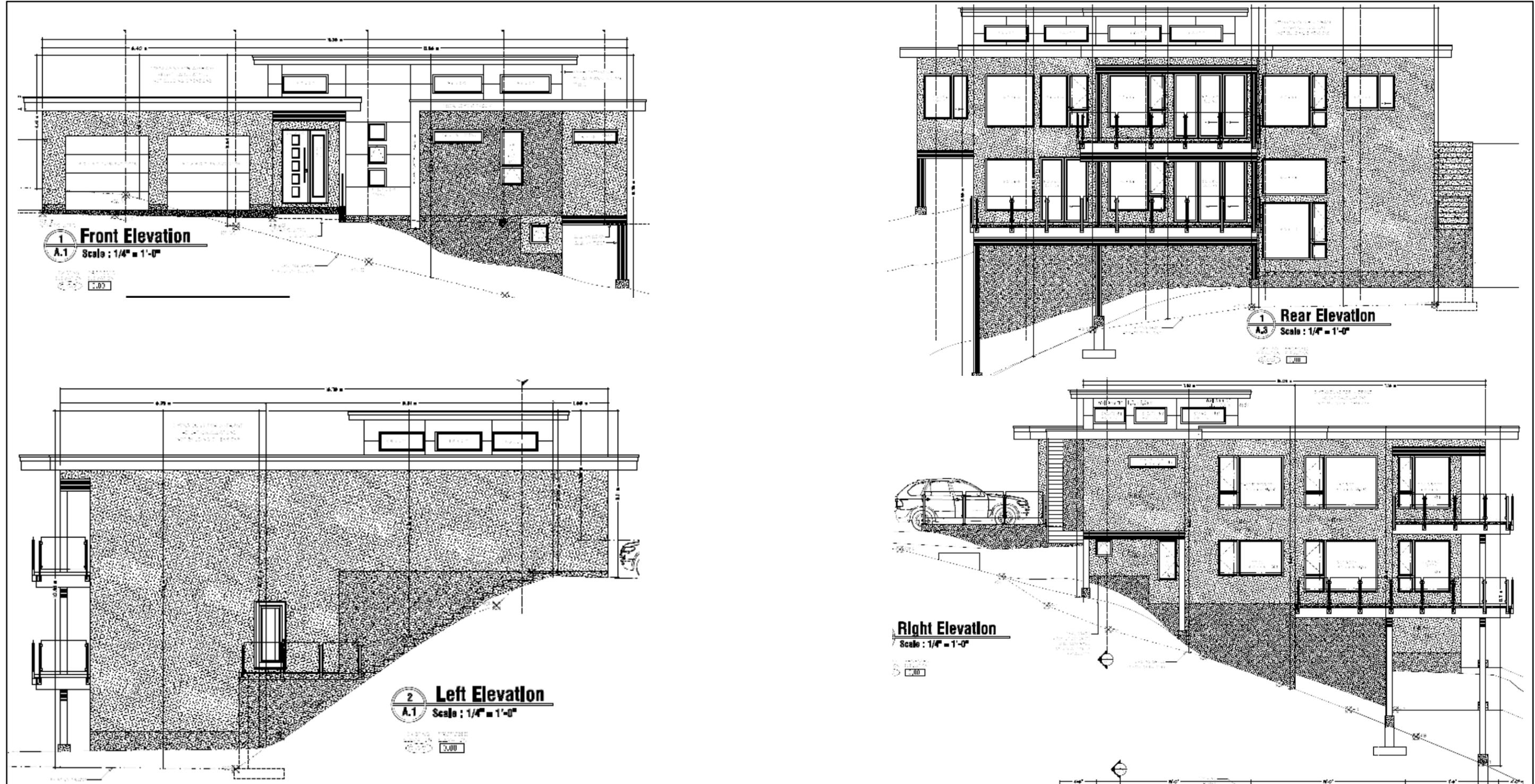
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.075-DVP

Schedule 'C'



**Lauri Feindell**

---

**From:** Doug Kletke  
**Sent:** August-12-15 10:16 AM  
**To:** Planning  
**Cc:** Timothy Donegan; Caroline Conway;  
**Subject:** 150 Vintage Blvd - Development Variance Permit Application  
**Attachments:** RDOS 150.pdf

Caroline Conway and myself (Doug Kletke), own 158 Vintage Blvd. Okanagan Falls, the dwelling on the adjacent south side of 150 Vintage Blvd., the lot in development. We have been sent your notice: Re: Development Variance Permit Application - 150 Vintage Blvd. Lot 5 KAP86678, District Lot 2710, SDYD.

Upon receiving the requests on the said property it appears that the builder is trying to put more on the lot than the lot is slated for. Items i), iii), & iv) are acceptable variances and can be accommodated.

However, item ii) is pushing things too far, and we have a serious concern. Reducing the minimum setback from 5 ft. to 1.14 ft. is squeezing these houses together in a neighborhood that is very open and spacious.

Also, this is an extreme fire hazard to be that close.

This also leaves very little room in-between houses for any future access or emergency access to the rear of either house, as the slope below makes access almost impossible.

There seems to be enough space on the other side of the lot to adjust the dwelling accordingly. There is no dwelling on the other side of this lot.

**There is a minimum setback on these properties for a reason.  
It is extremely important to follow these guidelines.**

*Here are some articles and results of houses built too close together for you to review:*

<http://www.firehouse.com/forums/t61379/>

<http://calgaryherald.com/news/local-news/massive-fire-engulfs-hidden-valley-homes>

<http://www.calgarysun.com/2014/06/20/blaze-in-northwest-calgary-community-of-evanston-destroys-two-homes-damages-another>

<http://www.calgarysun.com/2014/07/29/calgary-firefighters-battle-as-flames-consume-three-homes-in-new-brighton>

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## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Development Variance Permit Application — Electoral Area “D”

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### **Administrative Recommendation:**

**THAT the Board of Directors approve Development Variance Permit No. D2015.081-DVP**

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Purpose: To reduce the front parcel line setback for a principal building.

Owners: Daniel Martel Folio: D06752.220

Civic: 162 Saliken Drive Legal: Lot 13, DL 2710, SDYD, Plan 23178, Except Plan KAP56852

OCP: Small Holdings (SH) Zone: Small Holdings One (SH1)

Requested Variance: to vary the front parcel line setback from 7.5 metres to 2.96 metres to outermost projection.

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### **Proposed Development:**

This application is seeking to reduce the front parcel line setback on the north east side of the subject property from the required 7.5 metres to 2.96 metres for a construction of a single family dwelling.

In support of the proposal, the applicant explains that between the time of building permit approval, pouring of concrete and the resulting location survey, an error was discovered regarding the front parcel setback distance.

### **Site Context:**

Approximately 5.5 ha in area, the subject property is located approximately 380 m east of the City of Penticton boundary in the Upper Carmi area and is situated on the south side of Saliken Drive.

The currently vacant property is generally hilly in nature and it has steep slopes down to the south of the building area proposed. It also has steep slopes down to a creek located through the centre of the property. Surrounding land uses are predominantly rural residential with 4 ha sized parcels.

### **Background:**

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the subject property is zoned Small Holdings One (SH1) which permits a single family dwelling as a principal use.

The subject property is also identified as being within the Hillside/Steep Slope Development Permit (HSSDP) area and within an Environmentally Sensitive Development Permit Area (ESDP). The proposed single family dwelling is exempt from the ESDP and an approved Hillside / Steep Slope Development Permit was issued on July 8, 2015. The HSSDP indicates the building site located on the relatively flat area near Saliken Drive with buffers of 10.8 m and 9.8 m from the edge of slopes.

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A building permit was issued on July 14, 2015 with a geotechnical report included in the building permit application that indicates that any building needs to be located at a minimum of 5 m away from top of the slope.

The cement footings were inspected and approved on July 16, 2015 and proceeded to be poured. The building inspection report contained a requirement for a location plan to determine the exact siting of the new dwelling. A survey was completed on July 20, 2015 which showed the footings were closer than the 7.5 m setback required.

**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 August 13, 2015.

**Alternatives:**

1. THAT the Regional Board deny Development Variance Permit No. D2015.081–DVP; or
2. THAT the Regional Board defers making a decision and directs that the proposal be considered by the Electoral Area “D” 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 location of the proposed dwelling faced a number of constraints given the steep and hilly topography of the subject parcel. The Hillside Steep Slope Permit was expedited because the applicant could provide evidence that the proposed building site was outside of the steep slope area and to be located within the only flat area of the property. The flat area is located adjacent to Saliken Drive with an existing driveway that used to service the neighbouring property, therefore very little site disturbance should be required.

Given the rural nature of Saliken Drive and the slopes on either side of the road, it would be seen to be advantageous to build on a site that requires limited disturbance and away from any geotechnical hazardous area.

In most cases, reductions to the front parcel setbacks are discouraged due to the visual impacts to the streetscape and neighbourhood characteristic and to the potential reduction of off-street parking area. However, given the physical limitations for a building site and the apparent lack of impact on the streetscape and neighbourhood character, and enough room for off street parking, Administration supports the proposal.

**Respectfully submitted:**

  
\_\_\_\_\_

E. Riechert, Planner

**Endorsed by:**

  
\_\_\_\_\_

C. Garrish, Planning Supervisor

**Endorsed by:**

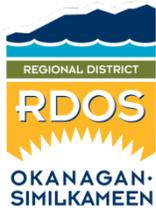
\_\_\_\_\_

D. Butler, Development Services Manager

Attachments: No. 1 – Air Photo (2013)

Attachment No. 1 – Air Photo (2013)





# Development Variance Permit

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FILE NO.: D2015.081-DVP

TO: Daniel Martel

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 13, DL 2710, SDYD, Plan 23178, Except Plan KAP56852

Civic Address: 162 Saliken Drive, Penticton

Parcel Identifier (PID): 006-557-597 Folio: 715 06752.220

## CONDITIONS OF DEVELOPMENT

6. The minimum front parcel line setback for a building or structure in the Small Holdings One (SH1) Zone, as prescribed at Section 10.5.6(a)(i) of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, in the Regional District of Okanagan-Similkameen, is varied for the land specified in Section 5 as follows:
  - i) from: 7.5 metres
  - to: 2.96 metres, as measured from the outermost projection, and as shown on Schedules 'B' ; 'C' and 'D'

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not Applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

\_\_\_\_\_  
B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

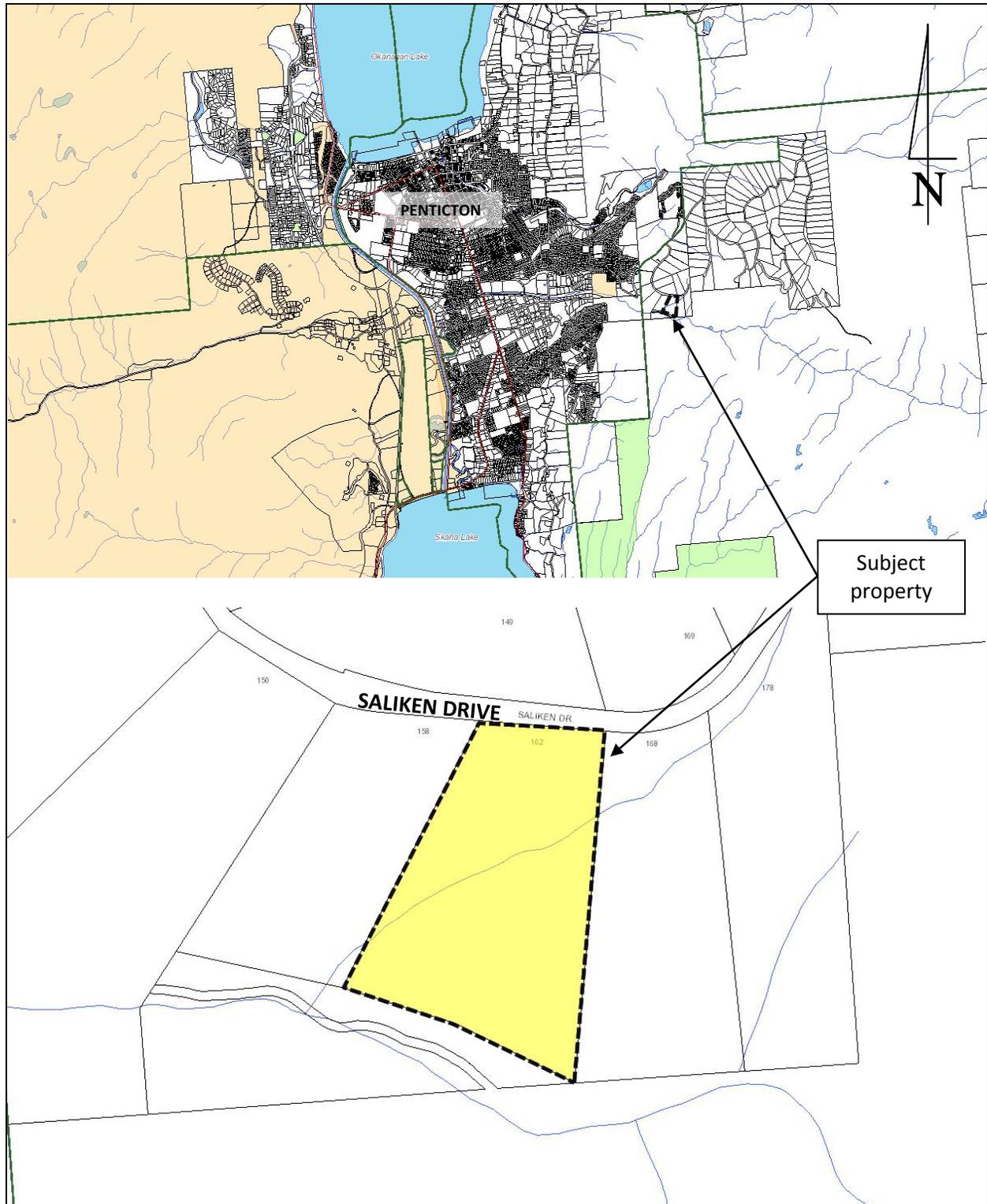
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.081-DVP

## Schedule 'A'





# Regional District of Okanagan-Similkameen

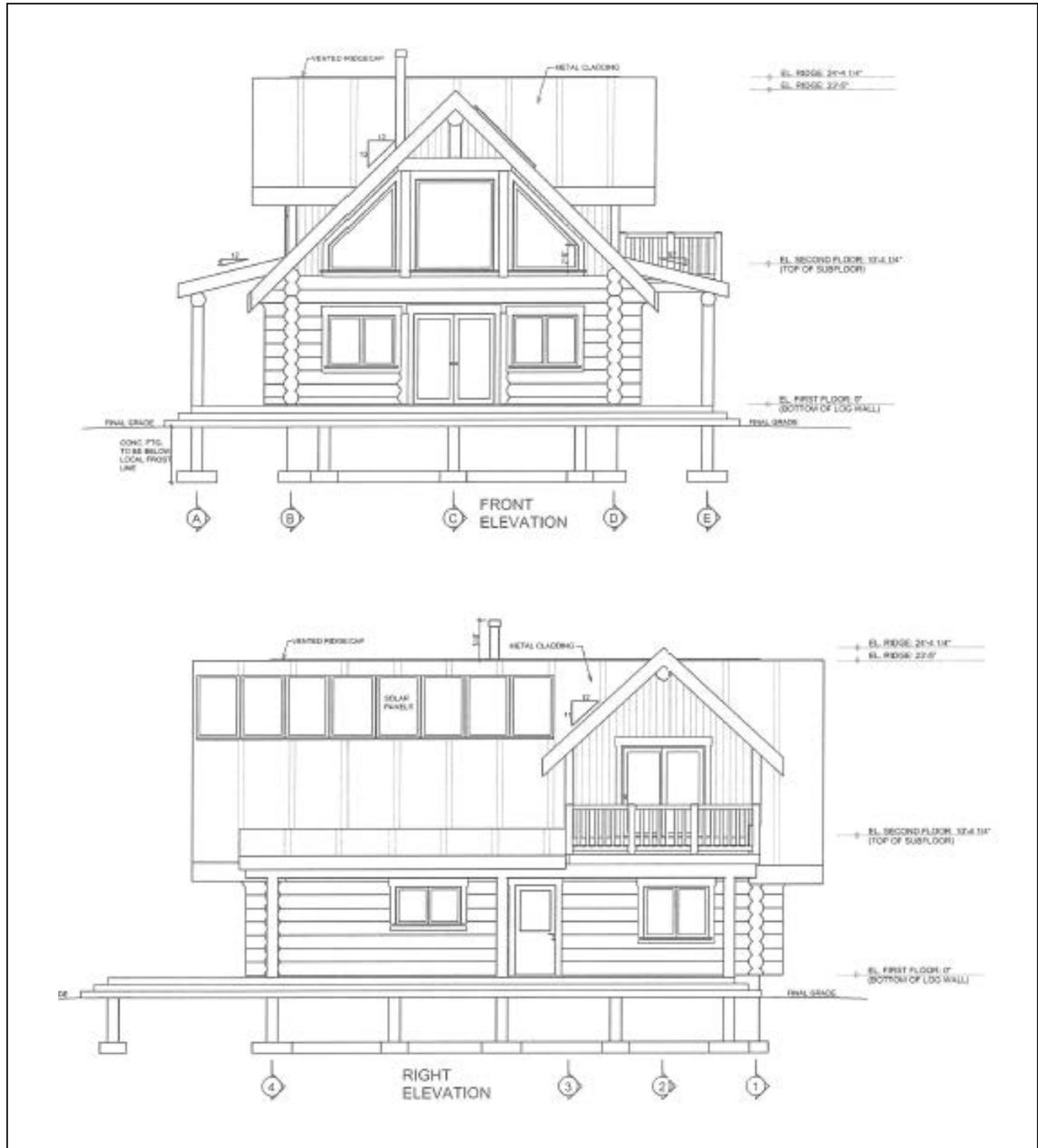
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.081-DVP

## Schedule 'C'



# Regional District of Okanagan-Similkameen

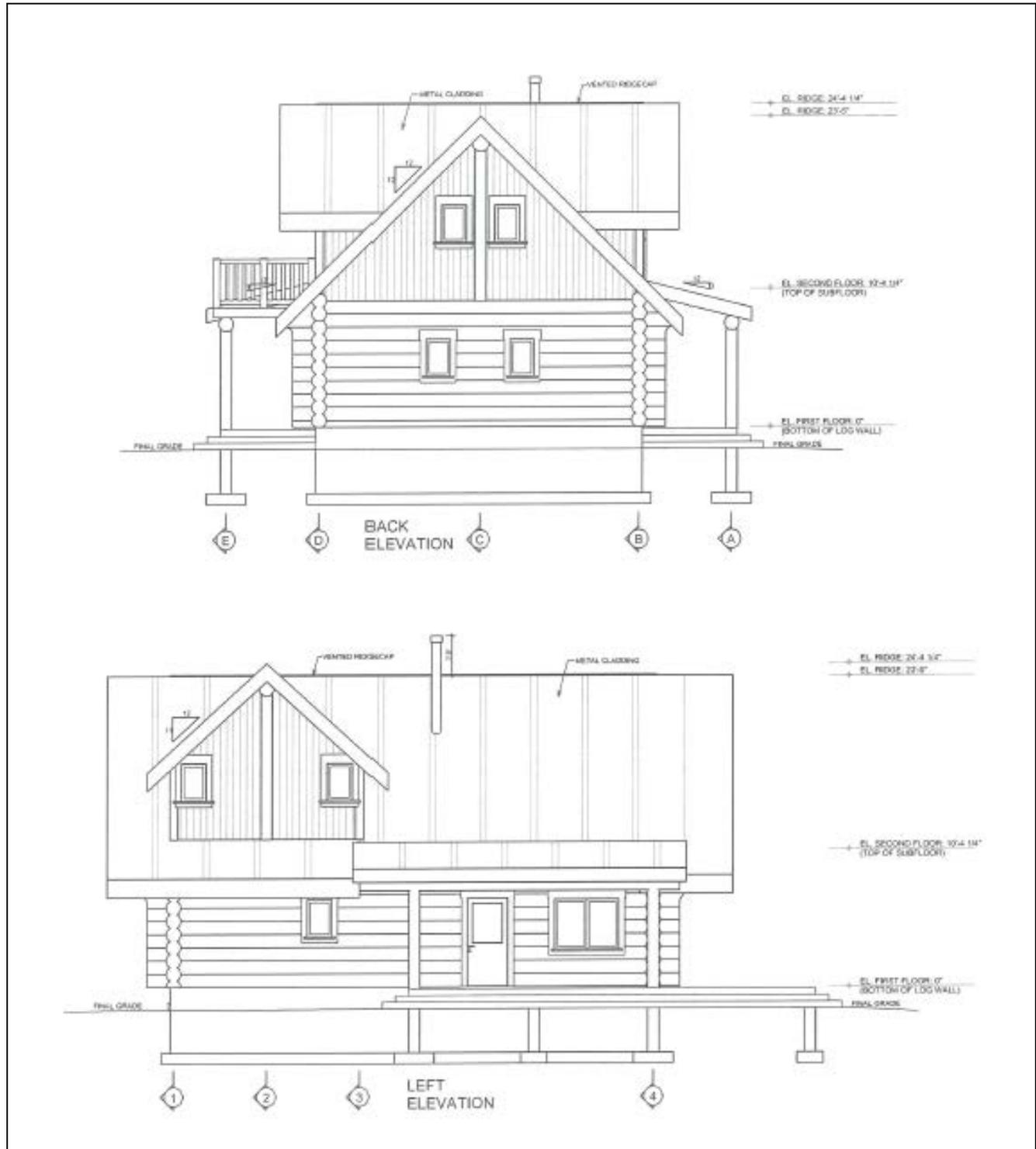
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.024-DVP

## Schedule 'D'





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corner lot), the shorter parcel line that abuts the highway is the front parcel line. Where a parcel is bisected by a highway, both parcel lines abutting the highway are considered to be front parcel lines”.

The bylaw also defines “setback” as “the minimum permitted distance between a building or structure specified in this Bylaw and a specified parcel line”.

As the proposed addition is to be situated within 4.5 metres of a road reserve, Ministry of Transportation and Infrastructure approval is required prior to Board consideration (as per the requirements of the Regional District’s Development Procedures Bylaw). The Ministry approved the proposed variance on July 24, 2015.

**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 August 13, 2015.

**Alternative:**

1. THAT the Board of Directors deny Development Permit No. D2015.083-DVP; OR
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “D” Advisory Planning Commission (APC).

**Analysis:**

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

In considering this proposal, it is thought that the front parcel line setback reduction will not have an adverse impact on the streetscape, views, or character of the area. The proposed carport will be set into the bank and its proposed height of 4.7 metres is less than the 5.5 metres allowed by the bylaw. Further, as the lot slopes downward from the road, the height of the proposed carport will be almost level with the road. As such, it is not anticipated that the proposed reduction in the front parcel line setback to allow for the construction of the carport will adversely impact upon the amenity of the area and/or adjoining uses.

The lot is terraced, with the house on a lower level than the area where the carport is proposed. This feature limits potential building areas on the property, and the proposed carport location is seen to be reasonable given that it cannot be moved further away from the road.

**Respectfully submitted:**



S. Lightfoot, Planning Technician

**Endorsed by:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

Attachments: No. 1 – Applicant’s Site Photos  
No. 2 – Applicant’s Site Photos  
No. 3 – Applicant’s Site Photos

Attachment No. 1 – Applicant's Site Photos



Attachment No. 2 – Applicant's Site Photos



Area between western wall of carport and fence. House is located on west side of fence.

Attachment No. 3 – Applicant’s Site Photos



Facing east. Height of building will not impact sight lines of neighbouring properties.



# Development Variance Permit

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FILE NO.: D2015.083-DVP

TO: Jolanda Bryant

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 4, District Lot 374, SDYD, Plan 34540

Civic Address: 1324 Peachcliff Drive, Okanagan Falls, BC

Parcel Identifier (PID): 002-938-545 Folio: 714 00854.115

## CONDITIONS OF DEVELOPMENT

6. The minimum front parcel line setback, as prescribed at Section 11.1.6(b)(i) of the Electoral Area "D-2" East Skaha, Vaseux Zoning Bylaw No. 2455, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:
  - i) from: 7.5 metres  
to: 3.73 metres as measured to the outermost projection and as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not Applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

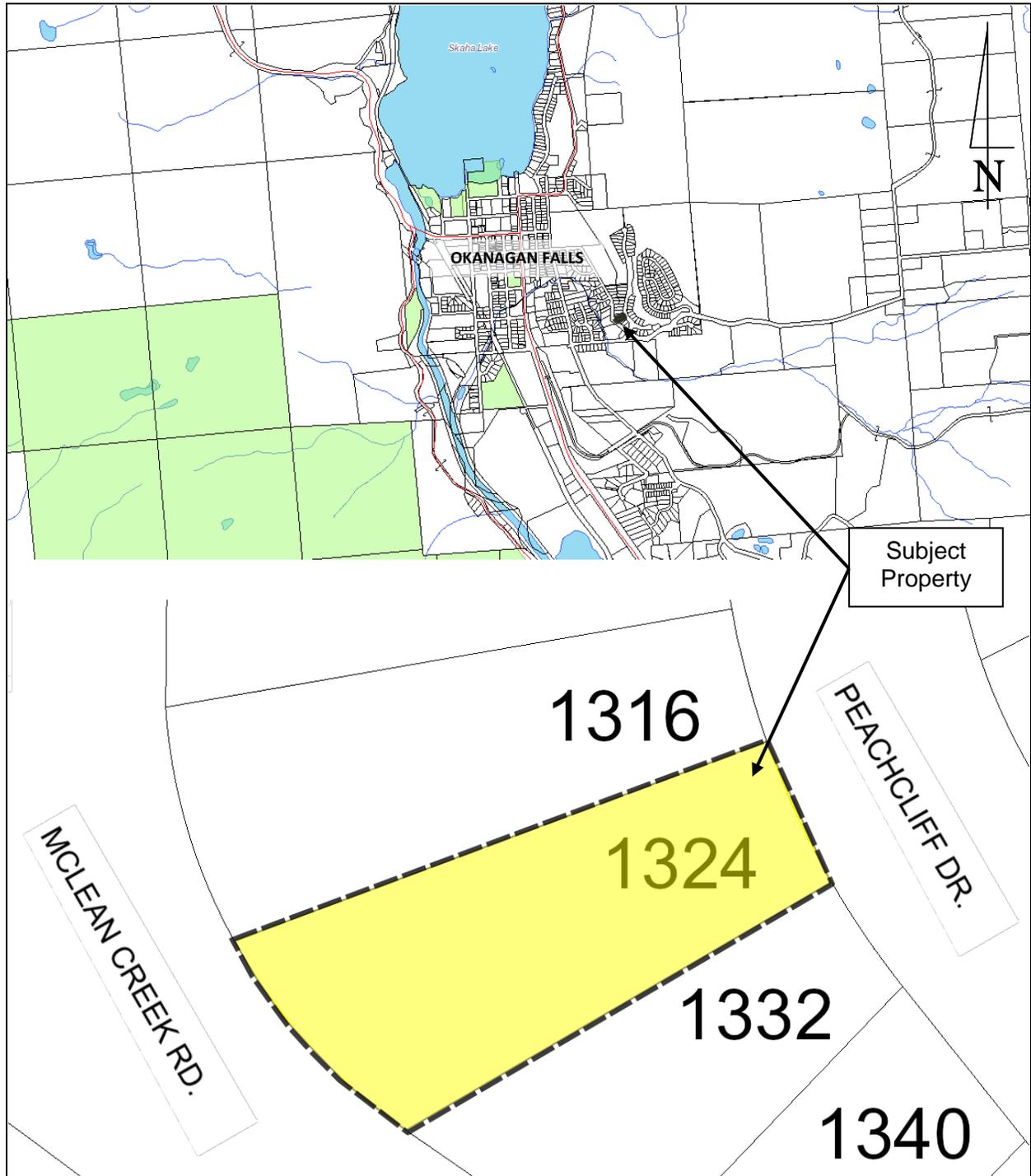
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015-083-DVP

## Schedule 'A'



# Regional District of Okanagan-Similkameen

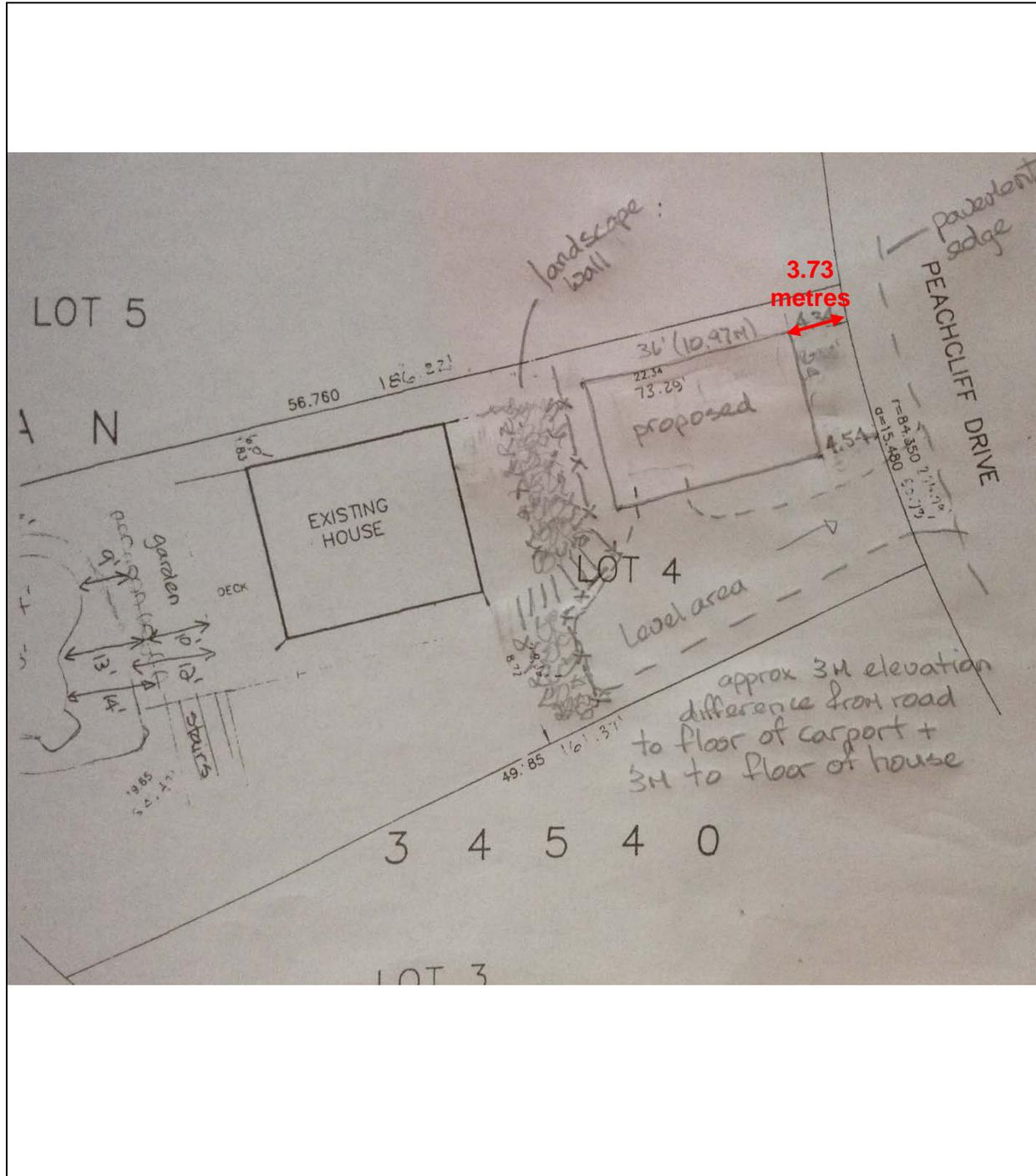
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



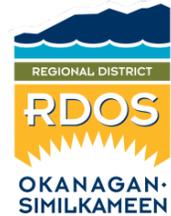
Development Variance Permit

File No. D2015-083-DVP

Schedule 'B'



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Temporary Use Permit Application — Electoral Area “C”

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### **Administrative Recommendation:**

**THAT the Board of Directors refuse Temporary Use Permit No. C2015.014-TUP**

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Purpose: To formalise the operation of a short-term vacation rental use.

Owner: Daryl and Sandra Chipchura      Applicant: Daryl Chipchura      Folio: C-01963.005

Civic: 166 Sundial Road      Legal: Lot 8, Plan KAP7333, District Lot 158, SDYD

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

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### **Proposal:**

The application seeks approval for the operation of a short-term vacation rental use at the subject property from the months of April to October and which is to be comprised of approximately eight (8) bedrooms that would accommodate upwards of 16 patrons within the existing single detached dwelling with accommodation for eight (8) vehicle parking spaces.

### **Site Context:**

The subject parcel is approximately 1,700 m<sup>2</sup> in area, is situated at the north-east intersection of Sundial Road and Kinnikinnick Lane, and is bounded by Vaseux Lake to the north. The property is seen to be comprised of a single detached dwelling.

The surrounding pattern of development is characterised by low density residential parcels on the north side of Sundial Road fronting onto Vaseux Lake, with four tourist commercial zoned properties to the east on Sundial Road (i.e. “Vaseux Lake Rentals” & “Vaseux Lakefront Resort”) with an agricultural operation (in the Agricultural Land Reserve) to the south.

### **Background:**

The Board is asked to be aware that the operation of this property for the purposes of a “vacation rental” use was brought to the Regional District’s attention via a written complaint regarding a commercial use operating in contravention of the zoning bylaw and that this TUP application is an attempt to formalise the use.

In terms of site history, the property was created by subdivision in 1955, while a Building Permit (BP) for a new three (3) bedroom single detached dwelling was issued by the Regional District in 1999 (NOTE: the remaining rooms in the dwelling comprised, amongst other things, exercise rooms (x2), a library, den, and offices (x2)).

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Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Residential Single Family Two (RS2) which only allows for “single detached dwellings” as a principal permitted use, with a limited accommodation of commercial uses in the form of “home occupations” and “bed and breakfast operations” as permitted secondary uses.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the objective of the Board in relation to residential areas is generally to maintain the character of an area, however, the Board also supports “the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed.”

The property is also the subject of a Watercourse Development Permit (WDP), Environmentally Sensitive Development Permit (ESDP) and Protection of Farming Development Permit (PFDP) Areas under the OCP.

**Public Process:**

At its meeting of July 21, 2015, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved subject to the maximum accommodation not exceeding ten (10) persons and no more than five (5) bedrooms being provided in relation to the “vacation rental” use.

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

In this instance, Administration notes that, while this property has previously been the subject of a written complaint related to a vacation rental use, it is understood to be related a commercial use operating in contravention of the zoning bylaw, and not an amenity complaint (i.e. excessive noise) and considers the direct notification of adjacent neighbours to be sufficient.

In accordance with Section 2.5 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 1. To date, comments have been received from the Ministry of Forest, Lands and Natural Resource Operations (Ecosystem Branch and Archaeology Branch) and are included as a separate item on the Agenda.

**Alternatives:**

1. THAT the Board of Directors approve Temporary Use Permit No. C2015.014-TUP; OR
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. C2015.014-TUP subject to the completion of a Public Information Meeting to be organised by the applicant.

**Analysis:**

In assessing this proposal, Administration notes that the OCP Bylaw contains a number of criteria against which the Board will consider an application for a TUP related to a vacation rental use in a residential neighbourhood. These include:

- a) capability of accommodating on-site domestic water and sewage disposal;*

- 
- b) *mitigating measures such as screening and fencing;*
  - c) *provision of adequate off-street parking;*
  - d) *confirmation that the structure proposed for use as a vacation rental meets a minimum standard for health and safety; and*
  - e) *benefits that such accommodation may provide to the community*

In response, the applicant has stated that the septic system was constructed in 2009 and was built to accommodate eight (8) bedrooms comprised within the dwelling unit, a point that has been confirmed by IHA. The system was inspected in 2010 and guests are made aware of the “Do’s and Don’ts” of an on-site system.

With regard to screening and landscaping, the applicant has stated that there are vacant lots on either side, that existing screening on the property preserves their privacy, and that they have a great relationship with both neighbours.

A health and safety inspection was conducted on May 26, 2015, and did not identify any major deficiencies.

In term of community benefit, the applicant has stated that they provide employment for 3-4 people, are a venue for out of town visitors, and that this use stimulates the local economy.

Of concern with this application is the provision of eight (8) off-street vehicle parking spots and whether the inability to meet stated parking space requirements reflects the proposed vacation rental use exceeding the capacity of the site. By way of example, the OCP Bylaw provides guidance on a potential maximum threshold for a vacation rental use, being no more than five (5) bedrooms and ten (10) patrons.

While the applicant has submitted a site plan indicating provision for eight (8) vehicle spaces, three (3) of these proposed parking spaces extend into the reserve for Sundial Road and, technically, do not occur “off-street”. In response, the applicant has advised that a 6 metre x 12 metre cement pad exists along the west side of the dwelling and can provide additional parking spaces

This alternate arrangement would, however, require access either from the adjacent public “water access” to Vaseux Lake (and MoTI approval), or over the front yard and possibly across the septic field and tank — neither of which is seen to be desirable.

While Administration and the APC favour limiting the use of the site to no more than 5 bedrooms, the applicant has indicated that they do not wish to amend their proposal and have requested that the Board consider their request for use of 8 bedrooms. On this basis, Administration is compelled to put forward a recommendation against this proposal (i.e. approving something other than what the applicant has applied for could open the Board’s decision to legal challenge).

Should, however, the Board support this proposal, under the Regional District’s “Vacation Rental Temporary Use Permit Policy”, a term limit not exceeding 18 months shall be applied to Temporary Use Permit being issued for a vacation rental use on land which has not been the subject of such an approved use previously (or which is being proposed by new owners of the land).

The intent of this Policy is to allow for a new vacation rental use to operate for one “season” in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.

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Given estimated delays associated with the issuance of TUPs for vacation rental uses due to the need to amend the Electoral Area "E" OCP Bylaw to remove references to Health & Safety Inspections, Administration is recommending that the term of this TUP be to December 31, 2016.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**

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D. Butler, Development Services Manager

Attachments:   No. 1 – Agency Referral Sheet  
                      No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. C2015.014-TUP:

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

Attachment No. 2 – Site Photo (Google Streetview)





# TEMPORARY USE PERMIT

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FILE NO.: C2015.014-TUP

TO: Sandy & Daryl Chipchura  
406-130 Skaha Place  
Penticton, BC, V2A-7J6

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 8, Plan KAP7333, District Lot 158, SDYD

Civic Address/location: 166 Sundial Road, Electoral Area "C"

Parcel Identifier (PID): 010-001-514 Folio: C-01963.005

## TEMPORARY USE

6. In accordance with Section 16.0 of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "C" Zoning Bylaw, being the use of a

residential dwelling unit for the accommodation of paying guests occupying the dwelling unit for a period of less than 30 days.

#### **CONDITIONS OF TEMPORARY USE**

7. The vacation rental use of the land is subject to the following conditions:
  - (a) the vacation rental use shall occur only between April 1<sup>st</sup> and October 31<sup>st</sup>;
  - (b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
    - i) the location of property lines by way of a map;
    - ii) a copy of the Regional District's Electoral Area "C" Noise Regulation and Prohibition Bylaw;
    - iii) measures to address water conservation;
    - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
    - v) instructions on the storage and management of garbage;
    - vi) instructions on septic system care; and
    - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
  - (c) the maximum number of bedrooms that may be occupied by paying guests shall be eight (8);
  - (d) the number of paying guests that may be accommodated at any time shall not exceed sixteen (16);
  - (e) a minimum of eight (8) vehicle parking spaces shall be provided for paying guests, in accordance with Schedule 'B';
  - (f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted; and
  - (g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.

#### **COVENANT REQUIREMENTS**

8. Not applicable.

**SECURITY REQUIREMENTS**

9. Not applicable.

**EXPIRY OF PERMIT**

10. This Permit shall expire on the 31<sup>st</sup> day of December, 2016.

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

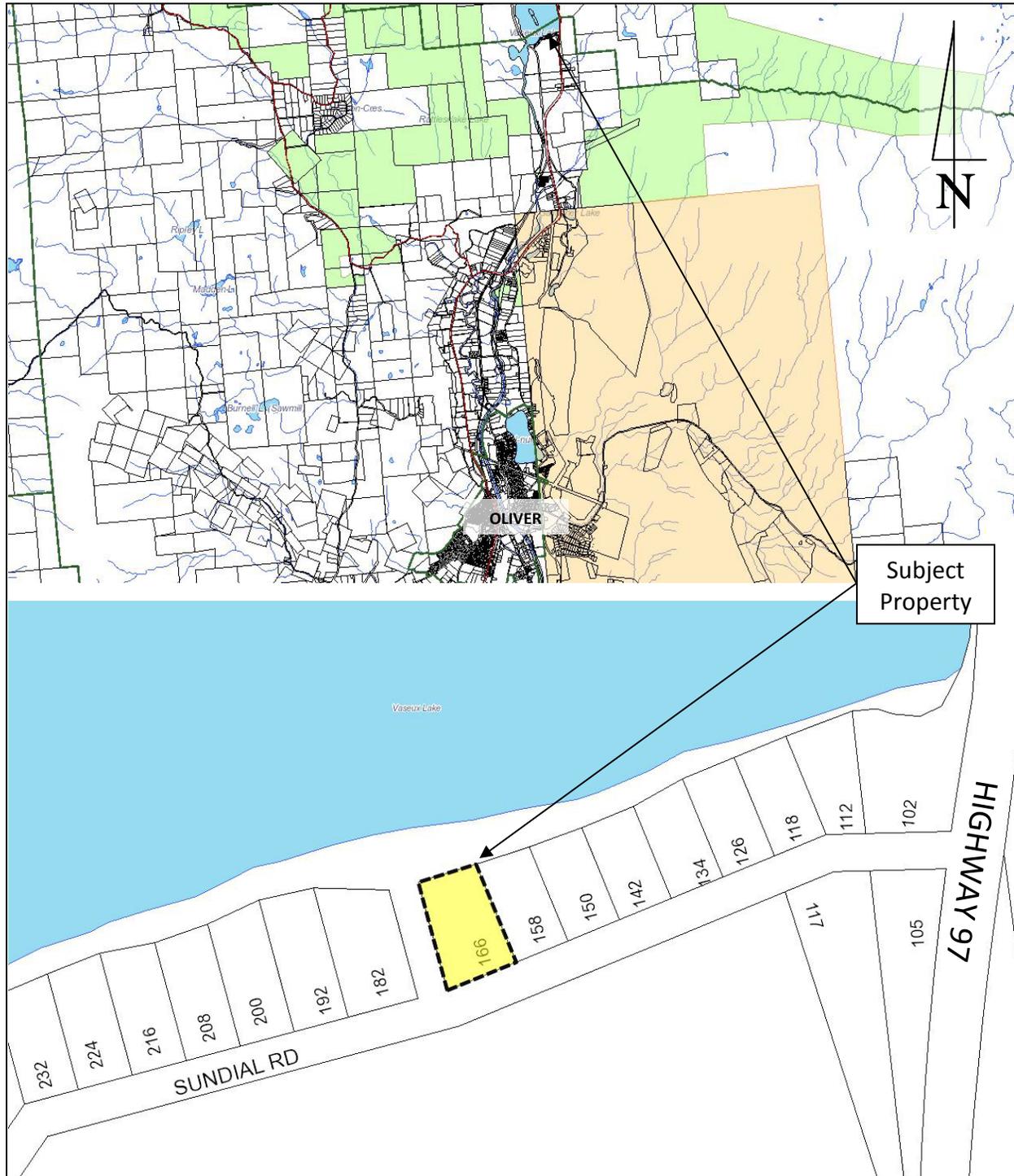
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. C2015.014-TUP

## Schedule 'A'



# Regional District of Okanagan-Similkameen

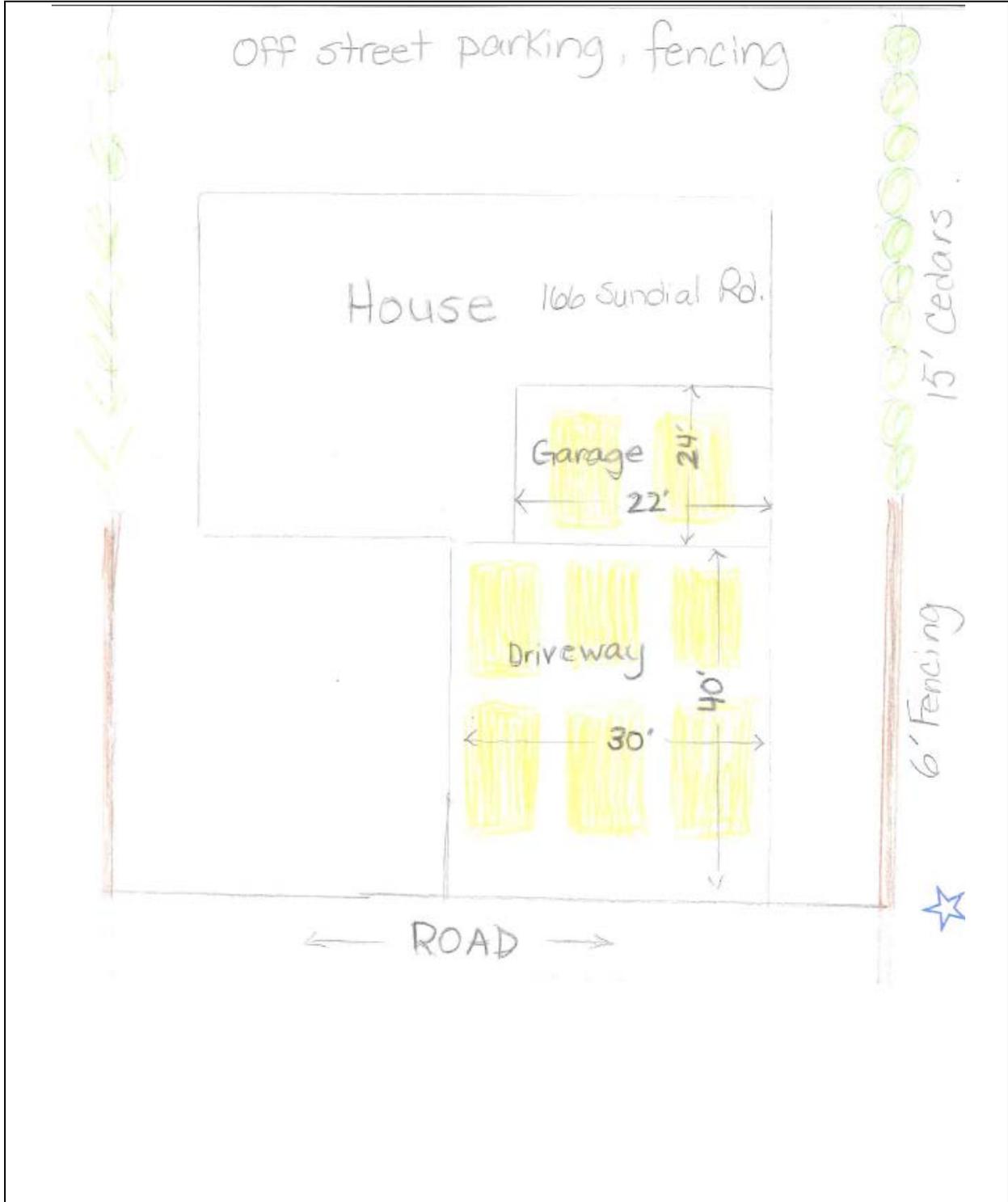
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. C2015.014-TUP

Schedule 'B'



# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Temporary Use Permit Application — Electoral Area “E”

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## Administrative Recommendation:

**THAT the Board of Directors approve Temporary Use Permit No. E2015.056-TUP;**

**AND THAT prior to the issuance of TUP No. E2015.030-TUP, the property owner construct four (4) off-street vehicle parking spaces in accordance with the site plan comprised at Schedule ‘B’ of the permit.**

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Purpose: To allow for the operation of a short-term vacation rental use.

Owner: Lia Ashbrook & Blair Cresswell      Applicant: Lia Ashbrook      Folio: E-00747.005

Civic: 3189 3<sup>rd</sup> Street, Naramata      Legal: Lot 1, Plan KAP67634, District Lot 210, SDYD

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

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## Proposal:

This application seeks approval for the operation of a short-term vacation rental use at the subject property which will be comprised of approximately four (4) bedrooms within the existing single detached dwelling.

## Site Context:

The subject parcel is approximately 767 m<sup>2</sup> in area, is situated on the west side of 3<sup>rd</sup> Street at its southern terminus. The property is seen to be comprised of a single detached dwelling. The surrounding pattern of development is characterised by low density residential parcels.

## Background:

Available records indicate that a Building Permit was issued for the construction of a two (2) bedroom single detached dwelling unit in 2002 and that this permit was subsequently renewed in 2006 (and completed shortly thereafter).

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

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, an objective of the Board in relation to residential areas is generally to maintain the character of an area, however, “the provision of paid accommodation for visitors through the short-term rental of residences provided

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that community and neighbourhood residential needs and other land use needs can be addressed” is also supported.

The property is also the subject of an Environmentally Sensitive Development Permit (ESDP) Area under the OCP and is shown as possessing a geological classification of “limited or no hazard of slumps or slides.”

**Public Process:**

At its meeting of June 8, 2015, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved subject to the following conditions:

- a) *That the four necessary parking spaces be validated as access from 3<sup>rd</sup> Street and indeed the property line itself is unknown to us presently.*
- b) *Clarification that sewage treatment and effluent disposal has been designed for and can handle the volume generated by eight people (four bedrooms).*

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

In this instance, Administration notes that this property has not previously been the subject of a written complaint related to vacation rental uses and considers the direct notification of adjacent neighbours to be sufficient.

In accordance with Section 2.5 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 2. To date, comments have been received from Interior Health Authority (IHA), Penticton Indian Band, and the Ministry of Forests, Lands and Natural Resource Operations (Ecosystems Section) and are included as a separate item on the Agenda.

**Alternatives:**

- 1. THAT the Board of Directors deny Temporary Use Permit No. E2015.056-TUP; OR
- 2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2015.056-TUP subject to the completion of a Public Information Meeting to be organised by the applicant.

**Analysis:**

In assessing this proposal, Administration notes that the OCP Bylaw contains a number of criteria against which the Board will consider an application for a TUP related to a vacation rental use in a residential neighbourhood. These include:

- a) *capability of accommodating on-site domestic water and sewage disposal;*
- b) *mitigating measures such as screening and fencing;*
- c) *provision of adequate off-street parking;*

- 
- d) *confirmation that the structure proposed for use as a vacation rental meets a minimum standard for health and safety; and*
  - e) *benefits that such accommodation may provide to the community.*

In response to concerns raised by IHA regarding the capacity of the septic system, an assessment from Enviro Choice Sewage Maintenance & Repair was provided which concluded that “the existing system and field fall well within the limits required for a 4 bedroom dwelling.”

The applicant has advised that “the property is screened very well from the neighboring properties. The property is surrounded by mature trees and evergreen vegetation. There is no neighbour to the south of the property as there is a road allowance. To the North, there is a high fence and large evergreens. On the road (east) side of the property there is a large evergreen hedge.”

While the applicant has provided a site plan indicating 4 on-site vehicle parking spaces, it is not clear that these sites physically exist on the site. Accordingly, while Administration is generally supportive of this proposal, it is recommending that, prior to the issuance of a TUP, the applicant provide the required on-site vehicle parking spaces.

A health and safety inspection was completed on June 17, 2015, which determined a number of deficiencies related guard rails on interior and exterior stairs. It is understood that the applicant is currently working to rectify these deficiencies and that these be resolved prior to the issuance of a permit.

Finally, the applicant has stated that “Our family has owned this property since the 1950’s and have a strong, long term relationship with both the community and our neighbours, and have always been sensitive to their needs ... In our view, offering our family home as a vacation rental to other families benefits the community as it contributes to the economy of the village of Naramata as well as the wineries in the area. It helps support the local shops, coffee shop, the pub, restaurants, as well as the local rental shop (paddle boards etc.). We encourage our tenants to stay local and are providing them with information on Naramata and its surrounding area. All of which is positive to the community.”

Given the OCP Bylaw supports vacation rental uses subject to the aforementioned criteria generally being satisfied, Administration is supportive of this proposal.

Under the Regional District’s “Vacation Rental Temporary Use Permit Policy”, a term limit not exceeding 18 months shall be applied to Temporary Use Permit being issued for a vacation rental use on land which has not been the subject of such an approved use previously (or which is being proposed by new owners of the land).

The intent of this Policy is to allow for a new vacation rental use to operate for one “season” in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.

Given estimated delays associated with the issuance of TUPs for vacation rental uses due to the need to amend the Electoral Area “E” OCP Bylaw to remove references to Health & Safety Inspections, Administration is recommending that the term of this TUP be to December 31, 2016.

**Respectfully submitted:**

**Endorsed by:**



C. Garrish, Planning Supervisor



D. Butler, Development Services Manager

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Attachments: No. 1 – Agency Referral Sheet  
No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. E2015.056-TUP:

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

Attachment No. 2 – Site Photo (Google Streetview)





# TEMPORARY USE PERMIT

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FILE NO.: E2015.056-TUP

TO: Lia Ashbrook & Blair Cresswell  
5659 9<sup>th</sup> Avenue  
Delta, BC, V4L-1B6

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 1, Plan KAP67634, District Lot 210, SDYD

Civic Address/location: 3189 3<sup>rd</sup> Street, Naramata

Parcel Identifier (PID): 024-993-701 Folio: E-00747.005

## TEMPORARY USE

6. In accordance with Section 19.0 of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "E" Zoning Bylaw, being the use of a residential dwelling unit for the accommodation of paying guests occupying the dwelling unit for a period of less than 30 days.

## **CONDITIONS OF TEMPORARY USE**

7. The vacation rental use of the land is subject to the following conditions:
  - (a) the vacation rental use shall occur only between May 1<sup>st</sup> and October 30<sup>th</sup>;
  - (b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
    - i) the location of property lines by way of a map;
    - ii) a copy of the Regional District's Electoral Area "E" Noise Regulation and Prohibition Bylaw;
    - iii) measures to address water conservation;
    - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
    - v) instructions on the storage and management of garbage;
    - vi) instructions on septic system care; and
    - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
  - (c) the maximum number of bedrooms that may be occupied by paying guests shall be four (4);
  - (d) the number of paying guests that may be accommodated at any time shall not exceed eight (8);
  - (e) a minimum of four (4) on-site vehicle parking spaces shall be provided for paying guests, in accordance with Schedule 'B';
  - (f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted; and
  - (g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.

## **COVENANT REQUIREMENTS**

8. Not applicable.

## **SECURITY REQUIREMENTS**

9. Not applicable.

**EXPIRY OF PERMIT**

10. This Permit shall expire on the 31<sup>st</sup> day of December, 2016.

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

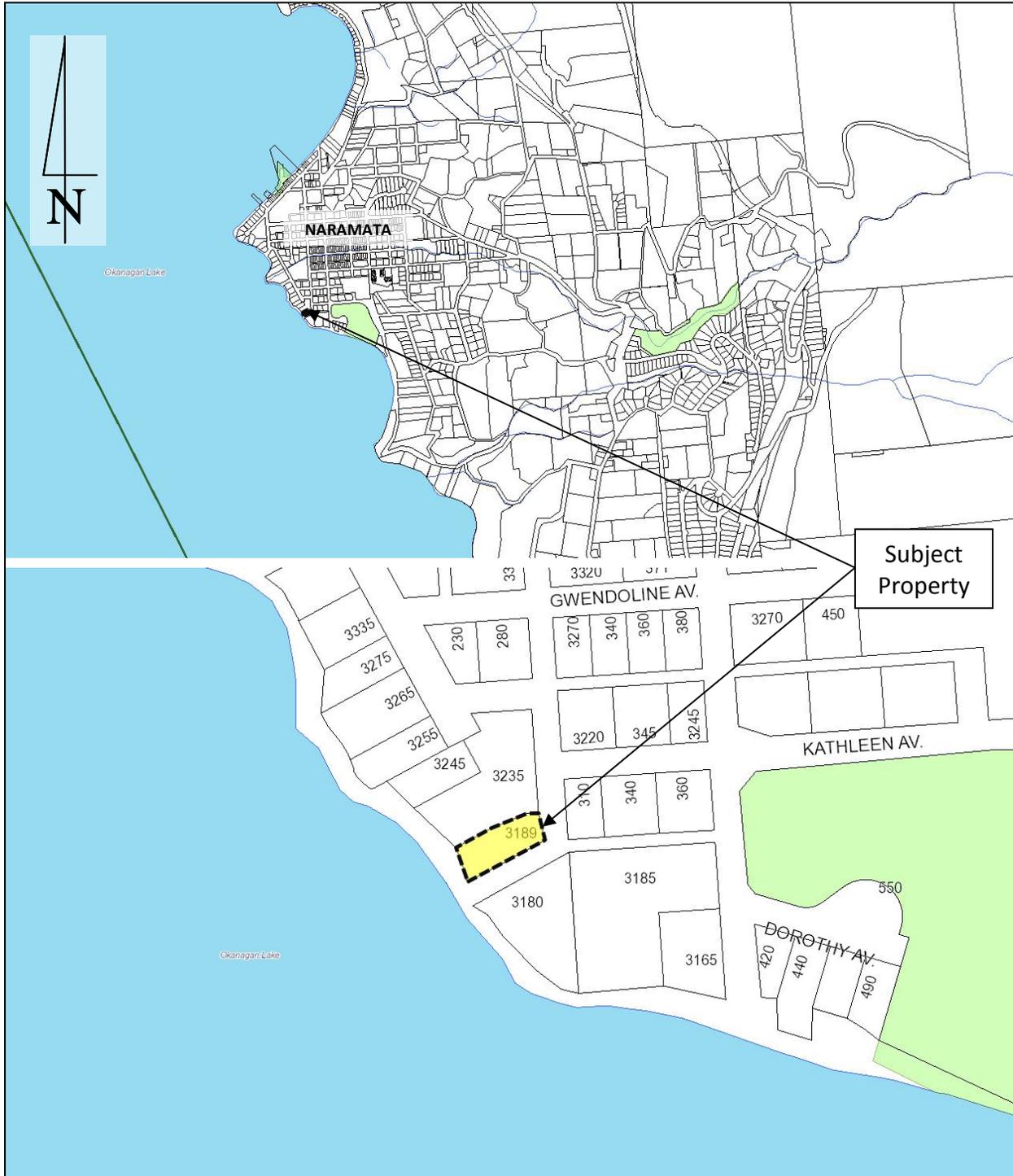
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. E2015.056-TUP

## Schedule 'A'



# Regional District of Okanagan-Similkameen

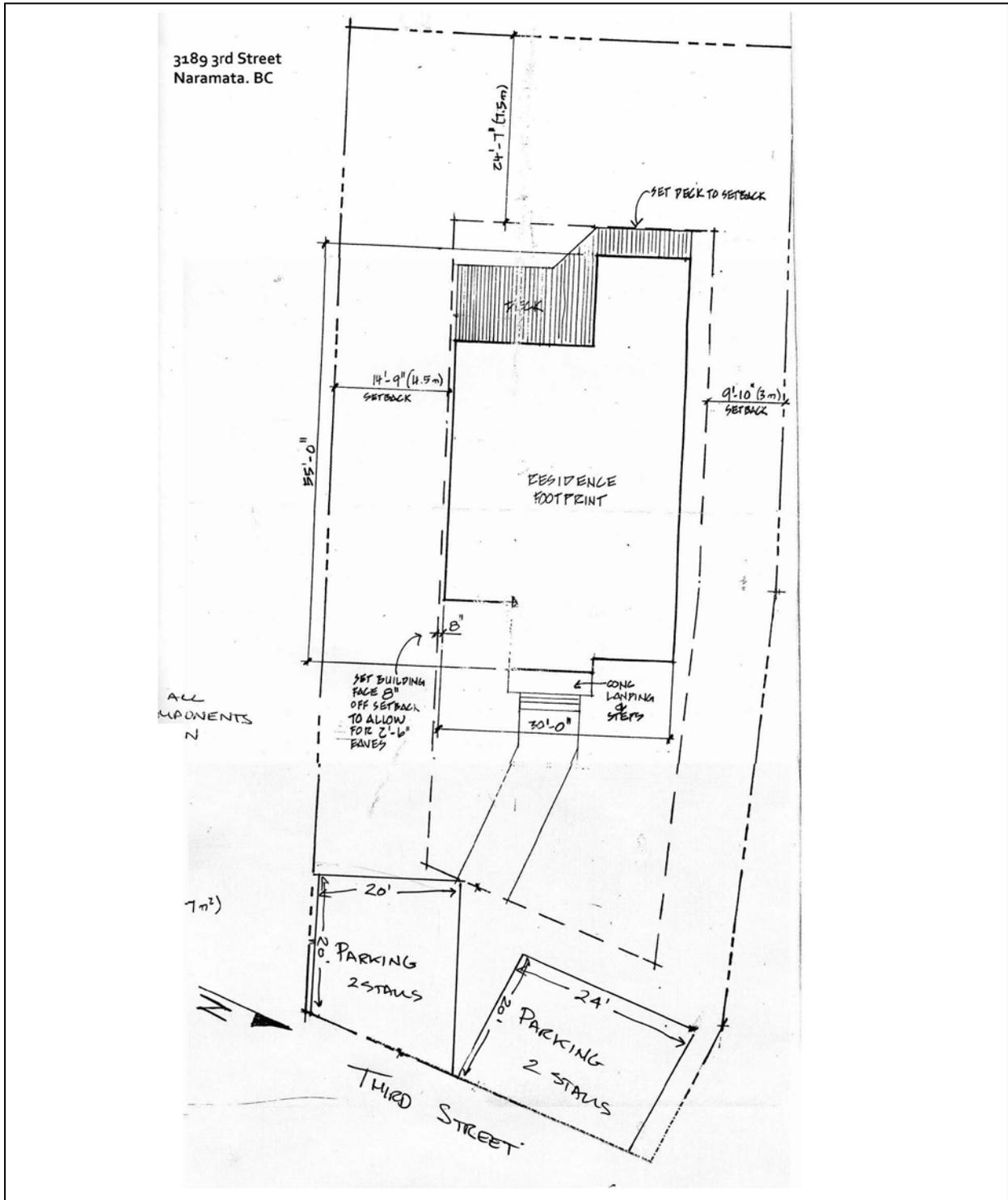
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. E2015.056-TUP

## Schedule 'B'



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**TYPE:** Zoning Bylaw Amendment — Electoral Area “E”

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### **Administrative Recommendation:**

**THAT Bylaw No. 2459.17, 2015, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;**

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

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

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

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Purpose: To rezone the property in order to allow for the use of an existing shed for commercial purposes.

Owners: Sharon and Bradley Paulson                      Agent: Bradley Paulson                      Folio: E-00645.000

Legal: Lot 30 & 31, Plan KAP3352, District Lot 210, SDYD                      Civic: 4035 First Street

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

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### **Purpose:**

This proposal is seeking to amend the zoning of the subject property in order to formalize the use of an existing structure for commercial purpose associated with an adjacent motel use (Royal Anchor Resort) in a residential zoning.

Specifically, it is being proposed to amend the zoning by adding a site specific provision to the existing Residential Single Family One (RS1) that would allow for an accessory commercial structure.

In support of this proposal, the applicant has stated that this structure “was updated in 2012, replacing an original one circa 1960’s. The previous building was deemed to have been a non-conforming but legal one, and we were hoping since this new structure is just replacing the old one, in size and location, that it could be deemed a replacement. This structure is used for storage of beach toys, life preserves, kayaks, etc. along with chairs, benches, lounges and tables. Thus not contributing to a clutter on this property. Since this lot has been used for beach access for our guests for fifty years, give or take, it would not have a new impact on the neighbours.”

### **Site Context:**

The subject property is approximately 408 m<sup>2</sup> in area and is situated on the west side of First Street and is bounded by Okanagan Lake along its rear boundary. The property is seen to be vacant apart from an accessory structure which has been erected for storage purposes by the Royal Anchor Resort.

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The surrounding pattern of development is generally characterised by low density residential uses interspersed by commercial and agricultural operations.

**Background:**

The subject property was originally created by subdivision in 1946, while the construction of the original storage shed which existed on the site (and was subsequently replaced in 2012) likely predates the formation of the Regional District in 1966.

The current residential zoning of the property dates to the introduction of the first Electoral Area “E” Zoning Bylaw, which was adopted in 1972, while the commercial zoning of the adjacent Royal Anchor Resort, similarly dates to this same bylaw.

Under the current Electoral Area “E” Zoning Bylaw, principal permitted use in the Residential Single Family One (RS1) Zone is restricted to “single detached dwellings”.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw, the property is also subject to a Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Finally, the property is within a “limited or no hazard of slumps or slides” geotechnical classification.

At their meeting of August 10, 2015, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that the proposed rezoning be approved with the following condition:

- 1) *That the owner applies for a building permit including WDP with special regard to the firewall prior to the board adopting the zoning amendment.*

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal is situated beyond 800 metres of a controlled area.

**Alternative:**

THAT Bylaw No. 2459.17, 2015, Electoral Area “E” Zoning Amendment Bylaw be denied.

**Analysis:**

Administration does not generally support the creation of ad hoc or spot zonings where they are divorced from broader strategic land use objectives. In such instances, spot zonings grant privileges to a single parcel which are not granted or extended to other parcels in the vicinity.

In this instance, the long-standing preferred future land use of the subject property is for residential purposes as evidenced by the OCP designation of “Low Density Residential” (LR) first applied to this site under the 1982 Naramata Official Settlement Plan Bylaw (No. 723) — a designation which has been confirmed and carried forward under every subsequent review of the OCP for Naramata.

Moreover, when a non-conforming use is ceased, or a non-conforming structure removed, that this is the point in time when compliance with the land use bylaws should be sought and the site brought into conformity.

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Against this, it is recognised that this site has been continuously used for commercial purposes in association with the Royal Anchor Resort since the 1960s and that limited non-conforming use rights likely still exist under the *Local Government Act*. As such, the purpose of this application is merely to determine the suitability of allowing an accessory commercial structure to be re-established on the site and not the merits of the commercial use itself.

When considering this question, Administration notes that the OCP Bylaw speaks to providing for small scale commercial activities that service the needs of tourists, enhancing existing commercial uses “so that a broader employment base may be achieved”, and ensuring commercial development is of a scale that is appropriate to the character of an area.

While the subject property is adjoined on either side by established residential dwellings, development of an accessory commercial structure is unlikely to increase any adverse impacts on these uses or detract from the existing streetscape of First Street. The proposed structure is also seen to be minor in nature and unlikely to adversely affect the long-term transition of the property to residential uses.

Finally, Administration notes that tourist commercial operations in residential zones (as evidenced by the recent approval of a number of vacation rental Temporary Use Permits) are characteristic of this neighbourhood.

On this basis, Administration supports the introduction of a site specific provision allowing for the commercial accessory structure as this will preserve the preferred future land use direction of residential. In addition, it is also proposed to limit the footprint of the accessory structure to no more than 20 m<sup>2</sup> (as this existing zoning allows for a parcel coverage of 35%) and the height to 3.5 metres.

Of concern, the Building Inspector has advised that due to the siting of the structure to within 0.6 metres of the interior side parcel boundary, the wall will be required to meet a 1 hour fire rating and be constructed of non-combustible material (i.e. concrete or masonry wall). In addition, no soffit projections are permitted within 0.45 metres of the property line and any existing ones would need to be sealed.

The applicant has also been advised of the need for a WDP prior to the issuance of any building permit, and this requirement currently remains outstanding.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

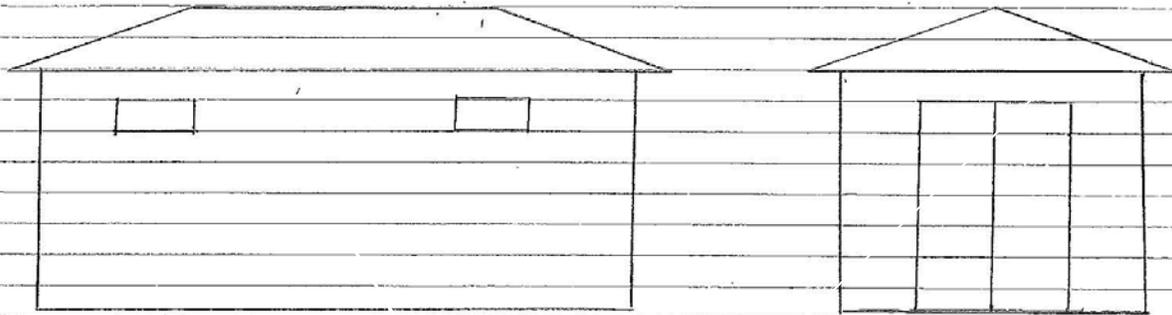
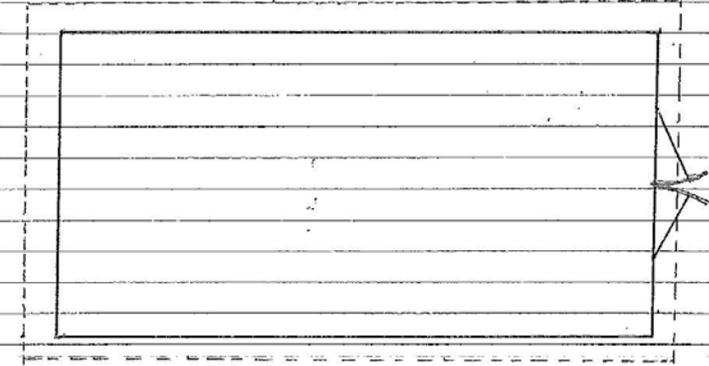
Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Site Photos (Google Streetview)

Attachment No. 1 — Applicant's Site Plan

BRANDY SHARON PAULSON  
4035-1st STREET  
NARAHATA

LOTS 30 & 31, DL 210, SDYD  
PLAN 3332



10' x 20' on CONCRETE PAD

10' to ROOF PEAK

3/8" SIDING 2x4 16" OC WALLS 8 FT

1/2" SHEATHING 2x6 16" OC ROOF 4-12 PITCH

1/2" SHEATHING INTERIOR WALLS / CEILING

11' 2" SEPARATION FROM NEIGHBORING HOUSE.

Attachment No. 2 — Site Photo (Google Streetview)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2459.17, 2015**

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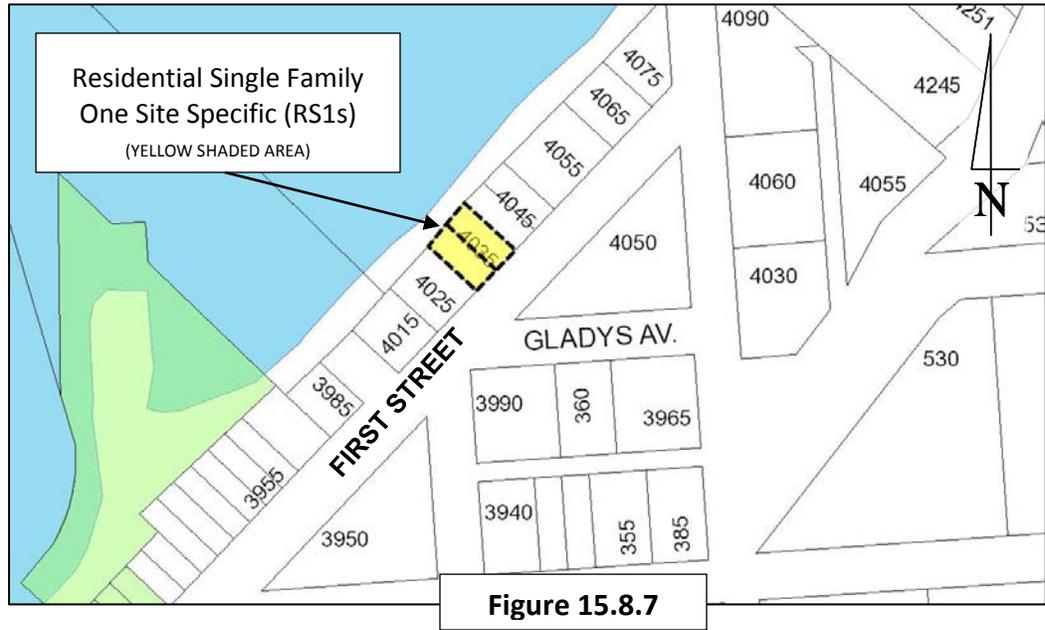
**A Bylaw to amend the Electoral Area “E”  
Zoning Bylaw No. 2459, 2008**

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “E” Zoning Amendment Bylaw No. 2459.17, 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 Lots 30 & 31, Plan KAP3352, District Lot 210, SDYD, and shown shaded yellow on the attached Schedule ‘Y’ (which forms part of this Bylaw) from Residential Single Family One (RS1) to Residential Single Family One Site Specific (RS1s).
3. The Electoral Area “E” Zoning Bylaw No. 2459, 2008, is amended by adding a new subsection following Section 15.8.6, under “Site Specific Residential Single Family One (RS1s) Provisions” to read as follows:
  - .7 In the case of land described as Lots 30 & 31, Plan KAP3352, District Lot 210, SDYD (4035 First Street), and shown shaded yellow on Figure 15.8.7:
    - i) the following principal uses shall be permitted on the land in addition to the permitted uses listed in Section 11.1.1:
      - a) “storage building”, which is defined as meaning a structure used or intended to be used for sheltering items such as beach toys, life preserves, kayaks, chairs, benches, lounges and tables.
    - ii) the gross floor area of a “storage building” occurring on the land shall not exceed 20 m<sup>2</sup>.

iii) Despite Section 11.1.7, the maximum building height of a “storage building” occurring on the land shall not exceed 3.5 metres.



READ A FIRST AND SECOND TIME this \_\_\_ day of \_\_\_\_\_, 2015.

PUBLIC HEARING held on this \_\_\_ day of \_\_\_\_\_, 2015.

READ A THIRD TIME this \_\_\_ day of \_\_\_\_\_, 2015.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

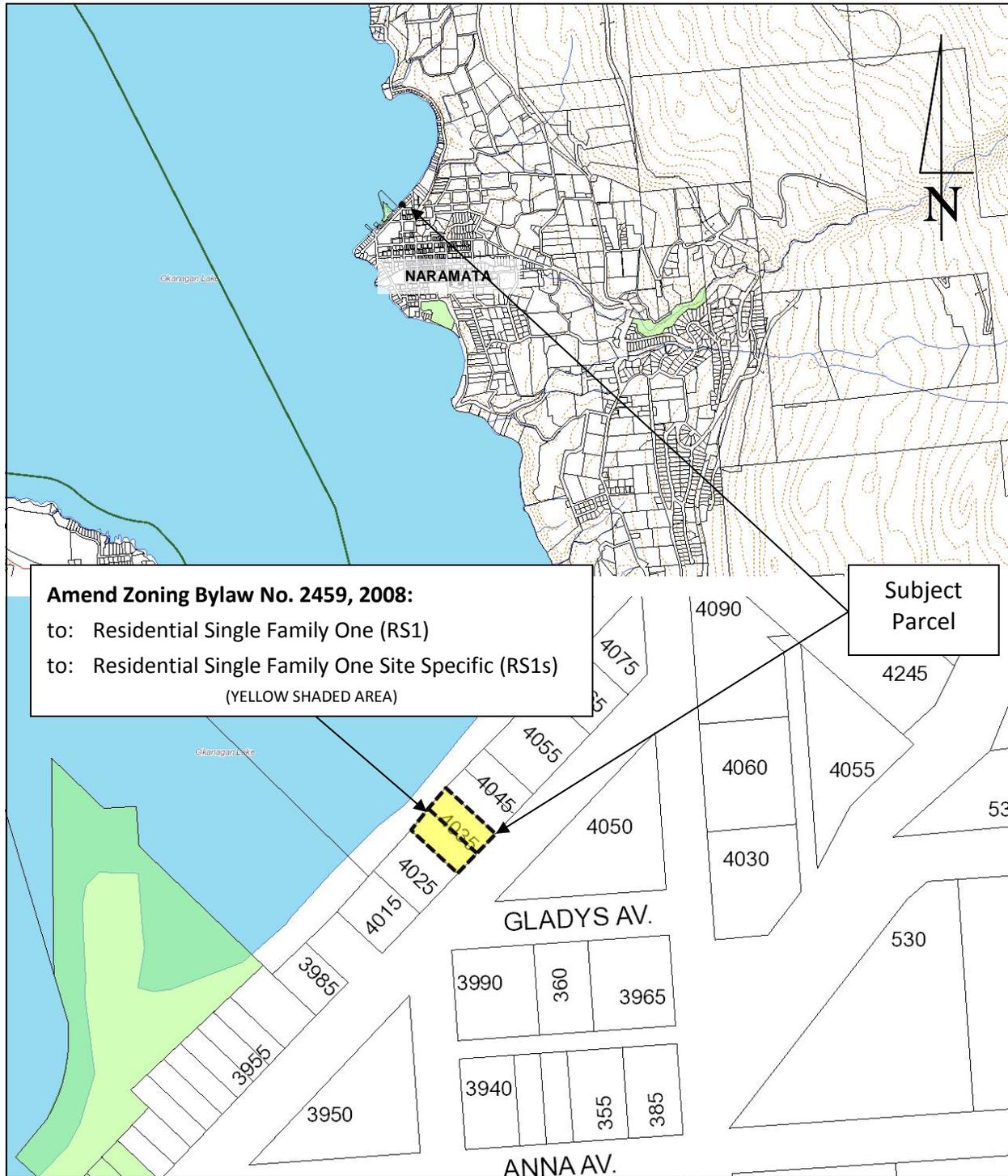
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2459.17, 2015

File No. E2015.074-ZONE

## Schedule 'Y'



## Lauri Feindell

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**From:** Beaupre, John <John.Beaupre@interiorhealth.ca>  
**Sent:** July-30-15 10:46 AM  
**To:** Planning  
**Subject:** Zoning Amendment - RDOS File: E2015.074-ZONE

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

Dear Mr. Garrish:

**Re: Zoning Amendment to Formalise Use of Existing Storage Structure for Commercial Use  
Lots 30 & 31, Plan KAP3352, District Lot 210, SDYD  
4035 First Street, Naramata**

Thank you for the opportunity to provide comment on the above referenced Zoning Bylaw Amendment.

This offices interests are unaffected by the proposed amendment and subsequently we have no comment.

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](mailto:john.beaupre@interiorhealth.ca)  
Web: [www.interiorhealth.ca](http://www.interiorhealth.ca)

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July 27, 2015

File: 58000-20/104034  
Your File: E2015.074-ZONE

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

Attention: Christopher Garrish

Re: Amend zoning to formalize use of an existing structure at  
4035 First Street, Narmata, B.C.

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>) .

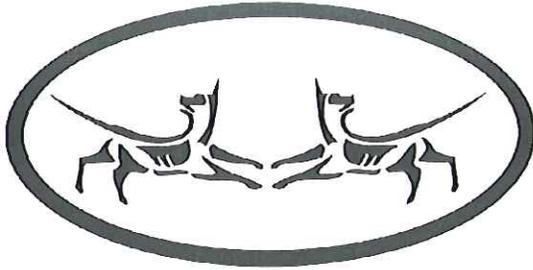
It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Robert Stewart  
Ecosystems Biologist

RS/cl



## Penticton Indian Band

R.R. #2, Site 80, Comp.19  
Penticton, British Columbia  
Canada V2A 6J7  
Telephone: 250-493-0048 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION**

July-21-15

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

RTS#: 1112  
Referral ID: 2015-07-021 ZON 1112  
Reference #: Bylaw2459.17 FileE2015.074-Zone  
Date: July-21-15

**Attention:** Christopher Garrish

**RE: Request for a 60 (sixty) day extension**

Thank you for the above application that was received on July-21-15.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 days from the existing timeline.

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

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

I appreciate your co-operation.

Limlæmt,

Lavonda Nelson  
Data Management Clerk

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Tulameen Lane Purchase

---

### **Administrative Recommendation:**

**THAT the Board Approve the purchase of the unnamed lane adjacent to the Tulameen Arena.**

### **Reference:**

Consolidation Plan

### **History:**

The RDOS presently owns fourteen (14) individual lots on the 100 blocks of First Street (9) and Second Street (5) which are separated by an unnamed lane owned by the Ministry of Transportation and Infrastructure. These lots are home to the community's rink, fire hall, public open space with a public washroom, BMX track and volley ball court.

In 2013 when the "Raise the Roof" project to cover the rink was started staff applied to the province to purchase the lane with the vision to consolidate eleven (11) of the lots with the adjacent lane creating one 0.68 Hectare park parcel. The other three (3) lots where the fire hall sits would also be consolidated with the adjacent alley creating a 0.18 Hectare Administrative and Instructional zoned lot (AI). Prior to the lot consolidation Lot 20 between the Fire hall and the rink would need to be subdivided to establish a new property line ensuring proper setbacks for existing structures.

An offer to purchase the 0.06 ha. lane for \$21,930.00 was provided by the Province in May of 2014. As there was no budget allocation to purchase the lane in 2014 the offer has been held by the Province pending 2015 budget approval.

### **Analysis:**

The 2015 Tulameen Recreation Commission Budget has a line item for \$27,500 to cover land costs, legal survey and administrative fees. Upon approval from the Board staff will execute the sale agreement and begin steps through Development Services for subdivision of Lot 20 and consolidation of the fourteen (14) lots. The completion of the lot consolidation will also complete the final outstanding item of the Tulameen Rink Building permit.

### **Respectfully submitted:**

*"Justin Shuttleworth"*

---

J. Shuttleworth, Park/Facilities Coordinator

OTTERAW

SECOND ST.

CKS

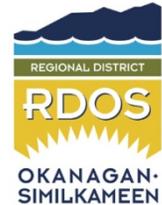
Lane

Lot 20 to be  
Subdivided Prior to  
Consolidation.

FIRST ST.



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Award of Electoral Area "D" Governance Study Agreement for Consulting Services

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### **Administrative Recommendation:**

**THAT as recommended by the Electoral Area "D" Governance Study Committee, the Board of Directors award the Electoral Area "D" Governance Study Agreement for Consulting Services to Leftside Partners in the amount of \$47,500 plus applicable taxes; and further,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the consulting services agreement with Leftside Partners.**

### **History:**

In November 2014 after meeting at UBCM, the Minister of Community, Sport and Cultural Development advised that she was prepared to support a governance study process in Electoral Area "D" and provided funding in the amount of \$50,000 toward the study. A Governance Study Committee was formed, consisting of 10 individuals from various communities and outlying areas in Electoral Area "D". The Director and Alternate Directors for Electoral Area "D" are ex-officio members of the Committee as well.

In July 2015, a request for proposals (RFP) was issued to retain the services of a consultant to work with the committee to review and consider methods of improvement of local governance in the Electoral Area. Six responses were received:

- Circle Square Solutions
- Placemakers Consulting
- Urban Systems
- Cornerstone Planning Group
- Leftside Partners
- Starnorth Communications

### **Analysis:**

All submissions were received prior to the RFP deadline of July 31, 2015. The key components of the evaluation process were:

- Qualifications of firm and project team members – 5 points
- Related experience of firm and project team members – 10 points
- Resources – 5 points
- Public consultation process experience – 20 points
- Methodology / Workplan – 25 points
- Clarity and brevity of proposal – 10 points
- Price – 5 points
- Various other categories making up the remaining 20 points

The committee considered those components and ranking was established, as follows.

Consultant	Ranking	Fees (Excl taxes)
Circle Square	6	\$ 46,350
Placemakers	3	\$ 45,040
Urban Systems	2	\$ 48,700
Cornerstone Planning Group	4	\$ 47,050
Leftside Partners	1	\$ 47,500
Starnorth Communications	5	\$ 49,125

*The points awarded and subsequent ranking reflect the committees scores upon completion of the RDOS's standard 'RFP Evaluation Form'*

The Committee determined that the proposal from Leftside Partners represented the best blend of public engagement and governance expertise required to deliver a thorough and comprehensive final report.

The Leftside Partners proposal was ranked significantly higher in Methodology / Workplan and when scored on Understanding of Objectives, this proposal also scored the highest.

The committee suggests that the proposal from Leftside Partners is the best overall value for the Regional District; therefore, at their meeting of August 12, 2015 a resolution was passed recommending that the Board of Directors award the contract to Leftside Partners.

**Respectfully submitted:**



---

C. Malden, Manager of Legislative Services

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 20, 2015  
**RE:** Osoyoos Museum Project

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### **Administrative Recommendation:**

**THAT the Board of Directors approve the RDOS/Town/Home Hardware Lease Amendment Agreement to extend the existing lease until December 31, 2019; and,**

**THAT the Board of Directors approve the Mutual Release and Termination Agreement which terminates the current Letter of Understanding (LOU) between the Regional District and the Osoyoos Museum Society; and,**

**THAT the Chair and Chief Administrative Officer be authorized to sign the Mutual Release and Termination Agreement and the Lease Amendment Agreement.**

### **Reference:**

1. Lease Amendment Agreement
2. Mutual Release and Termination Agreement

### **History:**

In 2011, the Osoyoos Museum Service Establishment Bylaw and the Osoyoos Museum Acquisition Loan Authorization bylaws were approved with the assent of the public, to create a service in order to fund the purchase of the "Home Hardware" property in the Town of Osoyoos from Gaertner Holdings Ltd. Since purchasing the property, a long term lease between Gaertner Holdings and Home Hardware (the "Tenant") was assumed, expiring on Sept. 30, 2016. Home Hardware Stores Ltd. was to purchase a suitable replacement site to build on during that period and then to vacate prior to 2016 so the Museum Society could relocate into the building. The Tenant was to pay \$8,666.67/month with a COLA clause. The lease proceeds have been used to offset the interest on the temporary borrowings until a parcel tax was established and the remainder was transferred to reserve to assist the Museum Society with design and renovations.

In April 2015, the Regional District received notice from the Tenant that it wished to extend the main lease for an additional 3 years & 3 months, terminating on December 31, 2019. The Town of Osoyoos supported this request while the Museum Society filed a letter of objection.

The Loan Authorization bylaw clearly state the funds raised through borrowing is for the purpose of providing a home for the museum; however there is nothing in the bylaw which would restrict an extension of the existing lease until all parties are ready for the transition.

**Alternatives:**

1. Deny the request for extension
2. Propose alternative periods of extension
3. Approve the request for extension

**Analysis:**

At the May 7, 2015 meeting, the Board received the letter of request from the Tenant to extend the lease, the letter of objection from the Museum Society, the legal compliance opinion from Gilchrist & Co. and other relevant documentation. The Board resolved to extend the term of the main lease of the Home Hardware Building in Osoyoos to the Tenant until December 31, 2019.

While the Osoyoos Museum Society is in need of a new facility, a significant amount of planning and fundraising is required prior to moving into their new home. With the initial target over 1 year away, the Society is not ready for the move in 2015 and, as they get more detailed drawings, the estimates for retrofit are rising and additional time to plan and raise funds may be required. The Museum Society has requested a lease commencing on January 1, 2020.

The Lease Amendment Agreement, the Mutual Release and Termination Agreement for the RDOS/Society LOU and a draft lease between the Regional District and the Osoyoos Museum Society were forwarded to the Town of Osoyoos council for support in June 2015. At their meeting of July 20, 2015 council passed resolutions to approve the Lease Amendment Agreement to amend the existing lease between the Town, RDOS and the Tenant until December 31, 2019; and, to approve the Mutual Release and Termination Agreement to terminate the Letter of Understanding between the RDOS and the Osoyoos Museum Society. Osoyoos Council did not address the new museum lease because the society has requested further discussion.

## LEASE AMENDMENT AGREEMENT

THIS AGREEMENT is made as of the \_\_\_\_ day of June, 2015

**BETWEEN:**

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN,**

A Regional District pursuant to the provisions of the *Local Government Act* of British Columbia, having its office at 101 Martin Street, Penticton, B.C., V2A 5J9

(hereinafter called "the Regional District")

**OF THE FIRST PART**

**AND:**

**TOWN OF OSOYOOS,** A municipality pursuant to the *Community Charter*, having an address at 8707 Main Street, Box 3010, Osoyoos, B.C., V0H 1V0

(hereinafter called "Osoyoos")

(hereinafter collectively called "the Landlord ")

**OF THE SECOND PART**

**AND:**

**HOME HARDWARE STORES LIMITED,** (Inc. No. A0031485), an extra-provincially registered company, having an address for delivery at Suite 2300, Bentall 5, 550 Burrard Street, Vancouver, British Columbia, V6C 2B5

(hereinafter called "the Tenant")

**OF THE THIRD PART**

**WHEREAS:**

A. The Regional District is the owner of the following lands located in the Town of Osoyoos, British Columbia, legally described as:

PID 011-088-869, Lot 1, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-877, Lot 2, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-885, Lot 3, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-893, Lot 4, Block 733, DL 2450S, SDYD, Plan 2450; and

PID 011-088-966, Lot 19, Block 733, DL 2450S, SDYD, Plan 2450

(herein collectively called "Regional District Lands");

B. Osoyoos is the owner of certain lands located in the Town of Osoyoos, British Columbia, legally described as:

PID 003-645-860, Lot 18, Block 733, DL 2450S, SDYD, Plan 2450

Except Plan KAP48143

(herein called the "Osoyoos Lands");

C. The Regional District Lands and the Osoyoos Lands are subject to a Lease Agreement dated October 1, 1996 between Gaertner Holdings Ltd. and Ernest Siegfred Gaertner (collectively as Landlord) and Beaver Lumber Company Limited (as Tenant) registered in the Kamloops Land Title Office under filing number KN9989;

D. Beaver Lumber Company Limited, the original tenant, assigned the said lease to the Tenant pursuant to an Assignment of Lease dated effective August 18, 1999 and registered in the Kamloops Land Title Office under filing number LA101629;

E. The said Lease has been amended a number of times and most recently, on September 12, 2011;

F. The said Lease and the various amendments thereto are collectively referred to as the "Lease";

G. The Lease has an expiry date of September 30, 2016; and

H. The Landlord and the Tenant wish to amend the Lease, subject to the hereinafter terms and conditions.

NOW THEREFORE this agreement witnesses that in consideration of the mutual covenants and agreements herein contained, the sum of ONE DOLLAR (\$1.00) paid by each party to the other and other good and valuable consideration, (the

receipt and sufficiency of which is hereby acknowledged), the parties hereto mutually covenant and agree:

**Amendments to Lease**

1. The Lease be amended as follows:
  - (a) that the term of the Lease be extended from September 30, 2016 to December 31, 2019;
  - (b) that the consecutive monthly rent payable for the period commencing October 1, 2016 through December 31, 2019 shall be the equivalent to current rent as of September 1, 2016, and in addition the said monthly rent payable shall be increased on each October 1<sup>st</sup> during the extended term commencing October 1, 2016 by an amount equal to the current rent multiplied by the increase in the Consumer Price Index for the immediate twelve month period. For the purpose of this Agreement, the Consumer Price Index shall mean the Consumer Price Index for the Province of British Columbia (or any index published in substitution for the Consumer Price Index or any other replacement index designated by Statistics Canada (or by any successor thereof or any other governmental agency, including a Provincial agency)). In the case of any required substitution, the Regional District, acting reasonably, shall be entitled to make all necessary conversions for comparison purposes. The increase in monthly payments effective on and retroactive to October 1<sup>st</sup> of each year commencing October 1, 2016, even though the parties may not be aware of the amount of the increase until a later date;
  - (c) that notwithstanding the Lease provides for no further renewal, the Lease term shall be extended to December 31, 2019 as provided therein, however there shall be no further right of renewal or extension; and
  - (d) that paragraph 5 of the Main Lease Amending Agreement made as of the 12<sup>th</sup> day of September, 2011 between Gaertner Holdings Ltd. as Landlord and the Tenant be deleted.

**General**

2. All other terms and conditions of the Lease shall remain in full force and effect and unamended.

3. The Landlord and Tenant acknowledge and agree to perform and observe respectively the obligations of the Landlord and Tenant under the Lease as modified hereby.

4. This Agreement, as and from the date hereof will be read and construed along with the Lease, and treated as part thereof; and the Lease, as modified and extended, will continue to be in full force and effect; and the Landlord and Tenant confirm and ratify the Lease as modified and extended.

5. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding agreement which may be sufficient evidence by any one such original counterpart.

6. This Agreement may be executed by the parties and transmitted by telecopy / electronic mail and if so executed and transmitted, this Agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this Agreement.

**IN WITNESS WHEREOF** the parties have executed this Agreement effective the day and year firm above written.

**REGIONAL DISTRICT OF OKANAGAN- )**  
**SIMILKAMEEN by its Authorized Signatories: )**  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

**TOWN OF OSOYOOS** by its Authorized Signatories: )  
)  
)  
\_\_\_\_\_)  
)  
)  
\_\_\_\_\_)  
)

**HOME HARDWARE STORES LIMITED** by its Authorized Signatories: )  
)  
)  
\_\_\_\_\_)  
)  
)  
\_\_\_\_\_)  
)

## MUTUAL RELEASE AND TERMINATION AGREEMENT

This Agreement made as of the \_\_\_\_ day of \_\_\_\_\_, 2015.

### BETWEEN:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN,**  
A Regional District pursuant to the provisions of the *Local Government Act* of British Columbia, having its office at  
101 Martin Street, Penticton, B.C., V2A 5J9

(hereinafter called "the Regional District")

OF THE FIRST PART

### AND:

**OSOYOOS MUSEUM SOCIETY,**  
19 Park Place, Box 791  
Osoyoos, B.C., V0H 1V0

(hereinafter called "Society")

OF THE SECOND PART

### WHEREAS:

- A. The parties entered into a Letter of Understanding made the \_\_\_\_ day of \_\_\_\_\_, 2012 with respect to the lease of property in Osoyoos, B.C. by the Society from the Regional District for the purpose of operation a museum (the "Agreement");
- B. The parties wish to terminate the Agreement and to provide a full release to each other with respect thereto.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) paid by each of the parties hereto to the other and other good and valuable consideration (the receipt whereof is hereby acknowledged) the parties mutually covenant and agree as follows:

1. The Agreement
  - 1.1 The Agreement is terminated and at an end as at the \_\_\_\_ day of \_\_\_\_\_, 2015.
2. Mutual Release
  - 2.1 The undersigned each irrevocably and unconditionally, remise, release and forever discharge each other, and as applicable, each others officers,

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- directors, partners, shareholders, employees, agents, successors, administrators, executors, heirs and assigns of and from any and all actions, causes of action, suits, debts, dues, accounts, costs, legal costs, contracts, claims and demands of every nature or kind, statutory or otherwise which either of the undersigned now have or hereafter can, shall or may have against the other in any way arising or resulting from any cause, matter or anything whatsoever existing as to the present time and with respect to any matter arising from or in respect to the Agreement.
- 2.2 Each party hereby declares that the release herein contains the entire agreement between the parties and that the terms of the release herein are contractual and not a mere recital.
- 2.3 Each of the parties does hereby declare that in making the release herein it is understood and agreed that they fully relied on their own judgment, belief and knowledge and have not been unduly influenced to any extent whatsoever in making this release by any representative or statement made by the other, their respective servants, agents or employees.
- 2.4 Each of the parties declares and represents that no promise or inducement not herein expressed has been made to the other and that the release herein contains the entire agreement between the parties hereto.
3. General
- 3.1 Whenever the singular or masculine is used throughout this agreement the same shall be construed as meaning the plural or feminine or body politic or corporate where the context of the parties hereto permits.
- 3.2 The parties hereto agree, represent and declare that each of the parties has executed this agreement as their own free act (and has not been influenced to any extent whatsoever in executing this agreement) and that each of the parties has read this agreement and taken independent legal advice as to the terms hereof the parties acknowledge and agree each relies on this representation and declaration.
- 3.3 This agreement shall enure of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns as the case may be.

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3.4 This agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding agreement which may be sufficient evidence by any one such original counterpart.

3.5 This agreement may be executed by the parties and transmitted by telecopy or electronic mail and if so executed and transmitted, this agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this agreement.

The parties hereto have executed this agreement as of the day and year first above written.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

by its authorized signatory(ies):

\_\_\_\_\_  
\_\_\_\_\_

**OSOYOOS MUSEUM SOCIETY**

by its authorized signatory(ies):

\_\_\_\_\_  
\_\_\_\_\_

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