

Regional District of Okanagan-Similkameen

**SCHEDULE OF MEETINGS**

**THURSDAY, NOVEMBER 5, 2015**  
**RDOS BOARDROOM**

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9:00 am	-	9:45 am	Planning & Development Committee
9:45 am	-	10:15 am	Environment & Infrastructure Committee
10:15 am	-	11:15 am	Corporate Services Committee
11:15 am	-	11:45 am	Community Services Committee
11:45 am	-	12:15 pm	LUNCH
12:15 pm	-	3:00 pm	RDOS Regular Board Meeting

*"Mark Pendergraft"*

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Mark Pendergraft  
RDOS Board Chair

Advance Notice of Meetings:

November 19	RDOS/OSRHD Board/Committee Meetings
November 25	RDOS Budget Workshop
November 26	RDOS Legislative Services Workshop
December 3	RDOS/OSRHD Inaugural Board Meetings
December 17	RDOS/OSRHD Board/Committee Meetings



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Planning and Development Committee

Thursday, November 5, 2015

9:00 am

## REGULAR AGENDA

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**A.** APPROVAL OF AGENDA

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**B.** Lean – Zoning Bylaw Amendment Process - Kaizen Presentation  
For Information Only

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**C.** ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, November 5, 2015

9:45 am

## AGENDA

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### A. APPROVAL OF AGENDA

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### B. Closed Session

(Unweighted Corporate Vote – Simple Majority)

THAT in accordance with Section 90(1) (K) of the *Community Charter*, the Board close the meeting to the public on the basis of negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

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### (i) ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Corporate Services Committee

Thursday, November 5, 2015

10:15 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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### B. Closed Session

(Unweighted Corporate Vote – Simple Majority)

**THAT in accordance with Section 90(1) (i) of the *Community Charter*, the Board 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.**

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### C. DELEGATION

1. Neil Pobram and Kim Jones, from Fortis, will attend the Committee to present a new opportunity to improve the energy efficiency of homes in the Okanagan-Similkameen
    - a. PowerPoint presentation
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### D. ADJOURNMENT



# Residential Assistance and Rebate Programs



Carol Suhan  
November 5, 2015



# Residential rebate and assistance programs

- 17 programs
  - Natural gas and electricity heated homes
- 2 new programs
  - Energy Conservation Assistance Program
  - Rental Apartment Program



# Why

- Make homes more energy efficient and comfortable
- Lower utility bills
  - Particularly for fixed-income customers



# Energy Conservation Assistance Program

- For income-qualified households
- No cost full service program
  - Energy audit
  - Direct installed energy savings products
  - Advice



# Who is eligible

Household Size	Maximum Household Income
1	\$31,700
2	\$39,400
3	\$48,500
4	\$58,800
5	\$66,700
6	\$75,200
7+	\$83,700

- 30% above LICO
- Gov't subsidized
- First Nations
- Homeowners, renters
- Non-profit apartments



# Energy Efficiency Products

- LED & CFL's
- Low flow showerhead
- Kitchen and bathroom tap aerators
- Pipe insulation
- Basic draftproofing
- Fridge thermostat
- Energy assessment
- Advice



# Fridge Replacement

- 20 years or older
- Old refrigerators removed and recycled



# Insulation/Heating Systems

- Insulation
- Major draft proofing
- E Star bathroom fan
- Gas furnaces





# Expected savings

- Value of retrofits is \$500-\$9000 per household
- 5-10% households to receive insulation/furnaces
- Expected annual energy savings:
  - \$150 with basic measures
  - \$300-500 with insulation/furnaces



# How to Apply

- Call us or go on-line: [fortisbc.com/myecap](https://fortisbc.com/myecap)
- Complete application form
- Mail or email it to us
- 1-2 weeks for approval

# Rental Apartment Buildings

- Market rental apartment buildings
- Direct installation of energy efficient products for suites
- Free energy assessment for common areas
- Assistance with making upgrades
- 80 buildings
- Apply on-line



# Other Programs

- Home Energy Rebate Offer (HERO)
  - Energy Savings Kits
  - Space and hot water rebate programs
  - Appliance and lighting rebate programs
  - Energy Star New Home Program
- 
- 20+ commercial, institutional and industrial rebate and assistance programs

# Questions





# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, November 5, 2015

11:15 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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### B. DELEGATION

1. Dan Bornstein and Vanessa Bell, Barrick Gold Corporation (BGC), Nickel Plate Mine will attend the Board to discuss site leadership and site activities for the Nickel Plate Mine site, and request RDOS support for the BGC initiative and provide financial assistance to:

- a. Convert the hillside above Hedley into a park
  - b. Preserve historical buildings and add interpretive signs
  - c. Add hiking trails
- 

### B. ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, 5<sup>th</sup> November, 2015

12:15pm

## 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 October 5<sup>th</sup>, 2015 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – October 15<sup>th</sup>, 2015

*THAT the Minutes of the October 15<sup>th</sup>, 2015 Corporate Services Committee be received.*

##### b. Community Services Committee – October 15<sup>th</sup>, 2015

*THAT the Minutes of the October 15<sup>th</sup>, 2015 Community Services Committee be received.*

##### c. Environment and Infrastructure Committee – October 15<sup>th</sup>, 2015

*THAT the Minutes of the October 15<sup>th</sup>, 2015 Environment and Infrastructure Committee be received.*

##### d. Planning and Development Committee – October 15<sup>th</sup>, 2015

*THAT the Minutes of the October 15<sup>th</sup>, 2015 Planning and Development Committee be received.*

- i. THAT the summary of the significant changes to the Electoral Area “D-1” Official Community Plan be received for information.
- ii. THAT the information regarding the zoning of the Green Mountain Road area be received for information.
- iii. THAT the Board of Directors initiate Amendment Bylaw No. 2509.02, 2015, to the Regional District of Okanagan-Similkameen Delegation of Local Government Authority Bylaw No. 2509, 2010.
- iv. THAT the Board of Directors initiate Amendment Bylaw No. 2500.06, 2015, to the Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011.

- v. THAT Land Use Contract No. LU-3-D be replaced with a Small Holdings Five Site Specific (SH5s) Zone at the Lakeshore Highlands and Heritage Hills neighbourhoods of Electoral Area “D”.

**e. Protective Services Committee – October 15<sup>th</sup>, 2015**

*THAT the Minutes of the October 15<sup>th</sup>, 2015 Protective Services Committee be received.*

**f. RDOS Regular Board Meeting – October 15<sup>th</sup>, 2015**

*THAT the minutes of the October 15<sup>th</sup>, 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 Variance Permit Application — Electoral Area “D”**

Melia Ferris-Dirk & Robert Dirk, 5 – 125 Cabernet Drive

- (i) Permit

THAT the Board of Directors approve Development Variance Permit No. D2015.108–DVP.

**b. Development Permit (with variances) Application — Electoral Area “D”**

Margaret & Dave Eaton, 209 Ricard Place, Okanagan Falls

- (i) Permit

THAT the Board of Directors approve Development Permit No. D2015.098-DP

**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. Zoning Bylaw Amendment — Electoral Area “C”**

Jorg & Laura Philipps, 1140 Green Lake Road, Willowbrook

- a. Bylaw No. 2453.26, 2015
- b. Responses Received

To amend the zoning of the subject property in order to facilitate the subdivision of a new 3.0 hectares (ha) parcel while leaving a remainder parcel of 3.0 ha that will comprise the existing dwelling.

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

**THAT Bylaw No. 2453.26, 2015, Electoral Area “C” Zoning Amendment Bylaw be denied.**

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**2. Zoning Bylaw Amendment — Electoral Area “C”**

Gary & Lorna Klassen, 303 Road 17, Oliver

- a. Bylaw No. 2453.27, 2015
- b. Public Hearing Report, Wednesday, October 14, 2015, at 7:00 p.m., at the Oliver Community Centre, 6359 Park Drive, Oliver 2015
- c. Responses Received

To amend the zoning of the subject property in order to permit the use of an additional dwelling for farm labour on a parcel less than 3.5 ha in size.

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

**THAT the Public Hearing report of October 14, 2015 regarding Bylaw No. 2453.27 be received.**

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

**THAT Bylaw No. 2453.27, 2015, Electoral Area “C” Zoning Amendment Bylaw be read a third time.**

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**3. Amendment Bylaw — Development Procedures Bylaw****a. Bylaw No. 2500.06, 2015**

To incorporate the requirements of the Regional District Board's former Policy No. P6410-00.07 (Development Variance Permits) into the Regional District's Development Procedures Bylaw No. 2500, 2011.

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

**THAT Bylaw No. 2500.06, 2015, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a first, second and third time and adopted.**

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**4. Amendment Bylaw — Delegation of Local Government Authority Bylaw****a. Bylaw No. 2509.03**

To incorporate the requirements of the Regional District Board's former Policy No. P6410-00.04 (Applications for Relaxation of the Ten Percent Frontage Requirement) into the Delegation of Local Government Authority Bylaw No. 2509, 2010.

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

**THAT Bylaw No. 2509.03, 2015, Regional District of Okanagan-Similkameen Delegation of Local Government Authority Amendment Bylaw, be read a first, second and third time and adopted.**

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**5. Development Variance Permit Application — Electoral Area "H"**

Lorne & Corrie Esselink, 2673 Nicola Avenue, Tulameen

- a. Development Variance Permit**
- b. Responses Received**

To reduce the minimum rear setback from 1.0 metres to 0.0 metres and the interior side parcel line setback from 4.5 metres to 0.0 metres in order to formalize a concrete block retaining wall along the southern property line that was built without a permit.

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

**THAT the Board of Directors deny Development Variance Permit No. H2015.102-DVP**

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**6. Addition to First Nations Reserve Land – Electoral Area “A”**

The Regional District has received a referral from the Osoyoos Indian Band (OIB) regarding a proposed addition to the Osoyoos Indian Reserve Number 1.

**RECOMMENDATION 10** (Unweighted Corporate Vote – Simple Majority)

**THAT the Regional District of Okanagan Similkameen provide a “Letter of No Objection” for the transfer of Lot 3, Plan KAP7768, District Lot 41, SDYD (7851 45<sup>th</sup> Street, Osoyoos) to Reserve status as part of the Osoyoos Indian Reserve Number**

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**C. ENGINEERING SERVICES****1. Award of Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan Project**

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.

**RECOMMENDATION 11** (Weighted Corporate Vote –Majority)

**THAT the Board of Directors award the work for the Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan to Sperling Hansen Associates for the amount of \$222,649 excluding GST; and,**

**THAT the Board of Directors approve a further contingency for the project in the amount of \$75,000 for optional items, tendering and inspection services for the installation of the designed systems; and,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the consulting services agreement with Sperling Hansen Associates.**

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**2. Award of Contract-West Bench Reservoir Design and Construction**

In accordance with the Purchasing and Sales Policy, the Regional District Board shall approve all purchases over \$50,000.

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

**THAT the Regional Board of Directors approve the recommendation for award of the “West Bench Reservoir Design and Construction” which will be sent to the Regional Board by November 5<sup>th</sup>, 2015; and,**

**THAT the Board of Directors award the “West Bench Reservoir Design and Construction” project to the Design-Build Contractor recommended, for their required amount to complete the project *plus applicable taxes*, in the recommendation for award of the “West Bench Reservoir Design and Construction”; and,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the construction services agreement.**

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**D. FINANCE****1. Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw 2714, 2015****a. Bylaw No. 2714, 2015**

The Hayes Creek Volunteer Firefighters Association has requested funding of \$8,500 for their fire hall building expansion.

**RECOMMENDATION 13** (Unweighted Corporate Vote – Simple Majority)

**THAT Bylaw No. 2714, 2015, Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.**

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- 2. Bylaw 2717 Naramata Water System Back-Up Power Temporary Borrowing Bylaw and Bylaw 2718 Naramata Fire Truck Acquisition Temporary Borrowing Bylaw**
- a. Bylaw No. 2717, 2015
  - b. Bylaw No. 2718, 2015

MFA borrowing intakes only occur twice per year, in April and October. To fund any transactions under these loan authorization bylaws, short term borrowing will be required until the project is complete and the short term borrowing can be converted to longer term borrowing at the next available MFA debenture intake.

**RECOMMENDATION 14** (Unweighted Corporate Vote – Simple Majority)

**THAT Bylaw No. 2717, 2015 Naramata Water System Back-Up Power Temporary Borrowing Bylaw be read a first, second and third time and be adopted; and**

**THAT Bylaw No. 2718, 2015 Naramata Fire Truck Acquisition Temporary Borrowing Bylaw be read a first, second and third time and be adopted.**

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- 3. Areas “B”, “D”, “G” and “H” Community Works (Gas Tax) Reserve Funds Expenditure Bylaw 2720**
- a. Bylaw No. 2720, 2015

To facilitate the request from the Similkameen Improvement District for a Community Works Program grant for the Nickel Plate Dam, a gas tax expenditure bylaw is required.

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

**THAT Bylaw No 2720, 2015 Electoral Areas “B”, “D”, “G” and “H” Community Works (Gas Tax) Reserve Funds Expenditure Bylaw, being a bylaw of the Regional District of Okanagan Similkameen to authorize the expenditure of funds from the Area H Community Works Program for Similkameen Improvement District Grant for Nickel Plate Dam be read a first, second and third time, and be adopted.**

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**E. OFFICE OF THE CAO****1. Alternate Approval Process for Electoral Area “E” Tourism and Community Services Contribution Service Establishment Bylaw No. 2705**

- a. Notice of Alternative Approval process
- b. Responses Received

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

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2705, 2015 to the Manager of Legislative Services is no later than 4:30 pm on December 21, 2015; and,**

**THAT the elector response form attached to the report dated November 5, 2015 be the approved form for Bylaw No. 2705, 2015 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 1610; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 161.**

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**2. Alternate Approval Process for Tulameen Fire Truck Acquisition Loan Authorization Bylaw No. 2704, 2015**

- a. Notice of Alternative Approval process
- b. Responses Received

**RECOMMENDATION 17** (Unweighted Corporate Vote – Simple Majority)

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2704, 2015 to the Manager of Legislative Services is no later than 4:30 pm on December 21, 2015; and,**

**THAT the elector response form attached to the report dated November 5, 2015 be the approved form for Bylaw No. 2704, 2015 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 963; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 96.**

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**3. Naramata Fire Protection Service Area Amendment Bylaw No. 2715, 2015**

- a. Bylaw No. 2715, 2015
- b. Map: Naramata Fire Protection Area

Inside the Naramata fire service area; there are properties that were not included in the original adoption of the fire service area bylaw.

**RECOMMENDATION 18** (Unweighted Corporate Vote – Simple Majority)

**THAT Bylaw No. 2715, 2015 Naramata Fire Prevention and Suppression Local Service Establishment Bylaw be read a first, second and third time and adopted**

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**4. Willowbrook Water Service Establishment Bylaw No. 2709, 2015**

- a. Bylaw No. 2709, 2015
- b. MMM Group Assessment Report

**RECOMMENDATION 19** (Unweighted Corporate Vote – Simple Majority)

**THAT Bylaw No. 2709, 2015, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for Ministry approval prior to electoral approval; and,**

**THAT the Board of Directors authorizes that elector approval for the adoption of the bylaw be obtained through an alternative approval process.**

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**5. Noxious and Destructive Insect Bylaw No. 2711, 2015**

- a. Bylaw No. 2711, 2015

To regulate the prevention, removal and ongoing control of infestations by noxious and destructive insects, or related pests.

**RECOMMENDATION 20** (Unweighted Corporate Vote – Simple Majority)

**THAT Bylaw No. 2711, 2015, Regional District of Okanagan-Similkameen Noxious and Destructive Insect Bylaw be read a first, second and third time and be adopted.**

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**6. Developing Sustainable Rural Practice Communities**

**RECOMMENDATION 21** (Unweighted Rural Vote – Simple Majority)

**THAT the Regional District of Okanagan Similkameen submit a nomination for the Steering Committee to address sustainable rural practice communities.**

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**7. Board Policy Review**

- a. Development Variance Permits
- b. Application for Relaxation of the 10% Frontage requirement

The intention is to create relevant, transparent policies which are easy for the public to access and that set out how the Board wants recurring issues to be addressed.

**RECOMMENDATION 22** (Unweighted Corporate Vote – Simple Majority)

**THAT the Board of Directors rescind Policy No. P6410-00.04 (Applications for Relaxation of the Ten Percent Frontage Requirement) and RDOS Policy No. P6410-00.07 (Development Variance Permits) as presented at Committee October 15, 2015.**

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**F. CAO REPORTS****1. Verbal Update**

- a. Upcoming meetings for 2015 and early 2016
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**G. OTHER BUSINESS****1. Chair's Report**

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**H. ADJOURNMENT**





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

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **Corporate Services Committee**

Thursday, October 15, 2015

12:31 pm

## **Minutes**

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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"  
Director P. Waterman, District of Summerland

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

B. Newell, Chief Administrative Officer  
G. Cramm, Administrative Assistant  
R. Huston, Manager of Public Works

S. Croteau, Manager of Finance  
M. Woods, Manager of Community Services

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#### **A. APPROVAL OF AGENDA**

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

THAT the agenda for the Corporate Services Committee Meeting of October 15, 2015 be adopted. - **CARRIED**

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#### **B. Q3 2015 RDOS Enterprise Unit Report**

The Committee was advised that the Enterprise Centre concept is based on the Regional District providing administrative support in local government functions on a contract basis. Contracted support has been provided in the areas of Human Resources, Geographic Information Services, Development Services and Legislative Services.

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#### **C. Report on Outstanding Board Action items September 30, 2015**

The Committee reviewed the outstanding Board Action from previous Board meetings.

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#### **D. Q3 2015 Budget Variance Report – For Information Only**

The Manager of Finance reviewed the significant variations between the 2015 budget, actual financial position at September 30 and forecast to year-end.

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**E. Q3 2015 Corporate Action Plan – For Information Only**

The Committee was advised of the status of the various action points of the 2015 Corporate Action Plan.

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**F. Q3 2015 Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the third quarter of 2015 and the planned activities for the fourth quarter.

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**G. ADJOURNMENT**

By consensus, the meeting adjourned at 1:17 p.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**

### **Community Services Committee**

Thursday, October 15, 2015

9:04 am

## **Minutes**

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#### **MEMBERS PRESENT:**

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

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

B. Newell, Chief Administrative Officer  
G. Cramm, Administrative Assistant  
M. Woods, Manager of Community Services

J. Shuttleworth, Parks/Facilities Coordinator  
L. Bourque, Rural Projects Coordinator

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#### **A. APPROVAL OF AGENDA**

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

THAT the agenda of the Community Services Committee meeting of October 15, 2015 be adopted. - **CARRIED**

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#### **B. Q3 2015 Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the third quarter of 2015 and the planned activities for the fourth quarter.

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#### **C. ADJOURNMENT**

By consensus, the Community Services Committee meeting of October 15, 2015 adjourned at 9:30 a.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
Community Services Committee Chair

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B. Newell  
Chief Administrative Officer



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## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **Environment and Infrastructure Committee**

Thursday, October 15, 2015

10:32 am

## **Minutes**

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#### **MEMBERS PRESENT:**

Chair T. Siddon, Electoral Area "D"  
Vice Chair K. Kozakevich, Electoral Area "E"  
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 A. Jakubeit, City of Penticton  
Director H. Konanz, City of Penticton  
Director A. Martin, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director M. Pendergraft, Electoral Area "A"  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director P. Waterman, District of Summerland

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

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

R. Huston, Public Works Manager  
Z. Kirk, Public Works Projects 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 October 15, 2015 be adopted. - **CARRIED**

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#### **B. Air Quality Program**

The Committee was advised that RDOS had an Air Quality program from 2006-2010. Central Okanagan Regional District has expressed interest in exploring an inter-regional program for Air Quality.

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#### **C. Q3 2015 Activity Report**

The Committee was advised of the activities that occurred in the third quarter of 2015 and the planned activities for the fourth quarter.

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#### **D. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting of October 15, 2015 adjourned at 10:53 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, October 15, 2015

10:53 am

## **Minutes**

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#### **MEMBERS PRESENT:**

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

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

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

B. Newell, Chief Administrative Officer  
G. Cramm, Administrative Assistant  
D. Butler, Manager of Development Services

C. Garrish, Planning Supervisor  
E. Riechert, Planner

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#### **A. APPROVAL OF AGENDA**

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

THAT the agenda of the Planning and Development Committee meeting of October 15, 2015 be amended by moving Item E - Electoral Area "D-1" Official Community Plan update to be the first item. - **CARRIED**

- 
- E. Electoral Area "D-1" Official Community Plan update – Significant Changes**
- a. Electoral Area "D-1" Official Community Plan update
  - b. Presentation
  - c. Future Vision for the Green Mountain Road community – from residents
  - d. Staff response
  - e. Parkland / Parkland Dedication Policies

To provide an overview of the significant policy changes anticipated in the updated Electoral Area "D-1" Official Community Plan (OCP).

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

THAT the summary of the significant changes to the Electoral Area “D-1” Official Community Plan be received for information. - **CARRIED**

**It was MOVED and SECONDED**

That the information regarding the zoning of the Green Mountain Road area be received for information. - **CARRIED**

---

**B. Review of Board Policies – Minimum Frontage Requirement for Subdivision**

To provide an overview of the Board’s current policy regarding Section 944 (Parcel frontage on highway) of the *Local Government Act* which requires that new parcels being created by subdivision have a minimum frontage to the highway of 10%.

**RECOMMENDATION 2****It was MOVED and SECONDED**

THAT the Board of Directors rescind RDOS Policy No. P6410-00.04 (Applications for Relaxation of the Ten Percent Frontage Requirement); and,

THAT the Board of Directors initiate Amendment Bylaw No. 2509.02, 2015, to the Regional District of Okanagan-Similkameen Delegation of Local Government Authority Bylaw No. 2509, 2010. - **CARRIED**

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**C. Review of Board Policies – Variances to Servicing Requirements**

To provide an overview of the Board’s current policy regarding proposed variances to community water, sewer, drainage or highway works comprised within the Regional District’s Subdivision Servicing Bylaw.

**RECOMMENDATION 3****It was MOVED and SECONDED**

THAT the Board of Directors rescind RDOS Policy No. P6410-00.07 (Development Variance Permits); and,

THAT the Board of Directors initiate Amendment Bylaw No. 2500.06, 2015, to the Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011. - **CARRIED**

---

- D.** Termination of Land Use Contract No. LU-3-D — Public Consultation Outcomes Heritage Hills and Lakeshore Highlands, Electoral Area “D-2”
- a. Feedback forms

To provide an update on consultation undertaken with residents and property owners in the Lakeshore Highlands and Heritage Hills neighbourhoods of Electoral Area “D” regarding the proposed removal of Land Use Contract (LUC) No. LU-3-D.

**RECOMMENDATION 4**

**It was MOVED and SECONDED**

THAT Land Use Contract No. LU-3-D be replaced with a Small Holdings Five Site Specific (SH5s) Zone at the Lakeshore Highlands and Heritage Hills neighbourhoods of Electoral Area “D”. - **CARRIED**

---

**E. Q3 2015 Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the third quarter of 2015 and the planned activities for the fourth quarter.

---

**F. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting of October 15, 2015 adjourned at 11:59 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Brydon  
Planning and Development Committee Chair

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B. Newell  
Corporate Officer





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

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **Protective Services Committee**

Thursday, October 15, 2015

9:31 am

## **Minutes**

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#### **MEMBERS PRESENT:**

Chair A. Jakubeit, City of Penticton  
Vice Chair T. Schafer, Electoral Area "C"  
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 M. Pendergraft, Electoral Area "A"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

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

M. Woods, Manager of Community Services  
D. Kronebusch, Protective Services Supervisor

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#### **A. APPROVAL OF AGENDA**

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

THAT the agenda of the Protective Services Committee meeting of October 15, 2015 be adopted. - **CARRIED**

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#### **B. Superintendent Kevin Hewco, Officer in Charge of the Penticton RCMP Detachment Corporal Sean Hall, General Investigation Section, Oliver Detachment**

Supt. Hewco provided a quarterly RCMP update for the Okanagan-Similkameen region. He will be providing a written update shortly.

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#### **C. Q3 2015 Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the third quarter of 2015 and the planned activities for the fourth quarter.

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**D. ADJOURNMENT**

By consensus, the Protective Services Committee meeting of October 15, 2015 adjourned at 10:24 a.m.

APPROVED:

CERTIFIED CORRECT:

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A. Jakubeit  
Protective Services Committee Chair

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B. Newell  
Chief Administrative Officer



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

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **BOARD of DIRECTORS MEETING**

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 1:30 p.m. Thursday, October 15, 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"  
Director P. Waterman, District of Summerland

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

B. Newell, Chief Administrative Officer  
G. Cramm, Administrative Assistant  
D. Butler, Manager of Development Services  
R. Huston, Manager of Public Works  
M. Woods, Manager of Community Services

C. Garrish, Planning Supervisor  
E. Riechert, Planner  
L. Bloomfield, Engineer  
R. Aylwin, Bylaw Enforcement Coordinator

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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 October 15, 2015 be amended to include Item D – CAO Reports, and renumbering subsequent sections accordingly. -

##### **CARRIED**

---

1. Consent Agenda – Corporate Issues

a. Environment and Infrastructure Committee – 1 October 2015

*THAT the Minutes of the October 1, 2015 Environment and Infrastructure Committee be received.*

b. RDOS Regular Board Meeting – October 1, 2015

*THAT the minutes of the October 1, 2015 RDOS Regular Board meeting be adopted.*

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

**It was MOVED and SECONDED**

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

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

1. Development Variance Permit Application — Electoral Area “A”,

David & Deborah Klassen, 2415 89 Street, Osoyoos

a. Permit

This application seeks to increase the maximum height of an accessory building from 4.5 metres to 7.0 metres to allow for the construction of a detached RV garage.

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

**It was MOVED and SECONDED**

THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “A” Advisory Planning Commission (APC). - **CARRIED**

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2. Development Variance Permit Application — Electoral Area “D”

Susan C. Lennox, 174 Alder Avenue, Kaleden

a. Permit

b. Responses Received

This application seeks to reduce the minimum front parcel line setback for an accessory building from 7.5 metres to 4.29 metres to allow for the construction of a detached garage.

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

**It was MOVED and SECONDED**

That the application be considered Electoral Area “D” Advisory Planning Commission (APC) - **CARRIED**

---

3. Development Variance Permit Application — Electoral Area “D”  
Malcolm and Donna Presbury, 36 – 125 Cabernet Drive
- Permit
  - Responses Received

To reduce the minimum rear parcel line setback from 25 feet to 9.0 feet (7.62 metres to 2.74 metres); and to increase the maximum parcel coverage from 30% to 39.4%, in relation to a principal single detached dwelling.

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

**It was MOVED and SECONDED**

THAT the Regional Board approve Development Variance Permit  
No. D2015.095–DVP. - **CARRIED**

---

4. Zoning Bylaw Amendment — Electoral Area “H”
- Bylaw No. 2498.09, 2015

The purpose of this application is to amend the zoning of the subject property in order to permit the use of seven principal dwelling units.

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2498.09, 2015, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing. - **CARRIED**

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

**It was MOVED and SECONDED**

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

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

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

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5. Okanagan Falls Development Cost Charge Bylaw Amendment
  - a. Bylaw No. 2486.02 2015

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

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2486.02, “Okanagan Falls Sanitary Sewer Development Cost Charge Amendment Bylaw” be read a First, Second and Third time. - **CARRIED**

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**C. COMMUNITY SERVICES – Recreation Services**

1. Okanagan Falls Parks & Recreation Commission Appointment

It is the recommendation of the Okanagan Falls Parks & Recreation Commission to appoint Julie Feller as a member of the Commission.

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

**It was MOVED and SECONDED**

THAT the Board of Directors appoint Julie Feller as a member of the Okanagan Falls Parks & Recreation Commission until December 31, 2016. - **CARRIED**

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2. 2016 Age-friendly Community Planning and Project Grants Program
  - a. 2014 Report

The community of Okanagan Falls, supported by the community has requested the Board’s support to submit an application to undertake phase three of this initiative.

**RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors support the application to UBCM for the 2016 Age-friendly Community Planning Project Grant - **CARRIED**

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**D. CAO REPORTS**

1. Verbal Update
- 

**E. OTHER BUSINESS**

1. Chair’s Report
-

**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*
    - a) OKSIR Board Report
  - 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*
- 

**3. Directors Motions**

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**4. Board Members Verbal Update**

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**F. CLOSED SESSION****RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT in accordance with Section 90(1) (e) & (i) of the *Community Charter*, the Board close the meeting to the public on the basis of the acquisition, disposition or expropriation of land or improvements, if the Board considers that disclosure could reasonably be expected to harm the interests of the Regional District; and, 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 2:08.

The meeting was opened to the public at 2:57 pm.

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**G. ITEMS COMING OUT OF CLOSED SESSION**

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**H. ADJOURNMENT**

By consensus, the meeting adjourned at 2:57 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:** November 5, 2015

**RE:** Development Variance Permit Application — Electoral Area “D”

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### **Administrative Recommendation:**

**THAT the Regional Board approve Development Variance Permit No. D2015.108–DVP.**

---

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

Owners: Melia Ferris-Dirk & Robert Dirk      Folio: D-06800.108

Civic: 5 – 125 Cabernet Drive      Legal: Lot 5, Plan KAS3813, District Lot 2710, SDYD

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

Requested Variances: to reduce the minimum front, rear & interior side parcel line setbacks; to increase the maximum height; and to increase the maximum parcel coverage.

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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 12.1 feet;
- reduce the minimum rear parcel line setback from 25 feet to 18.0 feet;
- to reduce the minimum interior side parcel line setback on one side from 5 feet to 4.9 feet;
- to reduce the minimum interior side parcel line setback on the other side from 10 feet to 6.5 feet;
- to increase the maximum height from 30 feet to 32.2 feet; and
- to increase the maximum parcel coverage from 30% to 35.0%.

In support of the proposal, the applicant is “only asking for variances for this building to fit within the RS1 zoning from LU-3-D. The submitted design fits allowable height, setbacks, and site coverage of RS1.” Further, the applicant states that a building permit was issued for the proposed dwelling under RS1 zoning in 2014; however, due to foreclosure, only the foundation was actually constructed. When the present owners purchased the property in 2015, they were unaware that the LUC, not RS1 zoning, was in effect.

### **Site Context:**

Approximately 699 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 Views, on the south side of Cabernet Drive.

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The parcel slopes downward to the southwest overlooking the third and final phase (29 lots) of the Vintage Views subdivision, proposed for development on the 7.6 ha parcel below. The lone structure on the property is a foundation, which would be the foundation for the proposed dwelling.

**Background:**

The subject property was created by subdivision in 2010. 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. Consequently, the Official Community Plan (OCP) designation of Low Density Residential (LR) and Residential Single Family One (RS1) zoning are of no effect and the LUC remain in force.

On September 3, 2015, the Board of Directors adopted Bylaw Nos. 2603.05, 2455.21, and 2455.22, thereby approving the “voluntary discharge” and “early termination” of LUC No. LU-3-D for parcels located within Phases 2 & 3 of the Vintage Views subdivision. The applicant states the owners of the subject property desired the “voluntary discharge” option, but due to the late purchase of the property they were unable to register before the RDOS Board report deadline. Therefore, the RS1 Zone will come into effect for the subject property one year later on September 4, 2016.

On Aug 7, 2014, Building Permit #18858 was issued for a single detached dwelling, which was never completed. As the proposed dwelling is not identical to that dwelling, variances are 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 October 29, 2015.

**Alternatives:**

- .1 THAT the Regional Board deny Development Variance Permit No. D2015.108–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.

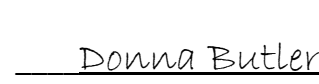
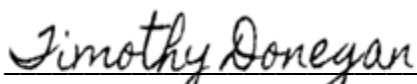
In assessing the proposal, Administration considers all the proposed variances to height, parcel coverage, and setbacks to be consistent with the provisions of the RS1 zone and consistent with existing residential development within the area (over 40 previously issued building permits for the area assumed the RS1 zoning to be in effect).

Administration also recognizes that the current proposal is to utilize the existing foundation built under Building Permit #18858 in its entirety and without extension.

**Respectfully submitted:**

**Endorsed by:**

**Endorsed by:**



T. Donegan, Planning Technician

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager



# Development Variance Permit

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FILE NO.: D2015.108-DVP

Owner: Melia Ferris-Dirk & Robert Dirk      Agent: Dave Sutton

## 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 KAS3813, District Lot 2710, SDYD

Civic Address:                  5 – 125 Cabernet Drive

Parcel Identifier (PID):      028-497-384                      Folio: 715 06800.108

## 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: 12.1 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- b) The minimum rear parcel line setback for a principal building or structure is varied:
  - i) from: 25 feet
  - to: 18.0 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- c) The minimum interior side parcel line setback on one side for a principal building or structure is varied:
  - i) from: 5 feet
  - to: 4.9 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- d) The minimum interior side parcel line setback on the other side for a principal building or structure is varied:
  - i) from: 10 feet
  - to: 6.5 feet, as measured from the outermost projection and as shown on Schedule 'B'.
- e) The maximum height of a dwelling is varied:
  - i) from: 30 feet
  - to: 32.2 feet, as shown on Schedule 'B'.
- f) The maximum parcel coverage is varied:
  - i) from: 30%
  - to: 35.0%, 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

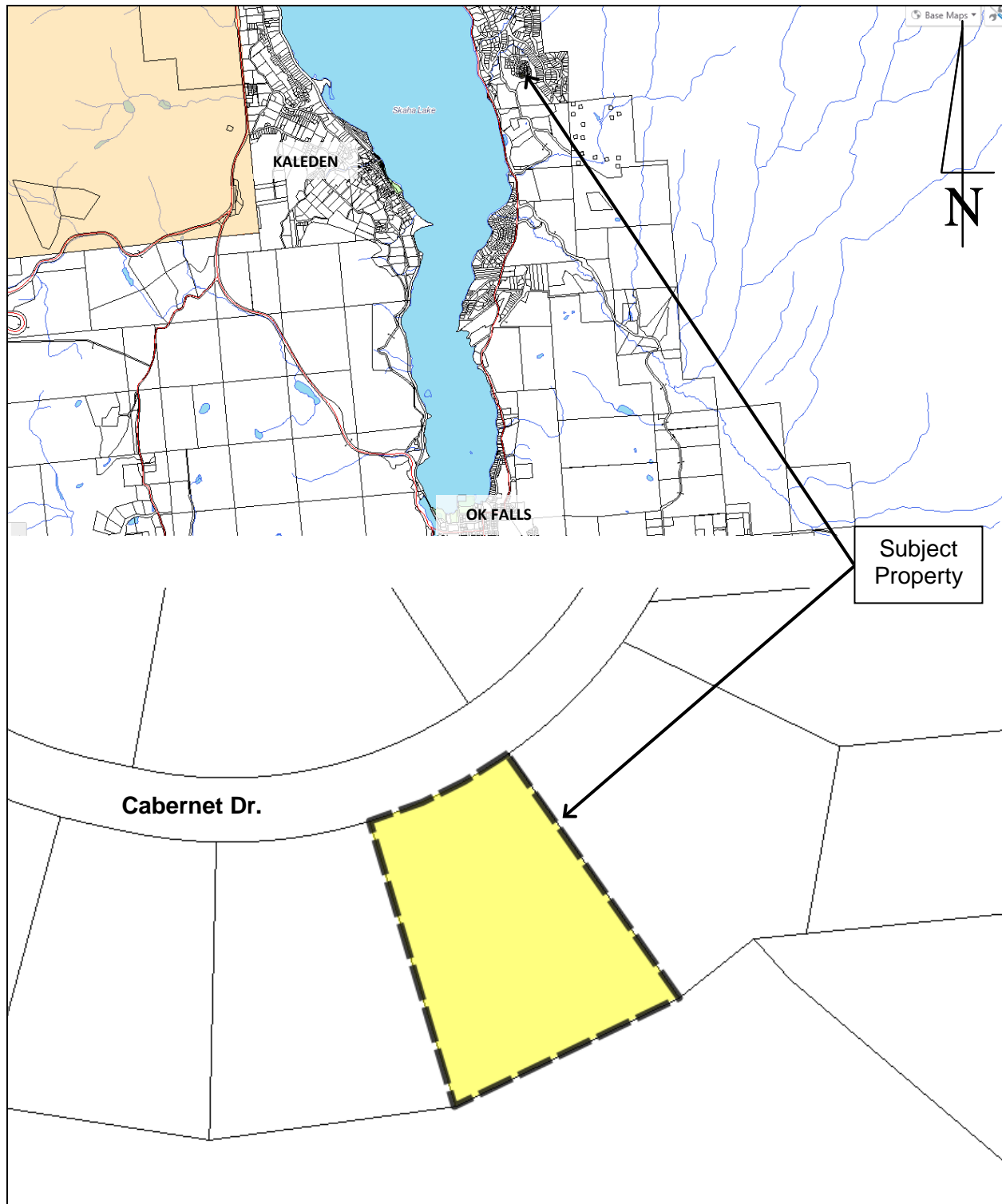
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.108-DVP

## Schedule 'A'



Regional District of Okanagan-Similkameen

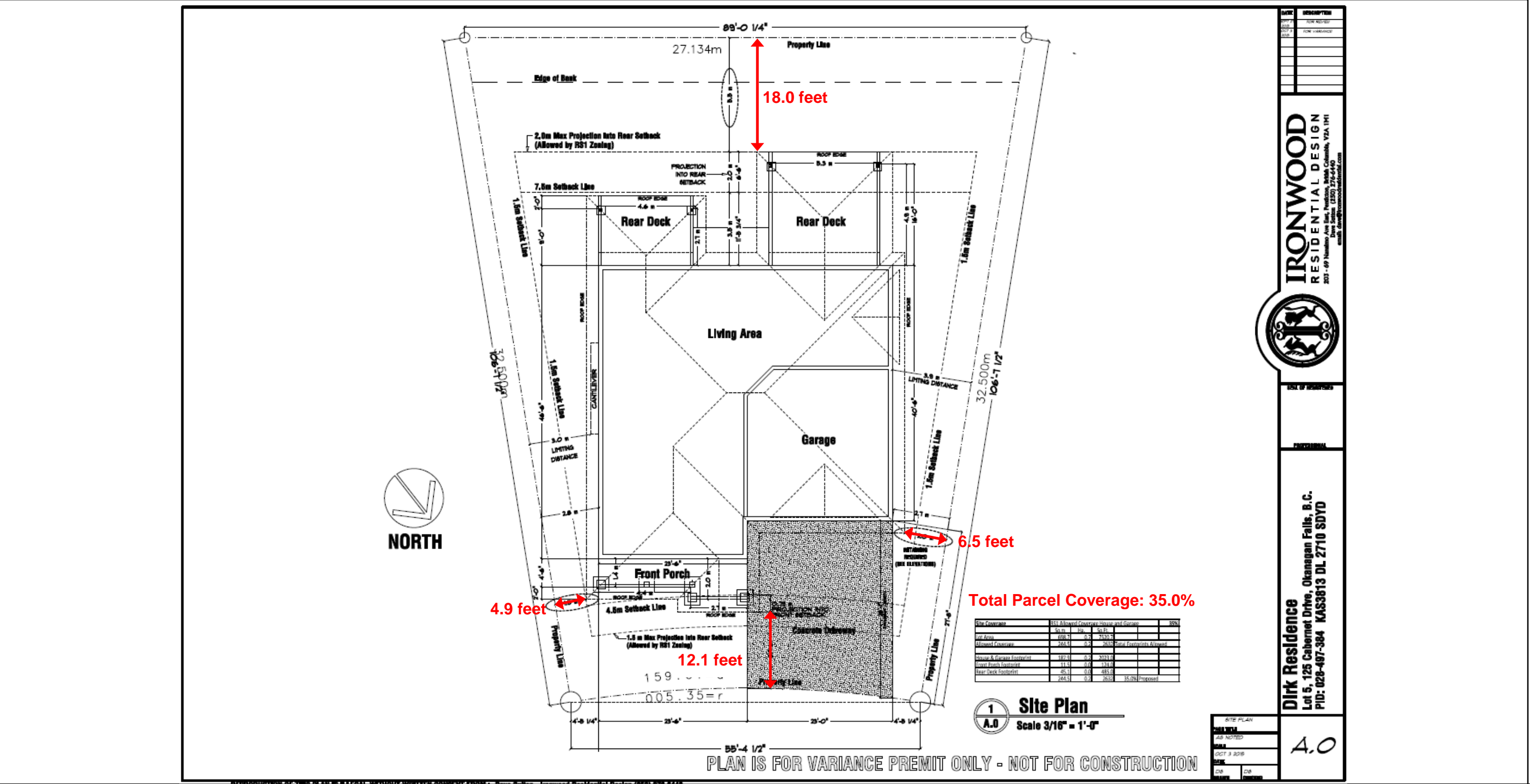
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.108-DVP

Schedule 'B'



IRONWOOD  
RESIDENTIAL DESIGN  
203 - 69 Nanaimo Ave East, Penticton, British Columbia, V2A 1M1  
Phone: (250) 276-6440  
www.ironwoodresidential.com

DIRK RESIDENCE  
Lot 5, 125 Cabernet Drive, Okanagan Falls, B.C.  
PID: 028-497-384 KAS3813 DL 2710 SDYD

A.O



Regional District of Okanagan-Similkameen

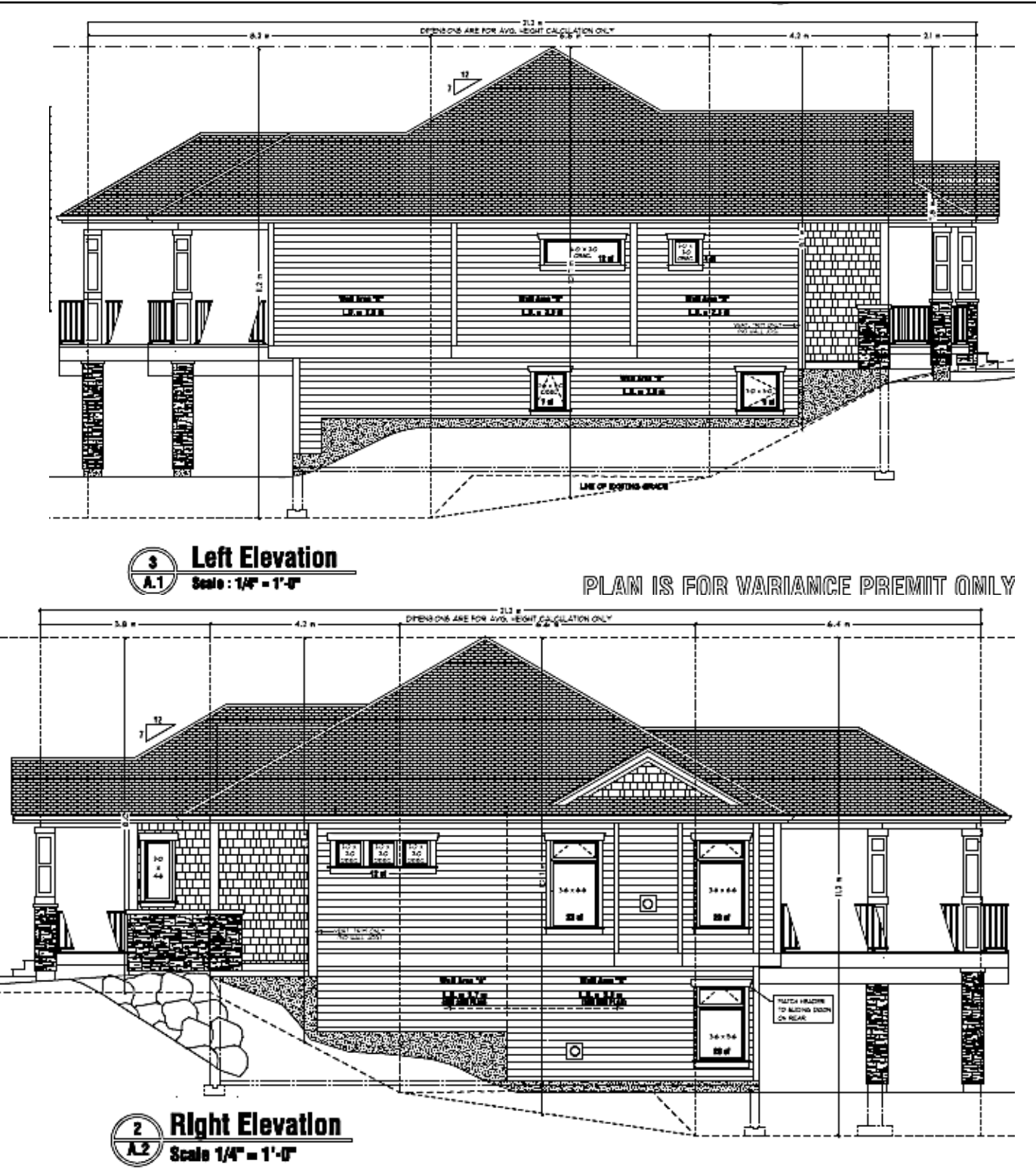
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.108-DVP

Schedule 'C'





## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Development Permit (with variances) Application — Electoral Area “D”

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### **Administrative Recommendation:**

**THAT the Board of Directors approve Development Permit No. D2015.098-DP**

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Purpose: To allow for the construction of a single detached dwelling in the Hillside / Steep Slope Development Permit Area.

Owners: Margaret & Dave Eaton

Folio: D-03618.220

Civic: 209 Ricard Place, Okanagan Falls

Legal: Lot A, District Lot 2710, SDYD, Plan KAP84277

Zone: Comprehensive Development (CD)

Requested Variance: To vary the front parcel line setback for a principal building from 7.5 m to 1.12 m

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### **Proposed Development:**

This application is for a Hillside / Steep Slope Development Permit (HSSDP), with Variances in relation to the development of a single detached dwelling on an existing vacant lot. This application seeks to reduce the minimum front parcel line setback for a principal building from 7.5 metres to 1.12 metres as measured to the outermost projection to allow for the construction of a single family dwelling.

The applicant has indicated “we have moved the footprint of the design as far back as we can to the north side of the property line but still within the 1.5 m side set-back requirement. We are still maximizing all the compacted area the developer allowed for and making use of the existing footprint. There is no impact on our neighbour at the south side as his house is approx. 600 m away from the proposed variance, his driveway is adjacent to ours and the encroachment does not affect it. There is no impact on the road or drivers as we are not on a bend or curve to distort anything. We are not creating any blind spots for ingress or regress of neighbours property/road. Due to the topography of the land and the associated exorbitant costs to move the house, it makes this option unfeasible.”

### **Site Context:**

The subject parcel is 4,164 m<sup>2</sup> in area, is located in the “Eastside Road – South” area on the west side of Ricard Place and is currently vacant. The developer has compacted an area on the eastern portion of the lot near Ricard Place, where the applicant is requesting to build. The lot slopes downward to the west of the building area proposed. Surrounding uses are similar low density residential, with conservation area to the south east.

### **Background:**

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The subject property was created by a subdivision deposited in the Land Title Office on July 11, 2007. Under the Electoral Area “D” East Skaha, Vaseux Official Community Plan Bylaw No. 2603, 2013, the property is designated within the HSSDP Area, the objective of which is the protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions.

Generally, the objective of the HSSDP Area is to achieve aesthetically and environmentally sound hillside neighbourhoods in which native vegetation and landscapes are preserved while enhancing the desirability and marketability of hillside developments.

Within the Hillside/ Steep slope Development Permit Guidelines Section 24.6.7 permits for an Expedited Development Permit providing that the applicant clearly indicates that the proposed development is outside of the steep slope area. The steep slope area is defined as slopes greater than 20% for a distance of 25 metres or greater, plus a buffer area of 7.5 metres on either the top or bottom of the steep slope.

Under the Electoral Area “D” East Skaha, Vaseux Zoning Bylaw No. 2455, 2008, the property is zoned Comprehensive Development (CD) Zone, wherein “single detached dwelling” is a permitted principal use. At Section 16.1.6(a)(i) of the Zoning Bylaw, the minimum front parcel line setback is 7.5 metres.

As the proposed dwelling 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 October 15, 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 October 29, 2015.

**Alternative:**

1. THAT the Board of Directors deny Development Permit No. D2015.098-DP; 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:**

As there are two separate components to this application, being the DP and variance request, each will be assessed separately below:

HSSDP Area:

The applicant has included a drawing that indicates that the proposed single detached dwelling is located 26.2 metres away from the edge of the bank and therefore meets the requirements of an expedited Hillside/Steep Slope Development Permit.

Guidelines for Site Design under Section 24.6.6 include the need for new development to reduce the visual impact of development and to respect the site’s natural contours and preserve open space.

---

The proposed development area is located near Ricard Place, on a relatively flat section of the property that has already been compacted by the developer, therefore very little additional site disturbance should be required, and the majority of property will be left undeveloped.

On this basis the proposal is generally seen to be consistent with the Hillside / Steep Slope Development Permit Area guidelines provided at Section 24.6.6 of the Electoral Area "D" OCP.

**Requested Variance:**

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, a single family dwelling is a permitted principal use in the CD zone and is therefore consistent with the zoning.

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 front lot line is irregular, with the majority of the dwelling proposed to be located outside the 7.5 metre setback from Ricard Place. Further, the proposed building site is 3 metres lower than the height of the road.

The topography of the property limits potential building areas on the lot. The lot drops down 3 metres from the road where there is a flat area that has already been compacted by the developer, followed by an area where fill has been placed. Beyond that area, on the western portion of the lot, the lot slopes downward. Given this, the proposal to construct the dwelling on the flat, compacted area of the property is seen to be reasonable.

**Respectfully submitted:**



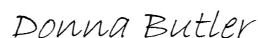
S. Lightfoot, Planning Technician

**Endorsed by:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager



# Development Permit

## Hillside / Steep Slope (with variances)

---

FILE NO.: D2015.098-DP

Owner: Margaret & Dave Eaton

### ADMINISTRATION

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

### APPLICABILITY

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

Legal Description: Lot A, District Lot 2710, SDYD, Plan KAP84277

Civic Address: 209 Ricard Place, Okanagan Falls, BC

Parcel Identifier (PID): 027-121-615 Folio: D-03618.220

### CONDITIONS

#### 6. Development Guidelines

In accordance with Section 24.6 of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, the land specified in Section 5 may be developed in accordance with the following conditions:

- a) THAT the proposed single detached dwelling be constructed in accordance to the development plans attached as Schedules 'B' and 'C'.

7. **Development Variances**

The minimum front parcel line setback for a Principal Building in the Comprehensive Development (CD) Zone, and as prescribed at Section 16.1.6(a) 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: 1.12 metres as measured to the outermost projection, and as shown on Schedule ‘B’.

8. **Covenant**

- a) Not applicable

9. **Security**

- a) Not applicable

10. **Schedule**

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

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

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

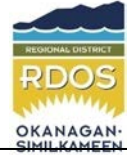
---

B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

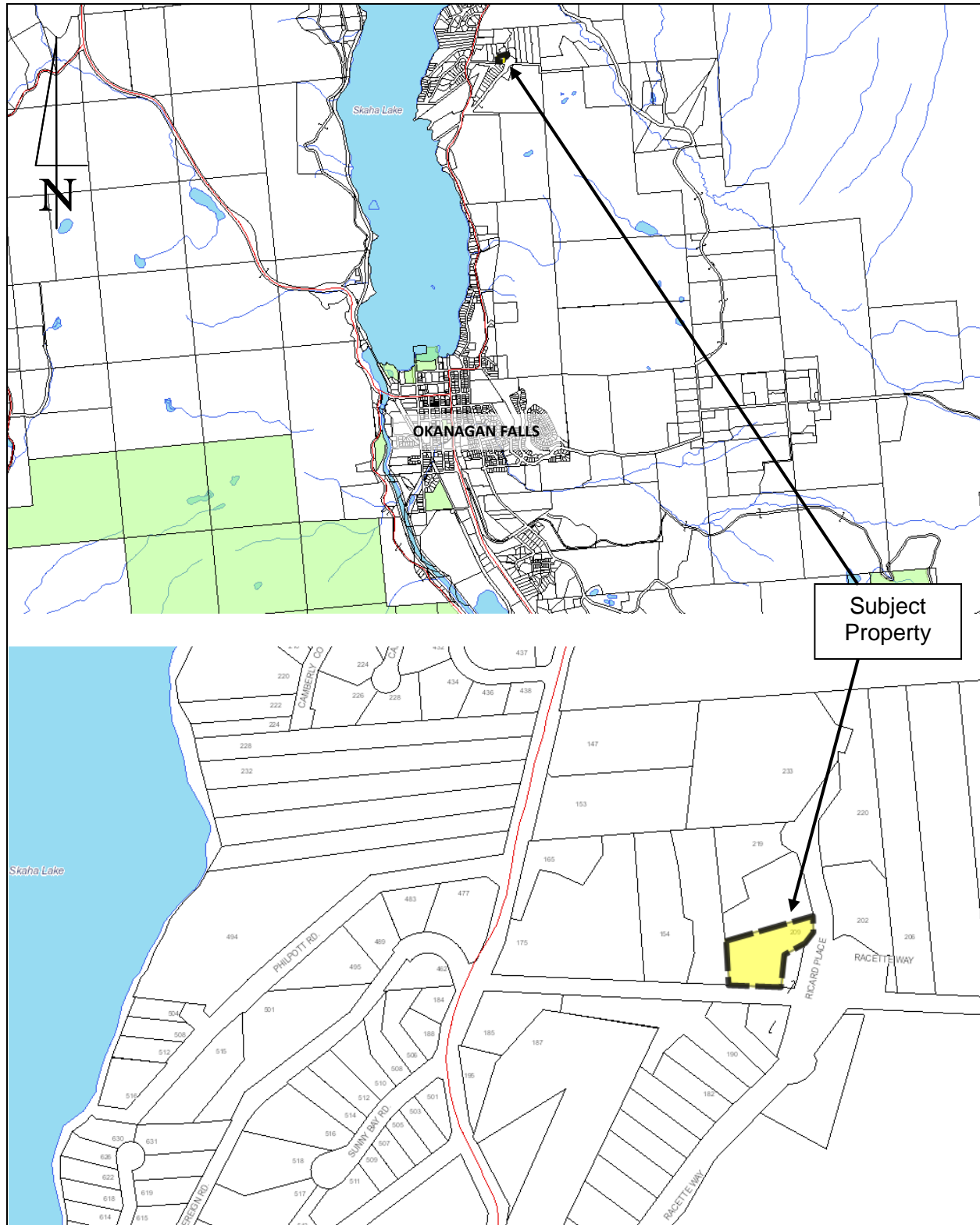
Tel: (250) 492-0237 Fax (250) 492-0063



Hillside / Steep Slope Development Permit (with variances)

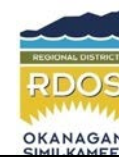
File No. D2015.098-DP

Schedule 'A'



# Regional District of Okanagan-Similkameen

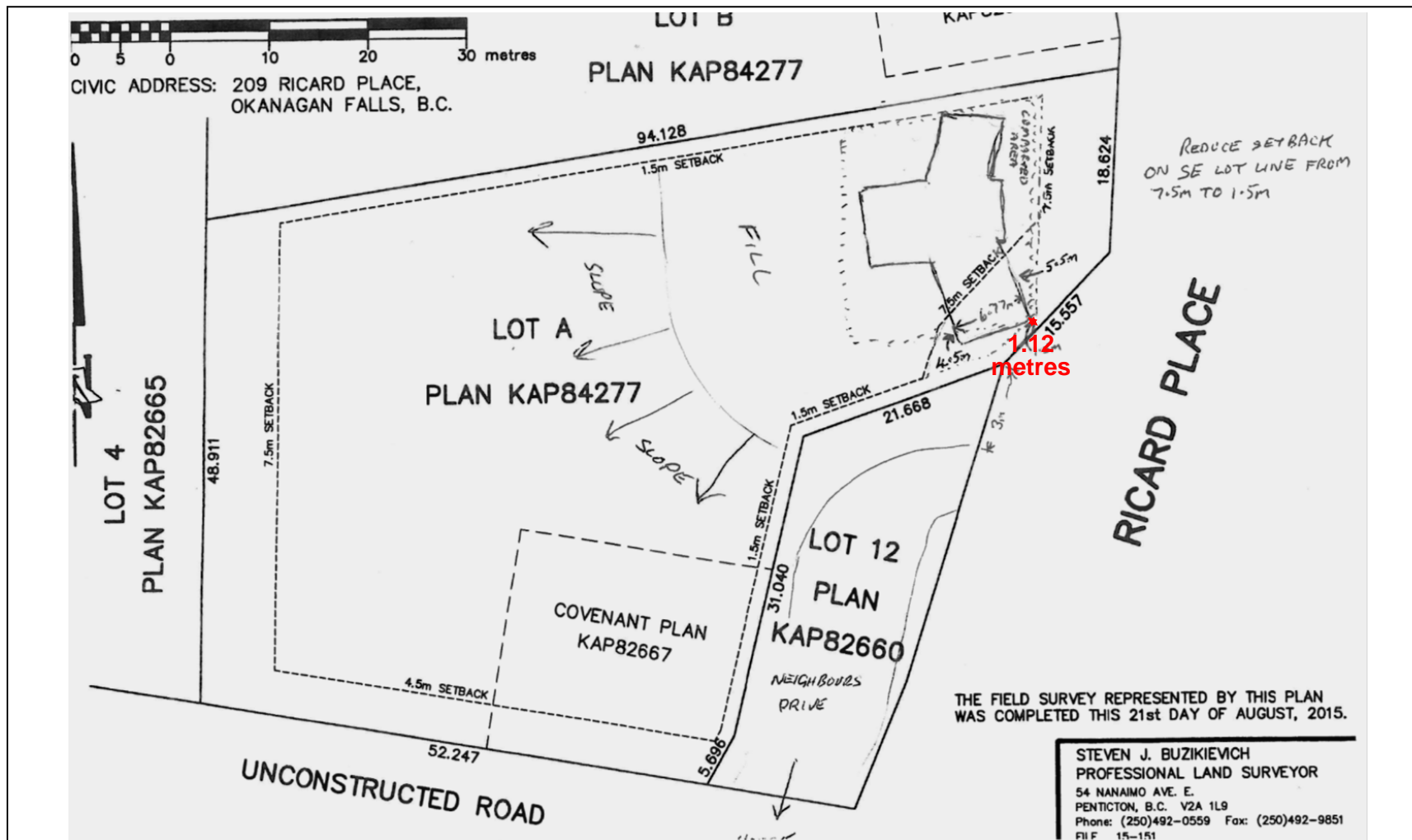
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Hillside / Steep Slope Development Permit (with variances)

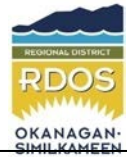
File No. D2015.098-DP

Schedule 'B'



# Regional District of Okanagan-Similkameen

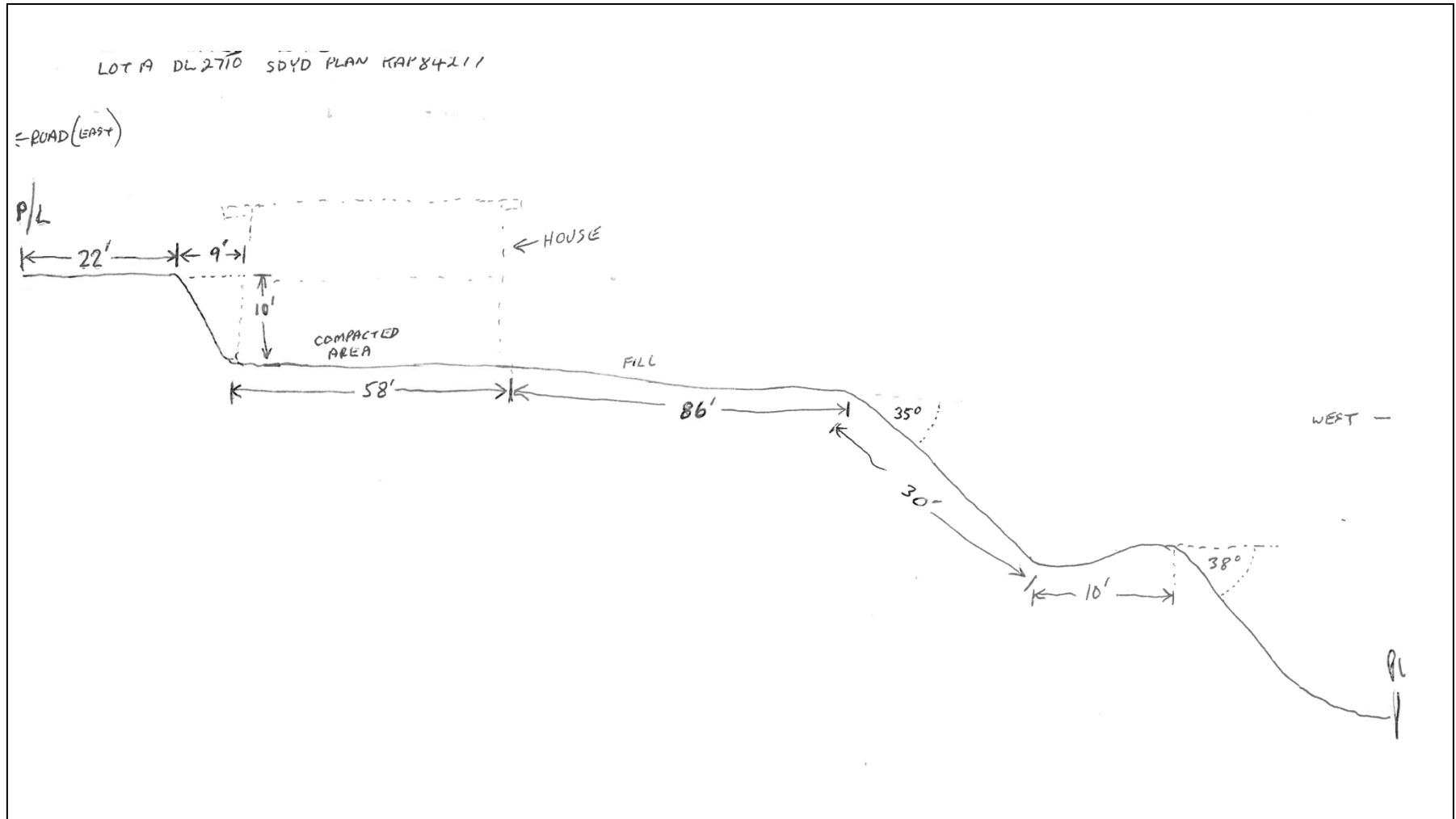
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Hillside / Steep Slope Development Permit (with variances)

File No. D2015.098-DP

Schedule 'C'





## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**TYPE:** Zoning Bylaw Amendment — Electoral Area “C”

---

### Administrative Recommendation:

**THAT Bylaw No. 2453.26, 2015, Electoral Area “C” Zoning Amendment Bylaw be denied.**

---

Purpose: To allow for the subdivision of the 6.07 ha subject property into two new parcels approximately 3.0 ha in area.

Owner: Jorg & Laura Philipps      Agent: Jorg & Laura Philipps      Folio: C-07068.050

Legal: Lot 3, Plan 21824, DL 3098, SDYD      Civic: 1140 Green Lake Road, Willowbrook

Zoning: Agriculture One (AG1)      Proposed Zoning: Agriculture One Site Specific (AG1s)

---

### Proposal:

This proposal is seeking to amend the zoning of the subject property in order to facilitate the subdivision of a new 3.0 hectares (ha) parcel while leaving a remainder parcel of 3.0 ha that will comprise the existing dwelling.

Specifically, it is being proposed to amend the zoning under the Electoral Area “C” Zoning Bylaw from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific component allowing for a parcel size of 3.0 ha whereas the AG1 Zone otherwise specifies a minimum parcel size of 4.0 ha.

In support of this proposal, the applicant has stated that the proposed new parcel is consistent with the rural-residential land use pattern found to the south; that the agriculturally viable portion of the property will be preserved; and that increased tax revenue will be generated and provided to the province.

The Board is advised that the applicant is an employee of the Regional District of Okanagan-Similkameen (RDOS).

### Site Context:

The subject property is approximately 6.07 ha in area and is situated on the western side of Green Lake Road, with a secondary road frontage to Green Lake Road at the rear property boundary.

The applicant has described the property as being relatively flat at the easterly 1.5 ha portion “and is used as a home site and contains a dry land pasture and out buildings. The westerly 4.5 ha of the subject property ... includes lands which are steep and rugged and contain areas of shale slides. These lands contain typical native bunch grasses and are interspersed with stands of Ponderosa Pine. These lands do not have grazing capability due to the steep terrain and the lack of forage grass.”

---

The surrounding pattern of development is generally seen to be characterised by the “Willowbrook” rural residential neighbourhood to the south, with additional rural residential uses occurring between the subject property and Mahoney Lake to the north.

**Background:**

The subject property was originally created by subdivision on September 27, 1971, while building permit records indicate the construction of a single detached dwelling occurred between 1975 and 1976. The property is currently classified as “residential” by BC Assessment.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property has been designated as Agriculture (AG), and is also the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the subject property is currently zoned Agriculture One (AG1), which establishes a minimum parcel size of 4.0 ha.

A previous proposal to subdivide this property into a 3 lot strata, submitted in 1979, was approved by the ALC but denied by the Board at its meeting of February 21, 1980. According to information contained on file and from the public hearing, the principal concern was “the water table in the Willowbrook subdivision.”

A more recent application to the Agricultural Land Commission (ALC) to undertake the subdivision of this property was “authorised” by the Board at its meeting of July 16, 2009, and subsequently approved by the ALC on September 3, 2009.

At its subsequent meeting of October 6, 2011, the Regional District Board denied a rezoning proposal that would have facilitated the proposed subdivision.

At its meeting of October 20, 2015, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed rezoning be denied.

**Referrals:**

Referral comments on this proposal have been received from the ALC, Penticton Indian Band, Ministry of Forests, Lands and Natural Resource Operations (Ecosystem Section and Archaeology Branch) and Fortis and Interior Health Authority (IHA) these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal is situated beyond 800 metres of a controlled area (i.e. Highway 97).

**Alternative:**

1. THAT Bylaw No. 2453.26, 2015, Electoral Area “C” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

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

AND 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*.

---

**Analysis:**

Administration generally does not 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, and which individually may seem harmless, but could incrementally establish a pattern of development that will erode an area's existing rural character.

While Administration has supported previous proposals seeking to subdivide within the ALR where a property is bisected by a road, the subject property is not affected in this way. Moreover, Willowbrook is seen to be an isolated settlement area that is poorly served with local amenities/services and is separated from the nearest community (i.e. Okanagan Falls) by a distance of 8km.

Similar to other isolated settlement areas such as Kilpoola, Faulder or Green Mountain Road, Administration does not support increasing densities in these locations and believes that doing so is not supported by the RGS. For instance, Willowbrook is not a rural growth area and this proposal is not seen to represent infill development (rather, it is representative of an extension of the rural-residential pattern of development characterised by properties adjacent Johnson and Carr Crescents onto designated agricultural lands).

In summary, Administration considers that the applicant was aware of the agricultural zoning of the property when they purchased in 2007, that it has not been demonstrated that this proposal "will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes" (as required by the OCP), or that the minimum parcel size requirements of the AG1 Zone are now inappropriate.

**Respectfully submitted:**

C. Garrish, Planning Supervisor

**Endorsed by:**

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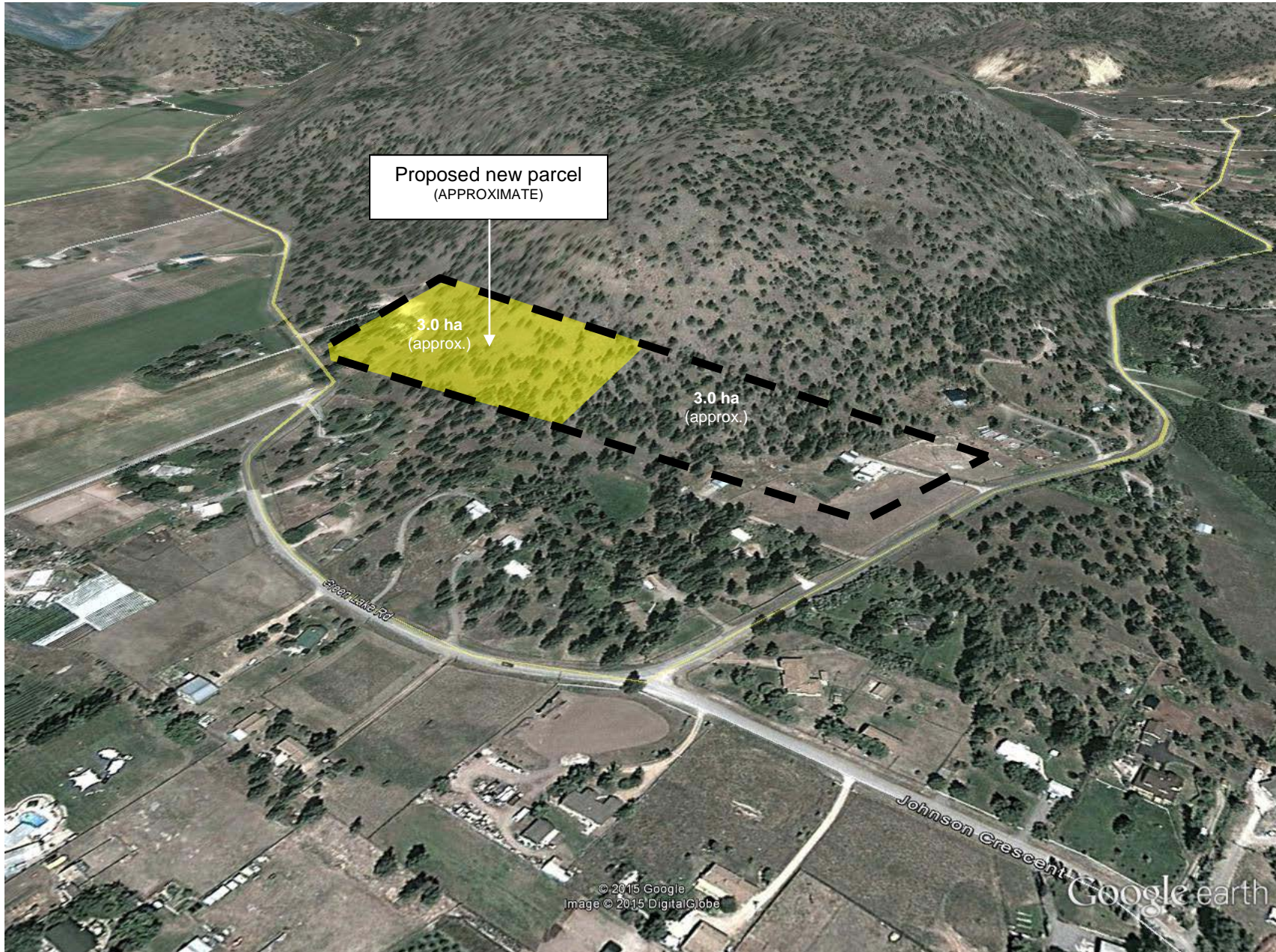
D. Butler, Development Services Manager

Attachments: No. 1 – Aerial Photo (Google Earth)

No. 2 – Site Photo (Google Streetview)



Attachment No. 1 — Aerial Photo (Google Earth)





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Attachment No. 2 – Site Photos (Google Streetview)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2453.26, 2015**

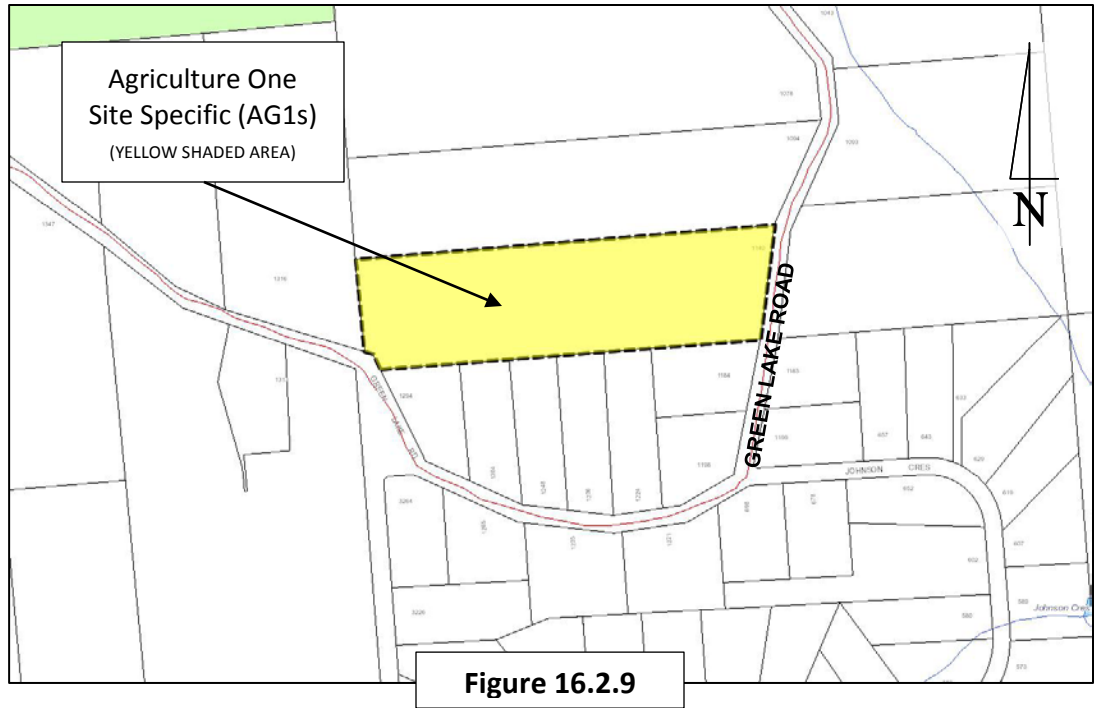
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**A Bylaw to amend the Electoral Area “C” Zoning Bylaw No. 2453, 2008**

---

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “C” Oliver Rural Zoning Amendment Bylaw No. 2453.26, 2015.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “C” Zoning Bylaw No. 2453, 2008, is amended by changing the land use designation on the land described as Lot 3, Plan KAP21824, District Lot 3098, SDYD, and shown shaded yellow on Schedule ‘Y’, which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The Electoral Area “C” Zoning Bylaw No. 2453, 2008, is amended by adding a new sub-section following Section 16.2.8, under “Site Specific Agriculture One (AG1s) Provisions” to read as follows:
  - .9 In the case of land described as Lot 3, Plan KAP21824, District Lot 3098, SDYD (1140 Green Lake Road), and shown shaded yellow on Figure 16.2.9:
    - i) despite Section 10.2.3(a), the minimum parcel size shall be 3.0 ha.



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

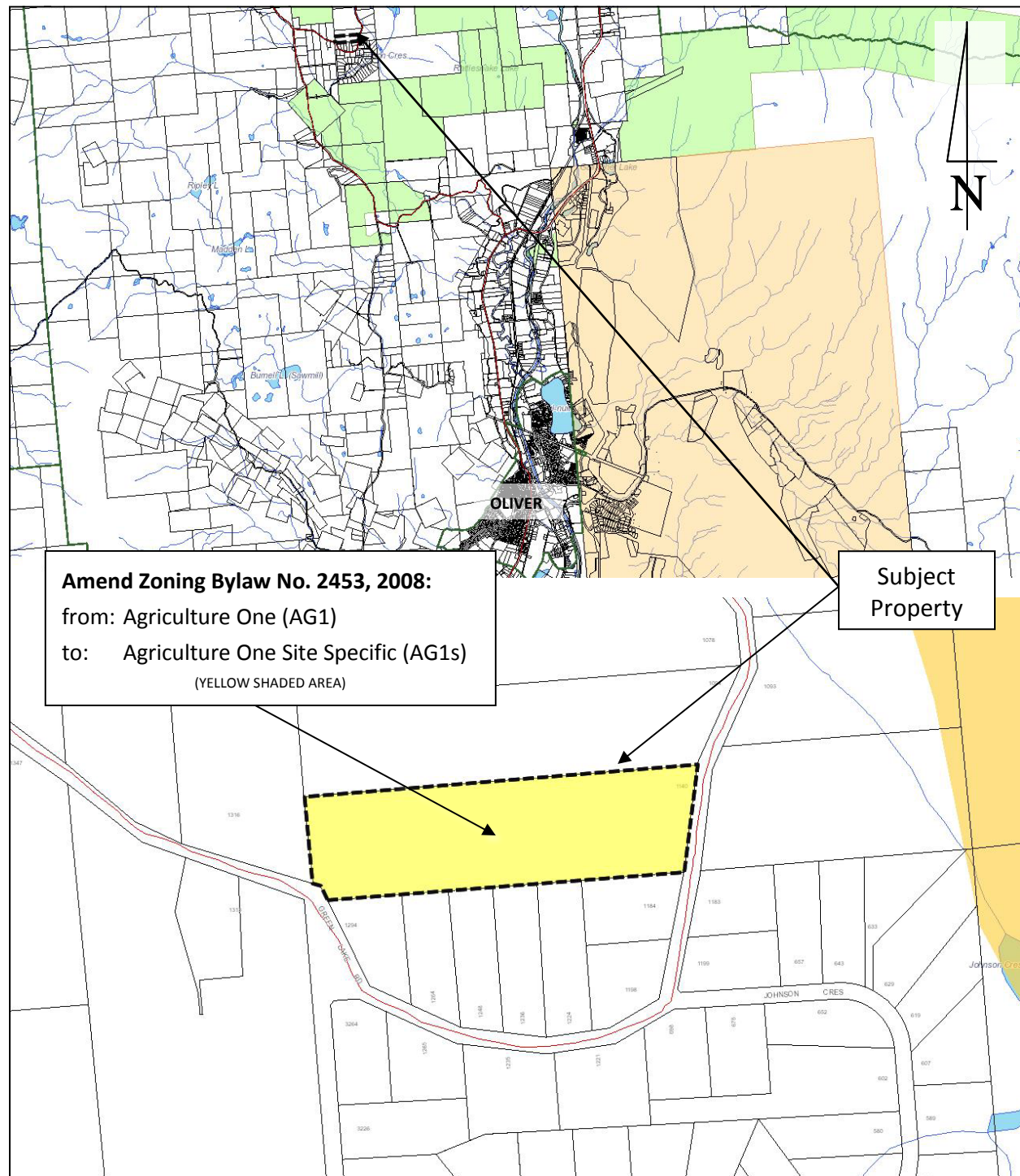
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2453.26, 2015

Project No: C2015.085-ZONE

## Schedule 'Y'





## Lauri Feindell

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** September-15-15 5:09 PM  
**To:** Planning; Christopher Garrish  
**Cc:** Mirsky, Nicholas  
**Subject:** Green Lake Rd, 1140 RDOS (C2015.085-ZONE)

With respect to the above noted file,

There are primary distribution facilities along Green Lake Road. However, due to the size of both proposed lots extension work may be required to bring service to potential building sites; the cost of which may be significant. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

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

Best Regards,

*Steven Danielson,*  
*Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, P.App.**  
**Land Agent | Lands & Planning | FortisBC Inc.**

2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Office: 250.469.8033  
Mobile: 250.718.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)



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## Lauri Feindell

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**From:** Christopher Garrish  
**Sent:** August-20-15 2:48 PM  
**To:** Lauri Feindell  
**Subject:** FW: Philips rezoning: RDOS file: C2015.085-ZONE

---

**From:** Collins, Martin J ALC:EX [<mailto:Martin.Collins@gov.bc.ca>]  
**Sent:** August-20-15 10:42 AM  
**To:** Christopher Garrish  
**Subject:** Philips rezoning: RDOS file: C2015.085-ZONE

Chris

This is to advise that the ALC has no objection to the proposed rezoning of Lot 3 , Plan 21824 from AG1 to Agriculture One Site Specific (AG1s) which permits a minimum lot size of 3 ha.

The proposed bylaw is consistent with the ALC's decision, as per Resolution # 900/2009 to allow a two lot subdivision of Lot 3.

If you have any questions, please contact the ALC.

Regards,

Martin Collins  
Regional Planner  
Agricultural Land Commission  
#133 4940 Canada Way  
Burnaby, BC, V5G 4K6  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)  
604-660-7021





September 8, 2015

File: 58000-20/104233  
Your File: C2015.085-ZONE

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton BC C2A 5J9

Attention: Lauri Feindell, Planning

Re: Zoning Amendment for 1140 Green Lake Road, Willowbrook, 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,

Grant Furness  
Ecosystems Section Head

GF/cl



## RESPONSE SUMMARY

**AMENDMENT BYLAW NO. \_\_\_\_\_**

☒ **Approval Recommended for Reasons  
Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Recommended Subject to  
Conditions Below**

☐ **Approval Not Recommended Due  
to Reasons Outlined Below**

Re: Lot 3, Plan 21824, DL 3098 SDYD]  
1140 Green Lake Road, Willowbrook, BC

This application is to rezone the subject property from Agriculture One (AG1) to Agriculture One Site Specific (AG1s) to allow a subdivision comprising of two (2) x 3 hc lots.

The property falls within the Area "C" Official Community Plan and conforms to the goals and policies outlined.

At the time of subdivision the Applicant will need to comply with the Sewerage System Regulation and the Subdivision Regulation.

The existing dwelling is connected to the Willowbrook Water System. The Drinking Water Officer does not have any concerns with this water system at this time.

If you have any questions please feel free to contact me at either 250-395-7603 or karen.zabaras@interiorhealth.ca

Signature: 

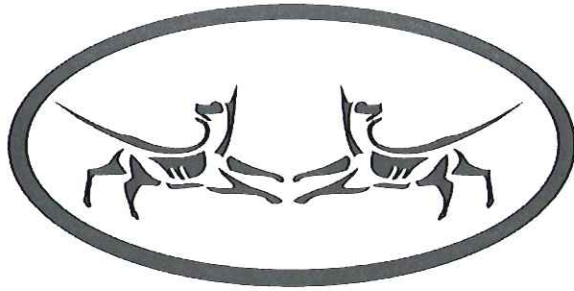
Signed By: Karen Zabaras

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: Sept 18 2015





## Penticton Indian Band

Natural Resource Department  
R.R. #2, Site 80, Comp.19  
Penticton, B.C. CAN  
V2A 6J7

Telephone: 250-493-0048 Fax: 250-493-2882

WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION

September-25-15

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

RTS #: 1187  
Referral ID: 2015-08-20 ZON 1187  
Ref #: C2015.085-ZONE 2453.26 2015 Philipps  
Date: August-20-15

**Attention:** Christopher Garrish

**Re: Regional District of Okanagan Similkameen RTS #1187, Invoice #288**

We write regarding your failure to pay invoice #288 to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received and we have therefore been unable to conduct a review of this referral; we must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated August-20-15.

**Please make cheque payable to Penticton Indian Band. re: P.C. 132 RTS #1187**

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the *Constitution Act*, 1982.

Most recently, in June 2014, the Supreme Court of Canada in the *Tsilhqot'in* case set out the following characteristics and implications of Aboriginal title:

- ♦ Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.
- ♦ The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the



beneficial interest is held by the Aboriginal title holding group. Allocations of Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.

- ◆ Aboriginal title includes the right to proactively use and manage the resources.
- ◆ Once Aboriginal title is "established", the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown's fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- ◆ Before Aboriginal title is "established", the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co-existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

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

limlæmt,

Lavonda Nelson  
Data Management Clerk

cc:

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**TYPE:** Zoning Bylaw Amendment — Electoral Area “C”

---

### Administrative Recommendation:

**THAT Bylaw No. 2453.27, 2015, Electoral Area “C” Zoning Amendment Bylaw be read a third time.**

---

Purpose: To rezone the property to permit an additional (existing) dwelling for farm labour.

Owners: Gary & Lorna Klassen                      Civic: 303 Road 17, Oliver                      Folio: C-05756.000

Legal: Lot 311, DL 2450s, SDYD, Plan 1790, except: parcel A (plan B5575); parcels 5, 6, and C on Plan A1272; Plan H681

OCP: Agriculture (AG)                      Proposed OCP: n/a

Zoning: Agriculture One (AG1)                      Proposed Zoning: Agriculture One Site Specific (AG1s)

---

### Proposal:

This application is seeking to amend the zoning of the subject property in order to permit the use of an additional dwelling for farm labour on a parcel less than 3.5 ha in size.

Specifically, it is being proposed to amend the Zoning Bylaw to a site specific zone (AG1s) on the property to add an additional dwelling for farm labour as an accessory permitted use. The site specific zone will only permit the use of the older existing dwelling on the property as a dwelling for farm labour.

### Site Context:

The subject property is approximately 2.3 hectares (ha) in size and is located approximately 400 m east of Highway 97 and approximately 1.4 km north of the municipal boundary for the Town of Osoyoos. The property is not within a community water or sewer service area but is within the Oliver fire district service area and is within the Agricultural Land Reserve (ALR).

There is an aquaculture farm operation on site that is currently producing Arctic Char. There is also a shop, a settlement tank, a new single family dwelling and an older house that is approximately 90 m<sup>2</sup> in size on site.

### Background:

At its meeting of August 18, 2015, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed rezoning be deferred until the option of a Temporary Use Permit was explored.

---

At its meeting of September 17, 2015, the Regional District Board approved first and second reading of Amendment Bylaw No. 2453.27, 2015 and delegated the holding of a Public Hearing.

A Public Hearing was held on October 14, 2015, where five (5) members of the public attended.

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

**Referrals:**

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

**Alternative:**

THAT the Board of Directors rescind first and second reading of Bylaw No. 2453.27, 2015, and abandon the bylaw.

**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, agricultural policies within the OCP support preserving and protecting agriculture and encourages agriculture on existing farm parcels regardless of size. The subject property is within an area of productive farm lands all within the ALR.

The applicant has provided evidence from an aqua-cultural specialist that due to the sensitivity of a fish farm operation it is important to have staff available on a 24 hour basis.

Against this it is also recognized that the zoning bylaw currently does permit a secondary suite and that the applicant has recently constructed a new dwelling on the property that could have incorporated a suite for staff. The applicant still has an option to develop a secondary suite within the principal dwelling and decommission the older existing dwelling precluding the need to rezone. Decommissioning the existing older dwelling unit would remove the kitchen and other residential areas of the building; however, the building itself would not need to be removed.

Administration recognizes that the increased residential density is problematic within an agriculture zone; however, it is also cognizant that fish farming is an intensive operation and that the applicant proposes to keep an existing older dwelling and not construct a new one. Given that the proposed zoning amendment will be site specific pertaining only to the subject property and proposes not increase the overall density and that the additional dwelling will be only for farm labour, irrespective of owners, Administration supports the proposed application.

**Respectfully submitted:**



E. Riechert, Planner

**Endorsed by:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

Attachments: No. 1 – Aerial View



Attachment No. 1 — Aerial View



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2453.27, 2015**

---

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

---

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “C” Oliver Rural Zoning Amendment Bylaw No. 2453.27, 2015.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “C” Zoning Bylaw No. 2453, 2008, is amended by changing the land use designation on the land described as Lot 311, District Lot 2450s, SDYD, Plan 1790 Except: Parcel A (Plan B5575); Parcels 5, 6 and C on Plan A1272; and Plan H681, and shown shaded yellow on Schedule ‘X’, which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The Electoral Area “C” Zoning Bylaw No. 2453, 2008, is amended by adding a new sub-section following Section 16.2.8, under “Site Specific Agriculture One Provisions” to read as follows:
  - .9 in the case of land described as Lot 311, District Lot 2450s, SDYD, Plan 1790 Except: Parcel A (Plan B5575); Parcels 5, 6 and C on Plan A1272; and Plan H681, and shown shaded yellow on Figure 16.2.9:
    - i) despite Section 10.2.1, a “secondary suite” is not a permitted use.
    - ii) despite Section 10.2.5, the maximum number of “additional dwellings for farm labour” on a parcel less than 8.0 ha in area shall not exceed one (1).

- iii) the siting and parcel coverage of an “additional dwelling for farm labour” shall correspond to the area shaded in red on Figure 16.2.9;



Figure 16.2.9

READ A FIRST AND SECOND TIME this 17<sup>th</sup> day of September, 2015.

PUBLIC HEARING held on this 14<sup>th</sup> day of October, 2015.

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

I hereby certify the foregoing to be a true and correct copy of the “Electoral Area “C” Zoning Amendment Bylaw No. 2453.27, 2015” as read a Third time by the Regional Board on this \_\_ day of \_\_\_\_, 2015.

Dated at Penticton, BC this \_\_ day of \_\_\_\_, 2015.

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

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_ day of \_\_\_\_, 2015.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

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

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

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



# Regional District of Okanagan-Similkameen

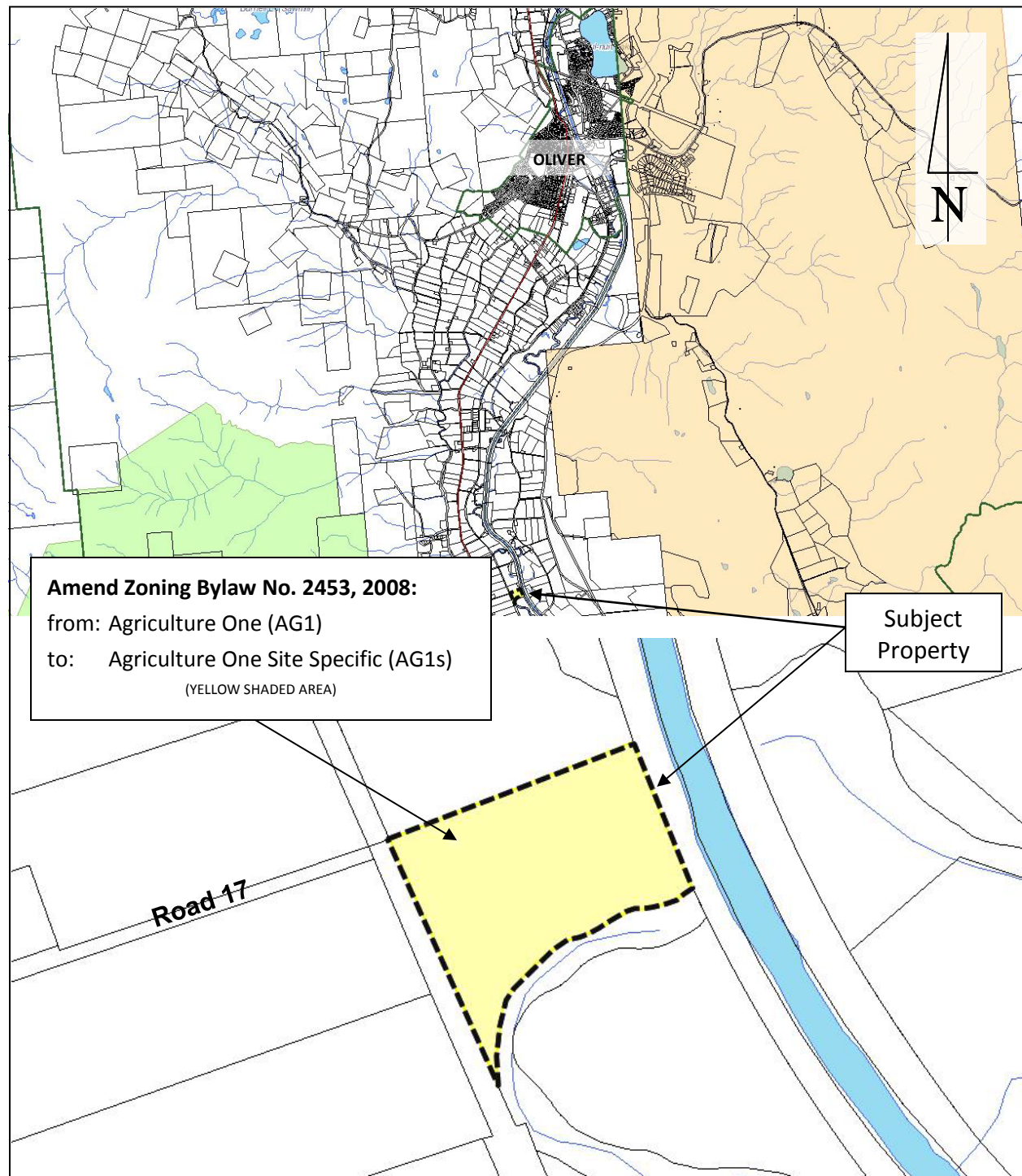
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2453.27, 2015

Project No: C2014.095-ZONE

## Schedule 'X'



## PUBLIC HEARING REPORT



**TO:** Board of Directors

**FROM:** Chair Terry Schafer, Electoral Area "C"

**DATE:** October 14, 2015

**RE:** Public Hearing Report on Amendment Bylaw No. 2453.27, 2015

---

### **Purpose of Amendment Bylaw:**

The purpose of the amendment bylaws are to amend the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is to permit an additional (existing) dwelling for farm labour on a parcel less than 3.5 ha in size.

### **Public Hearing Overview:**

The Public Hearing for Amendment Bylaw No 2453.27 was convened on Wednesday, October 14, 2015, at 7:00 p.m., at the Oliver Community Centre, 6359 Park Drive, Oliver.

There were 5 members of the public present.

Members of the Regional District Board present were:

- Chair Terry Schafer

Members of the Regional District staff present were:

- Evelyn Riechert, Planner
- Gillian Cramm, Recording Secretary

Chair Schafer called the Public Hearing to order at the Oliver Community Centre, Meeting Room at 6359 Park Drive, Oliver.

Pursuant to Section 890 and 892 of the *Local Government Act* in order to consider Amendment Bylaw Nos 2453.27, 2015.

In accordance with subsections 1 and 2 of Section 892, the time and place of the public hearing was advertised in the September 30 and October 7, 2015 editions of the Oliver Chronicle.

Copies of reports and correspondence received related to Amendment Bylaw No 2453.27, 2015 were available for viewing at the Regional District office during the required posting period.

### **Summary of Representations:**

There was no written brief submitted at the public hearing.

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

Chair Schafer asked if anyone wished to speak to the proposed bylaws.

---

Jean Evans stated that she is concerned about setting precedence. If this application is allowed, others will do the same.

Talvinder Bassi asked about the meaning of “site specific”, and what the arrangement was regarding the original house when the second building was being built. Discussion ensued regarding the site specific.

Dave Evans stated that the land is highly valuable for agriculture. The land is getting crowded. He was supposed to take down the original building. The building is not suitable for habitation and should be taken down. This application will set precedence and others will do the same. It must be stopped now.

Nirmil Dhaliwal stated that he supports farm labour housing but there are other options in this case.

Talvinder Bassi stated that this application is opening for others to do the same. It will be hard to give it to one but not to others.

Dave Evans stated that he is concerned that the footprint is enlarged.

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

Chair Schafer asked a third time if there was anyone who wished to speak further to the proposed bylaws and hearing none, declared the public hearing closed at 7:21 p.m.

Recorded by:

*Gillian Cramm*

Gillian Cramm  
Recording Secretary

Confirmed:

*ERiechert*

Evelyn Riechert  
Planner

Confirmed:

Terry Schafer  
Chair



## Lauri Feindell

---

**From:** Beaupre, John <John.Beaupre@interiorhealth.ca>  
**Sent:** September-04-15 11:34 AM  
**To:** Planning  
**Cc:** Evelyn Riechert  
**Subject:** Zoning Bylaw Amendment RDOS File: C2014.095-ZONE

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

Dear Ms. Riechert:

**Re: Amend Zoning From AG1 to AGs to Permit Existing Second Dwelling**  
**Lot 311, DL 2450s, SDYD, Plan 1790, except Parcel A (plan B5575), Parcels 5, 6, and C on Plan A1271, Plan H681**  
**8929 Road 17, Oliver**

Thank you for the opportunity to provide comment on the above referenced zoning amendment to permit a second dwelling on the subject property.

This office recommends having an "Authorized Person" as defined in the Sewerage System Regulation investigate and assess the existing onsite sewerage dispersal systems on the property to confirm whether or not they are functioning properly, sized properly and whether or not they pose a health hazard. The AP should also confirm whether or not suitable sites exist on the subject property for replacement sewerage systems should the existing systems fail.

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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August 20, 2015

File: 58000-20/104159  
Your File: C2014.095-ZONE

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

Attention: Evelyn Riechert

Re: Zoning Amendment: 8929 No. 17 Road, Oliver, B.C. to permit a second dwelling

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

Residential, commercial, or industrial activities or ancillary activities (as defined under Part 26 of the Local Government Act) on this property would be subject to the Riparian Areas Regulation (RAR) if they are within 30m of a stream (as defined under the Riparian Area Regulation). The assessment defines the required Streamside Protection and Enhancement Area (SPEA) setback, which must be determined prior to subdivision and/or development. RAR assessments must be completed by a qualified environmental professional (QEP) following the provincial RAR guidelines. For more information on RAR visit [http://www.env.gov.bc.ca/habitat/fish\\_protection\\_act/riparian/riparian\\_areas.html](http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html).

To ensure you are following the best community planning objectives related to the environment follow the advice outlined in Section 2 of Develop with Care Guidelines (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>). If you need further assistance understanding the Develop with Care document please do not hesitate to contact me.

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,

Lora Nield  
Senior Ecosystems Biologist

LN/cl



## Evelyn Riechert

---

**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** August-20-15 1:08 PM  
**To:** Evelyn Riechert  
**Subject:** RE: DelicaSea Re-zoning Request

Thank you Evelyn

This is to advise that the ALC has no objection to the proposed bylaw 2452.25, 2015 on the grounds the second dwelling appears to be necessary for farm help based on the development of an aquaculture facility on the property.

Regards

Martin Collins  
Regional Planner  
Agricultural Land Commission  
#133 4940 Canada Way  
Burnaby, BC, V5G 4K6  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)  
604-660-7021

---

**From:** Evelyn Riechert [<mailto:eriechert@rdos.bc.ca>]  
**Sent:** Thursday, August 20, 2015 12:04 PM  
**To:** Collins, Martin J ALC:EX  
**Subject:** FW: DelicaSea Re-zoning Request

Hi Martin,

Here is a letter from Myron Roth supporting the second dwelling as a requirement for the fish farm. He also describes the operation on the property.

Cheers,  
Evelyn

---

**From:** Roth, Myron AGRI:EX [<mailto:Myron.Roth@gov.bc.ca>]  
**Sent:** July-16-15 4:10 PM  
**To:** Evelyn Riechert  
**Cc:** 'Gary Klassen'; Tegart, Greg AGRI:EX  
**Subject:** RE: DelicaSea Re-zoning Request

Hi Evelyn,

Please find attached a copy of my recommendation in support of the DelicaSea re-zoning request.

If you require the original please let me know and I can get it out to you. Should you require any additional information or wish to discuss further please do not hesitate to contact me.

Regards,





File: Reic-150716-Final  
Ref: n/a

Evelyn Riechert  
Planner  
Regional District Okanagan-Similkameen  
Development Services  
Planning and Building Inspection  
101 Martin St, Penticton BC V2A 5J9  
[eriechert@rdos.bc.ca](mailto:eriechert@rdos.bc.ca)

Re: DelicaSea Fish Co / Gary Klassen, 303 Road 17 Oliver BC V0H 1T1  
Aquaculture Licence: 112639  
Re-zoning application

Dear Ms. Riechert,

I am writing in regards to the re-zoning application for the above noted fish farm.

To review the file and the circumstances surrounding it, I have been in correspondence with Mr. Klassen via telephone and email. I also note that the farm's aquaculture licence as issued by Fisheries and Oceans Canada was renewed on June 19, 2015 and is valid until June 8, 2024.

Based on the information received, I understand that the farm currently produces Arctic char (*Salvelinus alpinus*) that are marketed to white table cloth restaurants. Disease-free eggs are sourced through a third party, which are brought to the farm under permit, hatched and reared to harvest in about 18-24 months. The system has a capacity of 30 metric tonnes and utilizes flow through well water pumped from two wells. Rearing water is supplemented with oxygen via an oxygen generation system controlled by a programmable logic controller (PLC). For back up, the site has a generator and bottled oxygen that can feed the oxygen generation system should it fail. While fish are slaughtered on site, processing is carried out off-site by a licenced third-party.





Arctic char are grown at very high densities ( $>100 \text{ kg/m}^3$ ) and require well oxygenated water to thrive and grow. Should the water supply or oxygenation systems fail, oxygen levels in the rearing water would fall to dangerously low levels within minutes, subjecting the fish to undue stress and harm, and mostly likely death. A similar situation exists in most finfish hatcheries which grow fish at high densities. For this reason, it is common practice to have staff on site at all times (7 days a week, 24 hours a day) to deal with emergencies and to operate the back-up systems as necessary.

It is my understanding that Mr. Klassen seeks to have his farm re-zoned to allow for a second residence on the site to accommodate on-call farm staff. Based on the information provide to me, my professional experience, and the standard practice of providing accommodation for staff on fish farms at all times to ensure there is someone is available to deal with equipment during emergencies, I fully support this request.

Note, this recommendation is based on information obtained from telephone conversations and correspondence with Mr. Klassen. I am, however, planning to visit the site and will advise you if there is any change in my understanding of the site's operation particulars should this affect my recommendation to support this re-zoning request.

Please do not hesitate to contact me should you require further details or wish to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myron Roth', with a long horizontal flourish extending to the right.

Myron Roth, Ph.D., P.Ag.  
Industry Specialist – Aquaculture and Seafood.

cc. Greg Tegart, SDB Vernon  
Gary Klassen, DelicaSea Fish Co., Oliver

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** August-06-15 8:58 AM  
**To:** Planning  
**Subject:** re: Bylaw Referral C2014.095-ZONE Klassen

Evelyn Riechert  
Regional District of Okanagan and Similkameen

Hello Evelyn,

Thank you for your Bylaw Referral C2014.095-Zone Klassen, concerning 8929 Number 17 Road, Oliver, BC, PID 003749614, L 311 DL 2450S SIMILKAMEEN DIVISION YALE DISTRICT PL 1790 EXC (1) PCL A (PL B5575) (2) PCLS 5 6 & C ON PL A1272 (3) PL H681. Provincial records indicate no known archaeological sites are recorded on the property. However, archaeological potential mapping for the area indicates that the property has high potential to contain unknown archaeological sites.

Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Given the potential to contain unknown archaeological sites, an Eligible Consulting Archaeologist (ECA) should be engaged prior to any land-altering activities to determine if development activities are likely to impact unknown archaeological sites. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required. I am informing you of this archaeological potential so proponents are aware of the potential risk for encountering a site if they choose to conduct any land-altering activities on the property. Proponents should contact an archaeologist prior to development to conduct an in-field assessment and/or detailed review of the property. However, the Archaeology Branch is not requiring the proponent conduct an archaeological study or obtain a permit prior to development of this property. In this instance it is a risk management decision for the proponent.

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

If you or project proponents have questions please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at [http://www.for.gov.bc.ca/archaeology/property\\_owners\\_and\\_developers/index.htm](http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm).

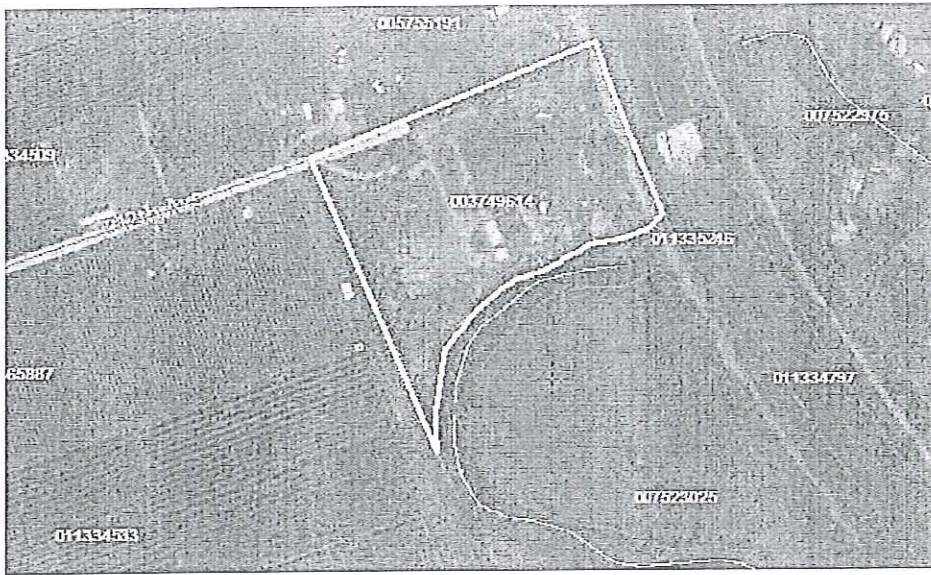
Please review the screenshot of the property below (outlined in yellow). If this does not represent the property as described in the referral, please contact me. The dark brown colour (over everything in the screenshot) represents high archaeological potential.

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



Kind regards,

Diana



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

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



Lauri Feindell

01575611

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** September-01-15 5:17 PM  
**To:** Planning  
**Cc:** Mirsky, Nicholas  
**Subject:** Road 17, 303 (8929), Oliver RDOS (C2015-095-Zone)

With respect to the above noted file,

There are primary distribution facilities along Road 17. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

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

Best Regards,

*Steven Danielson,  
Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, P.App.  
Land Agent | Lands & Planning | FortisBC Inc.**

2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Office: 250.469.8033  
Mobile: 250.718.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)



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## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Amendment Bylaw — Development Procedures Bylaw

---

### **Administrative Recommendation:**

**THAT Bylaw No. 2500.06, 2015, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a first, second and third time and adopted.**

---

### **Purpose:**

The purpose of this amendment bylaw is to incorporate the requirements of the Regional District Board's former Policy No. P6410-00.07 (Development Variance Permits) into the Regional District's Development Procedures Bylaw No. 2500, 2011.

### **Background:**

At its meeting of April 5, 2001, the Board adopted a policy regarding requests to vary the requirements of the Subdivision Servicing Bylaw, specifically:

*Applications for development variance permits to reduce or eliminate required community water, sewer, drainage or highway works and services shall be supported by a report prepared by a professional engineer at the applicant's costs, outlining:*

- a) any alternative works proposed;*
- b) any detrimental impacts which may arise if the proposed variance is granted; and*
- c) any mitigation works or measures proposed to be provided.*

*The Board will consider exceptions from this policy in appropriate circumstances.*

Under Section 922 of the Act, the Regional District may issue a development variance permit for any servicing provision enacted under Division 11, while Section 895 establishes the need for bylaw procedures and requirements when a property owner is preparing a variance application.

At its meeting of October 15, 2016, the Planning and Development (P&D) Committee of the Board resolved to initiate Amendment Bylaw No. 2500.06, in order to incorporate this requirement into the Development Procedures Bylaw.

### **Alternative:**

THAT the Board of Directors deny first reading of Amendment Bylaw No. 2500.06, 2015.

### **Analysis:**

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Administration considers that the need for a professional engineer's report in support of variances related to community water, sewer, drainage or highway works requirements under the Subdivision Servicing Bylaw to be more appropriately located within the Regional District's Development Procedures Bylaw No. 2500, 2011.

**Respectfully submitted:**

A handwritten signature in blue ink, appearing to be 'C. Garrish', written over a horizontal line.

C. Garrish, Planning Supervisor  
Manager

**Endorsed by:**

A handwritten signature in blue ink, appearing to be 'Donna Butler', written over a horizontal line.

D. Butler, Development Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**BYLAW NO. 2500.06, 2015**

---

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

---

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.06, 2015."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
  - (i) adding a new sub-Section 1.7 under Schedule 4 (Application for a Development Variance Permit) to read as follows:
    - .7 Professional Reports
      - a) Where an application proposes to vary a servicing requirement specified under the Subdivision Servicing Bylaw, the application shall be accompanied by an assessment report from a qualified professional engineer outlining:
        - a) any alternative works proposed;
        - b) any detrimental impacts which may arise if the proposed variance is granted; and
        - c) any mitigation works or measures proposed to be provided.

READ A FIRST, SECOND AND THIRD TIME on the \_\_ day of \_\_\_\_, 2015.

ADOPTED on the \_\_ day of \_\_\_\_, 2015.

---

Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Amendment Bylaw — Delegation of Local Government Authority Bylaw

---

### **Administrative Recommendation:**

**THAT Bylaw No. 2509.03, 2015, Regional District of Okanagan-Similkameen Delegation of Local Government Authority Amendment Bylaw, be read a first, second and third time and adopted.**

---

### **Purpose:**

The purpose of this amendment bylaw is to incorporate the requirements of the Regional District Board's former Policy No. P6410-00.04 (Applications for Relaxation of the Ten Percent Frontage Requirement) into the Delegation of Local Government Authority Bylaw No. 2509, 2010.

### **Background:**

At a meeting in January of 1994, the Board adopted a policy regarding proposals that seek to vary the 10% frontage requirement for new parcels to be created by subdivision, specifically:

*Applications for relaxation of the ten percent (10%) frontage requirement are to be delegated to the Regional Approving Officer for approval.*

*A copy of the Approving Officer's decision is to be requested and a copy retained for the District's records.*

This Policy related to Section 944 of the *Local Government Act*, which states that parcels to be created by subdivision must have a frontage on a highway that is the greater of:

- (a) 10% of the perimeter of the lot that fronts on the highway, and*
- (b) the minimum frontage that the local government may, by bylaw, provide.*

This section further states that a local government may exempt a parcel from this requirement and can further delegate, in accordance with Section 176(1)(e) (Corporate powers) of the Act, this authority to "an approving officer".

At its meeting of October 15, 2016, the Planning and Development (P&D) Committee of the Board resolved to initiate Amendment Bylaw No. 2509.02, in order to properly delegate to the Provincial Approving Officer the ability to exempt parcels from the requirements of Section 944.

### **Alternative:**

THAT the Board of Directors deny first reading of Amendment Bylaw No. 2509.03, 2015.

---

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**Analysis:**

Minimum frontage and minimum parcel width requirements are generally used to forestall the creation of narrow lots and to ensure that a sufficient buildable area is provided for new parcels. While the Regional District has implemented minimum parcel width requirements for almost all of its zones (i.e. “not less than 25% of parcel depth”), it has not implemented similar minimum road frontage requirements.

In place of such frontage requirements — and in accordance with former Policy No. P6410-00.04 — the Regional District has relied on the Provincial Approving Officer to exercise their judgement when dealing with requests to exempt a parcel from Section 944.

Administration supports the continuation of this practice and, in the interest of consolidating all delegated authorities in one document, further supports the amendment of Bylaw No. 2509 in order that the Provincial Approving Officer is formally delegated the authority to exempt parcels from the requirements of Section 944(1) of the *Local Government Act*.

**Respectfully submitted:**

C. Garrish, Planning Supervisor

**Endorsed by:**

Donna Butler

D. Butler, Development Services Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2509.03**

---

**A Bylaw to amend the Regional District Okanagan-Similkameen  
Delegation of Local Government Authority Bylaw No. 2509, 2010**

---

**WHEREAS** pursuant to Section 176(1)(e) of the *Local Government Act*, a Board may, by bylaw, delegate to its officers and employees powers, duties and functions; and,

**WHEREAS** the Board desires to amend the delegation of authority for certain matters; and,

**WHEREAS** pursuant to Section 192(1) of the *Local Government Act*, the bylaw was adopted by at least two-thirds (2/3) of the votes cast;

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

1. This bylaw may be cited as “Regional District of Okanagan-Similkameen Delegation of Local Authority Amendment Bylaw No. 2509.03, 2015”
2. The Regional District of Okanagan-Similkameen Delegation of Local Government Authority Bylaw No. 2509, 2010 is hereby amended as follows:
  1. amending Section 3.1 to read as follows:
    1. The Regional Board hereby delegates to the Chair and to the positions set out in Schedules ‘A’ and ‘B’ attached to this bylaw, the powers, duties and functions of the Regional Board as listed in Schedules ‘A’ and ‘B’, subject to any limitations on that delegated authority.
  2. adding a new schedule following Schedule ‘A’ to read as follows:

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**SCHEDULE ‘B’**

**Regional District of Okanagan-Similkameen Bylaw No. 2509, 2010**

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## **1.0 Authority**

The provincial Approving Officer has authority to execute the following documents on behalf of the Regional District of Okanagan-Similkameen:

1. Applications to exempt a parcel from the statutory minimum frontage requirement provided for in sub-section 944(1) of the *Local Government Act*.

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

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

\_\_\_\_\_  
Chair

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

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Development Variance Permit Application — Electoral Area “H”

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### **Administrative Recommendation:**

**THAT the Board of Directors deny Development Variance Permit No. H2015.102-DVP**

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Purpose: To formalize a concrete block retaining wall on the property.

Applicant: Lorne & Corrie Esselink      Folio: H-00558.005      Civic: 2673 Nicola Avenue, Tulameen

Legal: Parcel C (being a consolidation of Lots 6 and 7, see CA2622132) Block 31, DL128, YDYP

Zone: Residential Single Family One (RS1)

Requested Variance: To vary the rear and interior side parcel line setbacks to 0.0 metres.

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### **Proposed Development:**

This application seeks to reduce the minimum rear setback from 1.0 metres to 0.0 metres and the interior side parcel line setback from 4.5 metres to 0.0 metres in order to formalize a concrete block retaining wall along the southern property line that was built without a permit.

The applicant has indicated “the wall was built for erosion and to accommodate the 200 year flood plain. It allows us to access the back of the property for septic truck and other maintenance... We plan to grow vegetation (vines) to increase the aesthetics... Due to flooding each year our property had to be elevated above the flood plain which meant that we had to build up the ground to accommodate this... The wall has been engineered to contain any erosion from flooding into the neighbours property.”

### **Site Context:**

The subject parcel is 1,113 m<sup>2</sup> in area and is located on the east side of Nicola Avenue. Surrounding uses are similar low density residential to the north, south, and east, and park to the west.

### **Background:**

The subject property contains a single family dwelling. The building permit for the dwelling was issued on September 6, 2012; however, required inspections were not completed in accordance with the Regional District’s Building Bylaw and the permit expired on September 6, 2015. A Stop Work Notice was placed on the wall structure on June 6, 2015, as the wall had been built without a permit.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the subject property is zoned Residential Single Family One (RS1), which permits “accessory buildings and structures” as permitted uses, and establishes a rear setback of 1.0 metres and interior side parcel line setback of 4.5 metres.

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At Section 4.0 of the Zoning Bylaw (Definitions), a structure is defined as “anything that is constructed or erected, supported by or sunk into water, and includes swimming pools, and manufactured home spaces, but specifically excludes walls and fences under 2.0 metres in height [emphasis added] ...”

As the proposed structure is to be situated within 4.5 metres of a road reserve, the Ministry of Transportation and Infrastructure has advised that approval of the requested setback was granted on October 22, 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 October 29, 2015.

**Alternative:**

1. THAT the Board of Directors approve Development Permit No. H2015.102-DVP; OR
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “H” 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, the retaining wall is a “structure”, as it is greater than 2.0 metres in height, and is accessory to the residential use of the property and, therefore, is a permitted use under the zoning.

Administration recognises that the property is located in the floodplain associated with the Tulameen River, and that the applicant has indicated they built the wall to accommodate the 200 year floodplain. However, the proposed height of the wall exceeds the flood construction level by 0.9 metres. Further, it is more customary to raise the height of the house to meet floodplain requirements, rather than the entire lot.

It is also thought that a retaining wall of this height will have an adverse impact on the streetscape, views, and character of the area. Such a structure is not consistent with the established streetscape as no other yard along Nicola Avenue is seen to have a retaining wall of this height. Further, despite the fact that the applicants have stated they plan to grow vegetation (vines) to soften the aesthetics of the retaining wall, Administration is concerned that this will not address the overall bulk and impact of the wall on the visual character of the street and neighbourhood.

Given the placement of the structure on the property line with the neighbour to the south, it is likely that the structure will adversely impact upon the amenity of the area and adjoining use.

Allowing for reduced interior side and rear setbacks could also create an expectation and/or perception that the Board will support other retaining walls being developed within the side and rear setbacks on this street in the future.

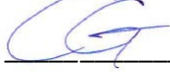
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**Respectfully submitted:**



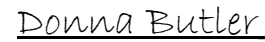
S. Lightfoot, Planning Technician

**Endorsed by:**



C. Garrish, Planning Supervisor

**Endorsed by:**



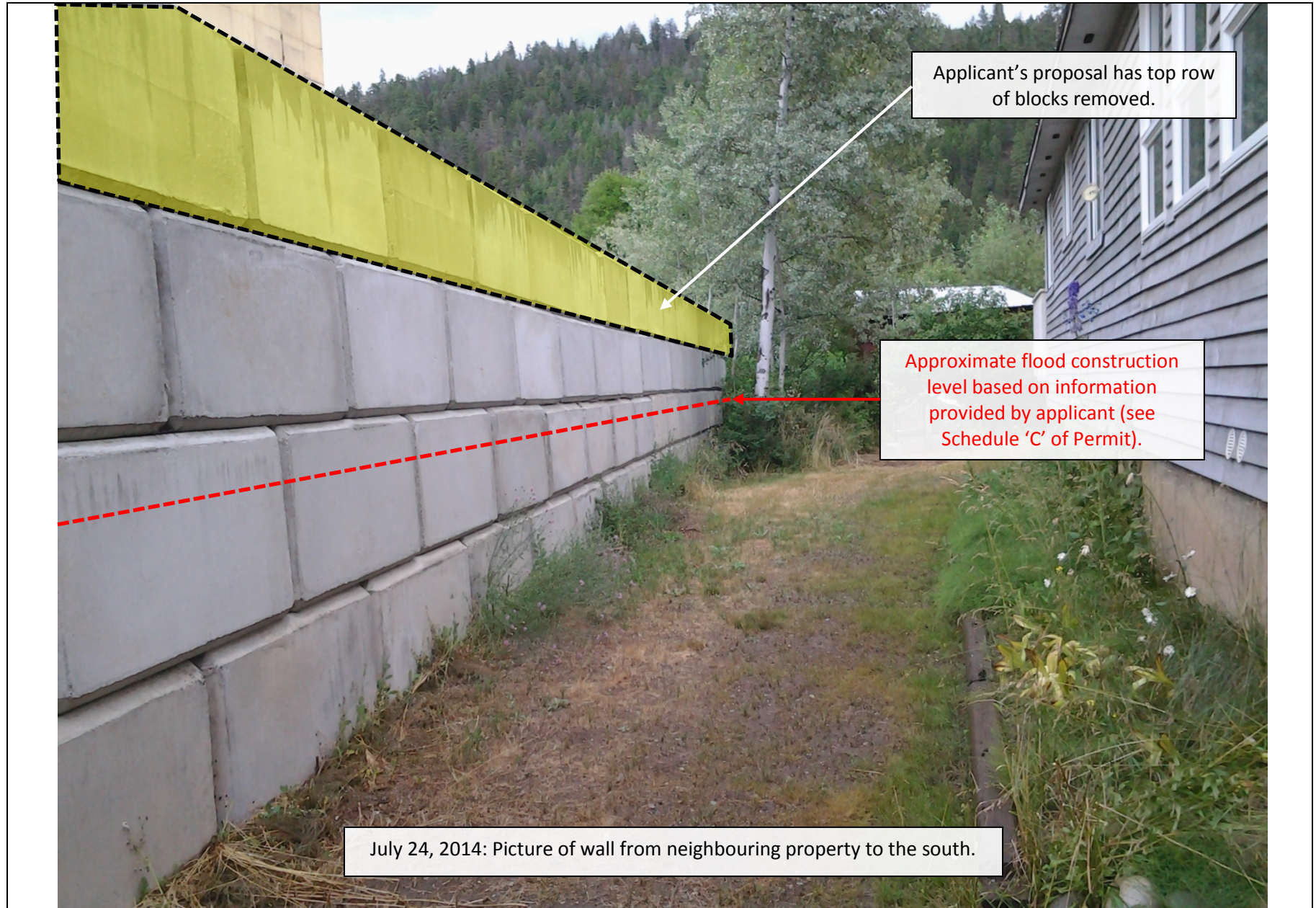
D. Butler, Development Services Manager

Attachments: No. 1 – Site Photo No. 1

No. 2 – Site Photo No. 2

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

Attachment No. 1 – Site Photo No. 1







June 16, 2015: Picture of wall showing Stop Work Notice. Applicant's proposal has top row of blocks removed.



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



September, 2012: One row of blocks and partial second row shown.



# Development Variance Permit

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FILE NO.: H2015.102-DVP

TO: Lorne & Corrie Esselink

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Parcel C (being a consolidation of Lots 6 and 7, see CA2622132) Block 31, DL 128, YDYD

Civic Address: 2673 Nicola Avenue, Tulameen, BC

Parcel Identifier (PID): 028-862-406 Folio: H-00558.005

## 6. CONDITIONS OF DEVELOPMENT

- a) The minimum rear parcel line setback for an Accessory Building in the Residential Single Family One (RS1) Zone, and as prescribed at Section 12.1.5(b)(ii) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, in the Regional District of Okanagan-Similkameen, is varied as follows:
  - i) from: 1.0 metre

to: 0.0 metres, and as shown on Schedules 'B' & 'C'.

- b) The minimum interior side parcel line setback for an Accessory Building in the Residential Single Family One (RS1) Zone, and as prescribed at Section 12.1.5(b)(iii) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, in the Regional District of Okanagan-Similkameen, is varied as follows:

- i) from: 1.0 metre

to: 0.0 metres, and as shown on Schedules 'B' & 'C'.

**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

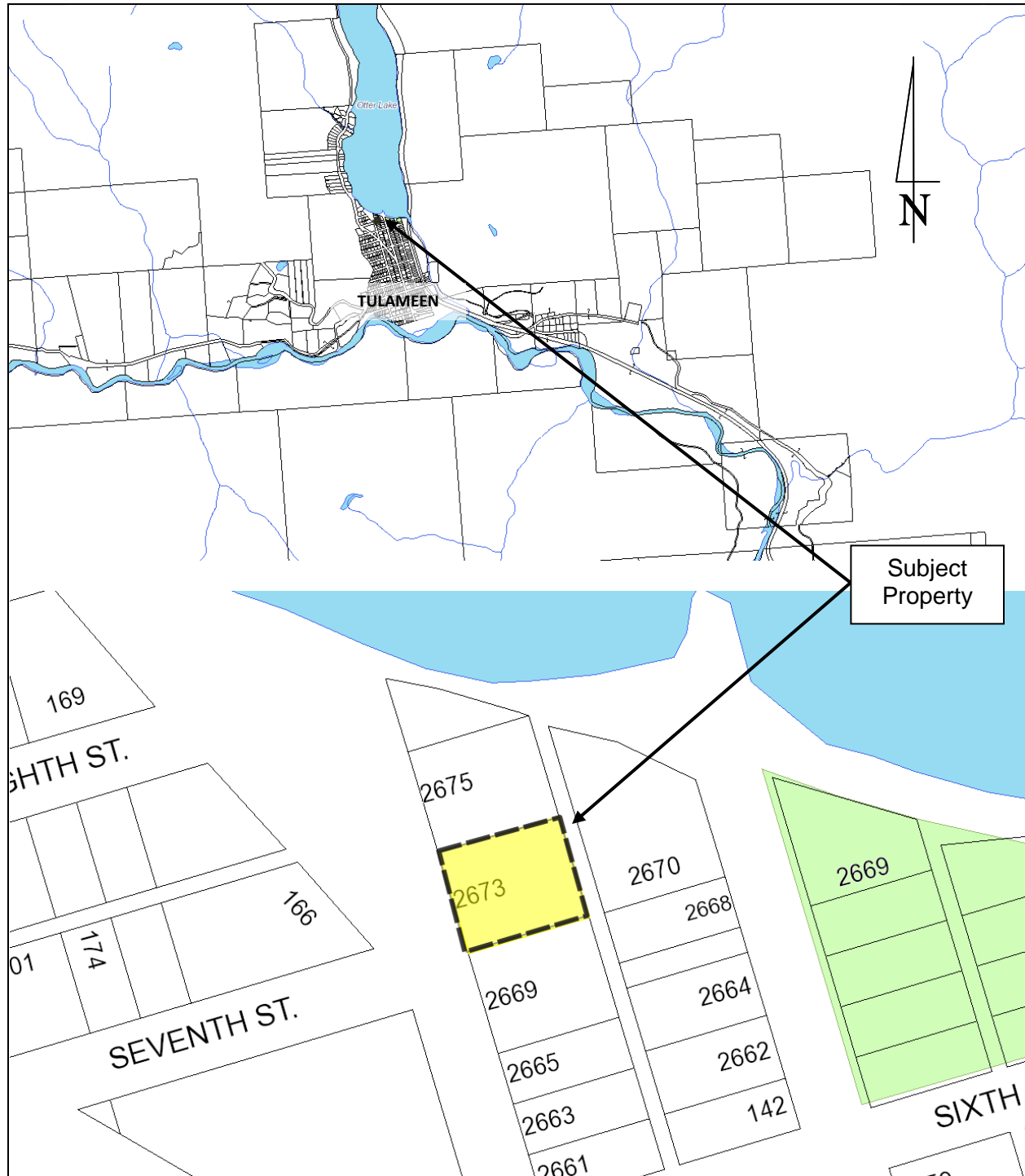
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2015-102-DVP

## Schedule 'A'



Development Variance Permit No. H2015.102-DVP

Page 3 of 5

# Regional District of Okanagan-Similkameen

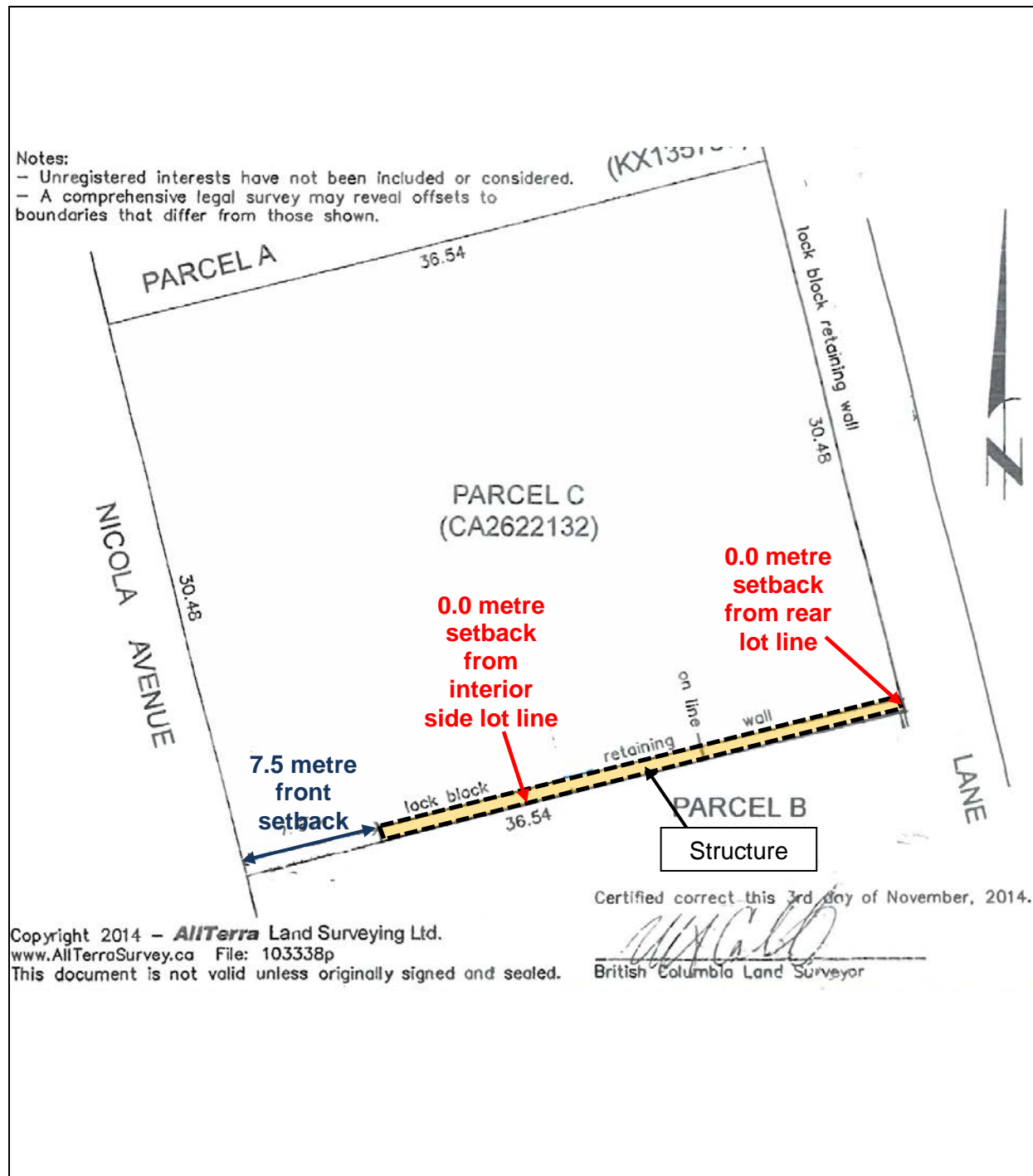
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2015-102-DVP

Schedule 'B'



Development Variance Permit No. H2015.102-DVP

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# Regional District of Okanagan-Similkameen

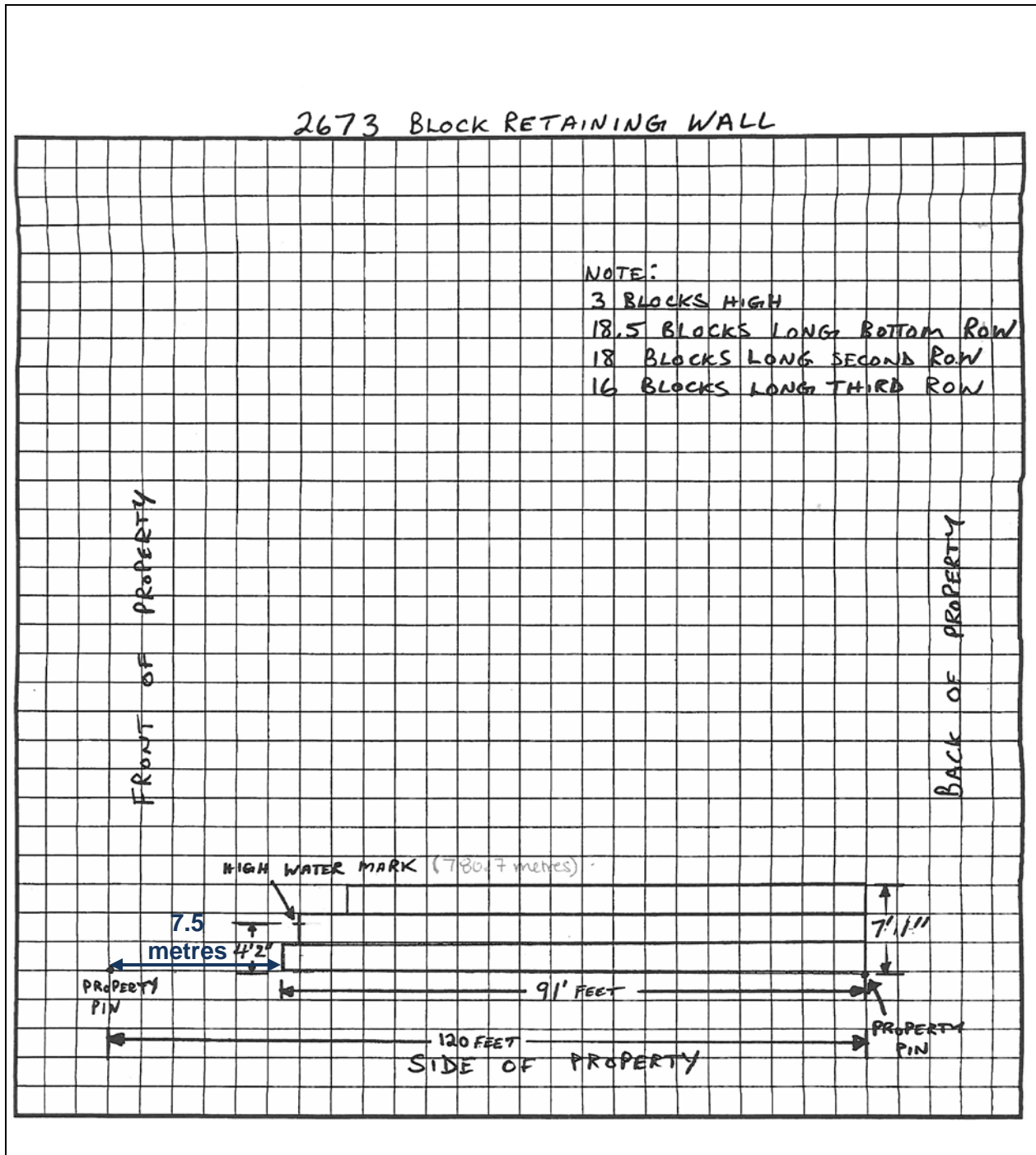
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2015-102-DVP

Schedule 'C'



Our Affected Property Address:  
2669 Nicola Avenue  
Tulameen, BC

October 21, 2015

To:  
RDOS  
Susan Lightfoot, Planning Technician

RDOS File: H2015.102-DVP  
Folio No. H00558.005

Re: Development Variance Permit (DVP) Application -- 2673 Nicola Avenue, Tulameen, BC  
Parcel C (being a consolidation of lots 6 and 7, see CA2622132) block 31, DL128, YDYG

We understand that the above noted development variance permit will be considered by the Regional District board on November 5, 2015. We are in disagreement with the proposed. We are the adjacent property owner, on the south property line of the subject property. This wall of concrete blocks is exceedingly ugly and currently reached a height of over 10 feet. This wall of approximately 120 feet (actually longer considering he continued it into the rear lane) completely blocks our view that we once had of Otter Lake. Now, according to his proposal he is proposing to remove one row of blocks on the top which currently stands at 4 rows.

The fact that the blocks reside at a zero setback, and that they are unrestrained properly can lead to the wall falling onto my property at some point and possibly striking our building. These concrete blocks are huge.


I would be in favour of allowing the zero setback on the south property line in exchange for:

1. The bottom row, as shown on the diagram.
2. The second row as shown on the diagram.
3. The third row, as proposed on the diagram. BE COMPLETELY ELIMINATED. Perhaps, the property owner could grade, sloping downward from the building to the block wall.
4. That the area between the building and the block wall be landscaped appropriately. And the remaining area to the rear of the property be landscaped. But without landscaping that would block our visual line to the lake.

We request that the RDOS keep us informed via email as to the outcome of the variance permit at the following email address [REDACTED] And that the RDOS confirm by email that they have received this letter and that it will be submitted.

Sincerely,

[REDACTED]  
Mike and Karen Comeau, Property Owners



20 October 2015

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

Attn: Susan Lightfoot

RDOS FILE: H2015.102-DVP  
FOLIO NO: H00558.005

**Re: Development Variance Permit (DVP) application – 2673 Nicola Avenue, Tulameen  
Parcel C (being a consolidation of Lots 6 & 7, see CA2622132) Block 31, DL128, YDYG**

Dear Sir or Madam:

I have a number of concerns with this DVP namely;

This DVP appears to address only the lock block wall on the South end of the property. The second lock block wall at the rear of the property along the lane is not mentioned in this DVP. Has this already been accepted or passed as is?

1. We would like to comment on the wall along the rear of the property or alongside the lane on the East end of the property:
  - 1.1. This wall is well within the lane allowance.
  - 1.2. This wall is well over what would normally be considered a landscaping wall in height. We measured it as being over 3.0 meters in height (4 lock blocks high).
  - 1.3. No apparent foundation preparation appears to have taken place. The natural fill in the area is full of organics, sands and gravel. These will settle unevenly causing the wall to tilt.
  - 1.4. To my knowledge no structural geo-mesh has been used to restrain the wall from structural failure.
  - 1.5. No allowance has been made for the release of the hydraulic forces behind the wall, which are considerable, especially in the event of flooding in the area.
  - 1.6. The wall has started to lean over in one section. It appears the remedial action by the owner for this has been to dump the fill from behind the wall over the wall and into the lane. Some of this fill has covered the South East property pin on our lot #2668 and into the adjacent property.
2. The wall mentioned in this DVP along the North property line:



- 2.1. This wall presently extends beyond the property line on the East end
- 2.2. This wall is well over what would normally be considered a landscaping wall in height. We measured it as being over 3.0 meters in height. It would appear from this DVP one row of blocks will be removed, as this application is only 3 blocks high or 2.3 meters. This is still higher than a landscaping wall and should be structurally designed.
- 2.3. No apparent foundation preparation appears to have taken place. The natural fill in the area is full of organics, sands and gravel. These will settle unevenly causing the wall to tilt. In this case the neighboring property could be at risk.
- 2.4. To my knowledge no structural geo-mesh was used to restrain the wall.
- 2.5. No allowance has been made for the release of the hydraulic force behind the wall, which is considerable, especially in the event of flooding in the area.

In all cases of the above we feel a neighborly gesture at the outset would have been to terrace the retaining wall to the required height rather than having this eyesore right on the property line. No amount of planting along the top of the wall will disguise this eyesore.

So in closing we would prefer that the Variance is not granted and the interior side parcel setbacks for an Accessory Building remain at 1.0 meter. We feel there should be a cap on the height of these structures on property boundaries as they block views of Otter Lake.

Sincerely,  
Patricia & Anthony Muller

Kim Eyrl & Brad Kernan



October 29, 2015

REGIONAL DISTRICT OKANAGAN SIMILKAMEEN  
101 Martin Street, Penticton, British Columbia V2A 5J9  
Email: info@rdos.bc.ca

RE: RDOS FILE: H2015.102-DVP FOLIO NO.: H00558.005  
Development Variance Permit (DVP) application 2673 Nicola Avenue, Tulameen  
Parcel C (being a consolidation of Lots 6 and 7, see CA2622132) Block 31, DL128, YDYP

Thank-you for notification regarding the varying of Sections 12.1.5(b)(ii) and 12.1.5(b)(iii) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012 to reduce the minimum rear and interior side parcel line setbacks for an Accessory Building from 1.0 m to 0.00 m to formalize a concrete block retaining wall that was built on the property.

It is our understanding that the interior side parcel line wall as built consists of 4 rows of 2 ½ foot high lock blocks (3 m / 9.3 feet) and that the DVP application is based on reducing the height of the wall to 3 blocks as per the diagram in Schedule 'C'.


We are aware of concerns from adjacent owners regarding the wall as built and we discussed those concerns, as well as our own, with the applicant.

We were informed that the wall was designed by engineers and geoscientists and has been constructed as specified and fully inspected and approved regarding its stability and safety.

We were also advised that an overall height reduction from 3 blocks to 2 blocks is being contemplated by the applicant and that a wall of 2 rows does not need a DVP as the height will not require a reduction in the minimum setback at the side parcel line. This fact was confirmed by Ms. Lightfoot, Planning Technician, who has been very helpful in answering our questions regarding the proposal.

It is our opinion that if a decrease in the overall height of the wall from 3 blocks to 2 blocks occurs this will improve the aesthetics and reduce the impact of the wall on the neighbourhood at the side parcel line and the rear parcel line.

Sincerely,



Kim Eyrl & Brad Kernan

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Addition to First Nations Reserve Land – Electoral Area “A”

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### Administrative Recommendation:

**THAT the Regional District of Okanagan Similkameen provide a “Letter of No Objection” for the transfer of Lot 3, Plan KAP7768, District Lot 41, SDYD (7851 45<sup>th</sup> Street, Osoyoos) to Reserve status as part of the Osoyoos Indian Reserve Number 1.**

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### Purpose:

The Regional District has received a referral from the Osoyoos Indian Band (OIB) regarding a proposed addition to the Osoyoos Indian Reserve Number 1.

Specifically, it is proposed to incorporate the property at 7851 45<sup>th</sup> Street, Osoyoos (being Lot 3, Plan KAP7768, District Lot 41, SDYD), which is owned by the Osoyoos Indian Band Holdings Corporation and is situated immediately adjacent to the southern boundary of the OIB Reserve.

### Site Context:

The subject property is approximately 5.37 ha in area and is situated on the eastern side of 45<sup>th</sup> Street (see Attachment No. 1), while available Building Permit records indicate a mobile home was developed on the site, and a single detached dwelling in 1983. The eastern part of the property is currently under agricultural production, while the western part is being utilised for the storage of RV's.

### Background:

Under the federal *Additions to Reserve/New Reserve Policy* (2001), it is stated that the Government of Canada favours a “good neighbour” approach to adding land to Reserves in which First Nations and municipalities sit down together to discuss issues of mutual interest and/or concern in the same way neighbouring municipalities must do in relation to one another.

More specifically, the Federal Government requires “an early and healthy dialogue led by the First Nation ... [with] the public and affected individuals and interest groups [in order] to increase awareness and deal with potential issues.”

Under the Board's former Policy on Additions to Reserves – First Nations Land (No. P3320-00.01), which was rescinded at its meeting of September 17, 2015:

*If the Regional District receives a request for an addition to a Reserve within an Electoral Area, the District's Staff are directed to conduct an analysis of the joint land use planning, bylaw harmonization, tax, service provision, and future dispute resolution considerations on a case-by-case basis.*

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At its meeting of December 20, 2001, the Board supported the incorporation of the adjacent property at 8001 Cottonwood Drive into Reserve Number 1. The OIB has since developed this parcel as the Nk'mip RV Park.

While the subject property is also situated within the Agricultural Land Reserve (ALR), the Agricultural Land Commission (ALC) signed a Memorandum of Agreement with the OIB in 2006 wherein it "waived [its] objections to the proposed additions-to-reserve of the [former] Gill and Kalkat properties on the premise that the Band will undertake buffering in accordance with our Landscaped Buffer Specification at the time the lands are added to the Indian Reserve."

**Alternative:**

THAT the Board of Directors does not support the transfer of Lot 3, Plan KAP7768, District Lot 41, SDYD (7851 45<sup>th</sup> Street, Osoyoos) to Reserve status as part of the Osoyoos Indian Reserve Number 1.

**Analysis:**

In considering this proposal, Administration notes that the subject property is currently assessed as residential and that its incorporation within the OIB's Reserve Number 1 would reduce overall yearly taxes collected for Regional District services by approximately \$1,700. In terms of local services, these taxes do provide funding for the Sterile Insect Release program and Osoyoos Museum.

An option to enter into a Transfer Agreement with the OIB exists so that a "net tax loss adjustment" may be negotiated, however, Administration considers the cost of negotiating such an agreement as potentially exceeding the funds to be received.

With regard to land use considerations, the property is currently designated as Agriculture (AG) under the Electoral Area "A" Official Community Plan (OCP) Bylaw and is zoned Agriculture One (AG1) under the Zoning Bylaw, however, once it is incorporated within OIBs Reserve Number 1, these will no longer apply.

The OIB has indicated that the intended future of this property will likely continue to be part residential and part storage (i.e. RVs). While this is not consistent with the Electoral Area "A" land use bylaws, the continued use of the property for these purposes (or even its redevelopment) is unlikely to create speculation or pressure for similar developments on surrounding properties in the Electoral Area due to the different regulatory regime.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

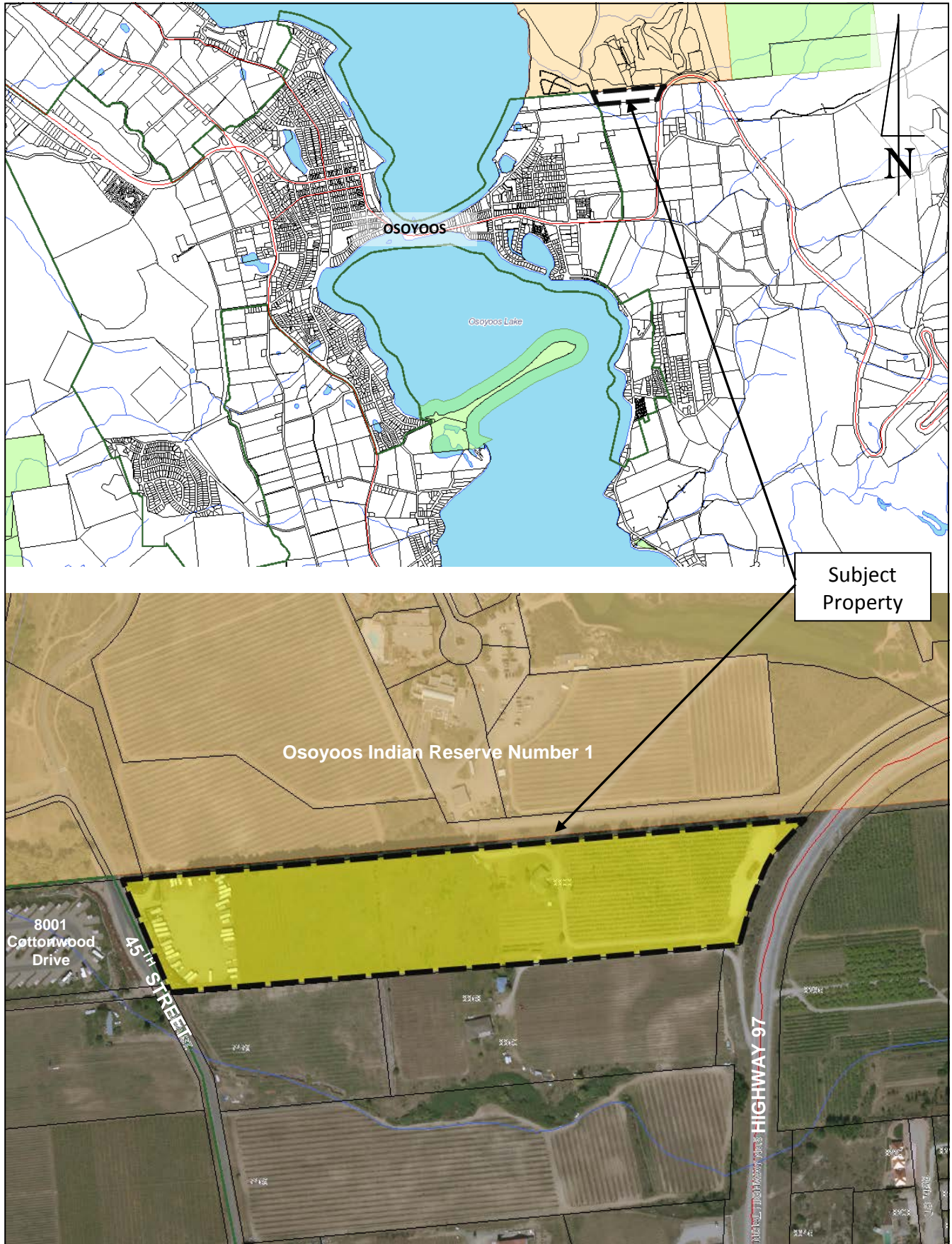
**Endorsed by:**



D. Butler, Development Services Manager

Attachments: No. 1 – Context Maps

Attachment No. 1 - Context Maps



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Award of Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan Project

---

### **Administrative Recommendation:**

**THAT the Board of Directors award the work for the Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan to Sperling Hansen Associates for the amount of \$222,649 excluding GST; and**

**THAT the Board of Directors approve a further contingency for the project in the amount of \$75,000 for optional items, tendering and inspection services for the installation of the designed systems; and,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the consulting services agreement with Sperling Hansen Associates.**

### **Reference:**

In accordance with the Purchasing and Sales Policy, the Regional District Board of Directors shall approve all purchases over \$50,000.

### **Background:**

Landfill operations at Campbell Mountain Sanitary Landfill began in 1972 and it currently accepts residential, commercial and light industrial waste from the City of Penticton and the surrounding areas. CML has approximately 1,400,000 tonnes of waste in place. Various on-site diversion activities and curbside recycling programs have reduced the volume of waste landfilled each year. In 2014, 16,208 tonnes of composted/recycled materials were diverted onsite from the landfill, leaving 23,800 tonnes to be landfilled.

The Regional District has completed many different components required for the Design Operations and Closure (DOC) plan however some require updates and all need integrating into a complete document. Each component must also be reviewed for compliance to the new draft Landfill Criteria for Municipal Solid Waste scheduled to be released soon.

As part of our new Operational Certificate The DOC plan must be completed and submitted to the Ministry of Environment by June 30th 2016. In response staff generated an RFP, with a closing date of October 16, 2015, detailing what is needed to complete the DOC plan.

**Funding:**

The funding for the project is available in the Campbell Mountain Landfill Closure Plan Reserve. As of December 2014 the reserve had a balance of \$5,614,536.

**Alternatives:**

The Board may choose to not award the project to the recommended proponent.

**Analysis:**

Two proposals were received in by the RFP closing time. Staff carefully evaluated the merits and shortfalls of each submitted proposal. It was very clear during the examination of the proposed methodology that Sperling Hansen Associates was the better choice given the detailed task descriptions.

There are many benefits identified for proceeding with Sperling Hansen on this project. They include the following:

- Considerable experience with Campbell Mountain landfill as they have been retained for 26 different projects for this landfill since 2000.
- Very experienced and knowledgeable staff whom have good relations with the Ministry of Environment. Extensive experience with similar projects.
- Included the determination of the air space value used at the landfill and a detailed assortment of potential optimizations that could be made. This will help determine the benefits and return value for various optimizations.
- Hours for level of effort are substantially more for Sperling Hansen which will result in a more detailed and thorough end result. (1569 hours versus 1079 hours of work effort).
- Methodology is very detailed about what processes they will use and what deliverables are included with each task. The task list has 65 entries in the detailed breakdown while the second consultant has listed 20 more general tasks. The second consultant did not stipulate all details or deliverables that left us concerned about changes in scope and escalating costs.
- Inclusion of all aspects requested in the RFP. Sperling Hansen provided costs for all requested tasks as well as some value added items. The second consultant did not include some tasks in their fee quote; for example the leachate collection and treatment system was assumed to not be required so a price was not provided for this task. From our estimation using the fees from Sperling Hansen, we calculated at least \$40k for work that is not included in the second consultant's proposal.

The RFP stipulated that each proponent's fee be submitted as a maximum or fixed amount. The following table provides the two consultants that submitted proposals for the project including their fee and the rank given from the evaluation team. The rank is based on the highest points to lowest points received during evaluation.

<b>Consultant</b>	<b>Fees</b>	<b>Rank</b>	<b>Points</b>
Sperling Hansen Associates	\$222,649	1	90
GHD	\$150,585	2	77

Despite the fee difference between the consultants, the carefully evaluated 'best value' for the Regional District is considered to be from Sperling Hansen Associates for the project.

#### **Contingency Request:**

Once the different smaller projects are brought together as one complete unit it is common that unforeseen circumstances arise due to information gaps. The gaps must be filled in order to get a complete project.

Additionally, anticipated optional items may become necessary for providing a successful project. Tendering services, site inspection and record drawings are currently optional items within the scope of work. It is intended that after the DOC plan is complete, the detailed designs for a biocover, surface water diversion and leachate control will be used in tender documents. Contractors will then submit bids for the construction work. Awarding the construction work will come to the Board at that time. Preparation of these tenders and inspection work during construction will be conducted by our consultant who prepared the design.

In order to cover any unexpected problems, addition of optional items, tendering services and supervising construction a contingency of \$75,000 is requested to be approved for the project. The contingency will also be funded by the Closure Reserve as needed.

#### **Respectfully submitted:**

*Liisa Bloomfield*

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L. Bloomfield, Engineer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Award of Contract-West Bench Reservoir Design and Construction

---

### Administrative Recommendation:

**THAT the Regional Board of Directors approve the recommendation for award of the “West Bench Reservoir Design and Construction” which will be sent to the Regional Board by November 5<sup>th</sup>, 2015; and,**

**THAT the Board of Directors award the “West Bench Reservoir Design and Construction” project to the Design-Build Contractor recommended, for their required amount to complete the project *plus applicable taxes*, in the recommendation for award of the “West Bench Reservoir Design and Construction”; and,**

**THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the construction services agreement.**

### Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board shall approve all purchases over \$50,000.

### Background:

The Regional District of Okanagan-Similkameen owns and operates the West Bench Water System. West Bench is a community located within the RDOS. It is just outside the City of Penticton’s boundary. West Bench is bounded on the south by the Penticton Indian Reserve, on the north by the community of Sage Mesa, and on the west by private land and the community of Husula Highlands. Husula Highlands and Sage Mesa are supplied with potable water from a private water utility. The West Bench Water System supplies domestic and irrigation water to 352 properties and 72 acres of irrigated lands. The entire distribution system has been upgraded significantly in recent years and is now fed from the City of Penticton’s water supply. These upgrades included water metering, backup power, and a new booster station which pumps the City of Penticton’s treated water supply into the distribution system and balancing reservoir. There is a single pressure zone in the West Bench Water System ranging from approximately 40 psi to 150 psi.

The West Bench Water System currently has a 1,022 m<sup>3</sup> (255,000 Imperial gallon) circular concrete tank located at the top end of the distribution system. This tank (reservoir) provides balancing storage for peak hour demands, as well as storage of water for fire protection. The level in the reservoir controls the starting and stopping of the booster pumps.

A previous report completed by Focus Engineering in 2011 stated that the West Bench Water System had a shortfall of 550 m3. The addition of a second reservoir to accommodate this shortfall was removed from the previous upgrade project due to budgeting concerns.

**Funding:**

The West Bench Water System Upgrade project is now complete and there is enough remaining funds available in the consultant and capital budgets for the West Bench Water System, and from the Building Canada Fund-Communities Component (\$3,380,000) that was awarded to the Regional District for the West Bench Water System Upgrades to proceed with the additional reservoir to cover the shortfall.

**Alternatives:**

The Board may choose to not award the project to the recommended proponent.

**Analysis:**

On Tuesday, October 13th, 2015 an Expression of Interest (EOI) was released for the design and construction of an additional reservoir for the West Bench Water System. The purpose of the EOI was to shortlist qualified firms to be invited to submit a cost proposal for the final selection of a Design-Build Contractor (Design-Builder). Three (3) EOIs were received by the closing time on October 15<sup>th</sup>, 2015.

An analysis of all three (3) EOIs was performed to determine if any or all had the necessary qualifications and experience for the project. All three (3) were found to be capable and invited to prepare a proposal.

The request for proposals for the West Bench Reservoir Design and Construction work closes on November 4th, 2015 at which time these proposals will be reviewed and evaluated to determine a recommendation for award. This recommendation will be forwarded to the Board of Directors for review and approval by November 5<sup>th</sup>, 2015.

The following table provides the list of Design-Build Contractors that submitted EOI and were invited to prepare a proposal for the West Bench Reservoir Design and Construction project.

Design-Build Contractor
Aplin & Martin Consultants Ltd.
Cumming Construction Ltd.
Greyback Construction Ltd.

**Respectfully submitted:**

*"Candace Pilling"*

---

C. Pilling, Engineering Technologist



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Electoral Area 'H' Community Facilities Capital Reserve Fund Expenditure Bylaw 2714, 2015

---

### **Administrative Recommendation:**

**THAT Bylaw No. 2714, 2015, Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.**

### **Reference:**

Bylaw No 2653, 2014

### **History:**

In 2009, The Board approved the formation of the Vermillion Forks Community Forest Corporation (VFCFC) for the purpose of acquiring and managing a Community Forest Agreement. The Upper Similkameen Indian Band, the Town of Princeton and the Regional District are 1/3 shareholders in the Corporation. The Electoral Area "H" Director and the CAO were appointed as the Regional District's Board Members on the Corporation.

In 2014, the RDOS Board created the Electoral Area "H" Community Facilities Capital Reserve Fund for the purposes of expenditures for or in respect of capital projects within Electoral Area "H".

Annual dividends received from the VFCFC are transferred into the reserve.

### **Analysis:**

The Hayes Creek Volunteer Firefighters Association has requested funding of \$8,500 for their fire hall building expansion. Earlier this year, they also received \$30,000 for this project. The project is scheduled for final completion in 2016.

The Area H Community Facilities Reserve Fund balance is currently \$581,450. A previous expenditure bylaw has \$85,000 of the reserve committed.

### **Respectfully submitted:**

*"Sandy Croteau"*

---

S. Croteau, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2714, 2015**

---

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Facilities Reserve Fund for Hayes Creek Fire Hall expansion

---

**WHEREAS** Section 814(3) of the Local Government Act, R.S.B.C. 1996, c.323 and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'H' Community Facilities Capital Reserve Fund ' has sufficient monies available for community projects;

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

- 1** This bylaw may be cited as the "Electoral Area 'H' Community Facilities Capital Reserve Fund Expenditure Bylaw No. 2714, 2015"

The expenditure of \$8,500 from the 'Electoral Area 'H' Community Facilities Capital Reserve Fund is hereby authorized for the Hayes Creek Fire Hall expansion

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

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

---

RDOS Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Bylaw 2717 Naramata Water System Back-Up Power Temporary  
Borrowing Bylaw and Bylaw 2718 Naramata Fire Truck Acquisition  
Temporary Borrowing Bylaw

---

### **Administrative Recommendation:**

**THAT Bylaw No. 2717, 2015 Naramata Water System Back-Up Power Temporary Borrowing Bylaw be read a first, second and third time and be adopted.**

**And**

**THAT Bylaw No. 2718, 2015 Naramata Fire Truck Acquisition Temporary Borrowing Bylaw be read a first, second and third time and be adopted.**

### **Reference:**

Bylaw 2696, 2015 Naramata Water System Back-Up Power Loan Authorization Bylaw  
Bylaw 2698, 2015 Naramata Fire Truck Acquisition Loan Authorization Bylaw

### **History:**

At the October 1, 2015 the Board adopted Bylaw 2696, 2015 'Naramata Water System Back-Up Power Loan Authorization Bylaw' for the acquisition and installation of back-up generator power for the community water utility up to one million dollars (\$1,000,000) and Bylaw 2698, 2015 'Naramata Fire Truck Acquisition Loan Authorization Bylaw' for the acquisition of a fire truck up to four hundred thousand dollars (\$400,000).

### **Analysis:**

MFA borrowing intakes only occur twice per year, in April and October. To fund any transactions under these loan authorization bylaws, short term borrowing will be required until the project is complete and the short term borrowing can be converted to longer term borrowing at the next available MFA debenture intake. In order to access short term borrowing, a temporary borrowing bylaw is required by the Municipal Finance Authority.

### **Respectfully submitted:**

*"Sandy Croteau"*

---

S. Croteau, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2717, 2015**

---

A bylaw to authorize temporary borrowing pending the sale of debentures

---

**WHEREAS** it is provided by section 823.2 of the *Local Government Act* that the Regional Board may, where it has adopted a loan authorization bylaw, without further assents or approvals, borrow temporarily from any person under the conditions therein set out;

**AND WHEREAS** the Regional Board has adopted Bylaw No. 2696, 2015 cited as 'Naramata Water System Back-Up Power Loan Authorization Bylaw' in the amount of one million dollars (\$1,000,000);

**AND WHEREAS** the sale of debentures has been temporarily deferred;

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

1. The Regional Board is hereby authorized and empowered to borrow an amount or amounts not exceeding the sum of one million dollars (\$1,000,000), as the same may be required.
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Chair and the Financial Administration Officer.
3. The money so borrowed shall be used solely for the purposes set out in said Bylaw No. 2696, 2015.
4. The proceeds from the sale of debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.
5. This bylaw may be cited as 'Naramata Water System Back-Up Power Temporary Borrowing Bylaw No. 2717,2015.

**READ A FIRST, SECOND, AND THIRD TIME** this 5<sup>th</sup> day of November, 2015

**ADOPTED** this

---

RDOS Board Chair

---

Corporate Officer

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2718, 2015**

---

A bylaw to authorize temporary borrowing pending the sale of debentures

---

**WHEREAS** it is provided by section 823.2 of the *Local Government Act* that the Regional Board may, where it has adopted a loan authorization bylaw, without further assents or approvals, borrow temporarily from any person under the conditions therein set out;

**AND WHEREAS** the Regional Board has adopted Bylaw No. 2698, 2015 cited as 'Naramata Fire Truck Acquisition Loan Authorization Bylaw' in the amount of four hundred thousand dollars (\$400,000);

**AND WHEREAS** the sale of debentures has been temporarily deferred;

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

1. The Regional Board is hereby authorized and empowered to borrow an amount or amounts not exceeding the sum of four hundred thousand dollars (\$400,000), as the same may be required.
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Chair and the Financial Administration Officer.
3. The money so borrowed shall be used solely for the purposes set out in said Bylaw No. 2698, 2015.
4. The proceeds from the sale of debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.
5. This bylaw may be cited as Naramata Fire Truck Temporary Borrowing Bylaw No. 2718, 2015.

**READ A FIRST, SECOND, AND THIRD TIME** this 5<sup>th</sup> day of November, 2015

**ADOPTED** this

---

RDOS Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Areas "B", "D", "G" and "H" Community Works (Gas Tax) Reserve Funds  
Expenditure Bylaw 2720

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### Administrative Recommendation:

**THAT Bylaw No 2720, 2015 Electoral Areas "B", "D", "G" and "H" Community Works (Gas Tax) Reserve Funds Expenditure Bylaw, being a bylaw of the Regional District of Okanagan Similkameen to authorize the expenditure of funds from the Area H Community Works Program for Similkameen Improvement District Grant for Nickel Plate Dam be read a first, second and third time, and be adopted.**

### History:

At the October 1, 2015 Board Meeting the Board passed the following resolution:

*'THAT the request from the Similkameen Improvement District for a Community Works Program grant for the Nickel Plate Dam be supported. – **CARRIED**'*

### Analysis:

To facilitate this motion and move funding into the 2015 budget, a gas tax expenditure bylaw is required.

The funding request is for up to \$55,000 with the amount to be shared 1/16 (up to \$3,437.50) from Area "D" Gas Tax funds and the remaining 15/16 to be shared equally between Areas "B", "G" and "H" (up to \$17,187.50 each).

All four Electoral Areas have sufficient Gas Tax funding reserves to accommodate the request.

### Respectfully submitted:

*"Sandy Croteau"*

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S. Croteau, Finance Manager



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2720, 2015

---

A bylaw to authorizing the expenditure of monies from the Electoral Areas “B”, “D”, “G” and “H” Community Works (Gas Tax) Reserve Funds for Similkameen Improvement District Grant for Nickel Plate Dam

---

**WHEREAS** Section 814(3) of the Local Government Act, R.S.B.C. 1996, c.323 and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the ‘Electoral Areas “B”, “D”, “G” and “H” Community Works (Gas Tax) Reserve Funds’ has sufficient monies available for Similkameen Improvement District Grant for Nickel Plate Dam

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

#### **1 Citation**

- 1.1 This bylaw may be cited as the ‘Electoral Areas B”, “D”, “G” and “H” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw No 2720, 2015’

#### **2 Interpretation**

- 2.1 The expenditure of up to \$55,000 is hereby authorised for Similkameen Improvement District Grant for Nickel Plate Dam
- 2.2 The expenditure will be funded 1/16 from Electoral Area “D” Community Works (Gas Tax) Reserve Fund and the remaining 15/16 of the total expenditure will be split equally between Electoral Areas “B”, “G” and “H” Community Works (Gas Tax) Reserve Funds.

**READ A FIRST, SECOND, AND THIRD TIME** this 5<sup>th</sup> day of November, 2015

**ADOPTED** this

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RDOS Board Chair

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Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Alternate Approval Process for Electoral Area "E" Tourism and  
Community Services Contribution Service Establishment Bylaw No. 2705

---

### Administrative Recommendation:

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2705, 2015 to the Manager of Legislative Services is no later than 4:30 pm on December 21, 2015; and,**

**THAT the elector response form attached to the report dated October 15, 2015 be the approved form for Bylaw No. 2705, 2015 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 1610; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 161.**

### Reference:

*Local Government Act*  
*Community Charter*

### History:

Electoral Area "E" Tourism and Community Services Contribution Service Establishment Bylaw No. 2705, 2015 received three readings July 16, 2015, and then received approval by the Inspector of Municipalities. Pursuant to Section 801.3 of the *Local Government Act*, the Board may now proceed with the alternative approval process (AAP).

### Analysis:

Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter* outline the requirements of the AAP. The Board must establish a deadline for elector response forms, establish an elector response form and determine the number of eligible electors in the service area.

Staff proposes advertising as follows:

<u>Newspaper</u>	<u>Publication Dates</u>
Penticton Western News	November 13 & 18, 2015
My Naramata	November 16-20

The deadline for elector response forms must be thirty days after the second publication date; therefore, the deadline date will be December 21, 2015.

The Regional District does not maintain a voter's list. The Information Services Department has determined the eligible electors within the Regional District. The number of electors in the proposed service area is estimated to be 1610.

If the number of elector response forms signed is less than 10% of the estimated electors, the Board may consider adopting the bylaw. If the number of elector response forms signed is more than 10% of the estimated eligible electors, the bylaw would require elector assent through referendum.

**Communication Strategy:**

1. Although the statutory requirement for advertising AAPs is limited to two ads in a single newspaper, it is acknowledged that many residents of smaller communities refer frequently to the small paper or online publications created within those communities. To ensure optimal coverage, the Regional District will advertise the AAP in MyNaramata and Penticton Western News as well as community notice boards and the Regional District website.
2. A data sheet containing the details of the proposed service will be included on the AAP webpage, along with all of the required forms and bylaws.
3. The Ministry of Community, Sport and Cultural Development has developed a guide for local governments in BC on the Alternative Approval Process - [AAP - Guide for Local Governments](#). The guide, although created primarily for Local Government staff and Elected Officials, contains information which is an excellent resource for the public in helping to understand why an AAP is held instead of an Assent vote (referendum).

Staff has developed a more condensed guide geared specifically towards the public and a copy will be available on the AAP webpage.

**Respectfully submitted:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

Attachments: Notice  
Elector Response Form



## **Electoral Area “E” Tourism and Community Services Contribution Service Establishment Bylaw No. 2705, 2015**

### **Notice of Alternative Approval Process**

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NOTICE IS HEREBY GIVEN pursuant to Section 86 of the Community Charter, that the Board of Directors of the Regional District of Okanagan-Similkameen seek the approval of the electors with the boundaries of Electoral Area “E” of the Regional District for the adoption of Electoral Area “E” Tourism and Community Services Contribution Service Establishment Bylaw No. 2705, 2015.

In general terms, the bylaw will establish a service for the purpose of contributing funds to various local non-profit organizations to assist with the promotion of tourism and community services in Electoral Area “E”.

The alternative approval process applies to qualified electors within Electoral Area “E”.

PLEASE TAKE NOTICE THAT the Regional District may proceed with the approval of Electoral Area “E” Tourism and Community Services Contribution Service Establishment Bylaw No. 2705, 2015 unless at least ten percent (10%) of the qualified electors (those meeting the criteria below) within Electoral Area “E” indicate their opposition by signing the Elector Response Form.

The Regional District has estimated the total number of qualified electors in the service area to be 1610 and that 10% of that number, or 161 qualified electors, must submit signed Elector Response Forms to prevent the Regional District from adopting the bylaw without the full assent of the electors by referendum.

An elector response form must be in the form established by the Regional District. Elector Response Forms are available from the Regional District office, including by mail, fax, or email, on request or on the Regional District website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

The deadline for delivering the original signed Elector Response Form to the Regional District is 4:30 pm on December 21, 2015.

The only persons entitled to sign an Elector Response Form are those who meet the following criteria:

**Resident electors must:**

- (a) be 18 years of age or older;
- (b) be a Canadian citizen;
- (c) be a resident of British Columbia, for at least 6 months;
- (d) be a resident of Electoral Area “E” of the Regional District of Okanagan-Similkameen for at least 30 days; and
- (e) not be disqualified by an Provincial enactment, or otherwise disqualified by law, from voting in an election.

**Non-Resident property electors must:**

- (a) not be entitled to register as a resident elector of Electoral Area “E” of the Regional District of Okanagan-Similkameen;
- (b) be 18 years of age or older;
- (c) be a Canadian citizen;
- (d) be a resident of British Columbia, for at least 6 months;
- (e) be a registered owner of real property in the jurisdiction for at least 30 days;
- (f) not be disqualified by any Provincial enactment or otherwise disqualified by law, from voting in an election; and
- (g) only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.

The bylaw is available for public inspection at the Regional District Office **101 Martin Street, Penticton, BC V2A 5J9**, during regular office hours, or alternatively, on our website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

For more information on the alternative approval process please contact:

Christy Malden, Manager of Legislative Services  
101 Martin Street, Penticton, BC V2A 2A5  
250-490-4146 1-877-610-3737 [toll free]  
[cmalden@rdos.bc.ca](mailto:cmalden@rdos.bc.ca)



## ELECTORAL AREA “E” TOURISM AND COMMUNITY SERVICES CONTRIBUTION BYLAW NO. 2705, 2015 Elector Response Form

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I am **OPPOSED** to the adoption of the Electoral Area “E” Tourism and Community Services Contribution Bylaw No. 2705, 2015 by the Regional Board of the Regional District of Okanagan-Similkameen, whereby the said bylaw would authorize the Regional Board to establish a contribution service to provide a financial contribution from Electoral Area “E” to designated non-profit organizations for the promotion of tourism and community services in Electoral Area “E”, and

I, the undersigned, hereby certify that:

- I am eighteen years of age or older; and
- I am a Canadian Citizen; and
- I have resided in British Columbia for at least six months; and
- I have resided in, OR have been a registered owner of real property in Electoral Area “E” for at least 30 days (not currently included in the service); and
- I am not disqualified by law from voting in local elections; and
- I am entitled to sign this elector response form, and have not previously signed an elector response form related to Bylaw No. 2705, 2015.

<b>ELECTOR’S FULL NAME (print)</b>
<b>RESIDENTIAL ADDRESS<sup>1</sup> (AND mailing address if different from residential address)</b>
<b>SIGNATURE OF ELECTOR</b>

**See the reverse side of this form for further information regarding the petition process.**

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<sup>1</sup> Non-resident Property Electors must include the address of their property in order to establish their entitlement to sign the petition.



## ELECTORAL AREA “E” TOURISM AND COMMUNITY SERVICES CONTRIBUTION BYLAW NO. 2705, 2015 Elector Response Form

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Pursuant to Section 797.5 of the *Local Government Act*, the Regional Board of the Regional District of Okanagan-Similkameen is proposing to seek the assent of the electors of the Regional District by alternative approval process in accordance with Section 86 of the *Community Charter*.

The question before the electors is whether they are opposed to the adoption of electoral area “E” Tourism and community Services Contribution Bylaw No. 2705, 2015, which, if adopted, will authorize the Regional Board to establish a contribution service to provide a financial contribution from Electoral Area “E” to designated non-profit organizations for the promotion of tourism and community services in Electoral Area “E”.

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### INSTRUCTIONS

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1. If you are opposed to the adoption of Bylaw No. 2704, 2015, you can sign an elector response form **if you qualify as an elector of the Regional District of Okanagan-Similkameen.**
  2. If you are NOT opposed to the adoption of the bylaw, you need do nothing.
  3. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the Regional District. If you are unsure if you qualify, please contact the Regional District Office at 492-0237.
  4. Each Elector Response form may be signed by one elector of the Regional District.
- 

#### 1.

All Elector Response Forms must be received by the Regional District on or before 4:30 p.m. on **December 21, 2015** to be considered.

No faxed elector response forms will be accepted; must be **original signatures**.

#### 2.

The number of electors in the service area is estimated to be 1610. If ten (10%) percent [161 electors] of the estimated number of electors in the Regional District sign an elector response form in opposition to the adoption of the said bylaw, Regional District cannot adopt the bylaw without receiving the assent of the electors by referendum.

#### 3.

For further information, contact:

Christy Malden  
Manager of Legislative Services  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
250-490-4146  
1-877-610-3737 [toll free]  
cmalden@rdos.bc.ca



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Alternate Approval Process for Tulameen Fire Truck Acquisition Loan  
Authorization Bylaw No. 2704, 2015

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### Administrative Recommendation:

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2704, 2015 to the Manager of Legislative Services is no later than 4:30 pm on December 21, 2015; and,**

**THAT the elector response form attached to the report dated October 15, 2015 be the approved form for Bylaw No. 2704, 2015 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 963; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 96.**

### Reference:

*Local Government Act*  
*Community Charter*

### History:

Tulameen Fire Truck Acquisition Loan Authorization Bylaw No. 2704, 2015 received three readings July 16, 2015, and then received approval by the Inspector of Municipalities. Pursuant to Section 801.3 of the *Local Government Act*, the Board may now proceed with the alternative approval process (AAP).

### Analysis:

Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter* outline the requirements of the AAP. The Board must establish a deadline for elector response forms, establish an elector response form and determine the number of eligible electors in the service area.

Staff proposes advertising as follows:

<u>Newspaper</u>	<u>Publication Dates</u>
Similkameen Spotlight	November 11 & 18, 2015
Similkameen News Leader	November 9, 2015

The deadline for elector response forms must be thirty days after the second publication date; therefore, the deadline date will be December 21, 2015.

The Regional District does not maintain a voter's list. The Information Services Department has determined the eligible electors within the Regional District. The number of electors in the proposed service area is estimated to be 963.

If the number of elector response forms signed is less than 10% of the estimated electors, the Board may consider adopting the bylaw. If the number of elector response forms signed is more than 10% of the estimated eligible electors, the bylaw would require elector assent through referendum.

**Communication Strategy:**

1. Although the statutory requirement for advertising AAPs is limited to two ads in a single newspaper, it is acknowledged that many residents of smaller communities refer frequently to the small paper or online publications created within those communities. To ensure optimal coverage, the Regional District will advertise the AAP in the Similkameen Spotlight and the Similkameen News Leader as well as community notice boards and the Regional District website.
2. A data sheet containing the details of the acquisition will be included on the AAP webpage, along with all of the required forms and bylaws.
3. The Ministry of Community, Sport and Cultural Development has developed a guide for local governments in BC on the Alternative Approval Process - [AAP - Guide for Local Governments](#). The guide, although created primarily for Local Government staff and Elected Officials, contains information which is an excellent resource for the public in helping to understand why an AAP is held instead of an Assent vote (referendum).

Staff has developed a more condensed guide geared specifically towards the public and a copy will be available on the AAP webpage.

**Respectfully submitted:**

*"insert digital signature; or name in italics"*

---

C. Malden, Manager of Legislative Services

Attachments: Notice  
Elector Response Form



## **Tulameen Fire Truck Acquisition Loan Authorization Bylaw No. 2704, 2015**

### **Notice of Alternative Approval Process**

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NOTICE IS HEREBY GIVEN pursuant to Section 86 of the Community Charter, that the Board of Directors of the Regional District of Okanagan-Similkameen seek the approval of the electors with the boundaries of Tulameen Fire Prevention and Suppression Service Area of the Regional District for the adoption of Tulameen Fire Truck Acquisition Loan Authorization Bylaw No. 2704, 2015.

In general terms, the bylaw is to authorize the borrowing upon the credit of the Regional District a sum not more than two hundred thirty thousand dollars (\$2230,000) for the purpose of acquiring and have installed all such materials as may be requisite or desirable in connection with the purchase of a fire truck in and for the Tulameen Fire Prevention and Suppression Service Area.

The alternative approval process applies to qualified electors within the Tulameen Fire Prevention and Suppression Service Area.

PLEASE TAKE NOTICE THAT the Regional District may proceed with the approval of Tulameen Fire Truck Acquisition Loan Authorization Bylaw No. 2704, 2015 unless at least ten percent (10%) of the qualified electors (those meeting the criteria below) within the Tulameen Fire Prevention and Suppression Service Area indicate their opposition by signing the Elector Response Form.

The Regional District has estimated the total number of qualified electors in the service area to be 963 and that 10% of that number, or 96 qualified electors, must submit signed Elector Response Forms to prevent the Regional District from adopting the bylaw without the full assent of the electors by referendum.

An elector response form must be in the form established by the Regional District. Elector Response Forms are available from the Regional District office, including by mail, fax, or email, on request or on the Regional District website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

The deadline for delivering the original signed Elector Response Form to the Regional District is 4:30 pm on December 21, 2015.

The only persons entitled to sign an Elector Response Form are those who meet the following criteria:

#### **Resident electors must:**

- (a) be 18 years of age or older;
- (b) be a Canadian citizen;
- (c) be a resident of British Columbia, for at least 6 months;
- (d) be a resident of the Tulameen Fire Prevention and Suppression Service Area for at least 30 days; and
- (e) not be disqualified by an Provincial enactment, or otherwise disqualified by law, from voting in an election.

#### **Non-Resident property electors must:**

- (a) not be entitled to register as a resident elector of the Tulameen Fire Prevention and Suppression Service Area;
- (b) be 18 years of age or older;
- (c) be a Canadian citizen;
- (d) be a resident of British Columbia, for at least 6 months;
- (e) be a registered owner of real property in the jurisdiction for at least 30 days;
- (f) not be disqualified by any Provincial enactment or otherwise disqualified by law, from voting in an election; and
- (g) only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.

The bylaw is available for public inspection at the Regional District Office **101 Martin Street, Penticton, BC V2A 5J9**, during regular office hours, or alternatively, on our website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

For more information on the alternative approval process please contact:

Christy Malden, Manager of Legislative Services  
101 Martin Street, Penticton, BC V2A 2A5  
250-490-4146 1-877-610-3737 [toll free]  
[cmalden@rdos.bc.ca](mailto:cmalden@rdos.bc.ca)



## TULAMEEN FIRE TRUCK LOAN AUTHORIZATION BYLAW NO. 2704, 2015 Elector Response Form

---

I am **OPPOSED** to the adoption of the Tulameen Fire Truck Loan Authorization Bylaw No. 2704, 2015 by the Regional Board of the Regional District of Okanagan-Similkameen, whereby the said bylaw would authorize the Regional Board to borrow upon the credit of the Regional District a sum not more than two hundred thirty thousand dollars (\$230,000) to acquire and have installed all such materials as may be requisite or desirable in connections with the purchase of a fire truck in and for the Tulameen Fire Prevention and Suppression Service Area, and

I, the undersigned, hereby certify that:

- I am eighteen years of age or older; and
- I am a Canadian Citizen; and
- I have resided in British Columbia for at least six months; and
- I have resided in, OR have been a registered owner of real property in the Tulameen Fire Prevention and Suppression Service Area for at least 30 days (not currently included in the service); and
- I am not disqualified by law from voting in local elections; and
- I am entitled to sign this elector response form, and have not previously signed an elector response form related to Bylaw No. 2704, 2015.

<b>ELECTOR'S FULL NAME (print)</b>
<b>RESIDENTIAL ADDRESS<sup>1</sup> (AND mailing address if different from residential address)</b>
<b>SIGNATURE OF ELECTOR</b>

**See the reverse side of this form for further information regarding the petition process.**

---

<sup>1</sup> Non-resident Property Electors must include the address of their property in order to establish their entitlement to sign the petition.



# **TULAMEEN FIRE TRUCK LOAN AUTHORIZATION BYLAW NO. 2704, 2015 Elector Response Form**

---

Pursuant to Section 797.5 of the *Local Government Act*, the Regional Board of the Regional District of Okanagan-Similkameen is proposing to seek the assent of the electors of the Regional District by alternative approval process in accordance with Section 86 of the *Community Charter*.

The question before the electors is whether they are opposed to the adoption of Tulameen Fire Truck Loan Authorization Bylaw No. 2704, 2015, which, if adopted, will authorize the Regional Board to borrow upon the credit of the Regional District a sum not more than two hundred thirty thousand dollars (\$230,000) to acquire and have installed all such materials as may be requisite or desirable in connections with the purchase of a fire truck in and for the Tulameen Fire Prevention and Suppression Service Area.

## **INSTRUCTIONS**

---

1. If you are opposed to the adoption of Bylaw No. 2704, 2015, you can sign an elector response form **if you qualify as an elector of the Regional District of Okanagan-Similkameen.**
  2. If you are NOT opposed to the adoption of the bylaw, you need do nothing.
  3. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the Regional District. If you are unsure if you qualify, please contact the Regional District Office at 492-0237.
  4. Each Elector Response form may be signed by one elector of the Regional District.
- 

**1.**  
All Elector Response Forms must be received by the Regional District on or before 4:30 p.m. on **December 21, 2015** to be considered.

No faxed elector response forms will be accepted; must be **original signatures**.

**2.**  
The number of electors in the service area is estimated to be 963. If ten (10%) percent [96 electors] of the estimated number of electors in the Regional District sign an elector response form in opposition to the adoption of the said bylaw, Regional District cannot adopt the bylaw without receiving the assent of the electors by referendum.

**3.**  
For further information, contact:  
  
Christy Malden  
Manager of Legislative Services  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
250-490-4146  
1-877-610-3737 [toll free]  
cmalden@rdos.bc.ca

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 5, 2015  
**RE:** Naramata Fire Protection Service Area Amendment Bylaw No. 2715, 2015

---

### **Administrative Recommendation:**

**THAT Bylaw No. 2715, 2015 Naramata Fire Prevention and Suppression Local Service Establishment Bylaw be read a first, second and third time and adopted**

### **Reference:**

Schedule 'A'

### **Background:**

Inside the Naramata fire service area; there are properties that were not included in the original adoption of the fire service area bylaw. The owners of the properties identified as Lot 18, Plan KAP51753, District Lot 207, SDYD, Lot 1, Plan KAP62665, District Lot 266, SDYD and Lot16, Plan KAP51753, District Lot 207, SDYD have applied to the RDOS to expand the Naramata fire district boundary to include their properties. The properties surrounding the identified properties are within the existing Naramata fire protection area.

### **Analysis:**

By including these properties into the existing fire service area, through taxation they share the costs, and become eligible for the service if/when an emergency occurs. The Naramata Fire Department is in full support of the applications.

Boundary amendments completed through a petition do not typically require the approval of the Inspector of Municipalities, providing the Corporate Officer certifies that the petition is valid and sufficient. The petition has been certified and Bylaw No. 2715, 2015 is now before the Board for adoption.

### **Alternative:**

Not to support the applications.

### **Respectfully submitted:**

*"Dale Kronebusch"*

---

D. Kronebusch, Emergency Services Supervisor



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BYLAW NO. 2715, 2015**

---

**A bylaw to amend the Naramata Fire Prevention and Suppression Local Service  
Establishment Bylaw.**

---

WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to proceed under Section 802 of the *Local Government Act*, to amend the service area of the Naramata Fire Prevention and Suppression Local service Establishment Bylaw No. 1619, 1995;

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen has been requested by property owners on Electoral Area "E" to extend the fire prevention and suppression local service to include their property;

AND WHEREAS the Director for Electoral Area "E" has consented to the amendment of the Naramata Fire Prevention and Suppression Local Service Establishment Bylaw No. 1619, 1995 pursuant to Section 801.5(2) of the *Local Government Act*;

AND WHEREAS the Regional Board wishes to amend the service area of the Naramata Fire Prevention and Suppression Establishment Bylaw No. 1619, 1995 by adding the property that is outlined in black on attached Schedule 'A';

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

**CITATION**

This bylaw may be cited for all purposes as the "Naramata Fire Prevention and Suppression Local Service Establishment Amendment Bylaw No. 2715, 2015".

**AMENDMENT OF SERVICE**

1. The service area established by "Naramata Fire Prevention and Suppression Local Service Establishment Bylaw No. 1619, 1995" is amended by adding the properties that are outlined in black on Schedule 'A' which is attached to and forms part of this Bylaw.

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

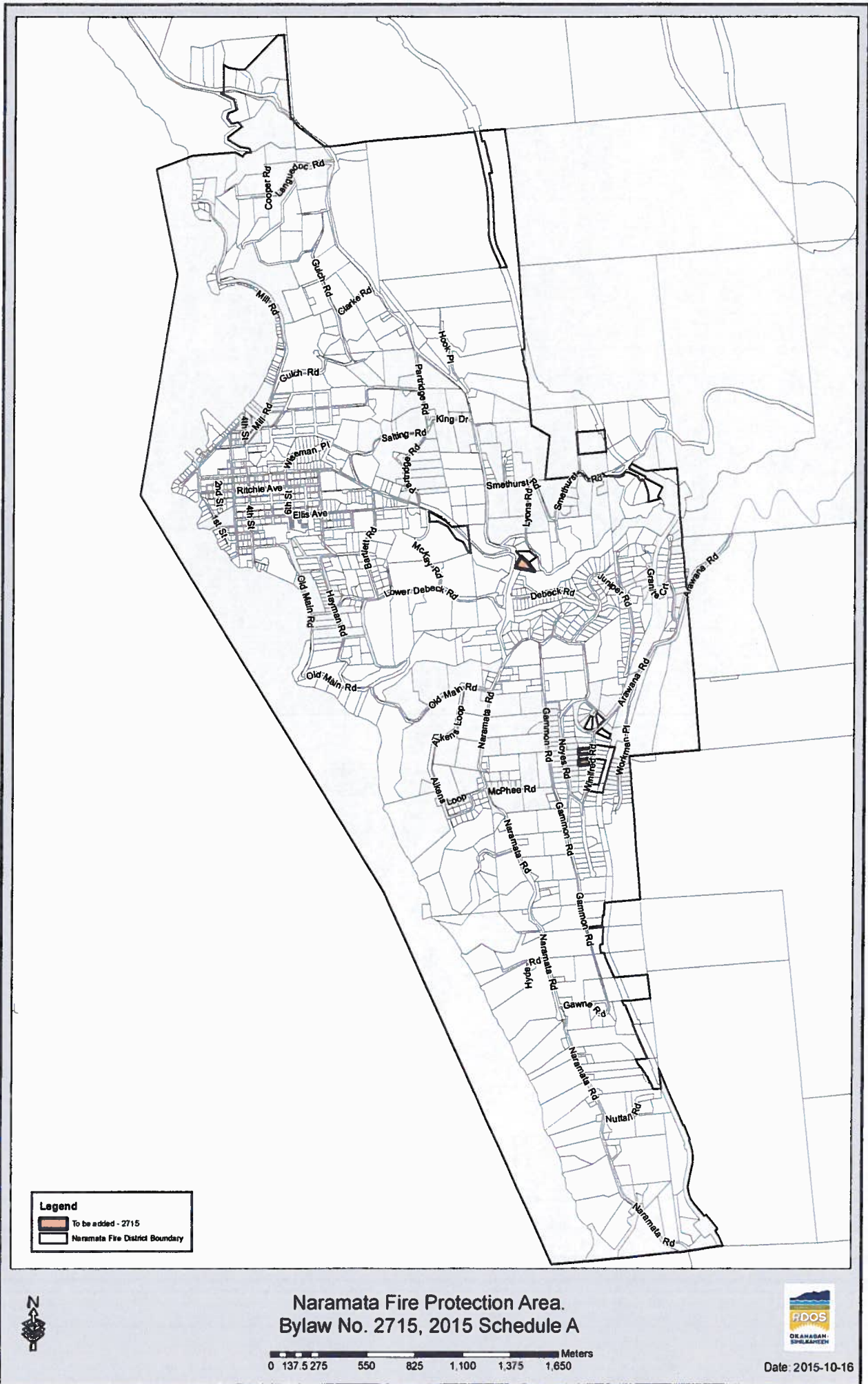
DIRECTOR CONSENT OBTAINED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

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

FILED WITH THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_,  
2015.



**Legend**

- To be added - 2715
- Naramata Fire District Boundary

Naramata Fire Protection Area.  
Bylaw No. 2715, 2015 Schedule A



Date: 2015-10-16

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** October 15, 2015

**RE:** Willowbrook Water Service Establishment Bylaw No. 2709, 2015

---

### **Administrative Recommendation:**

**THAT Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw No. 2709, 2015, be read a first, second and third time and be forwarded to the Inspector of Municipalities for Ministry approval prior to electoral approval; and,**

**THAT the Board of Directors authorize that elector approval for the adoption of the bylaw be obtained through an alternative approval process.**

### **Reference:**

Willowbrook Water System Assessment. Prepared by MMM Group Limited, March 2015.

### **Business Plan Objective:**

Corporate Objectives – Key Success Driver 2 , Goal 2.4 – Meet public needs through development and implementation of key services

Public Works Department Business Plan – Key Project Focus Area

### **History:**

In December 2010, the owner of the Willowbrook Utilities sent a request expressing interest in having the Regional District assume the ownership and operation of the Willowbrook Water System. Willowbrook Utilities is located in the community of Willowbrook in Electoral Area "C"; north-west of the Town of Oliver. The water system services a population of approximately 82 parcels which equates to approximately 180 residents and funded by utility fees that are collected from the water users of Willowbrook. The system operates under the Interior Health Permit To Operate, Facility Number 13-105-00073.

At the January 20, 2011 Board meeting, staff were directed to apply for a 'Restructure Implementation Grant' and proceed with the process of transferring the Willowbrook Utilities water system to the Regional District.

In March of 2015, an Information Meeting was held in Willowbrook with MMM Group providing a presentation outlining the history and background of the Willowbrook Water System.

**Alternatives:**

That the Board of Directors not provide three readings of Bylaw No. 2709, 2015.  
That the method of approval be by petition or referendum.

**Analysis:**

The existing Willowbrook Water System is composed of a 12" well, newly installed in 2005, with a 25Hp pump located in the center of the subdivision within an easement on a residential property. The pump feeds a 100 cubic meter reservoir (28,000 USG) that gravity feeds into approximately 4,500m of water main. The system has 11 hydrants on line and there is no treatment for the water.

Based on the age, quality of the pipe and limited number of recorded repairs, in general, the system is in good condition. Some infrastructure upgrades to the system have been noted and will have to be included in a future capital plan. The distribution network is sufficient to provide current and future domestic water demands but certain areas would not receive adequate fire flow without upgrades in the capital plan. Water samples are taken routinely, according to the Permit To Operate conditions and as such, no requirement has been given for treatment by Interior Health to date. The existing PVC water main pipes were installed in 1972 and are expected to have a life expectancy of at least another 30 years and are not considered a source of concern.

**Communication Strategy:**

1. A data sheet containing the details of the proposed acquisition will be included on the AAP webpage, along with all of the required forms and bylaws.
2. Although the statutory requirement for advertising AAP's is limited to two ads in a single newspaper, it is acknowledged that many residents of smaller communities refer frequently to the small paper or online publications created within those communities. To ensure optimal coverage, the Regional District will advertise the AAP on Oliver Daily News and as well as the Penticton Western News.
3. '*Notice of Alternative Approval Process*' Notifications will be posted at the North junction of Green Lake Road and Johnson Crescent in Willowbrook.
4. The Ministry of Community, Sport and Cultural Development has recently developed a guide for local governments in BC on the Alternative Approval Process. The guide was developed specifically for staff and elected officials, but contains information which is an excellent resource for the public in helping to understand why an AAP is held instead of another method such as an Assent vote (referendum). For ease of public reading, staff have condensed the guide and will make it available on the AAP webpage.

**Respectfully submitted:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

# **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

## **BYLAW NO. 2709, 2015**

---

A bylaw to provide for the establishment as a service of the Regional District of Okanagan-Similkameen the supply, treatment, conveyance, storage and distribution of water in and for the community of Willowbrook, within Electoral Area "C".

---

**WHEREAS** the Regional District of Okanagan-Similkameen (the "Regional District") may, by bylaw, establish a service under the provisions of Part 24 of the Local Government Act;

**AND WHEREAS** the Regional District desires to establish a service for the supply treatment, conveyance, storage and distribution of water in and for the community of Willowbrook, within Electoral Area "C";

**AND WHEREAS** the approval of the electors was obtained by the alternative approval process in accordance with Section 801.3 of the *Local Government Act*;

**NOW THEREFORE** the Board of the Regional District, in open meeting assembled, **ENACTS** as follows:

### **1 CITATION**

- 1.1 This bylaw may be cited as the Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw No. 2709, 2015.

### **2. ESTABLISHMENT OF THE SERVICE**

- 2.1 The Regional District of Okanagan-Similkameen hereby establishes within Electoral Area "C" a service for the supply, treatment, conveyance, storage and distribution of water in and for the community of Willowbrook, to be known as the Willowbrook Water Service Area.
- 2.2 The Board may operate the service in the Willowbrook Water Service Area and, without limitation, enter into a contract with a third party to implement the service.

### **3 BOUNDARIES OF THE SERVICE AREA**

- 3.1 The boundaries of the Willowbrook Water service area are a portion of Electoral Area "C" as outlined on Schedule A attached to and forming part of this bylaw.

### **4 PARTICIPATING AREAS**

- 4.1 The Willowbrook Water service area is located entirely within the boundaries of Electoral Area "C"

### **5 METHODS OF COST RECOVERY**

- 5.1 As provided in the Local Government Act, the annual costs of the service shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 4.3 [*Requisition and Tax Collection*];



- (b) parcel taxes imposed in accordance with Division 4.3 *[Requisition and Tax Collection]*;
- (c) fees and charges imposed under section 363 *[imposition of fees and charges]*;
- (d) revenues raised by other means authorized under this or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6 **LIMIT**

- 6.1 The maximum amount that may be requisitioned annually for the service shall not exceed \$ 35,000 or \$1.14 per \$1000 net taxable value of land and improvements in the service area, whichever the greater.

**READ A FIRST, SECOND, AND THIRD TIME** this xx day of xx, 2015.

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this xx day of xx, 2015.

**RECEIVED APPROVAL OF THE ELECTORATE THROUGH ALTERNATIVE APPROVAL** this xx day of xx, 2015.

**ADOPTED** this xx day of xx, 2015.,

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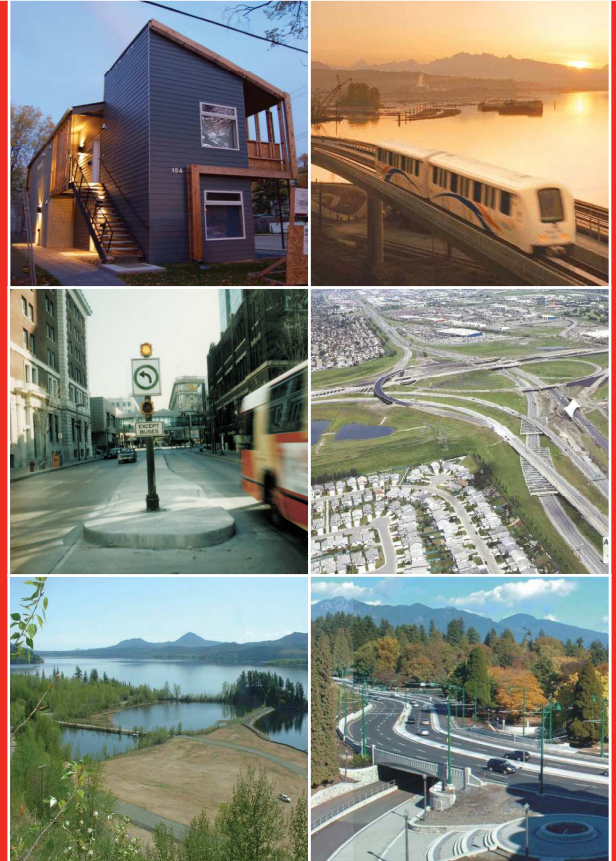
Board Chair

---

Corporate Officer

**FILED WITH THE INSPECTOR OF MUNICIPALITIES** this xx day of xx, 2015.....

MMM Group Limited



## Willowbrook Water System Assessment

Prepared for: Regional District of Okanagan-  
Similkameen

5114034-000

COMMUNITIES  
TRANSPORTATION  
BUILDINGS  
INFRASTRUCTURE



March 2015

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## **APPENDIX A – RATE STRUCTURE ANALYSIS**

## **STANDARD LIMITATIONS**

This report was prepared by MMM Group Limited (MMM) for the account of The Regional District of Okanagan-Similkameen (the Client). The disclosure of any information contained in this report is the sole responsibility of the client. The material in this report reflects MMM's best judgment in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. MMM accepts no responsibility for damages, if any, suffered by a third party as a result of decisions made or actions based on this report.

## **1.0 EXECUTIVE SUMMARY**

### **1.1 Background**

MMM Group Limited (MMM) has been retained by the Regional District of Okanagan-Similkameen (RDOS) to prepare an assessment of the existing potable water distribution system for the unincorporated area of Willowbrook, British Columbia. The water system is currently owned and operated by Willowbrook Utilities Limited, who has requested that the RDOS take over the utility. The first step in this process is to undertake a review of the water utility. The objective of this report is to provide a strategic short and long-term planning tool for identifying and implementing water system improvements.

The assessment analyzes the current deficiencies in the water system, and provides recommendations for infrastructure upgrades. The report also contains a financial review, which addresses the utility's ownership, revenue and expenditures, in order to ensure a financially stable utility. The financial review includes a rate structure analysis, which compares various funding scenarios and a recommended rate structure.

In this respect, the financial plan can be thought of as a phased planning approach with Phase I being the current short-term capital improvement plan (0-5 year system needs) and Phase II encompassing longer (5-20 year) planning horizons.

### **1.2 Existing System**

The area of Willowbrook is located within Electoral Area 'C' of the RDOS between Oliver and Okanagan Falls. The Willowbrook water system provides drinking water and fire protection services to approximately 80 lots and 180 residents in the community. Water supply is provided to the system from a well in the centre of the subdivision located in an easement on a residential property. From the well, water is pumped into the distribution system and up to an underground reservoir. The reservoir then feeds water by gravity back into the distribution system. In general, it is expected that the existing system is in good condition. This is based on the age and quality of material installed and the limited number of repairs that have been required. However, certain components of the system are undersized and/or lacking. As such, it is evident that the system is in need of upgrades to bring it up to current standards.

Currently, the infrastructure of the Willowbrook water system is not owned by any level of government. The system is operated and maintained by Willowbrook Utilities Limited and funded by utility fees that are collected from the water users of Willowbrook. The intention of the proposed financial plan and ownership model is to treat the Willowbrook system as a fully independent utility, which is to be fully reliant upon generating its own revenues to offset expenditures.



## 1.3 Recommendations

Based upon our review and analysis of the Willowbrook Water System, MMM recommends that:

- ▶ An adequate level of asset management be employed now and in the future to ensure that the Willowbrook water system is operating in a sustainable manner;
- ▶ The RDOS take ownership of the Willowbrook water system;
- ▶ Infrastructure upgrades to the existing system be performed as outlined in this report. These upgrades include the following:
  - Installation of a second well and pump;
  - Installation of a backup generator at the pump house;
  - Implementation of wellhead protection;
  - Installation of additional isolation valves;
  - Installation of a second reservoir;
  - Watermain looping at the southwest end of the system;
  - Replacement/twinning of the 150 mm watermain on Green Lake Road; and
  - Installation of a supervisory control and data acquisition (SCADA) system

Costs and timing of the upgrades are further discussed in the report;

- ▶ The RDOS undertake a study to assess the capacity of the source aquifer;
- ▶ The RDOS consider instituting water metering;
- ▶ The RDOS continue to closely monitor water quality and consider treatment;
- ▶ A revised rate structure be employed to ensure that the residents of Willowbrook are wholly funding the Operations and Maintenance (O&M) of the Willowbrook system and contributing to capital improvements. A recommended rate structure is included in the report; and
- ▶ The RDOS seek out senior government grant funding opportunities so that improvements can be completed with less financial impact to the Willowbrook rate payers.

## 2.0 INTRODUCTION

The Regional District of Okanagan-Similkameen (RDOS) retained MMM to prepare a water system assessment to analyze the operation of the Willowbrook water utility. The intention of the report is to ensure a financially sustainable water utility that provides an acceptable level of service to its customers. The subsequent sections of this report provide the following:

- ▶ A description of the existing water distribution system;
- ▶ An analysis of the system as it relates to current servicing levels;
- ▶ Recommendations for infrastructure upgrades;
- ▶ A review of historical revenue and expenditure for the water utility;
- ▶ An analysis of the ownership model for the water utility; and
- ▶ An analysis of the funding of future O&M and capital improvements.

### 2.1 Asset Management

The operation and maintenance (O&M) of infrastructure is generally the responsibility of the local government that maintains ownership. The costs associated with this are primarily funded by utility fees and/or taxes. In the case of the Willowbrook water system, the infrastructure is not owned by a local government and is operated and maintained by Willowbrook Utilities Limited and funded by utility fees from the residents of Willowbrook. The owner of Willowbrook Utilities has requested that the RDOS consider assuming ownership and operations of the water system.

The concept of asset management, as it relates to municipal infrastructure, is a balance between providing an acceptable level of service while minimizing financial implications. This involves:

- ▶ The analysis of existing infrastructure as it relates to current and future servicing demands;
- ▶ The comparison of long term maintenance costs of ageing infrastructure versus the costs for replacement. At a certain point, the cost of ongoing maintenance will out-pace the replacement costs; and
- ▶ The balancing of revenues and expenditures for the system.

Based on our review and understanding of the existing Willowbrook water system, it is evident that the majority of the infrastructure is adequately sized and generally in good condition for its age based on industry standards. However, we do expect that replacements and/or upgrades will be required in the near future. The costs, timing, and funding of this work is discussed further in this report.

## 3.0 EXISTING WATER SYSTEM

### 3.1 System Overview

The area of Willowbrook is located in Electoral Area 'C' of the RDOS between Oliver and Okanagan Falls. The existing water distribution network provides potable water to approximately 80 lots and 180 residents within the unincorporated area of Willowbrook. It also provides water service for irrigation purposes as well as fire protection for the subdivision. The system is operated by Willowbrook Utilities under the Interior Health Permit to Operate, Facility Number 13-105-00073. The system is fed by a well which pumps water through the distribution system to a storage reservoir. The reservoir then feeds water by gravity back into the distribution system. Please refer to Figure 1 for a schematic of the existing water system. The system was initiated in 1972 and based on the materials installed and minimal breaks or repairs required it is expected to generally be in good condition.

### 3.2 Water Supply

The water supply for Willowbrook originates from a well in the centre of the subdivision located in an easement on a residential property. The well was originally constructed and commissioned in 1972, consisting of a 15 hp pump located in an 8" (200 mm) well. At this time, a small pump house building was constructed to house the electrical, mechanical and diagnostic components. In 2005 a new 12" well was constructed and a 25 hp pump was installed to improve the capacity of the supply. The existing well was decommissioned and the pump removed. A computer system was installed but has since been removed. There is no backup power available at the pump house in the event of an emergency or outage.

There is no information regarding the capacity of the source aquifer, however the pump is reported to have a capacity of 222 US gpm (14.0 L/s). There is also no information available regarding historical water consumption as there are no meters at the point of supply or point of use. However, there is a flow meter in the pump house, which records instantaneous pump flows only. It should be noted that MOE monitoring wells in the area have identified a lowering of the water table and drying up surface water supplies.



Photos from left to right: Pumphouse building (exterior), Pumphouse building (interior)

The system currently does not have any means of water treatment in place. However, water samples are routinely taken and analysis indicates that the water is generally in conformance with the Guidelines for Canadian Drinking Water Quality (GCDWQ). Nonetheless, based on investigations by Interior Health and Summit Environmental, it is understood that the well may be considered groundwater at risk due to close proximity to agricultural lands use and lack of wellhead protection.

### 3.3 Water Storage

Water from the well is pumped into the distribution network and up to an underground concrete storage reservoir. There is no dedicated supply line from the well to the reservoir. The reservoir was constructed in 1972 and is estimated to have a storage capacity of 106 m<sup>3</sup> (28,000 US Gallons). Storage at the reservoir serves to balance the fluctuations in demands to allow for reasonable cycling of the pump, and also provides fire flow and emergency storage. Water is fed from the reservoir by gravity back into the distribution system and to the ultimate end user. Based on discussions with the system operator, the reservoir is in good shape with no known structural or leakage issues and was clean when last inspected. However, it is understood that the reservoir could benefit from improved water turnover and circulation and the existing access hatch may require improvements including an intrusion alarm.



Photo: Reservoir access hatch.

### 3.4 Water Distribution

The transmission and distribution system for Willowbrook consists of approximately 4,530 m of watermains. The watermains within the system are 150-200 mm (6-8") PVC pipes installed in 1972. From the pump house a 200 mm diameter watermain extends east along Carr Crescent and north along Johnson Crescent to the intersection at Green Lake Road. The remainders of the watermains in the system, including the feed to the reservoir, are 150 mm diameter pipes. The system is composed primarily of dead-end mains, with internal looping only in the Carr Crescent area. Table 3.1 summarizes the breakdown of pipe size throughout the system.

**Table 3.1 – Water Distribution System Statistics**

Size (mm)	Length (m)	Percent
150	3,090	68%
200	1,440	32%
<b>Total</b>	<b>4,530</b>	<b>100%</b>

As noted above, the existing system is comprised of 150-200 mm diameter watermains, installed in 1972. These pipes are generally large enough to supply all domestic demands and provide fire protection for residential areas. Furthermore, the generally accepted life expectancy of a water distribution system is in the range of 60 years; however, different materials and components will have varying expectancies. For the purposes of this report, it has been assumed that the PVC pipes will have a life expectancy of 75 years, based on the Water Comptrollers 'Standard Depreciation Rates for Private Water Utilities in British Columbia'. As such, the PVC watermains in the system are expected to last at least another 30 years and are not a source of concern.

### 3.5 System Monitoring and Communication

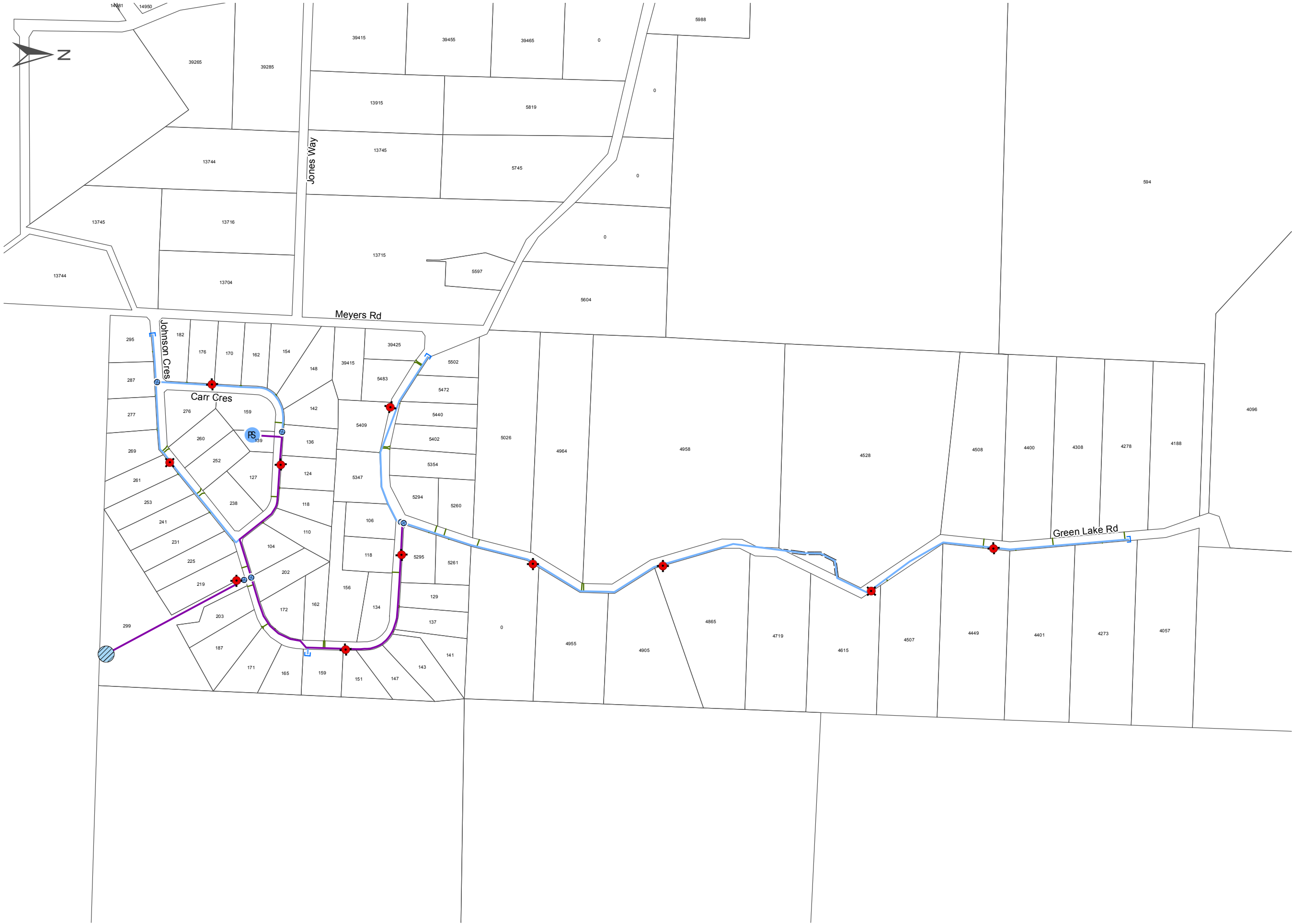
Based on discussions with system operator, the water system has minimal meters and alarms and no central communications system. There is a hard-wired connection between the well and the reservoir to activate the pump when the water level gets low. As noted above, there is a flow meter in the pump house, which records instantaneous pump flows only.



Photos from left to right: Pump and flow meter, System power and controls.

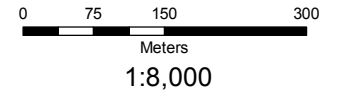
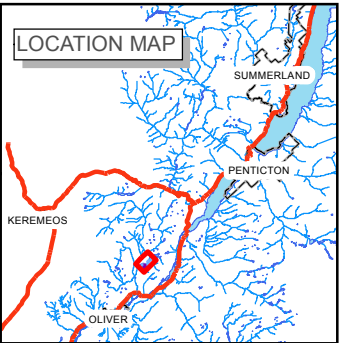


P:\51 - BC Interior\5114\03 4-000 Willowbrook Water System Assessment\500 - Production\520 - Drawings\522 - Base\Willowbrook Water System\_Figure 1 - Existing System.mxd, 2014-11-14, 10:00:18 AM, baltj



- Legend**
- Valve
  - Hydrant
  - End Cap
  - Well and Pump House
  - Reservoir

- Watermain**
- 150mm Dia
  - 200mm Dia
  - Water Service



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**Willowbrook Water System**  
 REGIONAL DISTRICT  
**RDOS**  
 OKANAGAN-SIMILKAMEEN

System Assessment

EXISTING SYSTEM

project no. 5114-034-000	figure
date: 2014-11-14	1



## 4.0 HYDRAULIC ANALYSIS

### 4.1 Evaluation Criteria

In our review of the system hydraulics, we have utilized the following design criteria from the RDOS Subdivision Servicing Bylaw No. 2000, 2002:

- ▶ Domestic Design Flows
  - Maximum Daily Domestic Flow: 8,000 L/single family unit/day
  - Peak Hour Domestic Flow: 13,600 L/single family unit/day
- ▶ Fire Flow Requirements:
  - Single and Two Family Residential: 60 L/s for 1.5 hour duration
  - Multi-family Residential: 150 L/s for 2 hour duration
  - Commercial: 260 L/s for 3.5 hour duration
  - Industrial: 230 L/s for 3.0 hour duration
  - Institutional: 85 L/s for 1.8 hour duration
- ▶ Pressure Ranges:
  - Maximum Pressure: 620 kPa (90 psi)
  - Minimum Residual Pressure under peak hour demand: 265 kPa (40 psi)
  - Minimum Residual Pressure under fire flow conditions: 140 kPa (20 psi)
- ▶ Minimum Pipe Sizes:
  - Residential: 150mm (200 mm for long dead ends with multiple hydrants)
  - Commercial/Industrial/Institutional: 200 mm
- ▶ Hydrant Spacing:
  - Residential: 250 m
  - High density residential, Commercial, Industrial: 150 m
- ▶ Valving:
  - Minimum 3 valves at cross intersections
  - Minimum 2 valves at tee intersections
  - Maximum spacing of 240m for single family residential
  - Maximum of 1 hydrant isolated

### 4.2 Water Usage

The Willowbrook system services approximately 80 lots. Based on the domestic design flows identified above, the theoretical water demands for Willowbrook are as follows:

- ▶ Maximum Daily Flow: 640 m<sup>3</sup>/day (7.4 L/s)
- ▶ Peak Hourly Flow: 1,088 m<sup>3</sup>/hour (12.6 L/s)

There is currently no means of metering the amount of water that is supplied to the Willowbrook system. Metering is a good way of determining usage and leakage, as well as encouraging conservation. Population growth in the Willowbrook area is assumed to be insignificant. As such, water usage should remain relatively constant in the future.

## 4.3 Supply Capacity

In order to ensure redundancy of water supply, the supply system should generally be sized to be able to meet maximum day demands with the largest supply component out of commission. As noted in Section 3.2, the well pump has a capacity of 14.0 L/s which is sufficient for the estimated maximum day demand of 7.4 L/s identified in Section 4.2. However, the fact that the well has only one pump with no backup power results in a supply system that lacks redundancy.

## 4.4 Storage Capacity

Typically reservoirs for water distribution systems are sized to provide storage for daily use and emergency situations. The minimum storage requirement should be determined using the following formula:

$$\text{Total Storage Required} = A + B + C$$

Where: A = Fire Storage  
B = Equalization Storage (25% of MDD)  
C = Emergency Storage (25% of A + B)

Using this formula along with the MDD and fire flows established previously, the storage requirements for Willowbrook have been calculated and are presented in the table below.

Storage Component	Storage Requirement	Storage Volume (m <sup>3</sup> )
A. Fire Storage	60 L/s for 1.5 hours*	324
B. Equalization Storage	25% of MDD	160
C. Emergency Storage	25% of A+B	121
Total Storage Required:		605
Total Storage Available:		106

\*Fire Storage is for the highest land use requirement (single family residential)

As such, it is expected that the current reservoir does not have sufficient capacity for the current water demands. Effectively, the reservoir has a volume equivalent to 4 hours of the maximum day demand or 0.5 hours of fire flow. Generally, storage requirements can be reduced if the system has uninterrupted supply water provided by pump redundancy and available backup power

## 4.5 Distribution

As noted previously, 150-200 mm diameter watermain are typically large enough to supply all domestic demands and provide fire protection for low-density residential areas. However, there are some long 150mm dead-ends (most notably north on Green Lake Road) that may not be sufficient to supply the required flows while maintaining sufficient residual pressure. As per the RDOS Subdivision Servicing Bylaw, longer dead ends with multiple hydrants should be upsized to a minimum of 200mm diameter and looping should be considered where possible.

Another source of concern with the distribution system is the lack of isolation valves. Per the RDOS Subdivision Servicing Bylaw, a minimum of two valves are required at watermain tees and three valves at crosses. This allows for the isolation of shorter sections of watermain in the event of a shutdown for maintenance or repairs and thus disruption to fewer users. Furthermore, it is also generally required that valves are space no more than 240m apart and that no more than two hydrants are taken out of service in the event of a shutdown. In the case of Willowbrook, there are several watermain tees that only have one valve, or no valves at all. There are also several areas where a shutdown would require several hydrants being taken out of service. As such, the operation of the system could benefit from additional valves; however the some of the issues are unavoidable due to the long dead end-mains.

## **4.6 Fire Protection**

As discussed, it is expected that the distribution network is sufficient to provide fire flows to the majority of Willowbrook. Furthermore, the hydrant spacing is generally in accordance with the RDOS Subdivision Servicing Bylaw. However, the long dead-end main that extends north on Green Lake Road is expected to be insufficient to provide fire flows.

## 5.0 RECOMMENDED INFRASTRUCTURE UPGRADES

Based on our review and understanding of the Willowbrook water system, it is evident that several deficiencies exist and certain components are not up to current RDOS standards. These deficiencies generally relate to undersized or lacking infrastructure. In addition, the system consists primarily of dead-end mains and does not have watermain looping to provide robustness and redundancy. A lack of looping can also create health concerns due to stagnation of water in dead-end mains and can result in disruption of water service during repairs. As noted above, it is expected that the system is sufficient to provide both current and future domestic water demands, but not the required fire flows to certain areas. As such, it is recommended that infrastructure upgrades be undertaken within the 20 year planning horizon. Please refer to Figure 2 for a schematic of the proposed upgrades and Section 7 for proposed phasing and timing.

### 5.1 Supply

As noted previously, the supply system consists of a well with a single pump and no backup power. There is currently no means of treatment in place and the well is considered groundwater at risk due to its close proximity to agricultural lands. As such, the following upgrades are recommended for the supply system:

- ▶ Installation of a second well and pump: In order to provide redundancy to the water supply system, a second pump installed in a separate well is recommended. This pump would need to have a minimum capacity of the MDD (7.4 L/s) and could potentially be installed in the original 8" well. This would allow for cycling between the two pumps and ensure consistent supply of water in the event of pump repair/maintenance. The purchase and installation of the additional pump and controls has an estimated cost of \$20,000 and should be completed as soon as possible.
- ▶ Installation of a backup generator at the pump house: Based on the fact that the reservoir is severely undersized, a constant and reliable supply of water to the system is critical. In the event of a power outage, the reservoir could only supply MDD for four hours. As such, the installation of a transfer switch and backup generator is recommended to ensure a constant supply of power to the pump house. This project has an estimated cost of \$50,000 and should be undertaken in conjunction with the installation of the second pump. Alternatively, the transfer switch could be installed and backup power provided by a portable generator that would have to be brought to the site in the event of a power outage.
- ▶ Wellhead protection: The lack of treatment and close proximity to potential contaminants are a source of concern for water quality. As such, wellhead protection is recommended to mitigate the potential for source water contamination. This project has an estimated cost of \$15,000 and should be undertaken in conjunction with the installation of the second pump and backup generator.

There are currently no known issues with water quality and no requirement for water treatment to be implemented. As such, we have not recommended the installation of a treatment system. It should be noted that Interior Health could require treatment if deemed necessary. The supply water quality should be continually monitored and treatment considered in the future. We also recommend that a study on the capacity of the source aquifer be undertaken and water metering considered.

## 5.2 Storage

As noted previously, the existing reservoir is severely undersized when compared to RDOS standards and can only provide MDD for four hours or fire flow for 0.5 hours. The installation of a second pump and a backup generator would guarantee uninterrupted flow of MDD (at a minimum). Effectively MDD would be provided by the pumps and storage would only be required for fire flows. As such, the storage requirement for the reservoir could be reduced by the equalization storage component (160 m<sup>3</sup>) plus 25% of this value for emergency storage component. This results in a total reduction of 200 m<sup>3</sup> for a reduced storage requirement of 405 m<sup>3</sup>. As such, if a second pump and backup generator are installed, the system would require an additional 300 m<sup>3</sup> of storage. We recommend that a second reservoir be installed to supplement the storage of the existing system. The new reservoir should have a minimum storage volume of 300 m<sup>3</sup> which would cost approximately \$200,000. This project should be undertaken following the upgrades to the supply system.

## 5.3 Distribution

As noted previously, the existing distribution system is likely adequately sized to provide current and future domestic demands; however the lack of looping in the system results in a lack of redundancy and possible fire flow and water quality issues. The lack of isolation valves is also a concern for system operation. As such, the following upgrades are recommended for the distribution system:

- ▶ **Installation of Isolation Valves:** As noted previously, dead-end mains make it impossible to isolate shorter sections of watermain for maintenance and repairs, regardless of the presence of valves. As such, there is limited opportunity to improve the system in this respect until additional looping is provided. However, the installation of valves could improve operations in the Carr Crescent area. We recommend installing 3 isolation valves; 2 valves at the northeast intersection of Carr Crescent and Johnson Crescent (northwest and southwest side of intersection) and 1 valve on Carr Crescent east of the feed from the pumphouse. This would allow for isolation of the watermain southwest of 225 Johnson Crescent and for isolation of the section of watermain on Carr Crescent east of the pumphouse. We estimate a cost of \$2,500 per valve for a total project cost of \$7,500.
- ▶ **Watermain Looping at the southwest end of the system:** With the exception of the loop formed between Carr Crescent and Johnson Crescent, the majority of the system is composed of dead-end mains. As such, it is proposed to install a new watermain along Myers Road to connect the dead-end mains on Green Lake Road and Johnson Crescent. This would greatly improve the hydraulics of the system and mitigate potential issues with water quality and service disruption. Valves should be installed at either end of the new main to allow for isolation and additional hydrants should be installed on Myers Road to provide additional fire protection. In conjunction with this upgrade, valves should also be installed on the existing main on Johnson Crescent immediately east of Green Lake Road and at approximately 143 Johnson Crescent. This would allow for isolation of the watermain on Johnson Crescent between the reservoir feed and Green Lake Road without putting both hydrants out of service. This project would require approximately 700 m of 150 mm watermain and the installation of 4 valves and 2 hydrants. It has an estimated cost of \$220,000.

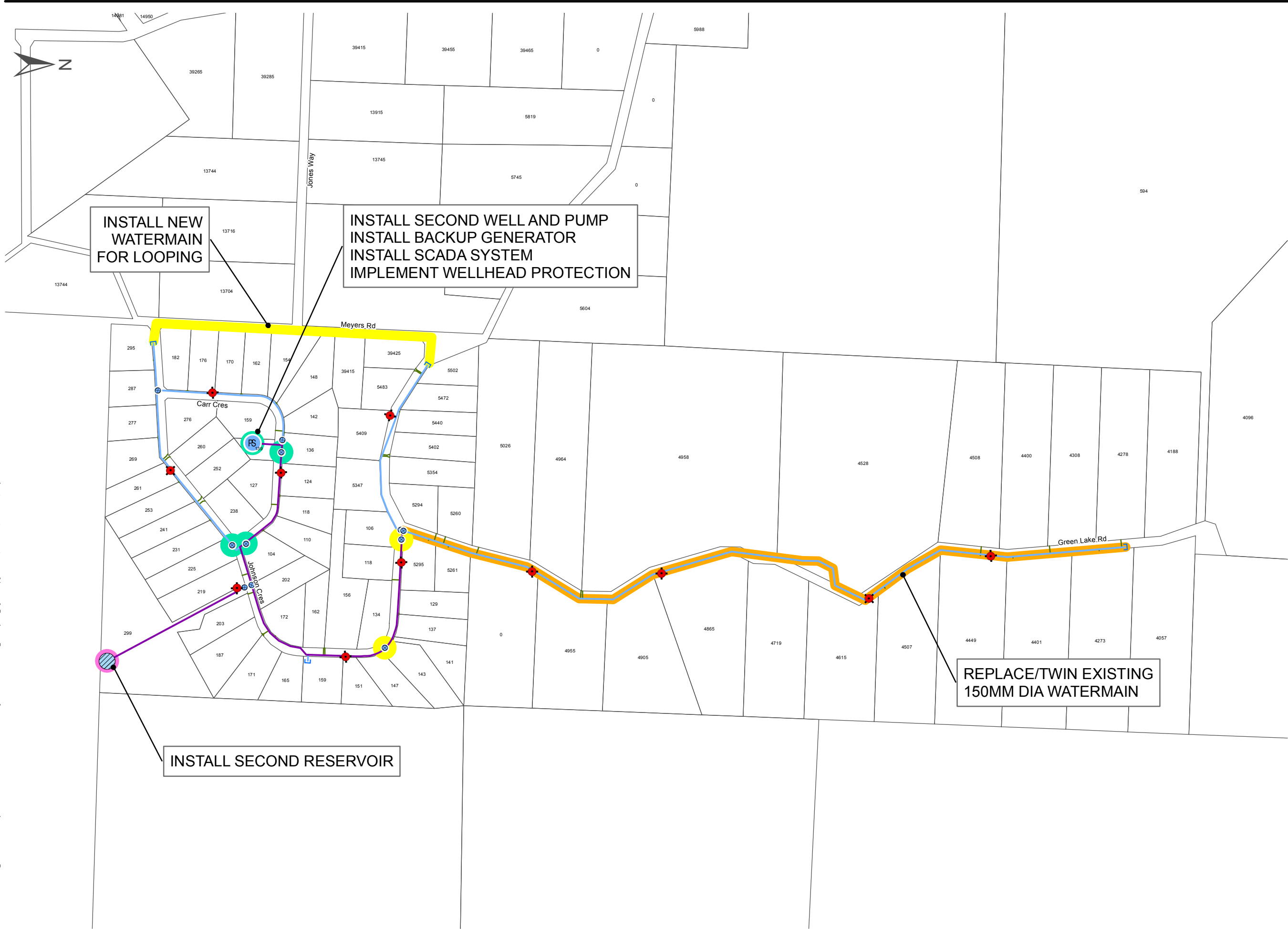
- Replacement of the 150 mm watermain on Green Lake Road: As noted previously, it is expected that this long dead-end (approximately 1,600 m) is insufficient with respect to providing fire flows. As such, we recommend that this watermain be replaced and upsized to a larger main. Per the RDOS Bylaw, the minimum size would be 200 mm; this should be confirmed through water modelling. Alternatively, the watermain could be twinned with a second 150 mm main to create a looped feed. Twinning is the preferred approach as it would provide a more robust supply and allow for isolation of small sections of watermain without shutting down the whole stretch. In this case, valves should be installed between each of the existing hydrants and at a minimum spacing of 240m on the second line. This project has an estimated cost of approximately \$510,000.

## **5.4 Monitoring and Communication**

An integral part of operating and maintaining a water utility is the monitoring and communication within the system. As noted previously, the existing monitoring and communications system is very minimal and basic. As such, we recommend the installation of a supervisory control and data acquisition (SCADA) system. This central system would ideally be located within/near the existing pump house and have connections to various meters, monitors and alarms throughout the system. These would include items such as flow and water level meters, quality monitors, and intrusion alarms installed at both the pump house and the reservoir. The system would require the ability for remote access to allow operators to monitor and control the system from offsite. This project has an estimated cost of \$50,000 and should be installed in conjunction with, or immediately following the proposed supply upgrades.



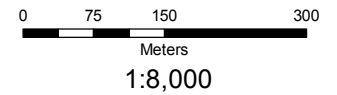
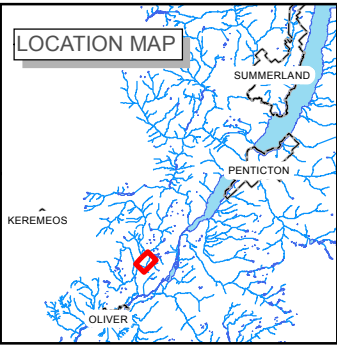
P:\51 - BC Interior\5114-03-4-000-Willowbrook Water System Assessment\500 - Production\520 - Drawings\522 - Base\Willowbrook Water System\_Figure 2 - Upgrade.mxd, 2015-03-27, 2:46:07 PM, bafhj



- Legend**
- Valve
  - Hydrant
  - End Cap
  - Well and Pump House
  - Reservoir

- Watermain**
- 150mm Dia
  - 200mm Dia
  - Water service

- Upgrade Phasing**
- Phase 1 - Year 1
  - Phase 2 - Year 4
  - Phase 3 - Year 7
  - Phase 4 - Year 10



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**Willowbrook Water System**  
REGIONAL DISTRICT OF OKANAGAN  
SIMILKAMEEN

**System Assessment**

**RECOMMENDED UPGRADES**

project no. 5114-034-000	figure <b>2</b>
date: 2015-03-27	

## 6.0 OWNERSHIP

As noted above, Willowbrook Utilities currently owns and operates the Willowbrook water system and has requested that the RDOS consider taking it over. The intention of this report is to identify the most suitable long-term ownership model for operating and maintaining the system in the future. Below is a description of various options for ownership models:

- ▶ **Status Quo:** This is the current ownership model in place in which all O&M is undertaken by Willowbrook Utilities. In this model, costs for the system are funded by utility fees paid by the residents to Willowbrook Utilities. To date, these costs have been limited to operating and maintaining the system, with little set aside for capital improvements. Continuing with this model would be the simplest approach and may not require all of the upgrades noted above to bring the system up to current RDOS standards. However, there is no grant funding for capital improvements available to private utilities such as Willowbrook Utilities.
- ▶ **RDOS takes ownership of the Willowbrook system:** In this model; RDOS would take ownership of the system and would collect utility fees from the residents. The revenue from the utility fees would be used to pay for O&M and capital improvements for the water system. Under this approach the Willowbrook water system would be a standalone utility and any funds generated would be used to support the service. With RDOS taking ownership of the system, there would be more opportunity for grant funding from higher levels of government to help pay for the recommended upgrades identified above. This is our recommended ownership model.

## 7.0 FINANCIAL PLAN

The objective of the financial plan is to ensure that the fee recovery strategy (water rates, taxes, etc.) is sufficient to fund the anticipated costs for the system (O&M, required infrastructure upgrades, and associated administrative costs). The financial analysis will provide a long-term projection (20 years) to address the financial impact of maintaining the Willowbrook water system. The intention of the analysis is to treat the Willowbrook system as a fully independent utility, which is to be fully reliant upon generating its own revenue to offset expenditures. Based upon the recommended ownership model discussed in Section 6.0, RDOS would collect utility fees from the Willowbrook residents to run the system.

### 7.1 Annual Expenditure Forecast

Willowbrook Utilities monitors and records yearly revenues and expenditures on the water system. As noted above, the expenses to date have been limited to operating and maintaining the system, with little set aside for capital improvements. As there are no meters in the system, the existing rate structure is based on a flat fee of \$25 per month for domestic services, with an additional charge of \$85 per month for irrigation services. Based on review of the financial records, it appears that this rate structure is sufficient to cover annual O&M costs with a small surplus.

### 7.2 Capital Expenditure Forecast

In addition to the existing utility fee, the RDOS would need to collect additional fees from the Willowbrook residents to cover the costs of capital expenditures. This could be accomplished by increasing the existing fee, or establishing a separate capital charge. In order to determine a suitable amount, a proposed phasing plan (including timing) has been applied to the recommended infrastructure upgrades outlined in Section 5.0. All costs are reported in current dollars.

<b>TOTAL CAPITAL EXPENDITURES</b>	<b>\$1,072,500</b>
Phase 1 - Year 1	\$142,500
<i>Installation of a second well and pump:</i>	<i>\$20,000</i>
<i>Installation of a backup generator at the pump house:</i>	<i>\$50,000</i>
<i>Implementation of wellhead protection:</i>	<i>\$15,000</i>
<i>Installation of Isolation Valves:</i>	<i>\$7,500</i>
<i>Installation of a SCADA System:</i>	<i>\$50,000</i>
Phase 2 - Year 4	\$200,000
<i>Installation of a second reservoir:</i>	<i>\$200,000</i>
Phase 3 - Year 7	\$220,000
<i>Watermain looping at the southwest end of the system:</i>	<i>\$220,000</i>
Phase 4 - Year 10	\$510,000
<i>Replacement/twinning of the Green Lake Road watermain:</i>	<i>\$510,000</i>

As determined above, the estimated total cost of the recommended upgrades is \$1,072,500. Section 7.2.1 provides a rate structure analysis for funding the capital expenditures.

### 7.2.1 Capital Expenditure Rate Structure Analysis

Using the cost estimates and timing of capital improvements as established above, a financial analysis was undertaken to determine a suitable rate structure to fund capital expenditures for the Willowbrook water system. This analysis is included in Appendix A. The analysis compares the capital charge that would be required for various levels of funding from the capital program (ranging from 33% to 100%). Other sources of revenue such as grants from senior levels of government would be required to supplement the capital program in all cases other than the 100% funding scenario.

It is expected that the RDOS will fund the capital expenditures from the rates collected from the residents and supplement as required by borrowing. An annual inflation rate of 3% has been applied to the cost estimates and the same escalation rate has been assumed for the capital charge. The minimum revenue required has been determined in order to ensure that the RDOS does not have any remaining debt at the end of the 20 year period.

We understand that there are currently 80 lots serviced by the water utility that will be required to pay for capital expenditures. Dividing the total revenue required by the number of parcels results in the capital charge amount per parcel in the first year, as summarized below.

Funding Structure	2015 Capital Charge	
	Total	Per Unit
100% Funding	\$57,104	\$714
66% Funding	\$37,668	\$471
50% Funding	\$28,552	\$357
33% Funding	\$18,844	\$236

It is recommended that the capital charge amount be determined based on the 33% Funding Structure. This is based on the understanding that most grant programs are based on one third local funding and two thirds provincial/federal funding. This mitigates the financial impact to the local residents. As such, a 2015 capital charge of \$236 per unit is recommended. The capital charge of \$714 per unit under the 100% funding scenario represents the amount that would be required if no funding is available (i.e if the RDOS does not take over the system).

## 7.3 Rate Structure Summary

As discussed above, it is expected that the current rate structure is sufficient to cover O&M costs going forward. However, an increase to the existing fee or a separate charge of \$236 per unit per year is required to fund capital expenses.

## 8.0 CONCLUSIONS

Proper Asset Management and a well-guided Financial Plan are essential to providing sustainable operation and maintenance of a municipal infrastructure system. Currently, the Willowbrook water system is owned and operated by a private utility (Willowbrook Utilities), utilizing revenues collected from the residents. The current fee structure is sufficient to cover annual O&M, but does not generate reserves for capital improvements. As such, a new model for ownership, operation, maintenance and funding of the Willowbrook system is required.

In general, it is expected that the existing system is in good condition; however, certain components of the system are undersized and/or lacking. This can be summarized as follows:

- ▶ The source well has only one pump, no emergency power and is considered groundwater at risk.
- ▶ The existing reservoir does not have sufficient storage for domestic demands or fire flows.
- ▶ The distribution network has consists of several dead-end mains with minimal internal looping and a lack of isolation valves.
- ▶ The system has minimal monitoring and communication in place.

All of these factors result in a system that lacks redundancy, cannot provide sufficient fire flow and is susceptible to issues with water quality. As such, it is expected that infrastructure upgrades will be required over the next 20 years. This can be done in phases, based on urgency and available funding.

## 9.0 RECOMMENDATIONS

Based upon our review and analysis of the existing Willowbrook water system with respect to O&M, capital replacement, funding and ownership, we recommend that:

- ▶ An adequate level of asset management be employed now and in the future to ensure that the Willowbrook water system is operating in a sustainable manner;
- ▶ The RDOS take ownership of the Willowbrook water system;
- ▶ Infrastructure upgrades to the existing system be performed as outlined in Section 5.0 and Section 7.0 (or as urgency and funding dictate);
- ▶ The RDOS undertake a study to assess the capacity of the source aquifer;
- ▶ The RDOS consider instituting water metering;
- ▶ The RDOS continue to closely monitor water quality and consider treatment;
- ▶ The rate structure outlined in Section 7.0 be employed to ensure that the residents of Willowbrook are wholly funding the O&M of the Willowbrook system and contributing to capital improvements; and
- ▶ The RDOS seek out senior government grant funding opportunities so that improvements can be completed with less financial impact to the Willowbrook rate payers.





## APPENDIX A – RATE STRUCTURE ANALYSIS

Project: Willowbrook Water System Assessment  
Project No: 5114-034-000

Rate Structure Analysis

100% Funding Rate Structure Analysis

Amount Borrowed (Year 1): \$0.00

	Year																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Opening Reserve Balance	\$0.00	-\$85,396.27	-\$30,849.24	\$28,189.64	-\$127,675.07	-\$69,788.07	-\$7,078.60	-\$201,939.20	-\$141,805.77	-\$76,558.76	-\$671,313.61	-\$628,136.65	-\$580,498.57	-\$528,107.23	-\$470,653.84	-\$407,812.01	-\$339,236.86	-\$264,563.98	-\$183,408.42	-\$95,363.56
Less Loan Repayment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Capital Expenditures	-\$142,500.00	\$0.00	\$0.00	-\$218,545.40	\$0.00	\$0.00	-\$262,691.51	\$0.00	\$0.00	-\$665,434.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plus Interest Earned	\$0.00	-\$4,269.81	-\$1,542.46	\$281.90	-\$6,383.75	-\$3,489.40	-\$353.93	-\$10,096.96	-\$7,090.29	-\$3,827.94	-\$33,565.68	-\$31,406.83	-\$29,024.93	-\$26,405.36	-\$23,532.69	-\$20,390.60	-\$16,961.84	-\$13,228.20	-\$9,170.42	-\$4,768.18
Plus Rates Collected	\$57,103.73	\$58,816.84	\$60,581.35	\$62,398.79	\$64,270.75	\$66,198.87	\$68,184.84	\$70,230.39	\$72,337.30	\$74,507.42	\$76,742.64	\$79,044.92	\$81,416.27	\$83,858.75	\$86,374.52	\$88,965.75	\$91,634.72	\$94,383.77	\$97,215.28	\$100,131.74
Closing Reserve Balance	-\$85,396.27	-\$30,849.24	\$28,189.64	-\$127,675.07	-\$69,788.07	-\$7,078.60	-\$201,939.20	-\$141,805.77	-\$76,558.76	-\$671,313.61	-\$628,136.65	-\$580,498.57	-\$528,107.23	-\$470,653.84	-\$407,812.01	-\$339,236.86	-\$264,563.98	-\$183,408.42	-\$95,363.56	\$0.00

Number of Parcels: 80  
Charge per Parcel (2015): \$713.80

66% Funding Rate Structure Analysis

Amount Borrowed (Year 1): \$0.00

	Year																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Opening Reserve Balance	\$0.00	-\$56,361.54	-\$20,360.50	\$18,605.17	-\$84,265.55	-\$46,060.13	-\$4,671.88	-\$133,279.87	-\$93,591.81	-\$50,528.78	-\$443,066.98	-\$414,570.19	-\$383,129.05	-\$348,550.77	-\$310,631.53	-\$269,155.93	-\$223,896.33	-\$174,612.23	-\$121,049.55	-\$62,939.95
Less Loan Repayment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Capital Expenditures	-\$94,050.00	\$0.00	\$0.00	-\$144,239.96	\$0.00	\$0.00	-\$173,376.39	\$0.00	\$0.00	-\$439,186.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plus Interest Earned	\$0.00	-\$2,818.08	-\$1,018.02	\$186.05	-\$4,213.28	-\$2,303.01	-\$233.59	-\$6,663.99	-\$4,679.59	-\$2,526.44	-\$22,153.35	-\$20,728.51	-\$19,156.45	-\$17,427.54	-\$15,531.58	-\$13,457.80	-\$11,194.82	-\$8,730.61	-\$6,052.48	-\$3,147.00
Plus Rates Collected	\$37,688.46	\$38,819.12	\$39,983.69	\$41,183.20	\$42,418.70	\$43,691.26	\$45,001.99	\$46,352.05	\$47,742.62	\$49,174.89	\$50,650.14	\$52,169.65	\$53,734.74	\$55,346.78	\$57,007.18	\$58,717.40	\$60,478.92	\$62,293.29	\$64,162.08	\$66,086.95
Closing Reserve Balance	-\$56,361.54	-\$20,360.50	\$18,605.17	-\$84,265.55	-\$46,060.13	-\$4,671.88	-\$133,279.87	-\$93,591.81	-\$50,528.78	-\$443,066.98	-\$414,570.19	-\$383,129.05	-\$348,550.77	-\$310,631.53	-\$269,155.93	-\$223,896.33	-\$174,612.23	-\$121,049.55	-\$62,939.95	\$0.00

Number of Parcels: 80  
Charge per Parcel (2015): \$471.11

50% Funding Rate Structure Analysis

Amount Borrowed (Year 1): \$0.00

	Year																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Opening Reserve Balance	\$0.00	-\$42,698.13	-\$15,424.62	\$14,094.82	-\$63,837.54	-\$34,894.04	-\$3,539.30	-\$100,969.60	-\$70,902.89	-\$38,279.38	-\$335,656.80	-\$314,068.33	-\$290,249.28	-\$264,053.61	-\$235,326.92	-\$203,906.01	-\$169,618.43	-\$132,281.99	-\$91,704.21	-\$47,681.78
Less Loan Repayment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Capital Expenditures	-\$71,250.00	\$0.00	\$0.00	-\$109,272.70	\$0.00	\$0.00	-\$131,345.75	\$0.00	\$0.00	-\$332,717.16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plus Interest Earned	\$0.00	-\$2,134.91	-\$771.23	\$140.95	-\$3,191.88	-\$1,744.70	-\$176.97	-\$5,048.48	-\$3,545.14	-\$1,913.97	-\$16,782.84	-\$15,703.42	-\$14,512.46	-\$13,202.68	-\$11,766.35	-\$10,195.30	-\$8,480.92	-\$6,614.10	-\$4,585.21	-\$2,384.09
Plus Rates Collected	\$28,551.87	\$29,408.42	\$30,290.67	\$31,199.39	\$32,135.38	\$33,099.44	\$34,092.42	\$35,115.19	\$36,168.65	\$37,253.71	\$38,371.32	\$39,522.46	\$40,708.13	\$41,929.38	\$43,187.26	\$44,482.88	\$45,817.36	\$47,191.88	\$48,607.64	\$50,065.87
Closing Reserve Balance	-\$42,698.13	-\$15,424.62	\$14,094.82	-\$63,837.54	-\$34,894.04	-\$3,539.30	-\$100,969.60	-\$70,902.89	-\$38,279.38	-\$335,656.80	-\$314,068.33	-\$290,249.28	-\$264,053.61	-\$235,326.92	-\$203,906.01	-\$169,618.43	-\$132,281.99	-\$91,704.21	-\$47,681.78	\$0.00

Number of Parcels: 80  
Charge per Parcel (2015): \$356.90

33% Funding Rate Structure Analysis

Amount Borrowed (Year 1): \$0.00

	Year																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Opening Reserve Balance	\$0.00	-\$28,180.77	-\$10,180.25	\$9,302.58	-\$42,132.77	-\$23,030.06	-\$2,335.94	-\$66,639.94	-\$46,795.90	-\$25,264.39	-\$221,533.49	-\$207,285.09	-\$191,564.53	-\$174,275.39	-\$155,315.77	-\$134,577.96	-\$111,948.16	-\$87,306.11	-\$60,524.78	-\$31,469.97
Less Loan Repayment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Capital Expenditures	-\$47,025.00	\$0.00	\$0.00	-\$72,119.98	\$0.00	\$0.00	-\$86,688.20	\$0.00	\$0.00	-\$219,593.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plus Interest Earned	\$0.00	-\$1,409.04	-\$509.01	\$93.03	-\$2,106.64	-\$1,151.50	-\$116.80	-\$3,332.00	-\$2,339.80	-\$1,263.22	-\$11,076.67	-\$10,364.25	-\$9,578.23	-\$8,713.77	-\$7,765.79	-\$6,728.90	-\$5,597.41	-\$4,365.31	-\$3,026.24	-\$1,573.50
Plus Rates Collected	\$18,844.23	\$19,409.56	\$19,991.84	\$20,591.60	\$21,209.35	\$21,845.63	\$22,501.00	\$23,176.03	\$23,871.31	\$24,587.45	\$25,325.07	\$26,084.82	\$26,867.37	\$27,673.39	\$28,503.59	\$29,358.70	\$30,239.46	\$31,146.64	\$32,081.04	\$33,043.47
Closing Reserve Balance	-\$28,180.77	-\$10,180.25	\$9,302.58	-\$42,132.77	-\$23,030.06	-\$2,335.94	-\$66,639.94	-\$46,795.90	-\$25,264.39	-\$221,533.49	-\$207,285.09	-\$191,564.53	-\$174,275.39	-\$155,315.77	-\$134,577.96	-\$111,948.16	-\$87,306.11	-\$60,524.78	-\$31,469.97	\$0.00

Number of Parcels: 80  
Charge per Parcel (2015): \$235.55

**Project: Willowbrook Water System Assessment**  
**Project No: 5114-034-000**

### Rate Structure Analysis - Parameters and Assumptions

#### Capital Improvements

Year	Cost	
	Current	Inflated
1	\$ 142,500	\$ 142,500
2	\$ -	\$ -
3	\$ -	\$ -
4	\$ 200,000	\$ 218,545
5	\$ -	\$ -
6	\$ -	\$ -
7	\$ 220,000	\$ 262,692
8	\$ -	\$ -
9	\$ -	\$ -
10	\$ 510,000	\$ 665,434
11	\$ -	\$ -
12	\$ -	\$ -
13	\$ -	\$ -
14	\$ -	\$ -
15	\$ -	\$ -
16	\$ -	\$ -
17	\$ -	\$ -
18	\$ -	\$ -
19	\$ -	\$ -
20	\$ -	\$ -
<b>Total:</b>	<b>\$ 1,072,500</b>	<b>\$ 1,289,171</b>

Inflation Rate for Improvements: 3.0%

#### Interest Rates

Interest Rate on Loans: 5.0%

Interest Earned on Reserve Funds: 1.0%

#### Capital Charge

Annual Rate Increase: 3.0%

Number of Parcels: 80

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** October 15, 2015

**RE:** Noxious and Destructive Insect Bylaw No. 2711, 2015

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### **Administrative Recommendation:**

**THAT Bylaw No. 2711, 2015 Regional District of Okanagan-Similkameen Noxious and Destructive Insect and Pest Control Bylaw be read a first, second and third time and be adopted.**

### **Reference:**

Establishment Bylaw No. 2198, 2003 (consolidated)

### **Business Plan Objective: to be a highly functioning organization**

**History:** The Noxious and Destructive Insect Bylaw was originally conceived to deal with the apple codling moth outbreak in early 2000's, due to inability for commercial growers to remain free of tree fruit pests when fruit tree owners were not required to perform any pest management strategies.

The bylaw as originally written includes list of noxious pests. The updated bylaw has been written to remove the 'list' of pests and replaced with a reference to a schedule, where changes can be made without having to reopen the bylaw for amendment. This also allows the district to be agile in the event of a new threat arriving in the Okanagan.

For example: a new pest that arrived in the Okanagan, the Spotted Wing Drosophila (SWD), whose life cycle resembles the Western Cherry Fruit Fly, was not listed in the bylaw. Enforcement options are limited or nullified because many trees had both or SWD. The SWD pest alone has created an economic hardship for many growers in the region – this past year, cherry growers. SWD is not restricted to cherries, but all soft berries, fruits and even wine grapes. The industry and responsible fruit tree owners look to the Regional District to action a Noxious and Destructive Insects Bylaw and provide targeted educational materials.

When reviewing the original bylaw, it was found to lack the authority to enforce. This has been corrected in the updated Bylaw No. 2711.

### **Alternatives:**

- 1) Do not update the bylaw. Do no enforcement.**
- 2) Do soft education to tree fruit owners regarding best management practices only**

### **Analysis:**

Better define the authority of Bylaw Enforcement Officer and

Update identified species and place into Schedule for ease in future updates  
Update references to legislation

**Communication Strategy:**

Public Works will continue to work the Noxious Pests Program. This includes liaising with RDOS property owners, BC Tree fruits, BC Fruit Growers and PARC. To continue to discuss noxious pest management and control with property owners with identified infestations and create mapping database. In addition to the above, to develop and provide preventative and best practices materials for property owners. To work with nurseries to promote a 'plant this - not that' for property owners wishing to remove trees - or before they plant fruit trees.

**Respectfully submitted:**

*"Christy Malden"*

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C. Malden, Manager of Legislative Services

# REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

## BYLAW NO. 2711, 2015

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**A bylaw to regulate the prevention, removal and ongoing control of infestations by noxious and destructive insects, or related pests.**

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**WHEREAS** the Board of the Regional District Okanagan-Similkameen has adopted Nuisance Control Service Establishment Bylaw No 2198, 2003 to establish a service within the entire boundary of the Regional District for the operation and control of a nuisance service;

**AND WHEREAS** the *Local Government Act* authorizes the Regional District of Okanagan-Similkameen to, by bylaw, regulate and prevent infestation by noxious or destructive insects and to clear the property of such insects;

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

### 1. CITATION

- 1.1 This Bylaw shall be cited as the “Regional District of Okanagan-Similkameen Noxious and Destructive Insect and Pest Control Bylaw”

### 2. DEFINITIONS

2.1 In this bylaw:

- a) “Agent” means a person representing the owner of real property located within the Regional District;
- b) “Board” means the Board of the Regional District of Okanagan-Similkameen;
- c) “Bylaw Enforcement Officer” means officers or employees or other persons acting in another capacity on behalf of the Regional District for the purpose of enforcement of one or more of its Bylaws.
- d) “Control the Infestation” means the procedure which are recognized by the applicable Ministry and the tree fruit, forest and/or horticulture industries as responsible methods of controlling specific pests such as application of an appropriate chemical or biological spray, direct removal of the noxious or destructive insects or pests, removal of host species or removal of host habitat;



- e) "Infestation or Infested" means the presence of populations of noxious or destructive insects or related pests in trees, bushes, plants or associated crops that have caused or are likely to cause significant damage to the trees, bushes, plants or associated crops;
- f) "Inspector" means the person or persons appointed by the Regional Board to enforce and carry out the provisions of the bylaw;
- g) "Noxious or Destructive Insects or Related Pests" means any insect or related pest requiring control as recommended by the BC Ministry of Agriculture, Pacific Agra-Food Research Station or Okanagan Kootenay Sterile Insect release Board and identified to be a specific threat in the Okanagan-Similkameen, including but not limited to those listed in Schedule 'A' of this Bylaw;
- h) "Regional District" means the Regional District of Okanagan-Similkameen;
- i) "Service Area" means the boundaries of the Regional District of Okanagan-Similkameen in its entirety.

### **3. ADMINISTRATION**

- 3.1 The owners and occupiers of all real property shall prevent any infestation on their property. If an infestation occurs, the owner, occupier or their agent shall clear the property of noxious or destructive insects and related pests by direct removal or by the lawful application of chemical or biological treatments.
- 3.2 The inspector may enter any real property located within the service area at any reasonable time concerning any matter under this Bylaw and may perform such reasonable tests, analysis, collection of leaf, wood, soil and fruit samples or other things as may be necessary to determine if an infestation exists.
- 3.3 Where real property is infested and the infestation is verified and confirmed by investigation, the inspector may issue an order to the owner, occupier, or agent of the real property requiring that all action be taken as prescribed to control the infestation within 72 hours from the date of service of the order.
- 3.4 An order made pursuant to Section 3.3 of this bylaw shall be deemed to be validly served by:
  - a. Personal delivery to the owner, occupier or agent of the real property;
  - b. Being mailed by regular mail or email addressed to the owner, occupier or agent of the real property, and by the posting of the order in a reasonably visible location on the real property.
- 3.5 Where after the expiry of 72 hours from the date of service of an order given pursuant to Section 3.3 of this Bylaw, an owner has not controlled an infestation, it shall be lawful for the Regional District of Okanagan-Similkameen by its employees or other authorized representatives to enter the real property and take all action necessary to control the infestation.

- 3.6 All costs incurred by the Regional District of Okanagan-Similkameen to control the infestation on real property shall be charged to the owner of the real property and if unpaid on the 31<sup>st</sup> day of December of any year, shall be added to and form part of the taxes payable in respect of such real property as taxes in arrears.
- 3.7 The Inspector or otherwise authorized representative of the Regional District is hereby authorized to enter, at all reasonable times, upon any property within the Regional District subject to the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.
- 3.8 No person shall prevent or obstruct, or attempt to prevent or obstruct, an Inspector or other authorized representative of the Regional District of Okanagan-Similkameen acting pursuant to this Bylaw.
- 3.9 The inspector is authorized to consult with owners or occupiers of real property in the service area concerning complaints about insects and related pests that are not currently included in the definition of noxious or destructive insects and pests contained in Schedule 'A' of this Bylaw.
- 3.10 Any person who violates or causes or allows to be caused a violation of a requirement of this Bylaw shall be guilty of an offence and shall be liable, upon conviction, to the penalties provided under the provisions of the Offence Act or to the penalties provided under the provisions of the Bylaw Notice Enforcement Act.
- 3.11 Should the Regional District pursue actions to secure compliance through the courts, each person is liable, upon summary conviction, to a fine not exceeding \$10,000 and the costs of prosecution.
- 3.12 Each day that a violation of any provision of this bylaw continues to exist is a separate offence against this bylaw.

#### **4. INTERPRETATION**

- 4.1 In the event that any section of this Bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or sub-section shall be severed from and not affect the remaining provisions of this bylaw.
- 4.2 The headings given to the section and paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.
- 4.3 Any enactment referred to herein is a reference to an enactment of British Columbia and the regulation thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Board, as amended, revised, consolidated, or replaced from time to time.

#### **5. REPEAL**

- 5.1 Regional District of Okanagan-Similkameen Revised Noxious Insect and Pest Infestation Control Bylaw No. 2070, 2001 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this xxx day of xxx, 2015.

ADOPTED this xxx day of xxx, 2015.

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RDOS Board Chair

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Corporate Officer

## SCHEDULE 'A'

### **Noxious or destructive insects and related pests**

- Codling moth – *Cydia pomonella*
- Western cherry fruit fly – *Rhagoletis indifferens*
- Black cherry fruit fly – *Rhagoletis fausta*
- San Jose scale – *Quadraspidiotus perniciosus*
- European fruit scale – *Quadraspidiotus ostreaeformis*
- Peach Twig Borer – *Anarsia lineatella*
- Peach Tree Borer – *Synanthedon exitiosa*
- Pear psylla – *Cacopsylla pyricola* Foerster
- Fruittree leafroller – *Archips argyrospilus*
- European leafroller – *Archips rosanus*
- Obliquebanded leafroller – *Choristoneura rosaceana*
- Threelined leafroller – *Pandemis limitata*
- Apple-and-thorn skeletonizer – *Choreutis pariana*
- Apple mealybug – *Phenacoccus aceris*
- Apple ermine moth – *Yponomeuta malinella*
- Gypsy moth – *Lymantria dispar*
- Apple maggot – *Rhagoletis pomonella*
- Oriental fruit moth – *Grapholitha molesta*
- Cherry bark tortrix – *Enarmonia formosana*
- Cherry ermine moth – *Yponomeuta padellus*
- Eyespotted budmoth – *Spilonota ocellata*
- Spotted Wing Drosophila – *Drosophila suzukii*
- Apple Clear Wing Moth – *Synanthedon myopaeformis*



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** Bill Newell, CAO  
**DATE:** 5 November 2015  
**RE:** Developing Sustainable Rural Practice Communities

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### RECOMMENDATION:

That the Regional District of Okanagan Similkameen submit a nomination for the Steering Committee to address sustainable rural practice communities.

### REFERENCE:

- Organizational Meeting of October 22, 2015
- JSC Document – Overview of Expectations from Participating Communities

### HISTORY:

The Joint Standing Committee on Rural Issues has committed funding to provincial health authorities to identify the current state of rural community practice, develop a plan of action to address the perceived gap in health care services and come up with an implementation plan to achieve sustainability. The Interior Health Authority has awarded one of three \$500,000.00 grants to the Okanagan Similkameen area and is in the process of forming a Steering Committee to lead the project.

The program is dedicated to rural communities and, consequently, Summerland and Penticton are excluded. Princeton, Keremeos, Osoyoos and Oliver were represented at the Steering Committee Meeting. The Regional District was represented by the CAO.

The grant application was prepared and submitted by Dr. Peter Entwistle, SOGH, on behalf of our area.

### ALTERNATIVES:

1. Don't participate
2. Appoint a Member to the Steering Committee
3. Delegate representation to staff

### ANALYSIS:

This Program is underway and there will be representatives on the Steering Committee from four of our Member municipalities, the hubs which provide health services to our rural areas. The Board could remain supportive of the initiative without actually participating on the Steering Committee. Any actions required of the Regional District by the Committee, if any, could be provided upon request.

The Corporate Vision of the Regional District refers to “**a diverse and livable region that offers a high quality of life**”. Certainly health care and access to physicians is a predominant indicator of quality of life and the Board would seem to have a role in the discussions that will entail through this

program. Upon signing onto the Okanagan Similkameen Healthy Living Coalition Charter in 2012, the Board has included a goal of healthy community within its Social Sustainable KSD and we support that through grants to the OSHLC and by supporting it administratively.

The Board could appoint a representative to the committee or delegate attendance to staff with a responsibility to report back. Work on the Committee should not be onerous and is estimated to consume attendance at a monthly meeting of approximately 2 hrs./meeting.

No financial participation is anticipated.



## **Joint Standing Committee on Rural Issues**

### **Developing Sustainable Rural Practice Communities (JSC)**

#### **Overview of Expectations from Participating Communities**

##### **Phase 1: Community Readiness Assessment & Approval**

A short proposal identifying current state of Community and the proposed process to develop a Collaborative Sustainability Implementation Plan (CSIP) will be brought forward by Health Authorities to JSC for review and approval.

##### **Phase 2: Development of Collaborative Sustainability Implementation Plans**

JSC will release up to \$75,000 to enable approved Communities to prepare a fulsome CSIP to be presented and approved prior to the release of the balance of the \$500,000. The CSIPs must contain the following elements in order to proceed to review by the JSC:

1. Identification of the individual(s) who will assume overall leadership responsibility for this CSIP project.
2. A summary of the current perceived gaps in sustainable health care services that currently exist in the community.
3. Identification of all partners / stakeholders who were involved / consulted during this project.  
Note: These partners must include, but are not limited to: the appropriate health authorities, potentially impacted physicians (include Divisions of Family Practice where they exist), First Nations, and appropriate representatives of local government / municipalities.
4. An outline of the project plan to:
  - (i) identify / confirm the causes of these gaps in health care services;
  - (ii) generate ideas on potential changes in that ways in which health care service delivery needs might be met on a more stable and sustainable basis;
  - (iii) identify the specific changes in the types and numbers of resources that would be required to make the kind of changes contemplated in (ii) above)
  - (iv) identification of what might be some of the unintended consequences of the proposal to the community and the surrounding communities
5. A planned project time line identifying each planned stage of the project, as well as the \$\$ amount ( if any ) funding that may be required to complete each stage of the project and an explanation for that \$\$ amount;  
Note: If amounts are unknown at this time simply identify "amount unknown at this time". If circumstances change, funds may be requested at a later date once greater clarity is available on what may be required.  
Note: A statement of actual expenditures will be required to be submitted for \$\$ amounts of funding provided. Records of actual receipt must be maintained for up to 5 years for audit purposes.
6. Identification of at least 5 measures of success, aligning to IHI Triple Aim methodology, of which 2 must be patient focused health service improvement outcome measures.

##### **Phase 3: Approval of Collaborative Sustainability Implementation Plan Proposals**

JSC approval will be required prior to implementing a CSIP proposal(s). In order to consider CSIP proposals for approval JSC will require a summary of the following information:

1. Confirmation of the gaps in health care service delivery;
2. Identification of causes;

3. Proposed changes in the way health care services are delivered to provide the public with stable/sustainable access and quality of services to meet their health care needs.
4. Any resource changes to implement the proposed health care service delivery changes; the \$\$ amount of any expected costs (capital or one time or ongoing operating costs) of each of these resource changes. Also, expected sources of each funding amount must be identified.
5. A realistic implementation time line identifying when each of the planned changes might be implemented, flagging any critical path issues. (balance of \$500,000)

When the Community feels they have completed the CSIP to the best of their ability they will contact their HA JSC member to secure a presentation time at an upcoming JSC.

#### **Phase 4: SCIP Implementation**

After receiving CSIP approval from the JSC, the Communities will have 24 months to prototype their solutions. Every Quarter, a short implementation update report will be provided to the JSC for their information. At the 18 month mark, the Community will present their learnings and any sustainability risks to the JSC for their consideration.

#### **Phase 5: Normalization & Spread Phase**

Communities may receive some ongoing support from the JSC. In exchange for this, Communities will be asked to serve as coaches/mentors for similar communities about the province.

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Board Policy Review

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### **Administrative Recommendation:**

**THAT the Board of Directors rescind Policy No. P6410-00.04 (Applications for Relaxation of the Ten Percent Frontage Requirement) and RDOS Policy No. P6410-00.07 (Development Variance Permits) as presented at Committee October 15, 2015.**

### **Reference:**

[Regional District of Okanagan-Similkameen Policy Manual](#)

Applications for Relaxation of the Ten Percent Frontage Requirement Policy (to be rescinded)  
Development Variance Permits Policy (to be rescinded)

### **History:**

Goal 4.4 of the RDOS Business Plan is to develop a responsive, transparent, effective organization. One of the objectives of this goal is achieved by developing policy framework and ensuring current policy is current and represents the Boards intentions.

### **Analysis:**

The Board requires clear policies and as such has instructed that a process to ensure the timely review and update of Board policy be implemented.

In order to achieve this objective, outdated policies will be brought forward for review at each Corporate Services Committee meeting and future review dates will be established. It is expected that this process will complete in the first quarter of 2016.

The intention is to create relevant, transparent policies which are easy for the public to access and that set out how the Board wants recurring issues to be addressed.

The Board may access the RDOS Board Policy manual at the referenced hyperlink to view the current policies and track progress of amendments as they occur.

The policies contained within this report include:

- **Applications for Relaxation of the Ten Percent Frontage Requirement Policy**
  - o The Regional District has been relying on the Provincial Approving Officer to exercise their judgement when dealing with requests to exempt a parcel from Section 944 of the Local Government Act.
  - o Delegation of Local Government Authority Bylaw No. 2509, 2010, will be amended to reference exemptions from Section 944 being delegated to the Provincial Approving Officer.

- **Development Variance Permits Policy**

- o The provisions of this policy are more appropriate within the Development Procedures Bylaw No. 2500, 2011

**Respectfully submitted:**

*"Christy Malden"*

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C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

**P O L I C Y**

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**POLICY NO: P6410-00.07**

**Page 1 of 1**

**SUBJECT: DEVELOPMENT VARIANCE PERMITS**

**Effective Date**  
April 18, 2001

**Amendment**

**Board Resolution**  
B289/01PL/A

**Administered By**  
Director of Planning

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Applications for development variance permits to reduce or eliminate required community water, sewer, drainage or highway works and services shall be supported by a report prepared by a professional engineer at the applicant's costs, outlining:

- a) any alternative works proposed;
- b) any detrimental impacts which may arise if the proposed variance is granted; and
- c) any mitigation works or measures proposed to be provided.

The Board will consider exceptions from this policy in appropriate circumstances.

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REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

**P O L I C Y**

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**POLICY NO:P6410-00.04**

**Page 1 of 1**

**SUBJECT:                   APPLICATIONS FOR RELAXATION OF THE  
TEN PERCENT FRONTAGE REQUIREMENT**

**Effective Date**  
January, 1994

**Amendment**

**Board Resolution**  
B6/94

**Administered By**  
Director of Planning

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Applications for relaxation of the ten percent (10%) frontage requirement are to be delegated to the Regional Approving Officer for approval.

A copy of the Approving Officer's decision is to be requested and a copy retained for the District's records.

Procedural Note:

A copy of each decision of the Approving Officer is to be forwarded to the District Office for record purposes.

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** November 5, 2015

**RE:** Upcoming Meetings

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### For Information:

The following meetings have been scheduled for November, December and January:

Thursday, November 19	Board and Committee day
Wednesday, November 25	Budget Workshop
Thursday, November 26	Legislative Workshop
Thursday, December 3	Inaugural Board Day (followed by Inaugural Reception)
Thursday, December 10	Budget Workshop
Thursday, December 17	Board and Committee day
Thursday, January 7, 2016	Board and Committee day (tentative)
Thursday, January 21, 2016	Board and Committee day (tentative)