



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

SCHEDULE OF MEETINGS

Thursday, July 7, 2016
RDOS BOARDROOM

9:00 am	-	11:00 am	Planning and Development Committee
11:00 am	-	12:00 pm	Environment and Infrastructure Committee
12:00 pm	-	12:30 pm	Lunch
12:30 pm	-	1:15 pm	Corporate Services Committee
1:15 pm	-	1:45 pm	Protective Services Committee
1:45 pm	-	3:30 pm	RDOS Board

"Mark Pendergraft"

Mark Pendergraft
RDOS Board Chair

Advance Notice of Meetings:

July 21	RDOS/OSRHD Board/Committee Meetings
August 4	RDOS Board/Committee Meetings
August 18	RDOS/OSRHD Board/Committee Meetings
September 1	RDOS Board/Committee Meetings
September 15	RDOS/OSRHD Board/Committee Meetings
October 6	RDOS Board/Committee Meetings
October 20	RDOS/OSRHD Board/Committee Meetings
November 3	RDOS Board/Committee Meetings
November 17	RDOS/OSRHD Board/Committee Meetings
December 1	Inaugural RDOS/OSRHD Meetings
December 15	RDOS/OSRHD Board/Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, July 7, 2016

9:00 am

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

That the Agenda for the Planning and Development Committee Meeting of July 7th be adopted.

B. Delegation

1. Mr. Mike Seymour and Mr. Suki Sekhon, Twin Lakes Golf Course, will address the Board to discuss a reduction of water supply in the Twin Lakes area in relation to the Development Variance Permit application.
-

C. Delegation

1. Ms. Verna Mumby, Greater Twin Lakes Area Stewardship Society, will address the Board to present the impact to Twin Lakes area if water variance is allowed.
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D. Twin Lakes Golf Course – Development Variance Permit Application

Variance to the minimum demand water flows required in Schedule “A” of the Subdivision Servicing Bylaw 2000/02.

1. Permit No. D2016.051-DVP
2. DVP Responses Received

RECOMMENDATION 2

THAT Development Variance Permit No. D2016.051–DVP be approved.

**E. Environmentally Sensitive Development Permit (ESDP) Areas
Okanagan Electoral Area Official Community Plan (OCP) Bylaws**

1. Responses Received
2. Report – Parcel Exemption Review

RECOMMENDATION 3

THAT the RDOS proceed with the process to update the Environmentally Sensitive Development Permit Areas Bylaw and Development Procedures Bylaw.

F. OCP & Zoning Bylaw Amendment – Electoral Area “D-2”, Commercial Zone Update

To discuss proposed changes to the Recreation Vehicle Park (C7) Zone stemming from the update of Commercial Zones in Electoral Area “D-2”.

RECOMMENDATION 4

THAT the Board of Directors directs staff to bring forward Amendment Bylaw No. 2455.24, with the following applied to the Recreational Vehicle Park (C7) Zone a minimum parcel size requirement of 4.0 hectares.

G. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Twin Lakes DVP Application



Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. D2016.051–DVP.

Purpose: The Developer is seeking a variance to the Subdivision Servicing Bylaw to amend the Design Parameters for domestic water demands needed for the design of a community water distribution system.

Owner / Agent: CRS Group of Companies Folio: D-02342.001 Civic: 79 & 85 Twin Lakes Road

Legal: Lot A, Plan KAP46761, District Lot 228S 2169 4098S, Except Plan KAP53180, SDYD

Requested Variances: Under Section 3.2.1 Per Capita Flows, Fire Flow Demands, Schedule "A", of the Subdivision Servicing Bylaw No. 2000, 2002:

"Minimum design flows for domestic demand shall be:"

1. Addition of an "Average Daily Flow to 2,200 L/single family unit/day";
2. Reduction of the existing "Maximum Daily Domestic Flow from 8,000 L/single family unit/day" to 5,500 L/single family unit/day; and,
3. Reduction of the existing "Peak hour domestic flow from 13,600 L/single family unit/day" to 10,000 L/single family unit/day.

History:

The Regional District Subdivision Servicing Bylaw No, 2000, 2002 contains a requirement, where a community water system is proposed, for a developer to provide a water system design flow for a Maximum Daily Domestic Flow or Maximum Daily Demand (MDD) of 8,000 litres of water to a single family unit per day and a Peak Hour Demand (PHD) of 13,600 L/unit/day. The Bylaw does not contain a provision for an Average Daily Domestic Flow (ADD).

The Developer of the Twin Lakes Golf Resort (TLGR) has applied for a reduction of the MDD from 8,000 to 5,500 litres per unit per day as well as a reduction of the PHD from 13,600 to 10,000 litres per unit per day. Furthermore the Developer has proposed an addition of an ADD of 2,200 L/unit/day.

This variance is being requested to accommodate Phase 1 of the proposed TLGR Development, being 50 "mixed-residential" units. The proposed development is intended to be located adjacent to the Twin Lakes Golf Course, on Lot A, in an area presently zoned General Commercial (C1). A zoning amendment application will be required to allow the mixed-residential development to proceed. The proposed development location is consistent with the direction outlined in the draft Area D-1 Official Community Plan that will be brought to the Board at a future meeting.

Site Context:

Lot A is approximately 66 ha. in area and is situated on the southern side of Highway 3A, 1.5 km east of Yellow Lake. The site is principally used as a golf course and clubhouse; however, there is also a seasonal RV Park Campground. A majority of the property is within the Agricultural Land Reserve.

Lot 2 is approximately 41.4 ha. in area and is situated on the southern side of Highway 3A, directly west of Lot A. This site is seen to be comprised of undeveloped hillside and benches. This parcel was originally zoned for development of single and multiple family units. The new proposal has the development focused in the area zoned “General Commercial Zone” (C1) on Lot A.

Surrounding properties are a mixed land use of RA, LH, RS1, RS2 and C1. The properties surrounding Nipit Lake are a mix of residential zonings.

Reference Material:

1. MSR Solutions Letter Dated July 13, 2015
2. Hydrogeological Assessment, Groundwater Availability Study, Proposed Residential Development (Phase I), Twin Lakes, BC, Golder Associates, January 26, 2016
(Available on the RDOS website http://www.rdosmaps.bc.ca/min_bylaws/ES/public_works/Web_Water/TwinLakes/2016TwinLakesDVP/Website_Post_Twin_Lakes_DVP2016.pdf)
3. Western Water Associates Report, May 3, 2016
4. RDOS review of the Golder Report, May 18, 2016
5. Provincial Hydrologist Review of the Golder Report, May 24, 2016
6. Subdivision Servicing Bylaw No. 2000, 2002

Background:

The TLGR developer intends to phase an as-yet undefined development on Lot A. They consider the proposed 50 units under this application to be their first phase. With limited historical data, the Golder Report has suggested that water use on the 1st Phase be monitored for 10 years before any additional development could be constructed to ensure a sustainable water supply for all users in the Twin Lakes area. The applicant has stated that they have been monitoring the water for past 5 years.

The Board first heard a DVP request in September 2012 when they deferred it until a hydrogeological study could be done to provide a better understanding of the Twin Lakes hydrogeological system. A report completed for the applicant by Golder Associates, hereinafter referred to as the Golder Report, was submitted in January 2016.

Uncertainty about the quantity of water in the Twin Lakes Aquifer has made this a complex application. Suffering from a lack of historical data on water availability and use, the initial subdivision application was denied in 2011 by the Provincial Subdivision Approving Authority citing that, due to the uncertainty of sustainable water, it would not be in the public interest to allow the subdivision application to proceed. The Developer has produced the Golder Report in support of his application.

The Golder Report has been reviewed by the Ministry of Environment (MOE) and Ministry of Forest Lands and Natural Resource Operations (MFLNRO) upon the request by the Provincial Approving

Officer and by RDOS. The RDOS engaged a hydrogeologist consultant, Western Water Associates Ltd., to conduct a review focusing on what would be considered “reasonable water use”.

The September 2012 DVP application already in possession of the Board, but deferred pending the Golder Report, was again brought to the June 2, 2016 Board meeting where that variance request was withdrawn. Subsequently, the developer has re-applied to RDOS for the “Per Capita Flows” variance dealt with in this report. The Board is now asked to decide if the variance of the water design demands is reasonable to allow the Variance to the Subdivision Servicing Bylaw to proceed.

During the deferral time of the of the 2012 DVP, the applicant proposed during the preparation of the updated Area D-1 Community Plan project that the development would relocate from Lot 2 to the area on Lot A that has a zoning designation of General Commercial (C1). Upon adoption of the new Official Community Plan for Area “D-1”, a zoning amendment application will be needed to allow for the proposed 50 residential units. The zoning application process will allow for further discussion of water use/sustainability and conditions that will be required to allow the development to proceed.

Public Process:

The DVP has a regulatory requirement for notification to adjacent property owners. Adjacent property owners have the opportunity to submit written comments regarding the proposal until 12:00 noon on Thursday, June 30, 2016.

Analysis:

When determining the design flows for a water distribution system, there are typically three critical flow demands considered. The [Design Guidelines for Rural Residential Community Water Systems 2012](#) describes the three demands as:

- Average Day Demand (ADD): To verify source capacity, generally established from recorded water consumption.
- Maximum Day Demand (MDD): This parameter establishes sizing of pumps, reservoir and treatment works between source and balancing storage.
- Peak Hour Demand (PHD): This parameter establishes sizing of pipes, pumps and treatment works between balancing storage and the system users.

Review of Okanagan Area Water Demands

Area local government design water demands stated in their subdivision bylaws provide the following:

Local Government	Bylaw	Average Day (ADD)	Maximum Day (MDD)	Peak Hourly (PHD)
Central Okanagan RD	704	2,520	6,720	11,200
Columbia Shuswap RD	641	Not stated	5,040	Not stated
North Okanagan RD	2650	1,960	4,032	6,048
Thompson Nicola RD	2403	Not stated	2,500	7,500
City of Vernon	3843	1,960	5,040	7,560
City of Kelowna	7900	2,520	5,040	11,200

Local Government	Bylaw	Average Day (ADD)	Maximum Day (MDD)	Peak Hourly (PHD)
City of Penticton	2004-81	1,960	4,900	7,350
District of Summerland	99-004	2,800	8,400	14,000
Town of Osoyoos	1100	5,040	12,600	19,040
Village of Keremeos	470	2240	6720	11760
REGIONAL AVERAGE		2,625	6,099	10,629
RDOS	2000	Not stated	8,000	13,600
The measurement used for this comparison is L/unit/day. A unit is based on a 2.8 people per unit.				

The values used for the current Regional District bylaw are higher than the average values of the other local governments and will be reviewed as part of a future subdivision servicing bylaw revision.

The TLGR application is requesting a variance to the bylaw to allow the following amendment for this 50 unit development:

- an Average Day Demand (ADD) of 2,200 L/ single family unit /day (L/SFU/D);
- a Maximum Day Demand (MDD) of 5,500 L/SFU/D; and
- a Peak Hour Demand (PHD) of 10,000 L/SFU/D.

The intent of the existing bylaw is to ensure that the design parameters of a community water system are adequate to provide day-to-day water requirements and adequate flow for fire protection by balancing flow and storage. This means that the water distribution mains and water reservoir storage are correctly sized to meet the water use demands and emergency fire flows.

The current Subdivision Servicing Bylaw does not contain a provision for Average Daily Demand. While the Bylaw establishes design flows for infrastructure sizing through MDD and PHD, it would be important to establish the ADD. The Average Daily Demand is the parameter that verifies a total volume of water proposed to be used on an annual basis.

Establishing ADD at 2,200 L/SFU/D as requested by the Developer will put the Regional District at a significantly lower level than the regional average, indicated in the above table. As stated in the DVP application, the Okanagan Basin Water Board (OBWB) has calculated a basin-wide average of 675 L/person/day, which equals to a 1,890 L/SFU/Day; based on 2.8 people per unit. Using the variance request of 2,200 L/SFU/D for the ADD is slightly higher than the value from the OBWB. Another comparison for the requested ADD of 2,200 L/SFU/D is the Subdivision Servicing Bylaw minimum requirement for private single family ground water wells of 2,300 L/day. This shows the requested ADD of 2,200 L/SFU/D is close to the minimum ground water wells requirement of 2,300 L/day.

Using the requested ADD at 2,200 L/SFU/D, this would equate to a use for the proposed 50 unit development of 4,015,000 litres or 4, 015 cubic metres or 1,060,650 (US) gallons annually. The annual water use will be required to be licensed to an existing groundwater well on the TLGR property, as part of the new Water Sustainability Act requirements. The TLGR developer will also be required to attain a license for the irrigation use of the golf course. The conditions for water licenses will be further detailed during the future zoning amendment application for the 50 unit development.

Since there is no existing water distribution system in Twin Lakes and no water consumption records, the MDD and PHD are calculated based on the ADD:

-
- MDD = (2.0 to 2.5) x ADD; and
 - PHD = (3.8 to 5.0) x ADD.

The requested variance of the MDD is 5,500 L/SFU/D which works out to be 2.5 times the ADD. The requested variance of the PHD is 10,000 L/SFU/D which works out to be 4.5 times the ADD. The requested MDD and PHD are reasonable when compared with the ADD.

The Golder Report recommendations and conclusions conditionally support the variance for the ADD of 2,200 L/unit/day:

Based on the assumptions made, and the results of the Study, which assume implementation of water conservation strategies, return of irrigation and wastewater to ground, and limited agricultural groundwater usage, and subject to:

- i) The projected groundwater withdrawal rates proposed by Twin Lakes Golf Resort and MSR (MSR, 2012; and MSR 2015) being controlled, enforced and monitored by bylaws, variance permits and/or regulations promulgated by the appropriate regional, provincial or federal authority; and,
- ii) Groundwater withdrawals at the proposed annual average rates (2,200 L/unit/d) and surface water withdrawals being adequately enforced and monitored,

Golder is of the opinion that projected future groundwater usage as part of Phase I of the development at the TLGR, within the range of climate and other physical parameters evaluated, should be sustainable over the long term. At all times, TLGR should adhere to their water management plan and irrigation best management practices, as outlined in MSR (2012). In terms of Twin Lakes Golf Resort's proposed Phase I development at the TLGR, if approved, the water use for the development must be limited as stipulated in ii) above and limited to the proposed number of Phase 1 units (50 units).

Additional recommendations in the Golder Report include items for actions by the RDOS or the appropriate regulatory authority (i.e., MOE / MFLNRO) such as:

- implementation of a water management plan for the Twin Lakes catchment;
- review the surface water licensing within the Twin Lakes Study Area;
- drafting of guidelines regarding the pumping of water from Twin Lake (i.e. by Lower Nipit Improvement District);
- implementation of practices and policies that are outlined within the Draft (D1) OCP; and
- enacting appropriate bylaws or regulations for the Twin Lakes catchment

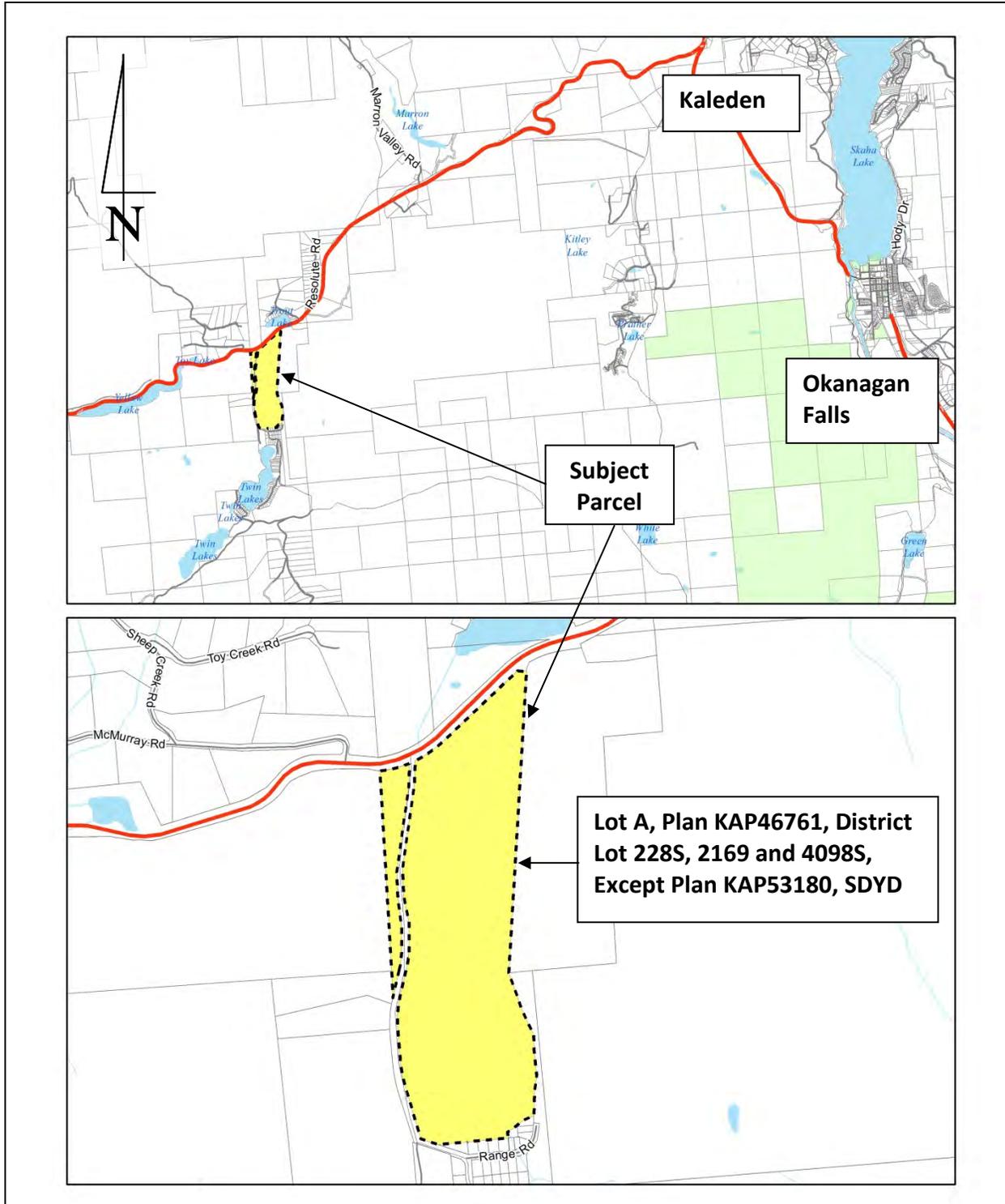
The variance request to amend the design demands for the proposed water distribution system is deemed reasonable based on the recommendations of the Golder Report. Further review of the Golder Report recommendations will be needed and more details of implementation and timing of conditions for the proposed development will be necessary as part of the zoning amendment application process.

Respectfully submitted:

Stephen Juch
S. Juch, Subdivision Supervisor

Attachments: No. 1 – Site Context
 No. 2 – Development Area

Attachment No. 1 – Site Context

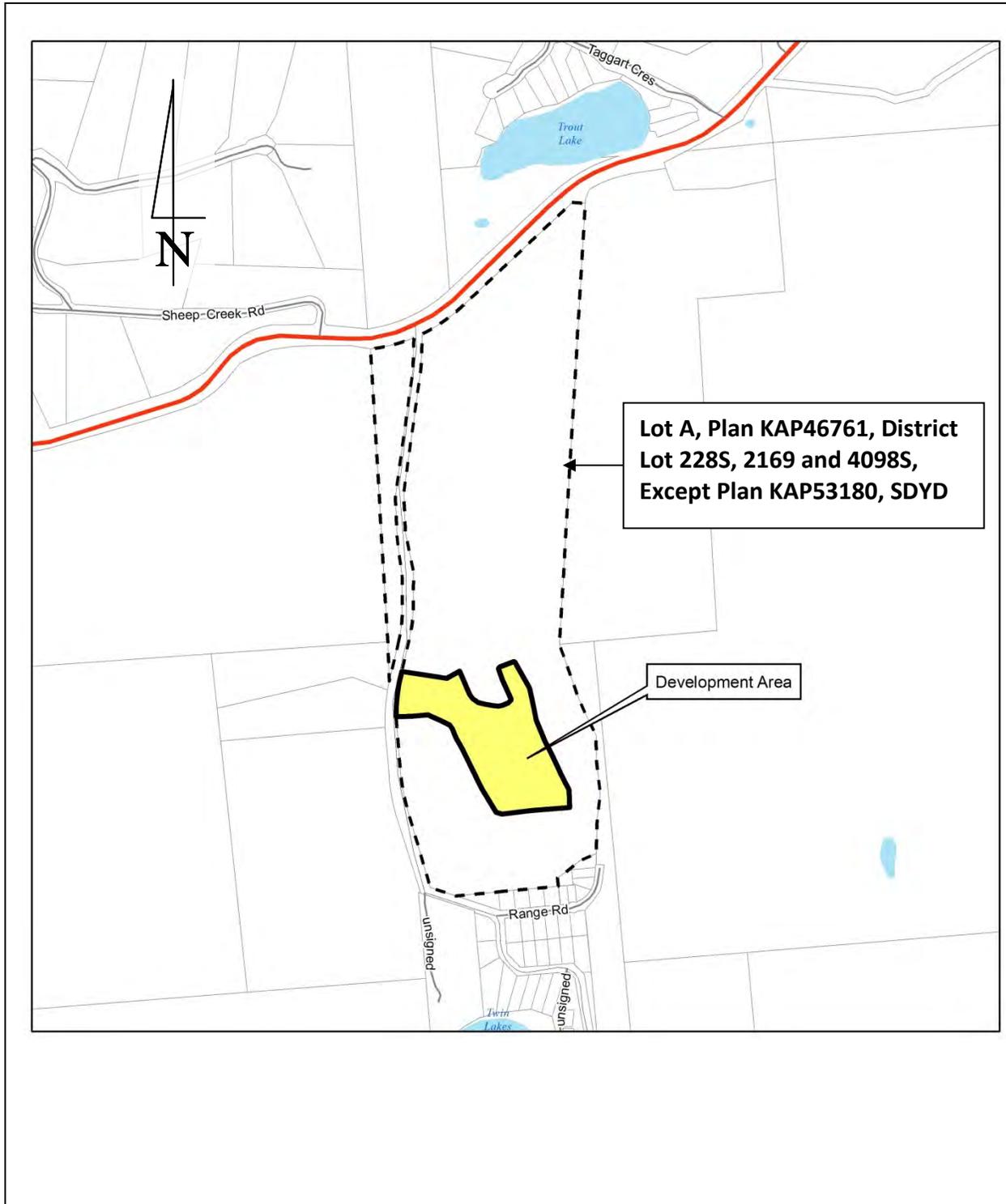


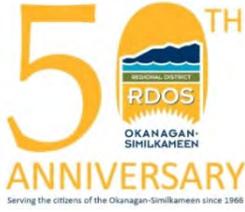
Regional District of Okanagan-Similkameen

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



Attachment No. 2 – Development Area





Development Variance Permit

FILE NO.: D2016.051-DVP

Owner: Twin Lakes Golf Resort
79 Twin Lakes Road
Kaleden, BC
VOH 1K0

Agent: CRS Group of Companies
920 - 475 West Georgia Street
Vancouver, BC
V6B 4M9

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 to the land specified in Section 5, except as specifically varied 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, Development Permit or Subdivision Approval.

APPLICABILITY

5. This Development Variance Permit applies to and only to a residential development of up to 50 dwelling units on the portion of the lands outlined on Schedule "B" as "Development Area" on those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description:	Lot A District Lots 228s, 2169 And 4098s Similkameen Division Yale District, Plan KAP46761 Except Plan KAP53180	
Civic Address:	79 Twin Lks Rd And 85 Twin Lks Rd	
Parcel Identifier (PID):	017-694-841	Folio: D-02342.001

VARIANCE

6. The land specified in Section 5 may be developed with up to 50 dwelling units in accordance with the following variance to Section 3.2.1 of Schedule A to Subdivision Servicing Bylaw No. 2000, 2002:

From:

Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	8,000 l/single family unit/day
Peak hour domestic flow	13,600 l/single family unit/day

To:

Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	5,500 l/single family unit/day
Average daily domestic flow	2,200 l/single family unit/day
Peak hour domestic flow	10,000 l/single family unit/day

EXPIRY OF PERMIT

7. If a zoning amendment is not adopted for a residential development of the "Development Area" by the date that is 2 years after the date this Permit was issued, the Permit lapses.

Authorising resolution passed by the Regional Board on _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

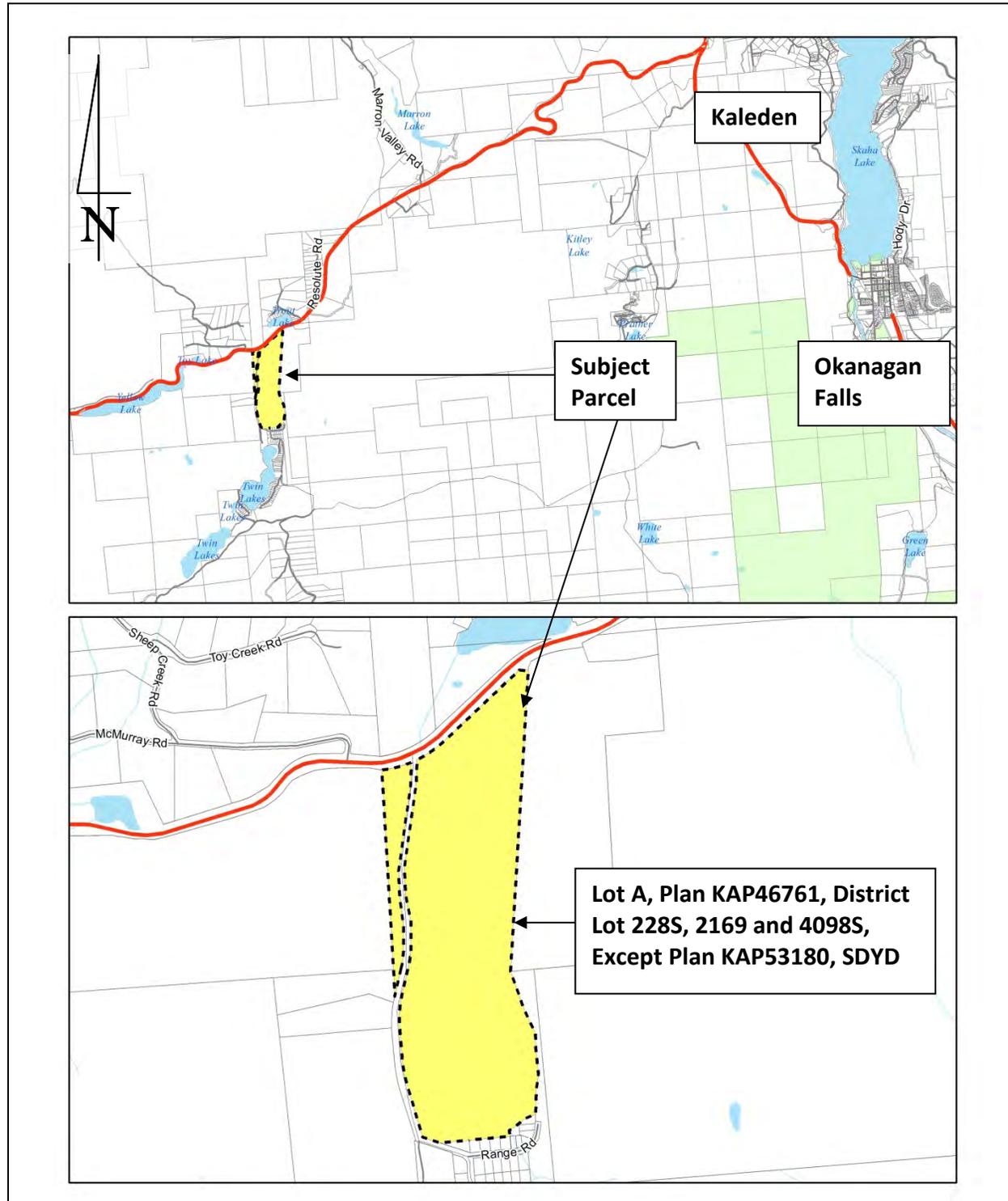
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

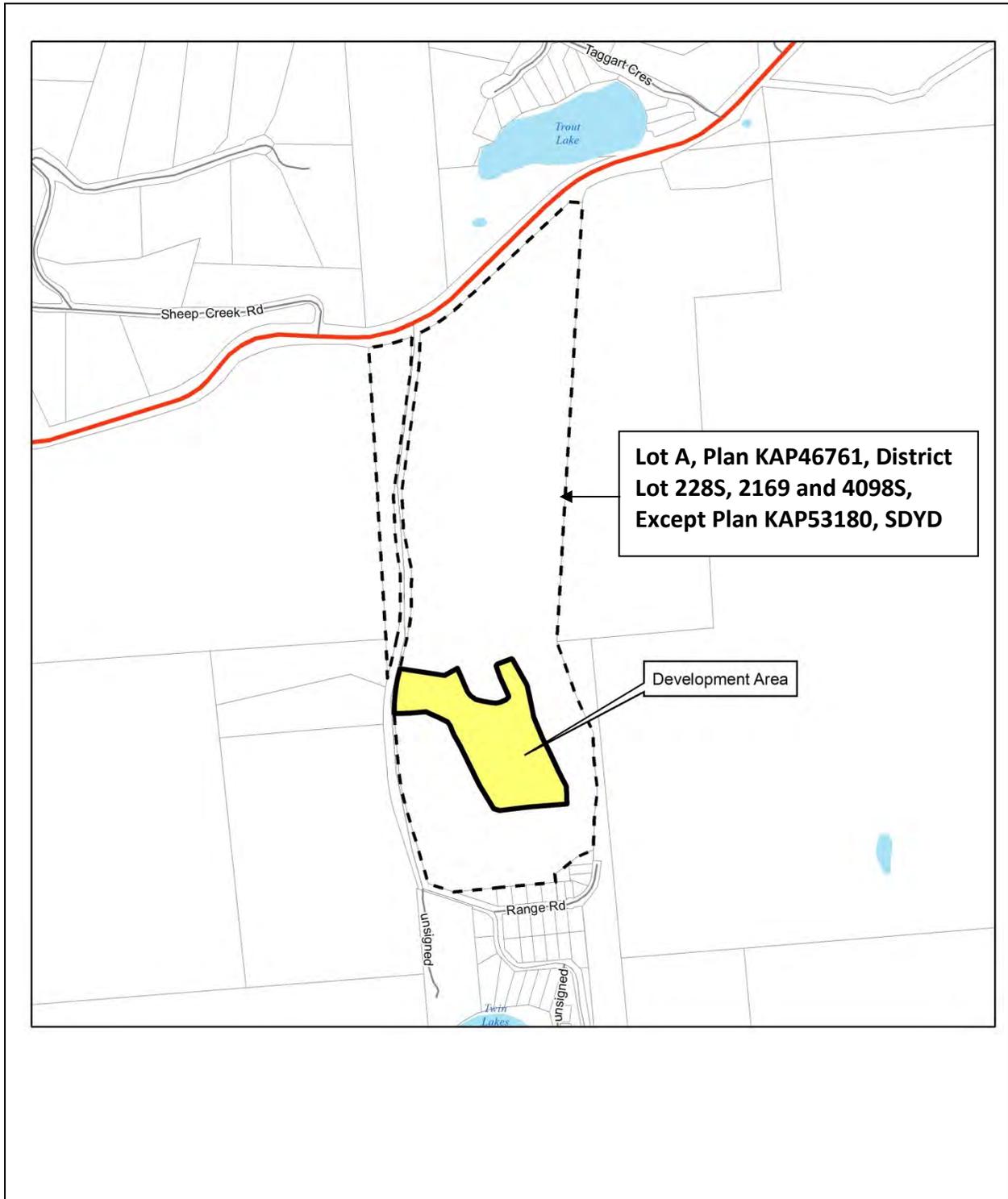
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Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

Schedule 'B'



Darcy Kirkpatrick

From: Stephen Juch
Sent: June-30-16 9:32 AM
To: Darcy Kirkpatrick
Subject: Fwd: Variance for water allocation of Twin Lakes Golf Resort Development

Stephen Juch

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Myles Gaulin <myles.gaulin@rdos.bc.ca>
Date: 6/30/16 09:14 (GMT-08:00)
To: Stephen Juch <sjuch@rdos.bc.ca>, Christy Malden <cmalden@rdos.bc.ca>
Cc:
Subject: Variance for water allocation of Twin Lakes Golf Resort Development

Dear Ms. Malden and Mr. Juch,

My wife Katherine and I are the owners of the property at 170 Twin Lakes Road. We are not in favor of the Development Variance Permit request by the Twin Lakes Golf Resort. We believe there is not enough information available at this time, to guarantee that the aquifer can sustain the proposed water demand of the proposed and future developments.

Best regards,
Myles and Katherine Gaulin

Darcy Kirkpatrick

From: Info
Sent: June-30-16 9:49 AM
To: Stephen Juch
Cc: Darcy Kirkpatrick
Subject: FW: Variance and Concern for a Sustainable Aquifer in the Twin Lakes Area

From: Raydene Good-May [mailto:
Sent: June-30-16 9:46 AM
To: Info
Subject: Variance and Concern for a Sustainable Aquifer in the Twin Lakes Area

My husband and I “retired” to Twin Lakes three months ago from the East Kootenays. Since moving here we have been trying to understand the Twin Lakes water supply and what impact a new development would have on it. We are professionals but not in any scientific way. We decided we would get outside independent input from a professional in ground water hydrology that is currently living in the North Okanagan. She analyzed all the information that had been forwarded to us since arriving in the area including the comments made by the Ministry Ground Water Hydrologists and the Golder Report. We needed fresh professional eyes to assist us to understand and make an informed decision on this very important matter called water. Please have a really good look at the Ministry comments and recommendations – they identify numerous data gaps, and lots of uncertainty in the model outputs. Bottom line – “Water management decisions should not directly rely on modelling results” especially with this level of uncertainty that is inherently associated with the model predictions presented by Golder. The following are thoughts after our consultation.

The Basis of the Variance: The variance on the per unit domestic design flow requirement that the developer is seeking is huge, from 8,000 L/day/unit (approx. 1,800 gal/day/unit) to 2,200 L/day/unit (or 500 gal/day/unit). Now the 500 gal/day/unit may not be unreasonable for water consumption of an average city household, but it begs the question why the domestic design flow requirements were so high to begin with? This report states that the reduction in use to less than a third of the original value assumes that water is only going to be used “seasonally” not year-round and that conservation measures will be adhered to, by-laws put in place and enforced, and by whom? These assumptions represent some important unknowns. If the RDOS are basing this decision on assumptions that are unproven and provisions not currently in place and untested, I’d be concerned just on the water governance issues alone, that this isn’t sufficient information to approve the variance, or the development.

Disagreement Among the Experts: Looks like historical studies (EBA 1994, 2011 and Summit 2010) conflict with respect to their conclusions and risks associated with additional GW withdrawals. Summit was the most conservative, concluding that further development would increase the decline in available water from the aquifer. The tie breaker was an independent report by Golder (2011), who took both study results and indicated that, “based on the range in parameters provided within the reviewed reports, additional groundwater withdrawals from the Twin Lakes watershed would likely result in *“further and unacceptable declines in water levels in lake and groundwater levels in the catchment”*”. So has this advice been ignored? Ironic that now Golder’s model seems to indicate it’s ok to extract more water for this development!

Information Provided by the Model: The professional ground water hydrologist we contacted stated that Golder is famous for models and she had *“been around the block a time or two with Golder on decisions that are based on model predictions.”* The real experts here are the Ministry staff who’ve stated that the steady-state model used by Golder is inappropriate. A “steady-state” model assumes nothing changes, and we know that aquifer recharge occurs primarily in spring (snowmelt and to some extent spring rainfall), so the model assumptions already do not reflect reality. The model predictions will generate misleading if not incorrect information. The Ministry guys stated that a *“transient model”* reflecting the dynamic nature of the surface and GW hydrology, would be more appropriate.

The model is based on annual average values (inputs) which does not account for worst-case scenarios, like extended dry period, within and between year variations which can be dramatic based on historical data. The Ministry noted that the model uses the 25th percentile of mean annual precipitation which is not conservative. Result is that the model outputs are not conservative, and because they represent averages will have fairly wide “confidence intervals” associated with them – in other words the predicted value “X”, plus or minus a very large range.

As well, this model does not account for the effects of climate change on the impact of increased use. This is a really important omission and represents a huge uncertainty. Just look at Table 2 in the Golder report (Projected CC for the Okanagan-Similkameen). Climate change with result in dramatic decreases in snowfall (main source of recharge) and increased temperature (and therefore increased evaporation) – i.e., less water!

RDOS – please focus on the decision criteria, what are the key things that must be proven for this to go ahead? Possibly a better assessment of the water issues to be completed – both scientific (more data, better model, greater certainty, incorporate climate change impacts, etc.) and from a water governance perspective.

Respectively submitted by,

Jack May and Raydene Good-May
Twin Lakes Residents

Darcy Kirkpatrick

From: Christy Malden
Sent: June-30-16 10:37 AM
To: Darcy Kirkpatrick
Subject: FW: Development Variance Permit/ Twin Lake Golf Resort

From: JGStrong [mailto:]
Sent: June 30, 2016 10:22 AM
To: Stephen Juch; Christy Malden
Cc:
Subject: Development Variance Permit/ Twin Lake Golf Resort

To:
RDOS Chair and Board,
Stephen Juch , RDOS Subdivision Superintendent, and
Christy Malden, Manager of Legislative Services

While we living at Twin Lakes welcome new neighbors, we have serious concerns about water quantity and quality borne of years of living through wet and dry periods, and supported by the Summit Study as well as experts commenting on the 2016 Golder Report. If residents of the proposed development were provided with their own independent water source (i.e. water trucked in) and waste water disposal (i.e. trucked out), we would welcome them.

Please know that a great many Twin Lakes residents are extremely concerned and opposed to this DVP, however, like me, must be at work during your meetings so are unable to attend.

Please read the Golder Report and Western Water Associates statement carefully and think critically about the way numbers have been presented. The *Ministry of Forests Lands & Natural Resources (MoFLNRO) Summary* by Klaus Rathfelder, Aquifer Water Quality Scientist, and Nicole Pyett, Groundwater Protection Officer, states there is a lack of data, concerns about the “steady- state methodology” which “neglects to address the seasonal variation of natural groundwater levels in a system hydraulically connected to surface water, and the maximum impacts of ground water extraction, as is required for ecosystem management”, and the Water Use Plan is based on regulatory authorities conferring, “enforcing and monitoring the regulatory water use bylaws to maintain withdrawal rates both within the proposed development as well as outside water users”. The existing residents must also be part of the TLGR Water Use Plan. Our wells or lake intakes would have to have a meter and our water use monitored. Presently, in the Water Sustainability Act (WSA), all domestic wells do not need to be licensed, but should be registered so that the number of wells are known. The WSA has no plan to enforce a domestic well owner to purchase and monitor their water meter. Only larger commercial wells will be licensed and monitored. The MoFLNRO recommend local water users to initiate local water management practices and policies. Having the TLGR monitor water use is akin to the fox watching the chicken coop. As always, it is best to depend on information from unbiased sources, like the MoFLNRO .The Golder Report has not proven water availability. There are many more expert comments critical of the Golder Report and the WWA statement, which I understand you have received so I won't repeat here.

Previous RDOS Boards have voted against this development as they shared our concerns and knowledge of the unbiased facts about water quantity and quality at Twin Lakes. The issues haven't changed. We now have even more support for our concerns from the professional, expert commentary on the Golder Report. The only thing which is different is the

RDOS Board members. Please invoke the internationally recognized Precautionary Principle and vote for the Twin Lakes residents' water security and home values by turning down this request for a variance in water allocation.

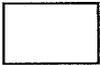
Thank you for your time and careful consideration. Our future depends on you.

Kind regards,

Jennifer Strong

"A human being is a part of the whole called by us universe, a part limited in time and space. He experiences himself, his thoughts and feeling as something separated from the rest, a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest to us. Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty."

-Albert Einstein



Virus-free. www.avast.com

Darcy Kirkpatrick

From: Christy Malden
Sent: June-30-16 10:38 AM
To: Darcy Kirkpatrick
Subject: FW: Twin lakes water levels
Attachments: image1.JPG; ATT00001.txt; image2.JPG; ATT00002.txt

-----Original Message-----

From: Ric and Judy Ellis [<mailto:>]
Sent: June 30, 2016 10:21 AM
To: Christy Malden; Stephen Juch
Cc: _____
Subject: Twin lakes water levels

Hi I think the water study is not valid as it appears that the water levels were studied during the high water cycle. Being on twin lakes for about 50 years I have seen the water level go up and down on a 7-11 year cycle. When the water level is down we were worried about the lake drying out totally. With a larger demand on the water when it is low there will be problems. Where is the long term research. The water has been high for the last 4-5 years

Darcy Kirkpatrick

From: Stephen Juch
Sent: June-30-16 11:10 AM
To: Darcy Kirkpatrick
Subject: Fwd: Opposition to Twin Lakes Condo Development - Pending Vote by RDOS Board

Stephen Juch

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From:
Date: 6/30/16 11:06 (GMT-08:00)
To: Christy Malden <cmalden@rdos.bc.ca>, Stephen Juch <sjuch@rdos.bc.ca>
Subject: Opposition to Twin Lakes Condo Development - Pending Vote by RDOS Board

Dear RDOS Staff,

I have been a property owner at Twin Lakes since 1984 and a resident since 1988.

I am writing to inform you that my wife and I are opposed to the potential condo development at the Twin Lakes Golf Course.

The information before us does not clearly indicate an adequate water supply to support such a development. The science of ground water geology is complicated and requires detailed long term measurement to adequately assess supply and demand needs in the small Twin Lakes basin. It is imperative for the long term viability of the Twin Lakes community that the RDOS practices "due diligence" in its zoning and development assessment and approval process. The more accurate and thorough the information used to make decisions, the more appropriate those decisions will be.

In summary the fragile Twin Lakes water shed needs to be protected and not exploited by excessive commercial and residential development. The RDOS should not approve this development at this time with the limited information before the board.

Thank you for your attention to this matter

Regards,

Craig and Christine Hunter

Darcy Kirkpatrick

From: Stephen Juch
Sent: June-30-16 11:09 AM
To: Darcy Kirkpatrick
Subject: Fwd: RDOS File no. D29016.051-DVP

Stephen Juch

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Duanne <_____
Date: 6/30/16 10:45 (GMT-08:00)
To: Stephen Juch <sjuch@rdos.bc.ca>, Christy Malden <cmalden@rdos.bc.ca>
Cc: Home <_____
Subject: Fwd: RDOS File no. D29016.051-DVP

We agree with the comments and questions expressed by Larry Arnett.

We vote NO to the variance permit.

Duanne

(403) 919-3933

Begin forwarded message:

From: Larry Arnett <larry@arnett.ca>
Date: June 27, 2016 at 17:32:51 PDT
To: Duanne Wilson <_____
>, Duanne Wilson
<_____
Subject: Fwd: Re: RDOS File no. D29016.051-DVP

This is what I sent

----- Forwarded message -----

From: "Larry Arnett" <larry@arnett.ca>
Date: Jun 27, 2016 1:44 PM
Subject: Re: RDOS File no. D29016.051-DVP
To: <sjuch@rdos.bc.ca>, <cmalden@rdos.bc.ca>
Cc: <_____
>

Please vote NO to the Development Variance Permit proposed for the Twin Lakes Development.

Where is the science to support that reducing the average daily demand will not have a detrimental effect on the aquifer, the existing population and wildlife?

The current proposal for the development is for 50 units in phase 1 but 208 at completion which would significantly change the daily water consumption requirements.

The golf course itself is a major user of the available water and although it contends that it only waters during July and August I have seen the golf course watering earlier in the year, especially on very dry years - which is specifically the time when there is a greater risk to our Aquifer.

A proper long term study of the Aquifer and water levels needs to be done before we can safely consider changing average daily demands on water. Rushing into a decision based on a couple of good years of water availability could have a serious or permanent impact on the area for years to come.

Please vote NO to the Development Variance Permit proposed for the Twin Lakes Development.

Sincerely,

Larry Arnett & Amanda Wong

Darcy Kirkpatrick

From: Stephen Juch
Sent: June-30-16 9:04 AM
To: Darcy Kirkpatrick
Subject: Fwd: No to a water variance for TLGR who have not proved proof of water
Attachments: 2016 DVP Response to RDOS Bd. CB Jun 30.docx

Stephen Juch

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Coral Brown <_____
Date: 6/30/16 09:02 (GMT-08:00)
To: Stephen Juch <sjuch@rdos.bc.ca>, Christy Malden <cmalden@rdos.bc.ca>
Subject: No to a water variance for TLGR who have not proved proof of water

Stephen & Christy,

Thank you for sending DVP notices to all on Westview Rd. The person who stated they did not get the letter had been out of town and missed the notice.

Thank you for all the information that you have so carefully compiled, we know it has been a big job.

Please see our attached response to the DVP.

Alex & Coral Brown

To RDOS Board,

File no. D29016.051.DVP June 30,

We like the Golf Course and are not against development, but we like sustainable water the most. It seems difficult for officials to understand about our over and under water – the strong connection between surface and ground water in the Twin Lakes Area and the fact that there is limited water and a vulnerable aquifer.

The Twin Lakes Area waterway/watershed is one of a kind in the S. Okanagan. The environment and sensitive ecosystem need water to survive. We all need sustainable water. A DVP does not create more water or sustainable water. There is a documentary worth watching called “The Unforeseen” – it is a documentary about a large development and the disappearance of Barton Springs in Austin Texas.

The Twin Lakes Area deserves an opportunity for a careful aquifer capacity assessment after more complete data is collected from hydrometric stations in Horn Creek and Twin Lake, a 3rd monitoring or designated well just beyond the Golf Course and the protection of a Watershed Management Plan. Because the topographically driven water in the Twin Lakes Area is not always visible, and it runs S. to N. in 2 directions it is often misunderstood. In BC we have only recently admitted the hydraulic connection between surface and ground water in the new Water Sustainability Act. The Twin Lakes Area is not the Okanagan Valley with a large water source and dams to control the flow; it has a small water source running for just 4 to 6 weeks and (sometimes not at all) with a large variable recharge, but it is an area which provides some water to the Okanagan Valley.

It is most concerning that the Twin Lakes Golf Course which was initially asked to monitor their water use in 1981, but if you look at p.32 of the Golder Study there is data only for 3 years on 2 wells out of 4. The monitoring was incomplete – in 2015 a meter failed June 23 & was not replaced until the late Sept., 2014 had 3 large irrigation breaks and 2013 only partial data.

Golder submitted a recharge larger than past estimates and a lower water use.... What did they include and what did they leave out? We see that Western Water have recommended a maximum daily demand (MDD) 2400 Lpd/capita which comes to **7200 Lpd/unit** not the TLGR variance of **2200 Lpd/unit...per unit and per capita is a big difference – Western Water considered an average family dwelling or single family is 3 persons**. There is a big difference between the ADD and MDD. It takes water for potable water filtering, the WWTS and the Fire Flows – MSR and Golder did not speak of this.

We say no to any water variance until proof of water is actually proven with more complete data and fewer assumptions.

Coral & Alex Brown :

Darcy Kirkpatrick

From: Christy Malden
Sent: June-30-16 10:40 AM
To: Darcy Kirkpatrick
Subject: FW: Twin Lakes Development Expansion and Water Use
Attachments: Twin Lakes Development Expansion and Water Use Penticton Indian Band June 24 2016.pdf

Importance: High

From: James Pepper [mailto:];
Sent: June 30, 2016 10:38 AM
To: info@rdos.ca; Stephen Juch; Christy Malden; director@syilx.org; 'Greg Gabriel'; george.windsor@gmail.com; jerry.johnson@gov.bc.ca
Cc: 'Charlene Roberds'; 'Chief Jonathan Kruger'; 'Clint Gabriel'; 'Clint George'; 'Dolly Kruger'; 'Inez Pierre'; 'Joseph Pierre'; 'Kevin Gabriel'; 'Timothy Lezard'; 'Travis Kruger'; 'Daawn Russell'; 'Cailyn Glasser'; 'Howie Wright'; 'Referrals'
Subject: Twin Lakes Development Expansion and Water Use
Importance: High

Good Morning Mr. Pendergraft,

Please find attached the Penticton Indian Band's review and response to proposed increases to water use and allocation within the Twin Lakes area in association with increased infrastructure development. Upon your review, please contact me directly and the number below to discuss further.

Appreciation your time and attention regarding this matter and look forward to hearing from you.

Sincerely,



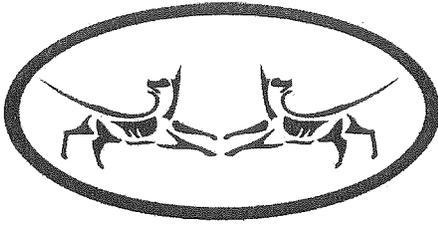
James Pepper MSc. RPBio.
PIB Natural Resources

Penticton Indian Band | 200 Westhills Drive | Penticton | B.C.
V2A6J7 | T: 250-469-3183 | F: 250-493-2882

This communication is not consultation and must not be construed by the Crown or third parties as fulfillment of its duty to consult with the Penticton Indian Band. Confidentiality Warning: This e-mail contains information intended only for the use of the addressee(s). If you have received this email in error, please notify the sender and destroy this email. You must not copy, disseminate or publish this e-mail.



Please consider the environment before printing this e-mail



Penticton Indian Band
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7

June 24, 2016

Via email: info@rdos.ca

Mark Pendergraft,
Chair, Regional District of South Okanagan Similkameen
101 Martin St.
Penticton, BC V2A 5J9
Canada

Dear Sir:

RE: Twin Lakes Development Expansion and Water Use

We are writing to express our concern regarding the proposed development expansion located within the Twin Lakes area. Twin Lakes has long been a sacred place for our people. It is part of the area that forms the bread basket for all Syilx people from north and south, east and west. For many centuries, families from throughout our Territory's over 69,000 square kilometres would travel through this area to harvest and gather important foods and resources. We have long known that *siwłk* (water) within the Twin Lakes area is precious and must be treated with respect.

We have reviewed the proposed development expansion within the Twin Lakes area as well as several water supply and demand studies produced by Summit Environmental and Golder and Associates. We know that our relative *siwłk* passes through the Twin Lakes area and does not hold there. We also know that our relative comes to the Twin Lakes area via *aktłq* which translates to "place of antlers" and is part of the upper watershed known in English and Horne Lake. In this area there are very few waters coming from the ground; *aktłq* is a place supported by the snow and rains, if the rains do not come as expected then our Twin Lakes will not rise as they do during times of heavy precipitation.

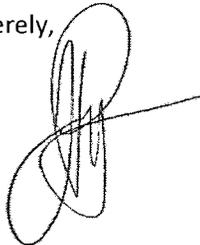
We understand that the RDOS wishes to approve a substantial development that will consume significant amounts of water within the Twin Lakes basin. Our review of the western scientific studies indicates that there is a lack of information regarding hydrologic and hydrogeologic information for the watershed. The reports rely on modeling methodologies that do not account for seasonal variations regarding the presence of our relative in the Twin Lakes area. We have not been directly contacted to provide input on this important matter despite that fact that it is located within a sacred area for our people, if we had been involved we would have provided

information as to the significant seasonal variations within this area. Springs are known to appear and disappear and the entire system is heavily dependent upon rain and snow accumulation to support its downstream flow.

After carefully considering all of the information available as part of the proposed development expansion we write to inform you, that we do not approve, consent or in any other manner agree to the proposed activity. Further, 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 title and jurisdiction. Compliance with provincial processes, legislation, regulations and requirements therefore does not ensure that our interests are adequately accommodated.

Please contact James Pepper, Natural Resource Department Manger for the Penticton Indian Band at 250-492-0411 (jpepper@pib.ca). Going forward, it will be important to discuss how the RDOS moves forward with developments associated with water use within the Penticton Indian Band Area of Responsibility and Syilx Nation Territory as described above but also to discuss how the Penticton Indian Band and the RDOS can work together to implement our protocol agreement and thus ensure a lasting and collaborative partnership.

Sincerely,



James Pepper MSc., RPBio
Natural Resource Manager
PENTICTON INDIAN BAND

cc. **MINISTRY of FORESTS LANDS and NATURAL RESOURCE OPERATIONS**

Jerry Johnson, Senior Land Officer

REGIONAL DISTRICT OF SOUTH OKANAGAN SIMILKAMEEN

Stephen Juch, Subdivision Superintendent, (via email sjuch@rdos.bc.ca)

Christy Malden, Manager of Legislative Services (via email cmalden@rdos.bc.ca)

OKANAGAN NATION ALLIANCE

Pauline Terbasket, Executive Director

Howie Wright, Fisheries Department Manager

PENTICTON INDIAN BAND LANDS DEPARTMENT

Dan Sarazin, Manager

PENTICTON INDIAN BAND COUNCIL

Darcy Kirkpatrick

From: Stephen Juch
Sent: June-29-16 10:06 PM
To: Darcy Kirkpatrick
Subject: Fwd: DVP application - 79 & 85 Twin Lakes Road

Stephen Juch

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Harvey Jager <_____
Date: 6/29/16 19:53 (GMT-08:00)
To: Stephen Juch <sjuch@rdos.bc.ca>
Subject: Fwd: DVP application - 79 & 85 Twin Lakes Road

Begin forwarded message:

From: Harvey Jager <
Subject: **DVP application - 79 & 85 Twin Lakes Road**
Date: June 29, 2016 at 7:48:12 PM PDT
To: Stephen Juch <sjuch@rdos.bc.ca>

I am opposed to the DVP application. My opposition is largely based on the fact that Nature Trust still has an irrigation licence, so it is possible for them to reactivate irrigation or to sell the property associated with the licence. There is not enough water for both irrigation and development. The Golder report does not account for this licence.

The Nature Trust irrigation licence is for 200 acre feet of water. The development requirement of 600 cubic meters per day is equal to 178 acre feet. Since Twin Lake is approximately 88 acres, the development will use the equivalent of 2 vertical feet of Twin Lake annually.

The development and the irrigation combined would use over 4 feet of water, which is more than the amount of water which flows into Twin Lake in an average year.

Additionally, I do not believe that Golder has provided "Proof of Water". There are many issues raised by the professionals who have critiqued the Golder Report, which should be satisfactorily answered before the DVP is permitted.

Yours truly,

Harvey Jager -

Darcy Kirkpatrick

From: Christy Malden
Sent: June-29-16 2:08 PM
To: Stephen Juch; Darcy Kirkpatrick
Subject: FW: Concern for a Sustainable Aquifer
Attachments: 2016 Story TWIN LAKES fr. Polis April.pdf; 2015 Aquifer delineation od D1 by Piteau Assoc.pdf; May 3, 2016 Concern for a Sustainable Aquifer.pdf

Did you get this one

From: George Windsor [mailto:]
Sent: May 3, 2016 10:59 AM
To: Andre Martin; Andrew Jakubeit; Bill Newell; Bob Coyne; Christy Malden; Elef Christensen; Evelyn Riechert; Frank Armitage; George Bush; Helena Konanz; Judy Sentes; Karla Kozakevich; Manfred Bauer; Mark Pendergraft; Michael Brydon; Peter Waterman; Ron Hovanes; Suzan McKortoff; Terry Schafer; Tom Siddon; Tom Styffe; Toni Boot
Cc: Jennifer G Strong; LNID Betty Purdy; LNID Coral Brown; LNID Harvey Jager
Subject: Concern for a Sustainable Aquifer

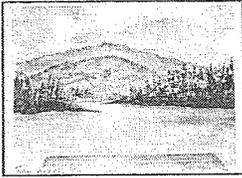
Is there integrated land use, water monitoring and management planning in the Twin Lakes Area? Is water from this upland watershed valuable to the Okanagan Valley - specifically Skaha Lake and the Okanagan River north of Oliver or is ground water limited only a local problem?

It appears that the cart is before the horse. From the RDOS info to be presented May 5th 2016, it seems that a phased in 50 dwelling development is to be a test for water sustainability? Why has there not already been monitoring of this water limited area prior to any development approval/ discussions?

The 2010 Summit Study on page 8 stated, "Although no statistical evaluation can be made...." Do we now have the statistical info? We know the Golder Study is completed, but it is not yet public knowledge. What local statistical information is there without a monitoring well just beyond the Golf Course along Hwy. 3A, and 2 hydrometric stations on Horn Creek and in Lower Twin Lake? Without the monitoring statistics and a Twin Lakes Area Watershed Management Plan (this will involve, research, trust, cooperation and understanding), the 50 dwellings is like a large science experiment which could produce catastrophic results several years after. Mining an alluvial aquifer may cause it to compress causing permanent loss of water storage. See the attached letter from Polis at University of Victoria, connecting the Water Sustainability Act to land use planning at Twin Lakes.

Please review the following attached documents.

George Windsor
Secretary
Lower Nipit Improvement District



Concern for a Sustainable Aquifer

May 3rd, 2016



Is there integrated land use, water monitoring and management planning in the Twin Lakes Area? Is water from this upland watershed valuable to the Okanagan Valley - specifically Skaha Lake and the Okanagan River north of Oliver or is ground water limited only a local problem?

It appears that the cart is before the horse. From the RDOS info to be presented May 5th 2016, it seems that a phased in 50 dwelling development is to be a test for water sustainability? Why has there not already been monitoring of this water limited area prior to any development approval/ discussions? The 2010 Summit Study on page 8 stated, "Although no statistical evaluation can be made...." Do we now have the statistical info? We know the Golder Study is completed, but it is not yet public knowledge. What local statistical information is there without a monitoring well just beyond the Golf Course along Hwy. 3A, and 2 hydrometric stations on Horn Creek and in Lower Twin Lake? Without the monitoring statistics and a Twin Lakes Area Watershed Management Plan (this will involve, research, trust, cooperation and understanding), the 50 dwellings is like a large science experiment which could produce catastrophic results several years after. Mining an alluvial aquifer may cause it to compress causing permanent loss of water storage. See the attached letter from Polis at University of Victoria, connecting the Water Sustainability Act to land use planning at Twin Lakes.

The 2010 Summit Twin Lakes Aquifer Capacity Study was done only on the area south from Trout Lake and so did not include Trout Lake or the Marron Valley which are both part of the MoE 261 alluvial aquifer. In April 2015 the RDOS D1 Infrastructure Study (IFS) by Remi Allard, hydro geologist, delineated this alluvial aquifer into 3 parts

- 056A (under and around Upper and Lower Twin Lakes),
- 055A (under the Golf Course lands) and
- 053A (Trout Lake and Marron Valley).

Mr. Allard describes some bedrock side hill water collection for the Golf Course but 70% of the recharge to the alluvial aquifer 055A is from 056A (the Twin Lakes) and "the majority" of recharge to 053A is from 055A. In other words most of the recharge for the MoE 261 alluvial aquifer from Horn Creek to Marron Lake is from the Twin Lakes (Upper & Lower Twin Lake) which in turn relies on the spring freshet of Horn Creek originating at 5000 fasl. A map of the D1 area aquifers is attached along with the Table 1 Summary of Water Balances for Aquifers in RDOS Electoral Area D-1. The IFS was not discussed with the Citizens OCP D-1 Review Committee. At the final Open House it was evident that the consultants did not realize that water from Apex flows towards the Similkameen. In the IFS "O" refers to Okanagan, "S" to Similkameen and "A" stands for Alluvial meaning sand & gravel with ground water storage capacity, the other delineated aquifers are bedrock which has no storage capacity. Looking closely at this map shows only 3 areas with precious alluvial aquifers in D1. There are only 2 Mountains. high enough for snow pack to recharge 2 of these aquifers. The 3rd alluvial aquifer is along N.W. Skaha Lake. In a semi arid climate only 30 to 35% discharge/"use" of the annual estimated recharge is considered a safe with drawl so not to mine the aquifer. The aquifer must have a water balance in order to safely allot an increase in water. With such rapid responses to precipitation as the Twin Lakes Watershed portrays water must be allocated according to dry year levels not wet years. Since 2010 the Twin Lakes Area has been in a wet year cycle.

Sincerely,

Betty Purdy, Harvey Jager, Verna Mumby and Coral Brown – The Greater Twin Lakes Area Stewardship Society and the Lower Nipit Improvement District.

TWIN LAKES

DESCRIPTION OF PROBLEM

Key concerns:

- According to recent consultant studies in 2010 (Summit) and 2011 Peer Review (Golder & Associates), the Twin Lakes aquifer is nearing or already at its sustainable diversion limit. A proposed golf course development is seeking to build 208 dwellings in the area, all of which would obtain their water from the Twin Lakes aquifer. The concern is that there is not enough water to support this development without drawing down the aquifer, and that if the development proceeds, there will be detrimental consequences for the community and ecosystem.
- The community is vulnerable to droughts and floods
- There is no watershed plan in place to help address these challenges

Background/context:

- The community currently consists of ~150 dwellings, 4 moderate sized ranches, a store, 18 hole golf course with a 45 unit RV site. There is an 800 h Nature Trust Ranch and 5 lakes on the immediate waterway.
- The area has a history of regular water scarcity and flooding events
- In 2011, following from the Golder & Associates 2011 Peer Review assessment that the Twin Lakes aquifer is overtaxed, the Ministry of Transport approving officer denied the golf course development on the grounds that there was not enough water for the additional houses.
- The developer has requested that the Regional District of the Okanagan Similkameen grant a water variance to drop the amount of water required per residence, in order to “free up” water for the development. The RDOS Board decided to defer the variance until an additional water study was done. This study will soon come before the RDOS board.

THIS TABLE SUMMARIZES POTENTIAL LINKS BETWEEN THE TWIN LAKES SITUATION AND THE WATER SUSTAINABILITY ACT

<p>“Bronze”: These are things in the Act that are already in effect, and relevant to the Twin Lakes situation.</p>	Tool	What it can do
	<p>Section 15: Decision-makers “Must Consider” environmental flows in non-domestic licensing decisions</p>	<p>Section 15 of the WSA requires decision-makers to consider the environmental flow needs of streams for new authorizations (including licences and short term use approvals) for non-domestic surface water and groundwater use that is hydraulically connected.</p>
<p>Section 86-88: Critical environmental flow and fish population protection orders</p>	<p>The Minister or Cabinet may make a declaration of a significant water shortage; when this declaration is made, the Comptroller may make a critical environmental flow order that takes precedence, once essential household needs are accounted for, over other water rights, regardless of seniority. The Minister may also issue a fish population protection order to allow for the restriction of water use regardless of precedence when low flows threaten the survival of a population of fish.</p>	

	Section 1: Efficiency requirement in definition of Beneficial Use	The WSA now defines “beneficial use” as including using water as efficiently as practicable and in accordance with applicable regulations, and for the authorized water use purposes and times.
	Section 23: 30-year licence reviews	There is a 30-year review process allowing Ministry staff to give notice and review and subsequently change licence terms and conditions
	Regulation of non-domestic groundwater uses	As of Feb 29 th , 2016, all non-domestic groundwater users are now required to hold a licence and pay fees and rentals for the first time
<p>“Silver”</p> <p>These are things that are enabled in the Act but are not yet defined through supporting regulations, that are likely relevant to Twin Lakes situation</p>	Section 124: Area-based regulations	Cabinet or the Minister may make area-based regulations, which are location-specific regulations that designate specific areas and create unique thresholds and requirements for those places. These regulations could, for instance, require domestic well regulation in areas where domestic use constitutes a major demand.
	Potential for new monitoring and reporting requirements	<p>There are several potential new monitoring and reporting requirements in the Act:</p> <p>e.g.</p> <ul style="list-style-type: none"> -Licence applications may be required to provide data to decision-makers assessing the impacts of the proposed licence on the environmental flow needs of a connected stream or aquifer. Licenseses can be required to carry out a water conservation audit as part of a 30-year licence review. -Water users that affect “sensitive” streams or connected aquifers can be required to measure and report water conditions as a requirement of their licence.
<p>“Gold”</p> <p>These are the most powerful tools enabled in the Act, but not yet defined through regulations, that have the potential to change patterns of water and land use.</p> <p>Limitations: water sustainability plans likely time and resource intensive to develop; water objectives must be passed</p>	Section 64-85: Water Sustainability Plans	The Minister is able to request or designate an area for the purpose of developing a water sustainability plan in order to prevent or address conflicts between water users or between the needs of water users and environmental flow needs, or to address risks to water quality or aquatic ecosystem health. Cabinet can enact several different regulations to make these plans binding; for example, water sustainability plan regulations can reduce the amount of water that licensees may divert.
	Section 43: Water objectives	The WSA creates new authority to set water objectives in regulation for the purposes of sustaining water quality, quantity, and aquatic ecosystems. Water objectives set out criteria for water quality and quantity that land and resource use decision-makers can be required to consider

by Cabinet.

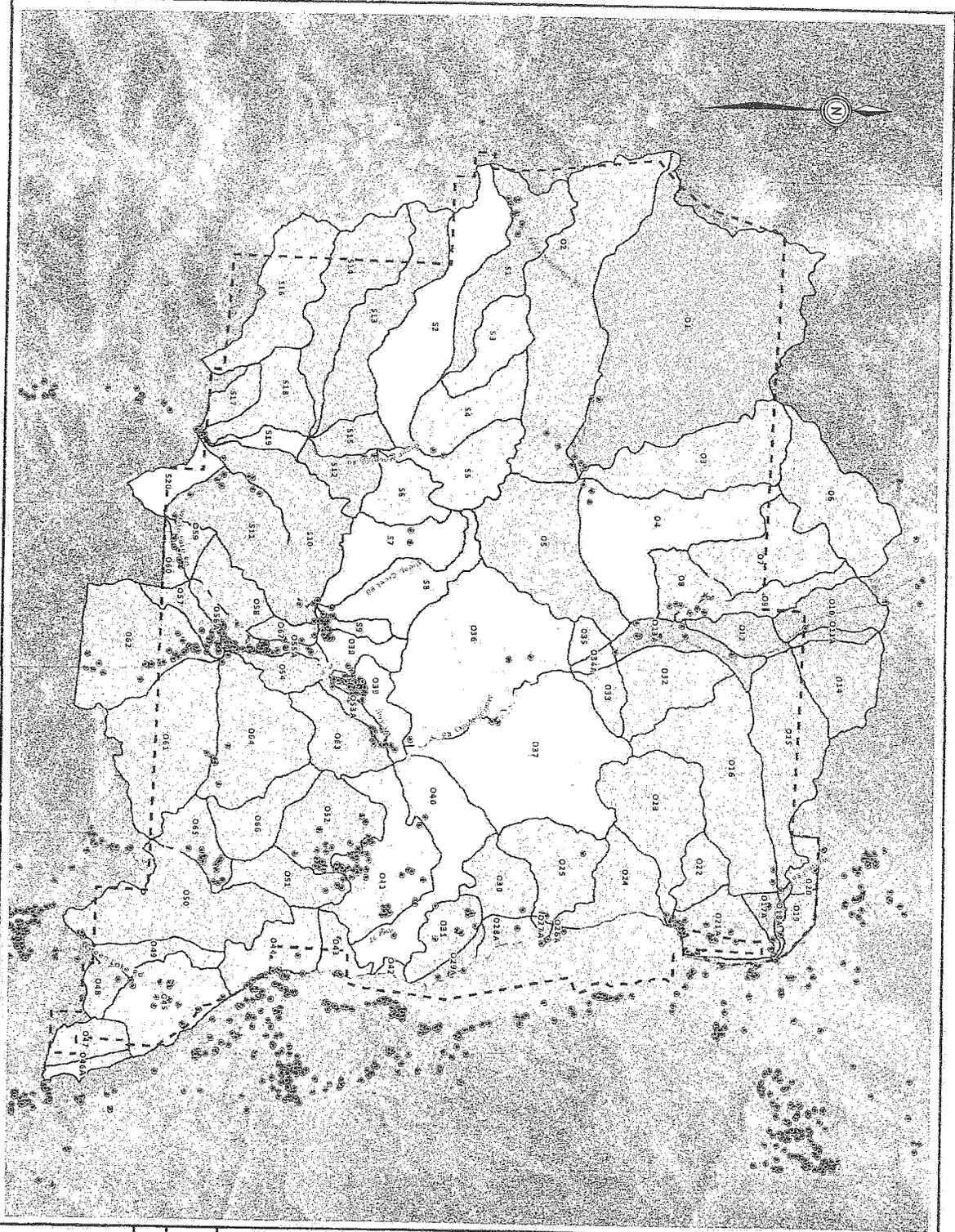
when making their individual decisions. Local governments can also be required to consider water objectives in their planning processes.

ADDITIONAL RESOURCES

- The Fraser Basin Council is facilitating various watershed planning processes in B.C. and could be a useful resource. See: http://www.fraserbasin.bc.ca/water_swm.html and <http://www.rethinkingwater.ca>
- The Centre for Indigenous Environmental Resources has developed several integrated watershed planning guidebooks. While these are geared towards First Nations communities, they are useful references on watershed planning for other communities. See: <http://www.yourcier.org/first-nations-integrated-watershed-planning-guidebooks-2011.html>

EXAMPLES OF OTHER WATERSHED PLANS IN BC:

- Cowichan: <http://cowichanwatershedboard.ca/doc/cowichan-basin-water-management-plan>
- Lake Windermere: <http://www.rdek.bc.ca/departments/planning/plans/lwmp/>
- Kootenay Lake Planning process: <http://www.friendsofkootenaylake.ca/initiatives/lake-planning/>
- Coquitlam: <http://www.coquitlamriverwatershed.ca/content/watershed-plan>
- Kettle River: <http://kettleriver.ca/2014/12/creating-a-plan/#more-1>



The Regional District of
**Okanagan Similkameen and
 Penticton**
 Regional District
2015 Official Community Plan

Legend

- Electoral Area D-1 Boundary
 - RDOS Electoral Area D-1 Aquifers
 - Known Wells (from BCGOV/ENV Water Protection and Sustainability Branch)
 - Aquifer Number**
 - Okanagan Watershed
 - Similkameen Watershed
 - Alluvial Aquifer (Suffic)
- Note: All aquifer numbers without an A refer to bedrock aquifers.

Map from report by Piteau Associates Engineering Ltd. entitled "Technical Memorandum Hydrogeological Assessment of Aquifers in Electoral Area D-1, Regional District of Okanagan Similkameen".

Aquifer boundaries developed by Piteau Associates are preliminary and its not warranted as to its accuracy and is provided for illustrative purposes only.

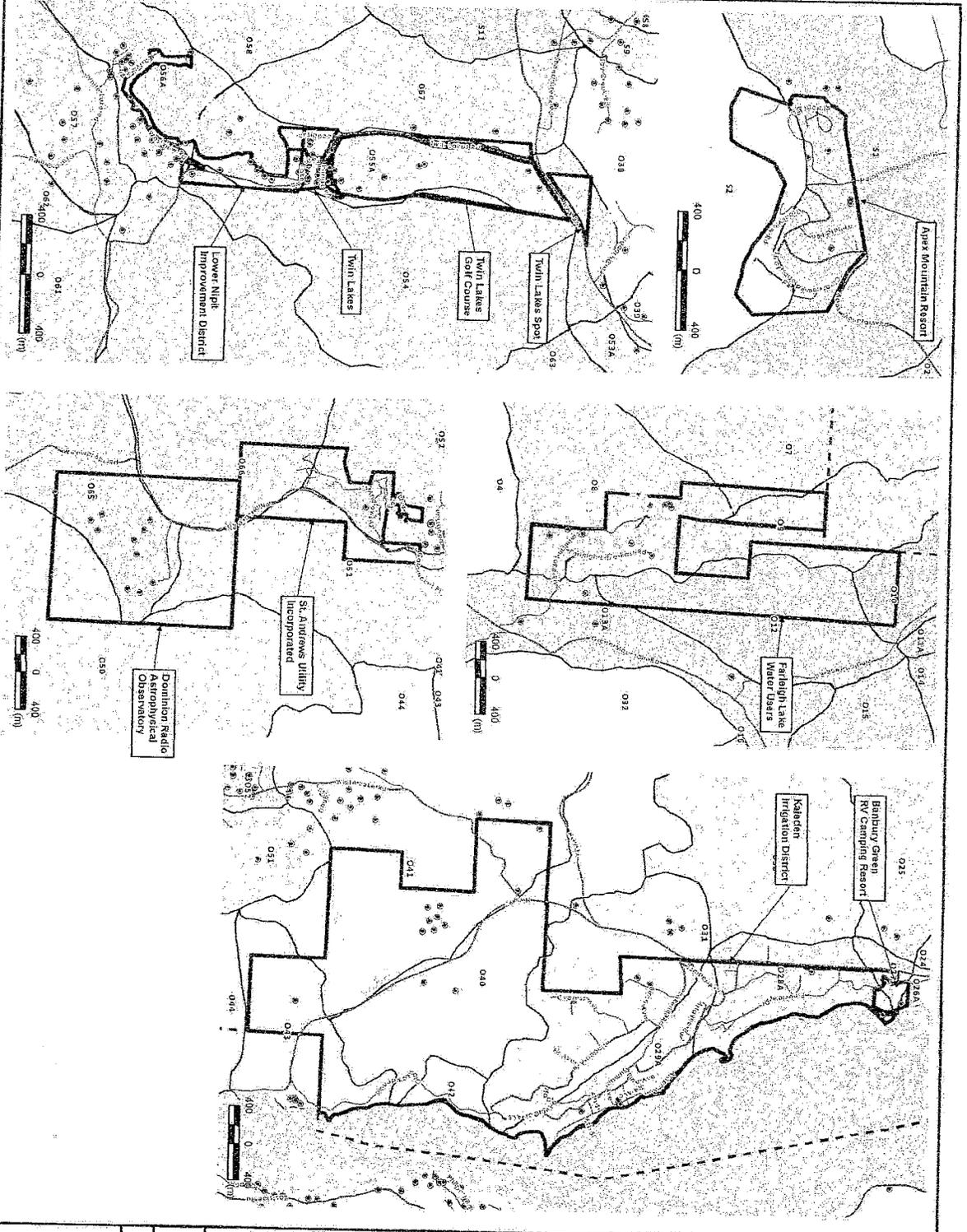


KERR WOOD LEIDAL
 CONSULTING ENGINEERS, INC.
 1145, 15th Street, Kelowna, BC V1Y 9V6
 Tel: 250-860-8888 Fax: 250-860-8889
 www.kerrwoodleidal.com

Project No. 3393-018 Date April 2015

**Electoral Area D-1
 Aquifers and Wells**

Figure 3-1



The Regional District of Okanagan Similkameen and Ecoplan International
 2015 Official Community Plan
 SIMILKAMEEN

Legend

- Electoral Area D-1 Boundary
- Settlement Service Areas
- Known Wells (from BC3QV ENV/Water Protection and Sustainability Branch)
- RDOS Electoral Area D1 Aquifers

- Aquifer Number**
- Okanagan Watershed
 - Similkameen Watershed
 - Alluvial Aquifer (Sunk)
- Note: All aquifer numbers without an 'A' refer to bedrock aquifers

Map from report by Pitcan Associates Engineering Ltd. entitled "Technical Memorandum: Hydrogeological Assessment of Aquifers in Electoral Area D-1, Regional District of Okanagan Similkameen".

Aquifer boundaries developed by Pitcan Associates are preliminary and is not warranted as to its accuracy and is provided for illustrative purposes only.

KERR WOOD LEIDAL
 CONSULTING ENGINEERS

Project No.: 3393-0/18 Date: April 2015

**Electoral Area D-1
 Aquifers and Wells**

Figure 3-2

Stephen Juch

June 28, 2016

Subdivision Supervisor

RDOS, Okanagan Similkameen

Re: Development Variance Permit (DVP) application – 79 & 85 Twin Lakes Road

Legal: lot A, Plan KAP46761, District Lot 2285, 2169, 4098S, Except Plan KAP53180

Dear Mr. Juch: Thank you for giving adjacent property owners the opportunity to respond to this matter.

After reading the available information provided on the subject, I cannot see that Proof of Future Water Sustainability can be provided with or without the variance and for that reason I do not agree with the approval of the variance of Subdivision Servicing Bylaw No. 2000, 2002, Schedule 'A', Section 3.2.1.

Sincerely,

Gail Simpson

RECEIVED
Regional District

JUN 29 2016

101 Martin Street
Penticton BC V2A 5J9

Darcy Kirkpatrick

From:
Sent: June-28-16 9:51 AM
To: Stephen Juch
Subject: Twin Lakes water variance

We are Patricia and Daniel Kilgore. We reside at Westview, on Twin Lakes.

We wish to oppose the dvp which would have adverse effect on the environment and the residents. Our family has owned lakefront property on Twin Lakes for more than 45 years. In this time we have seen the lake water levels vary significantly, reaching levels where it was difficult to obtain household water.

Reduced water levels harm wildlife including muskrats, turtles, fish, deer, ospreys and eagles, which we observe daily. Consequently we strongly oppose this variance which would greatly increase domestic water use.

Yours truly

Patricia and Daniel Kilgore

To: Regional District Okanagan Similkameen board of directors

June 27, 2016

Fr: Verna Mumby

Twin Lake, BC

Re: Development Variance Permit application for 79 & 85 Twin Lakes Road

This letter is in response to the RDOS letter of June 14th, 2016 outlining the application for the above stated property.

In my opinion, the RDOS board should not approve this application. I have read the reports and note the following from three of the reports:

- thirteen points of concern from the RDOS Engineering Services Department,
- Provincial government departments MOTI, MOE and FLNR summary stating 'lack of data' ; 'modeling methodology'; 'assumptions' and
 - Paragraph 3 of page 3 of their report '...this development will cause additional pressure on the system in times of scarcity'.
- Western Water Associates Ltd. recommends on Page 6 the TLGCR to be a WaterWorks Local Authority (community water system). This recommendation from Western Water is very concerning.

As an arboriculture consultant to various golf courses in BC and Alberta, I cannot emphasize enough to the board; the practices I have seen at this course indicate the TLGCR do not has the ability or knowledge to manage a water supply. Especially when their actions could affect the whole region, properties and natural areas. I have watched dozens of mature/semi-mature trees made up of different species die, or are dying, on the course because of the regular watering regimes being changed just to prove their end means for the development. Witnessing what the reduction in watering has done to the natural environment at the course, leaves me 100% against having a private company manage water, specifically the aquifer that supplies all of us and the natural area.

I strongly urge the board to apply the precautionary principle (see page 2) to this application and respectfully suggest the science provided in the Golder study does not mitigates any possibility of harm.

In closing, note there are more than 69 dwellings and golf course out here. Water is the sacred need for the blue listed Painted Turtle, living at Turtle Pond and Twin Lakes, along with the nesting areas along the riparian areas needed for the red listed Yellow Breasted Chat.

Verna Mumby

Twin Lakes

RECEIVED
Regional District

JUN 28 2016

101 Martin Street
Penticton BC V2A 5J9

“The **precautionary principle** (or **precautionary approach**) to risk management states that if an action or policy has a suspected risk of causing harm to the public, or to the environment, in the absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is *not* harmful falls on those taking an action that may or may not be a risk.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision (e.g. taking a particular course of action) when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

the first endorsement of the principle was in 1982 when the World Charter for Nature was adopted by the United Nations General Assembly.

World Charter for Nature was adopted by United Nations member nation-states on October 28, 1982. It proclaims five "principles of conservation by which all human conduct affecting nature is to be guided and judged."

1. Nature shall be respected and its essential processes shall not be impaired.
2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.
3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.
4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.
5. Nature shall be secured against degradation caused by warfare or other hostile activities.^[1]

Darcy Kirkpatrick

From:
Sent: June-28-16 1:10 PM
To: Stephen Juch
Cc: Christy Malden
Subject: Opposition to Twin Lakes Golf Resort DVP

To The Chair and Board Directors of RDOS,

Please accept this email as my opposition to the proposed Development Variance Permit for water allocation at The Twin Lakes Golf Resort at 79 and 85 Twin Lakes Rd.

My name is Stephen Brown. I reside at Taggart Crescent on Trout Lake to the north of the Twin Lakes Golf Course. I have known since moving here some 19 years ago that due to "Grandfathering", permissions for development at the golf course was always to be a consideration, and I am not personally opposed to what I have understood to be "sustainable" development. I am however, concerned that the proposed development on the golf course property will not be sustainable in the long term considering climatic fluctuations, human nature and the unpredictability of both. Twin Lakes Golf Course owners

have well exceeded any reasonable time frame in which one might reasonably expect a "Grandfather" to survive. In my estimation, based on new evidences from around the world pertaining to fresh water, and based on reams of professional reports and expert studies and personal opinions and information that I regard as "local citizen science", and observing the intricate machinations of Local Area Governments and business interests, and just watching the lake levels rise and fall over years of observation, I fear we are about to impact the futures of the Grandchildren.

In reviewing a significant amount of information gathered over many decades, and in reviewing the latest Golder Report as a follow up to two previous such reports, and in consideration of a very complex and less than well understood area watershed and aquifer, **I urge the Board to reject this application based on insufficient data, and the glaring fact that there still exists no "Proof of Water".**

In times of uncertainty, it behooves us well to err on the side of caution, or to put off decision making until more complete data and analysis are compiled upon which to base a sound decision. This is that time.

It should be noted that the aforementioned "Grandfathered Permissions" were granted to the previous owner of the property more than 20 years ago, but that it took the sale of the property to move these permissions ahead to the next purchaser. Essentially a wealthier businessman would be financially capable to realize this vision of a golf "Resort".

During the passing years, we have come to realize the importance of local biodiversity, species at risk, conservation, and well considered planning. None of these important subjects really have any consideration in the Golf Resort's plans. Proof in point is the dramatic and swift relocation of the proposed development from the cliff side to the golf course proper.

The sole motivation is profit. I am concerned that if the DVP is granted, the sole motivation for so doing will also be profit, as the RDOS stands to garner revenue through taxation. The RDOS also stands to inherit a water system that is complex and ultimately will require further RDOS resources, requiring more subscribers and more resources still. As it stands, our area is and has been a community trust, with neighbours respecting their obligations to their neighbours by attention to their use of water and treatment and removal of septic sewage. The only exception to this working well is the necessary monitoring of lake levels at Twin Lake to ensure that septic fields installed below high water mark, as permitted by RDOS in a previous action, necessitated releasing significant volumes of water in some years in order to avoid contamination of the surface water and subsequently the aquifer. Local residents already have extraneous duties, responsibilities, concerns and risks due to previous decisions made by elected officials. Let us learn from that.

Without wanting to seem long winded, I also consider the following points,

- pertaining to climate change - what effect will the development have on available water in the area in 20+ years?
- pertaining to increased wildfire activity - is there sufficient surface water to aid in wild fire suppression?
- pertaining to species at risk - why are the importance of Horn Creek and Turtle Pond diminished by Golder?
- pertaining to social well being - what contingencies are there if this grand plan fails miserably for the watershed?
- pertaining to speculative developers - "Caveat Emptor"- buyer assumes risks when purchasing property.
- pertaining to insufficient data - continue gathering data to ensure maximum parameters of congruent information.
- pertaining to returns on investments- real estate speculation must not trump communities' lives' investments.
- pertaining to aquifer contamination - will the WWTP remove pharmaceutical and diluted household chemicals?

- pertaining to watershed contamination - what remedy will TLGR guarantee to affected 'downstream' residents?
- pertaining to by-law enforcement - what strict remedy will RDOS impose on violators of water regulation?

I am grateful for the opportunity to express my concerns over this very important issue.

Stephen Brown

Darcy Kirkpatrick

From: Christy Malden
Sent: June-28-16 12:03 PM
To: Stephen Juch; Darcy Kirkpatrick
Subject: FW: Application of Twin Lakes golf Course Resort Development

From: Christy Malden
Sent: June 28, 2016 12:03 PM
To: 'Kim Smith'
Subject: RE: Application of Twin Lakes golf Course Resort Development

Thank you for your comments, I will ensure that they are received by our Development Services department for inclusion in the package provided to the Board of Directors.

Best regards,

Christy Malden * Manager of Legislative Services
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p (250) 490-4146 * tf. 1-877-610-3737 * f 250-492-0063
cmalden@rdos.bc.ca
Visit our website at www.rdos.bc.ca

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From: Kim Smith
Sent: June 28, 2016 11:16 AM
To: Christy Malden
Subject: Application of Twin Lakes golf Course Resort Development

To Christy Malden Manager of Legislative Services

As a long time property owner at Twin Lakes I would like to express my strong disapproval of the Application of Twin Lakes Golf Course Resort Development. This application shows a total disregard for the sustainability of the Aquifer, the people living at the lake and the impact this development would have on the environment. I absolutely vote no to this application.

Susan Kimberly Smith

Darcy Kirkpatrick

From: Kim Smith <
Sent: June-28-16 10:58 AM
To: Stephen Juch
Subject: Application of Twin Lakes Golf Course Development

Superintendent Stephen Juch

As a long time property owner at Twin Lakes I would like to say I am strongly opposed to the Application of Twin Lakes Golf Course Resort Development. There needs to be the highest concern for the Aquifer Sustainability in the area. This Application shows a lack of concern for the residents living in the area and shows no responsibility to the protection of the environment. I would absolutely vote no to this Application.

Susan Kimberly Smith

Darcy Kirkpatrick

From: Allan Tucker <QC.>
Sent: June-27-16 10:25 AM
To: Stephen Juch
Cc: Christy Malden; george.windsor@gmail.com
Subject: Twin Lakes development

Hello Mr. Juch,

I am writing you to voice my concerns over the proposed water usage for the development of residential units at the Twin lakes Golf Resort. Having had property in that general area since early 2000 the biggest concern has always been water and the conservation of same. While I won't get into the whole political thing with this development I would like to state my concerns with water in that area. If my Math is correct I find the gpm allowed for each residence is around 1.5. I'm wondering whose shoulders and wallets will bear the brunt of the proposed homeowners who will probably have to ration water. I have yet to see proof of the water capacity in that area. If there is plenty of water it seems to me the developer could pay for 1 well in the actual area of his water plant to see real numbers. When we drilled our well 5 years ago on White Lake Rd. near Horn Lake the RDOS was not interested in what someone said the water would be, we had to show proof from a certified driller. I don't believe the developer has done that. Thank you for your concern in this matter,

Allan Tucker

Kaleden BC V0H1K0



This email has been checked for viruses by Avast antivirus software.
www.avast.com

RDOS
Stephen Juch - Subdivision Supervisor
101 Martin Street
Penticton BC
V2A 5J9

June 18, 2016

Dear Mr Juch and RDOS Board,

I received your package outlining the request for Development Variance Permit at 79 & 85 Twin Lakes Road. I have owned property in the Twin Lakes for sixteen years and I am writing to vehemently oppose the application. Any development in this area should be held to strict water usage as the water supply issue in this region is of great concern and has been for many years. I sincerely hope that the RDOS board votes in favour of sustainability for our area by voting NO.

Sincerely,

Vera Gibson

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Regional District

JUN 23 2016

101 Martin Street
Penticton BC V2A 5J9

Darcy Kirkpatrick

From: Christy Malden
Sent: June-20-16 8:29 AM
To: Stephen Juch
Subject: FW: Twin lakes golf course development

-----Original Message-----

From: Wayne [mailto:wayne.whitehead@twinlakes.com]
Sent: June 20, 2016 8:21 AM
To: Christy Malden
Subject: Twin lakes golf course development

Hi we are very concerned about the possible development at Twin lakes.

According to the reports this aquifer is already allocated for.

In recent years we have witnessed the effect of drought on the water supply (wells were going dry) and to add a development that would double the current housing on Twin lakes is Crazy ,not just for the current housing but also for the new owners of the development.

You also have developments lots that have not been sold (Kaleden acres I believe)when these are developed that will be more drain on the aquifer.

Simply lowering the bar on the gal.per hour that people are supposed to use is not realistic .

If you approve this development how will you deal with water shortages?

Will you truck water in?

Will you build a pipeline?

Who will pay?

These questions must be answered satisfactory before any development should be approved.

Thanks for your time

Wayne Whitehead
Sue Whitehead
Chase Whitehead
Shania Whitehead
(All Voters)

Twin Lakes
Kaleden

Sent from my iPad

Darcy Kirkpatrick

From: Betty Purdy <
Sent: June-27-16 4:15 PM
To: Stephen Juch; Christy Malden
Subject: DVP Twin Lakes Golf Resort



I am not against Development if it is proven enough water is to be had.

Two Studies have been done and both have said the Watershed is over allocated . It seems the Golder report has ignored the Studies so that is why I am against the DVP

Betty Purdy.Trustee Lower Nipit Improvement District

Darcy Kirkpatrick

From:
Sent: June-27-16 1:44 PM
To: Stephen Juch; Christy Malden
Cc:
Subject: Re: RDOS File no. D29016.051-DVP

Please vote NO to the Development Variance Permit proposed for the Twin Lakes Development.

Where is the science to support that reducing the average daily demand will not have a detrimental effect on the aquifer, the existing population and wildlife?

The current proposal for the development is for 50 units in phase 1 but 208 at completion which would significantly change the daily water consumption requirements.

The golf course itself is a major user of the available water and although it contends that it only waters during July and August I have seen the golf course watering earlier in the year, especially on very dry years - which is specifically the time when there is a greater risk to our Aquifer.

A proper long term study of the Aquifer and water levels needs to be done before we can safely consider changing average daily demands on water. Rushing into a decision based on a couple of good years of water availability could have a serious or permanent impact on the area for years to come.

Please vote NO to the Development Variance Permit proposed for the Twin Lakes Development.

Sincerely,

Larry Arnett & Amanda Wong

Darcy Kirkpatrick

From: Info
Sent: June-21-16 7:59 AM
To: Stephen Juch
Cc: Darcy Kirkpatrick
Subject: FW: Variance permit to 79-85 Twin Lakes Rd. (R.D.O.S. file D2016.051).

From: Pamela Mann [<mailto:>]
Sent: June-20-16 10:32 PM
To: Info
Subject: Variance permit to 79-85 Twin Lakes Rd. (R.D.O.S. file D2016.051).

We bought at Twin Lakes at the end of summer 2009.

At that time the water was very low but it continued to get lower over the next years. The beach and lake became choked with weed and we had to walk 30 yards out to get into the lake and then when we reached the water, we sank in mud almost to our knees. The lake was not healthy and we were afraid we had bought a cabin on a swamp.

We had a high water year and the lake returned to a more normal level and we were able to swim in the lake and enjoy it. We have also seen more wildlife return to the lake.

Regardless of what # is used in determining water variance, allowing anymore water to be drawn from the aquifer that feeds our lake is very scary for us. We have seen how vulnerable the lake is and we do what we can to protect it. Allowing this development to go through without proof that there is enough water would be a mistake. I would like proof that there is enough water before the development is approved. In this area I believe that we would need 20 years of data to determine what amount of water use is sustainable.

The only way that this makes any sense is if we have the ability to turn off the water if the lake is getting too low or if the usage goes over the estimated amount. Charging for water use is proving not to be that much of a deterrent. It also makes no sense that these 50 homes will use less water than the average home in the area is currently using.

I would love to see more development in our area if there was another source of water.

Is there a possibility of bring water in or piping it from elsewhere?

Please vote **no** to this variance until there is a more information about water sustainability or explore other possible sources of water.

Pam and Jim Mann

Darcy Kirkpatrick

From: Lauri Feindell
Sent: June-20-16 8:53 AM
To: Stephen Juch
Cc: Darcy Kirkpatrick
Subject: FW: Development Variance Permit Twin Lakes

Importance: High

Here is a response to the DVP –

Darcy, when you gather all the responses, you will need to black out email address, phone numbers, signatures, etc.

From: Info
Sent: June 20, 2016 8:35 AM
To: Planning
Subject: FW: Development Variance Permit Twin Lakes

From: Tish MacInnes [mailto: _____]
Sent: June-18-16 6:04 PM
To: Info
Subject: Development Variance Permit Twin Lakes

After 15 years enjoying lovely long summers at Twin Lake I am NOT in favour of granting a Variance permit to 79-85 Twin Lakes Rd. (R.D.O.S. file D2016.051). I have seen high water as it is now and low water levels in Twin Lakes. When low , it smells, is thickish and is green with algea. This lake is of course part of the small aquifer that the proposed development will draw out of too. The lake water quality is improving with the cattle mostly fenced off from the lake. We now have many painted turtles and lately have muskrats, herons and even a weasel re appearing in and around the healthier lake.

When the cycle of wet and dry (apparently 7 to 10 years each) becomes dry again, the extra draw of a proposed hundreds of residences, even with restricted water flow,

sucking out of one small aquifer will accelerate the deterioration of the lake quality and lower the level of the underground available well water.

Don't grant a Variance Permit to the Twin Lake Development.

Yours truly, Tish MacInnes

Andrew Reeder

Kaleden, B.C.,

Attention: RDOS Chair and Board Directors
101 Martin Str.,
Penticton, B.C,
V2A -5J9.

Re: DVP application- 79 & 85 Twin lakes Rd.

Dear Chair,

I am writing you as an adjacent property owner who will be affected by the variance you are considering. The values being proposed by the developer are not realistic and will likely result in the over prescription of available water for development which will cause irreparable damage to my home, and the nearby lake system. Therefore, I ask you to reject this variance.

The subdivision standards for Average Daily Demand and Maximum Daily Demands are based on observed demands of a water system. This is certainly true in the case of the City of Kelowna where the standard for Average Daily Demand for a single family unit is 2,700 L/sfu/day. The majority of residential lots within Kelowna are less than a quarter acre, yet rural lots within the Twin Lakes area are on average over half an acre. Does this make sense to use water consumption values that are less than City centers that have lots less than half the size of the rural areas?

In MSR Solutions July 13, 2015 letter to the RDOS, the author cites the basis for the proposed 2,200 L/sfu/day variance is based on a conversation with OBWB. There is no science provided, or any empirical evidence within the July 13th letter that supports that 2,200L/sfu/day ADD as an appropriate standard.

In the MSR Solutions July 13th letter they suggest water meters on the new residents and future restrictions as a means of ensuring lower usages. This is a poor strategy as it requires strict bylaw enforcement, higher operating costs for the water system, will place stress on the area, and may still result in a loss of water for homes and the environment.

The RDOS subdivision standards are designed to protect the public and exist for a reason. Compromising this standard will compromise the availability of water in this area for homes and the environment. Please reject the aforementioned variance.

Yours truly,

Andrew Reeder, P.Eng.

ADMINISTRATIVE REPORT

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: July 7, 2016

RE: Update of Environmentally Sensitive Development Permit Areas
Okanagan Electoral Area Official Community Plan (OCP) Bylaws



Administrative Recommendation:

THAT the RDOS proceed with the process to update the Environmentally Sensitive Development Permit Areas Bylaw, and Development Procedures Bylaw.

Proposal:

Further to the direction provided by the Planning and Development (P&D) Committee at its meeting of September 19, 2015, this report provides a brief overview of comments received from the public consultation process (i.e. information meetings, a session with local area QEPs as well as a legal review), and to outline a number of proposed amendments that would address some of the received feedback.

Background:

The purpose of updating the Regional District's Environmentally Sensitive Development Permit (ESDP) Area designations is to:

- incorporate new mapping associated with *Keeping Nature in our Future* for ESDP Areas:
 - mapping indicates “high” and “very high” values;
 - a new Important Ecosystem Area layer is to be applied to Crown land, lands in the ALR and small lots zoned for residential development.
 - introduce standardised policy sections in the Okanagan Electoral Area OCP Bylaws that support, amongst other things, the designation of ESDP Areas:
 - “Parks, Recreation and Trails”; and
 - “Natural Environmental & Conservation”.
 - update the guidelines used by QEPs (qualified environmental professionals) when preparing assessments in support of ESDP applications:
 - updated Terms of Reference (ToR) outlining assessment requirements for QEPs;
 - reports to be signed by a Registered Biologist (RPBio);
 - modification of residential exemptions and introduction of an alternate Rapid Environmental Assessment (REA) for residential development;
 - modification of exemptions for subdivision; and
 - provision for joint Watercourse DP and ESDP applications.
-

At its meeting of September 19, 2015, the P&D Committee considered a series of updated amendments to the ESDP Area designation and resolved to direct staff to undertake consultation on the proposed changes.

Public Process:

Public Information Meetings were held on November 17, 2015 (Oliver), December 2, 2015 (West Bench), December 8, 2015 (OK Falls), December 14, 2015 (Osoyoos) and January 11, 2016 (Naramata).

Received “Feedback Form” from residents were generally supportive of the proposed changes to the ESDP Area designation. Other written comments were also received from residents and these may be summarised as follows:

- requests from individual property owners to have their lands removed from the proposed ESDP Area designation map;
- opposition to the use of development permits to protect environmentally sensitive lands;
- concern regarding the utilization of the professional reliance model by the Regional District;
- concern that the guidelines favour one type of ecosystem at the expense of other ecosystem types (i.e. forests over grasslands);
- concern that the guidelines do not allow conservation groups/organisations to undertake restoration work on designated lands without first obtaining a permit;
- parkland dedication under the Act should not comprise riparian areas; and
- the Regional District should be encouraging education about environmental sensitivity instead of regulating private property.

A session was also held with local area QEPs (qualified environmental professionals) on March 15, 2016, with received comments generally relating to the information contained in the draft Terms of Reference (ToR) and suggested improvements to the Rapid Environmental Assessment application form.

Finally, the amendments have been the subject of a legal review which was completed in June of 2016 and which has suggested a number of changes to the guidelines as well as the inclusion of the ToR in Regional District’s Development Procedures Bylaw.

The proposed amendments were also considered by the Okanagan Advisory Planning Commissions (APCs) and the minutes of these meetings are included with all other comments received from the consultation process at Attachment No. 1.

Analysis:

In response to the written comments as well as verbal feedback received at the Open Houses, APC meetings, session with local QEPs and the legal review, Administration is proposing the following changes to the ESDP text and mapping:

- Parcels in the Agricultural Land Reserve (ALR) which possess a zoning other than Agriculture (i.e. Resource Area, Commercial or Industrial zones, etc.) be included in the ESDP Area designation.
 - currently all lands in the ALR fall under the Important Ecosystem Area layer.
- The guideline related to the shared-cost of a third-party review of QEP reports be deleted.

- legal counsel advises that if the Regional District wishes for the applicant to pay any part of the cost of any third party review, the choice of who reviews the report will be at the discretion of the applicant.
- legal counsel also advises that that the Regional District already possesses the ability to obtain independent advice regarding QEP reports — at its own cost.
- The provisions for a “Rapid Environmental Assessment” (REA) be amended to include restoration works and parcels without environmentally sensitive lands.
 - this change attempts to address the concerns raised at the Public Information Meetings by conservation groups/organisations.
 - legal counsel advises that an outright exemption for conservation groups/organisations would be too broad and problematic to enforce.
- The one-time exemption of 50.0 m² for an alteration or addition to an existing residential building or structure could be amended to include an accessory building or structure (i.e. pool or garage).
 - it is proposed that this be accompanied by a requirement that the structure be within 10.0 metres of the principal dwelling (which corresponds with the 10.0 metre allowance for FireSmart works).
- The proposed Draft Terms of Reference (ToR) for Professional Reports be re-drafted as an application requirement under the Development Procedures Bylaw.
 - legal Counsel advises that much of the information contained in the updated ToR constitutes application requirements and should be in bylaw form. Administration is proposing to run a concurrent amendment to the Development Procedures Bylaw to address this.

Requests to be removed from Draft ESDP Area designation

As noted above, a number of property owners submitted requests at the Public Information Meetings seeking to have their parcels removed from the Draft ESDP Area designation on the basis that they did not believe their parcels possessed environmental values, or had previously been the subject of an assessment/permit approval.

With assistance from SOSCP, Administration has reviewed each of these requests and is recommending that these properties generally be retained within the ESDP Area designation (it is proposed that part of the Reflection Point site in Electoral Area “A” be placed in the IEA layer). A full overview of each of these requests is provided at Attachment No. 2.

Consistent OCP Section Layout — Parks and Natural Environmental

As the Board was previously advised, it is being proposed to introduce consistent policy sections into the Okanagan Electoral Area OCP Bylaws pertaining to the natural environment, and in order to reflect the regional aspect of the valley’s ecosystem.

Using the Electoral Area “A”, “C” & “E” OCP Bylaws as examples, this will result in the following changes:

CURRENT	PROPOSED
Section 12.0 (Parks and Natural Environment)	Section 12.0 (Parks, Recreation and Trails)

This proposed restructuring of policies within the OCP Bylaws has, however, highlighted a number of inconsistencies with the treatment of Provincial Parks and Protected Areas (PA) in the Electoral Area OCP and Zoning Maps:

	South Okanagan Grasslands PA	White Lake Grasslands PA
Electoral Area "A" Zone	Parks and Recreation (PR)	n/a
Electoral Area "C" Zone	Resource Area (RA)	Conservation Area (CA)
Electoral Area "D-1" Zone	n/a	Resource Area (RA)

A similar issue exists with the KVR trail in the Electoral Areas "A" and "C" OCP Bylaws as it has been designated as a Public Corridor (PC), despite their not being a "Public Corridor" section in the bylaws.

In response, Administration is proposing that a consistent OCP designation of Parks (P) be applied to these areas, that this corresponds to the policy sections in the Plans and, in the case of the Protected Areas, that the zoning similarly be amended to the PR Zone.

In reviewing the designation of Conservation Area lands at Regal Ridge, Administration has also identified a general discrepancy between the OCP and zoning designations at this development and is proposing to align these as part of the ESDP Update.

Updated Electoral Area Boundaries

As the Board is aware, the Regional District has recently received updated information from the province regarding the boundaries of the Electoral Areas and, as a result, the OCP and Zoning Schedules are now seen to be incorrect in a number of areas.

Given the proposed changes to the designation and zoning of Provincial Parks and Protected Areas outlined above, Administration is proposing to repeal and replace all of the OCP and Zoning Bylaw Schedules as part of this Update.

Administration considers this to be an opportunity to simultaneously address the updated Electoral Area boundary information and is proposing to incorporate this into the new OCP, Zoning and ESDP Schedules and to run a concurrent amendment addressing all other Electoral Area land use bylaw schedules.

Respectfully submitted:

Endorsed by:



Donna Butler

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

Attachments: No. 1 – Public Consultation Feedback

No. 2 – Review of Requests to be removed from ESDP Areas

From: Adam Patterson
Sent: March-31-16 1:33 PM
To: White, Bryn E FLNR:EX; Planning
Subject: RE: Regional District Okanagan Similkameen Invitation to Qualified Environmental Professionals

Hi Bryn,

Sorry for the late timing but I was able to collect the following few points from a circulation in our office:

Checklist:

- Could include property description, such as zoning/ALR, size, which jurisdiction/OCP guidelines apply
- Under riparian might be good to have a checkbox for lake and stream
- Could include fish habitat/spawning category
- Under Environmentally valuable resources include Large Lakes Protocol Zoning – not necessary but provides a heads up if the property is in a Black Zone/mussel zone etc.
- Another habitat feature could include rock outcrop/cliff

Perhaps a bit clarification around whether both the EA and rapid checklist are required for all DP's or whether just the rapid checklist can be completed if there are no sensitive features could be included. The Terms of Reference appear to be quite comprehensive.

Hope that helps! Thanks,

Adam Patterson, R.P.Bio.
Natural Resource Biologist
ECOSCAPE Environmental Consultants Ltd.

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Please consider the environment before printing this e-mail

Many thanks for hosting this information session. I wish to follow-up on the discussion regarding the Draft Terms of Reference – Professional Report that the RDOS is releasing:

My comments are more of a professional context/content aspect being an R.P.Bio. for close to twenty years in BC, the former President of the Association of Professional Biologists and entering my second term as a College Councilor with the College of Applied Biology, rather than solely from the firm I currently am employed with.

Suggest the title should clearly reflect the scope with an indication that this document is solely for environmental assessment submissions to the RDOS and suggest the citation be more aptly named Terms of Reference – Professional Environmental Assessment Reporting. Suggest the introductory scope more clearly outline the rational [purpose] to more clearly reflect the proposed change that only Registered Professional Biologists must be the lead and senior author of these reports. I would suggest that R.P. Tech. also be suitably endorsed for completing these reports and suggest College of Applied Biology requirement for this be explored by reviewing the required qualifications as outlined in the following link: <https://www.cab-bc.org/membership-categories/registered-biology-technologist>

I suggest the introduction include a discussion as the Region's overall context of a phased aspect into completing and reporting out on environmental assessments, as was outlined during the presentation. I was initially confused when data deliverables were organized into Phase when the content was outlining report requirements.

Section 2.2.4 Site Maps: suggest have an initial existing condition figure, followed by a proposed development plan. Placing details such as Item b) post development contours - will result in an overly complicated drawing.

Section 2.2.4.e) maybe a typo to reference Section 2.3.2(?), rather than 2.4?

Section 2.2.4.f) aquatic features should be more specific stating "surface waterbodies and defined waterway channels whether flowing or not". Therein my experience has needed to confirm intermittent waterways shown many times on background maps are waterways placed solely based on topology and have no defined channel characteristics.

Section 2.2.6 Referencing: is not "developed to certify" but rather suggest "compiled and verify".

Section 2.3.1 "from other interested parties" is hard from a consultants viewpoint to ascertain who else may be interested and how is this substantiated, consider "third part or grey literature"; also typo - "neighbours".

Section 2.3.2 suggest stipulate the requirement to adhere to existing and most current RISC standards, see: <https://www.for.gov.bc.ca/hts/risc/>

Section 2.3.2c) BEC/TEM/SEI 's are provincially compiled and available and suggest be included as separate base mapping figures to outline current recognition of subject property conditions

Section 2.3.2d) please give some requirement as to distance depicting "adjacent lands" must extend to as I consider this something different than just neighbouring parcels

Section 2.3.2e) suggest deleting the use of "or" to be more meaningful and inclusive

Section 2.3.2h) if contours and cross sections are required then " , if available," is redundant or are contours and cross sections only deliverable "if available"?

Section 2.3.2i) suggest to include ditches

Section 2.3.2j) is asking for a Phase 1 Contaminant Site land use history and seems rather excessive and hard to substantiate without a time frame and suggest current land owner use

Section 2.3 has a typo "IMPABC suggest be "iMapBC" (?) and the requirement that "inventory must be conducted, in the appropriate seasons" is too onerous and suggest that this be a requirement when species at risk habitat has been documented and a pre-disturbance survey becomes a requirement to be undertaken "according to RISC standards in the appropriate season in which the species may be detected"

Section 2.4 "generally applies" suggest be replaced more simply with "applies"

Section 5 is the first time the word "restoration" is used and suggest replacing that throughout with "rehabilitation" more or as the ESA verbiage uses "habitat improvements" as true restoration is not attainable nor desirable given pending climate change expectations

Section 6.e) "reported sightings of uncommon species" needs clarification as to where these reports are kept and consideration if indeed a new or simply 'lost' migrant

Section 6.g) not aware of any source to identify subsurface flow and recharge areas as an ecosystem at risk, beyond the Registered Biology scope for sure and suggest that be deleted

Section 6.j) appreciate more clarity to this requirement as to scope/distance of "surrounding land uses" and how this is completed and reported out

And similar comments to

Section 2.4.4 that again states "consider cumulative impacts....in surrounding lands" as well as "subsurface drainage"

Section 2.4.6b) suggest QEP be replaced with R.P. Bio.

Section 2.4.6c) suggest delete "plant"

Section 2.4.6e) suggest insert "potential" nesting sites

Section 2.4.6g) suggest remove "and fish"

Section 2.4.8 suggest greater clarity be given as to monitoring time length required to ensure bonding letter reflects that time period

Section 2.4.11.c) suggest clarity be given on circumstances when "the District must be given the authorization to stop work" without recognition that they have the appropriate QEP certification for environmental monitoring

Section 2.5 suggest similar consideration for R.P.B.Tech as being suitable to undertake this work and recognition that REA's applies to single residential development, modifications to existing residences and ancillary structures that do not alter the existing permitted use

Section 5.1.b).i) suggest wetlands be replaced with or minimally include surface waters

Section 5.1.FO suggest where listed species are required to be considered – are they to include sightings or uncommon species

The REA Checklist suggest to include an "n/a" column and the occurrence of listed species define where they are listed and that the Comments are for RDOS staff

Again, trust that the above may be of use and would appreciate a final opportunity to comment once final revisions have be drafted ~

I also look forward the changes in the current brochures found on-line regarding Qualified Environmental Professional and the Environmental and Watercourse Development Permits

From: Lalonde
To: Christopher Garrish
Subject: a question re ESDP proposal
Date: January-15-16 9:28:38 AM

Hello Chris,

Further to our meeting yesterday at the RDOS office, there was another question I meant to ask. At the public presentation in Naramata on Monday evening you mentioned that the Government authorized the Regional District to effectively prevent or minimize development. Could you point me to the legislation that specifically deals with this effective capture of private property for conservation?

To reiterate what we discussed yesterday, we still ask that the RDOS remove our property at 503 Newton Drive from the proposed ESDP areas; to be in-line/consistent with the way it was applied to the rest of the West Bench area.

Thank you for your time,

Gerry Lalonde

From: [kowalchuk](#)
To: [Christopher Garrish](#)
Cc: [Karla Kozakevich](#)
Subject: Area E - Proposed Environment Development Permit Area (ESDP)
Date: January-13-16 10:22:38 AM
Attachments: [Family.vcf](#)

Chris

I am following up on your presentation at the Open House for Area E this past Monday, on the Proposed Environment Development Permit Area (ESDP).

We request that the following properties be excluded from the proposed new ESDP area:

- Lot A Plan KAP 91675 DL 2711 SDYD- Known as Naramata Benchlands Phase 2.
- Proposed Lot 2 (+/- 14.3 ha) currently in the subdivision process with RDOS and MOT- DL 3474 SDYD Except Plans KAP44343, KAP53674 and KAP59640 & Lot A DL 3474 SDYD Plan KAP 58675, Except Plan KAP 86517 - Known as (Naramata Benchlands Phase 3) – zoning swap 41 Residential Lots for creating the Conversation area Below

The RDOS has extensive knowledge of these lands previously provided by Naramata Benchlands and the previous owner Blackwell Stores that was not considered when the proposed ESDP mapping was prepared. If you require additional information or clarification on these properties please contact me immediately.

We look forward to being provided mapping that reflects these these properties being excluded from the ESDP area.

Regards
Randy Kowalchuk
Naramata Benchlands



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: Jerrilynn DeCock
To: Christopher Garrick
Subject:
Date: January-04-16 11:06:13 AM

Happy New Year Christopher. Since the meeting was set so close to Christmas, I left this until now. You had said to me that the person doing the maps would have to see my place to evaluate the environmental sensitivity of my property because the map was just made up of all the existing properties without actually seeing them. How do I go about this now please?

Also, I am very concerned with the fire hazard map and guess that it was made up simply by trees near residences. It is well enough known around here that the people and vehicles on the road are the greatest fire hazard and yet the roadway was not classified. In fact, I argue that the fact that people are living here and can report and fight a fire before it becomes a wildfire should have the area around residences as lower risk. There is greater risk of a wildfire in the wilderness where there is no-one to report a fire start from lightning. Of course, that same argument would apply to around habitation when no one is home.

My water system has a 1000 US gal cistern that I am not allowing to get below half full. I have a 50 foot hose and nozzle connected to a pressurized tap in the room and coiled for quick withdrawal for use in the event of fire so I have some fire protection. The cistern room is at the back of the house near the back door and not far from the wood stove.

Jerrilynn DeCock, P. Eng. Retired
Senior Electrical Engineer

Re: Update of Environmentally Sensitive Development Permit (ESDP) Areas

Having been lucky enough to live in Area F the majority of my life, I am appreciative of the beautiful environment that we residents of the south Okanagan are blessed with. That beautiful environment is the reason many people desire to move here, resulting in demand for land development. As a potential land developer, I see the foolishness of ruining the environment that creates that demand, and would prefer to collaborate with the RDOS and other agencies to minimize the impact on, and preferably enhance, the environment.

However, I feel this needs to be a cooperative effort, with professional expertise and on-site study, taking precedent. I do not feel that a landowner, RDOS, nor any other agency, should be able to veto a qualified professional's recommendations.

Specifically, as an RDOS constituent and taxpayer, I support the proposed changes, subject to the comments/conditions listed below:

Removal or alteration of proposed wording in the OCP (13.3.2 policy #5), ESDP (guideline # 2), etc., such that the developer, RDOS, nor other agency, can veto or contravene site-specific Environmental Assessment reports from Qualified Environmental Professionals.

Thank you for your consideration.

John Chapman
John Chapman

Chris Garrish
RDOS101 Martin Street
Penticton, BC V2A 5J9

December 15, 2015

Dear Mr. Garrish,

At the information meeting held in Osoyoos on December 14, 2014 regarding the proposed changes to the ESDP areas in RDOS Area A, there was a map displayed that showed the areas to be included in the proposed ESDP area.

One of the areas proposed to be made into an ESDP area was my property at 89th Street, Osoyoos, Lot B, Plan KAP66886, DL 2450S, SDYD, PID 024-814-407,. I do not agree that this property is environmentally sensitive except in the foreshore area adjacent to Osoyoos Lake, which is protected by existing regulations.

In 2013 I had a Terrestrial Environmental Assessment completed on that property by John Grods, R.P.Bio of Makonis Consulting Ltd. This assessment concluded that the only high value, ESA 1, land is the foreshore of Osoyoos Lake. The majority of the land is ESA 4 and ESA 3. There is a small area adjacent to 89th Street that is classed as ESA 2. (See paragraph 3.0 Environmental Sensitive Areas on page 7 and paragraph 4.0 Recommendations on page 8 as well as the ESA map at Figure Two on page 14)

I enclose a copy of the Terrestrial Environmental Assessment dated 31 October 2013.

I respectfully request that the property at 89th Street, Osoyoos, Lot B, Plan KAP66886, DL 2450S, SDYD, PID 024-814-407, be removed from the proposed ESDP area map.

Yours sincerely,

Susan Cooper

Michael, hope you are well.

I have a conflicting engagement tomorrow evening so unfortunately cannot attend the Area F meeting.

Here are my comments on ESDPs and other matters of concern:

1. ESDPs are long overdue; good on you for bringing them to Area F. The mapping provided by RDOS does not seem entirely accurate – the pdf file provided does not completely match the kmz. I used the kmz for review. I'm assuming you've used the Keeping Nature conservation ranks but have attempted to separate Crown from private lands for designation? I can see errors in the mapping including ESPD designation over lakeshore fronting Crown provincial parkland – where I believe the park boundaries actually extend into the lake. If your Crown/private base mapping contains errors or uncertainty, then some private lands that are ranked sensitive may be excluded inadvertently by not being designated ESDP and the environmental values they contain will therefore not be appropriately addressed on development. I suggest that RDOS designate all sensitive private lands regardless of map assumptions – ie. those private lands conservation ranked as very high and high would automatically be within an ESDP area.
2. Conservation Funding Proposal: I am 100% percent in agreement with a parcel-based levy to support conservation acquisitions and management across the Regional District.
3. Vaseux Lake bike path: This is not within Area F but is of concern to me; I have considerable experience with land and wildlife management in the Vaseux area. Encouraging and/or improving public bike/recreation access to the west side of Vaseux Lake as identified as a priority in the RDOS recreation strategy unfairly impacts long-standing conservation efforts. This is one of the highest value conservation land holdings in the entire region and only one of a couple of places in the entire valley that wildlife have currently unimpeded access to lakeshore. Is the concept of a National Wildlife Area and Migratory Bird Sanctuary lost on the RDOS? It is a place for wildlife, not people! Increasing people presence and bike traffic on the west side of Vaseux Lake will cause conflict (e.g. snake encounters and bike-caused injuries and death to snakes and other wildlife) and loss of

1



wildlife habitat suitability in the area. Many years ago I fought the province's proposal to twin the highway on that side of the lake and will fight hard again to prevent further development of a west side bike route! I suggest the RDOS look instead to a bike path that crosses the river channel on the drop structure just north of the national wildlife area and route it down the east dyke (the west dyke is well known for its basking snakes) then across the conservation lands to a shoulder-path at the side of the existing highway. This would not be as aesthetic for riders for a short distance but would respect the right of wildlife to have safe and less-disturbed habitat available to use.

4. Westbench School: We believe the school adds to property value, contributes to a diverse population demographic, and is an open-space and facility asset to the community. We would support a parcel-based levy specific to supporting continued operation of Westbench School.
5. Natural Gas: Have voted in support of bringing gas line to Sage Mesa.

Best regards, and thank you for your service to our community!

Al Peatt
Registered Professional Biologist

Lauri Feindell

From: Doug Kenyon
Sent: December-10-15 1:04 PM
To: Planning
Cc: Larry Kenyon; Tom Siddon; Tom Styffe
Subject: environmental plan for Area D

Christopher

I attended your information meeting at OK Falls with reference to adding an environmental report to a building permit and completely disagree with this cumbersome and bureaucratic process. It will do very little to enhance the environment and likely be harmful as owners try to circumvent the process as is now happening on Indian land which is under a similar process to what you are proposing. Our company has spent over \$100,000 to Summit Environmental on a Penticton project with very little positive results. Put your energies and money towards forming alliances to secure and protect sensitive areas. Don't broadbrush the entire community with an inefficient and costly bureaucracy.



Lauri Feindell

From: lmck
Sent: December-08-15 3:43 PM
To: Planning
Subject: ESDP areas

Hello,

I am a biologist and I live up on the west bench. I came out to the meeting at the west bench school about the ESDP areas. I think having ESDP areas is a great idea but I have some concerns about section 16.3.6b of the proposed area guidelines.

It states

Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees

As a biologist I have a few worries about that wording.

1. Area F contains mainly mixed Douglas Fir/ Ponderosa Pine forest which is not a terribly threatened ecotype. This wording suggests that building on grassland is preferable and could even lead to coniferous forest being planted in existing grasslands. I think it may be more valuable to take replace trees with native vegetation and get a QEP to choose the best location for disturbance

2. One of our most threatened ecotypes is mature Ponderosa Parkland Forest. This is a historic ecosystem that was maintained through fire.

This Ecotype features large ponderosa pines that are widely spaced and surrounded by a grassland of pinegrass, with occasional shrubs. This habitat is important for woodpeckers like the whiteheaded and Lewis's woodpeckers as well as a many other animals.

Because forest fires are now heavily restricted this habitat type is disappearing. The open understory is being replaced by many many young trees. These trees tend to be spindly competing for light with all the other young trees and they don't produce the large numbers of cones that many animals rely on as a food source. Increasing shading of the forest floor eventually favors Douglas fir and a completely different type of forest is created. Without having forest fires to clear out young saplings the best thing land managers can do to maintain this habitat is to clear out most of the young trees. Which this Bylaw wouldn't allow. I think that the quality of trees can be vastly different from the quantity of trees though it may be much harder to write into a bylaw

I know that people really gravitate towards trees, people love to plant trees on earthday and no one goes out to hug a grassland. These seemingly harsh environments are some of our most threatened and they provide a home for some of our most amazing and unique wildlife. I would like to urge you to reconsider your wording and consider trying to find a way to make it possible for people to help maintain Ponderosa Parkland by thinning sapplings. I'm afraid I don't have many suggestions of how to do that without leaving loopholes that people might abuse. Maybe you could have an OK



for trained professionals to thin existing forest to maintain the historic ecotype? Then have a workshop for some of the local companies that specialize in tree trimming?

I think that it's great that you are working on the ESDP areas for area F

Goodluck!

Lia McKinnon

From: _____
Sent: Monday, January 25, 2016 12:17 PM
To: planning@rdos.bc.ca
Subject: ESDP Ara Guidelines Revision

I am a landowner in Area C of the RDOS.

I am fundamentally opposed to the establishment of ESDP Areas, but, as that has occurred, however illogical the mapping, I have the following to suggest:

1. Regarding the Natural Environment & Conservation proposed policy 13.3.2.4 Encourages the parcel sizes of areas designated as "environmentally sensitive" or as "important ecosystem areas" on Schedule C to remain as large as possible to protect these habitat areas.

If the word "encourages" allows the RDOS board to vary from the words of the provision, if it sees fit for valid reasons, then that is fine. But if the word restricts the RDOS board, then the board might find that it cannot encourage a cluster development, which could quite conceivably have smaller lot sizes (but no greater density) as is encouraged in the OCP. Cluster developments quite conceivably, as has happened in the past, actually allow the owner to designate some of the property, hopefully and usually the most environmentally valuable, to remain free of development, which is surely the intent of the ESDP Area legislation.

Also, reference to Schedule C is problematic. Schedule C is not perfect; it is a mapping project painted with very large brush strokes. If a property was to be removed from Schedule C, then this policy should not apply to that property. This means the policy should read "....on Schedule C, or Schedule C as amended from time to time."

2. I suggested at the Area C APC meeting that a carrot might produce better results than a stick. Meaning, if property owners are encouraged—not forced—to protect the environment, they might be happier to do so. Encouragement could be in various forms. Perhaps, if certain parts of the property are voluntarily designated Conservation Area, the cost of the QEP report could be borne by the RDOS, or at least shared. And if a portion of the property is designated Conservation Area, that the allowable density of development on the remaining parcel remains at the level of allowable density when no part of the property was Conservation Area. There are probably many more mutually beneficial ways of developing property, which I am sure your staff are aware of, or have already seen or put in place. It would be a welcome encouragement to landowners, particularly of the larger parcels, to be able to read a policy paragraph which actually states that such cooperation will be encouraged. Your policy about encouraging giving one's land to some conservation group, is annoyingly self-serving to the SOSCP and its landholding members. In the real world, this simply is not a reasonable expectation of most landowners.

Lauri Feindell

From: Christopher Garrish
Sent: December 9, 2015 3:37 PM
To: Lauri Feindell
Subject: FW: ESDP values in an area of Kaleden

From: Bruce Shepherd
Sent: December-09-15 12:30 PM
To: Christopher Garrish; Evelyn Riechert; John Ingram
Cc: Alison Peatt
Subject: Re: ESDP values in an area of Kaleden

Thanks -- this helps (and looks different from what I recall from the larger-scale map displayed at last night's Open House in OK Falls -- probably a function of things pixillating as they are shrunk down). I will be sharing this with the KID Board members at our monthly meeting this coming Monday, and will provide any additional comments/questions received from them.

Following up on my earlier discussion at RDOS on Dec 4 with Alison, as well as my telecon with Chris today, I would like to float the idea of substituting ESDP designations for the WDP areas I contested in an earlier email. While the ravine/gully areas that had been identified as WDP areas using the provincial TRIM mapping are not in fact watercourses, I would suggest that they do have value for our "urbanized" wildlife as habitat refuges and connectivity corridors, and thus should be identified as ESDPs instead of WDPs. Your thoughts?

Cheers....Bruce

ote:

Feedback for “Update of Environmentally Sensitive Development Areas”.

1. It is my professional opinion that an alternative “project delivery” model exists – one that would be different than the one shown on the Flowchart presented at the Public Information Meeting held at Osoyoos on 2015-12-14.
2. My basic concern stems from the “setup” shown on this flowchart, in which a project “proponent” would engage an environmental professional, and not the public body in the jurisdiction in which this development proposal is located (= RDOS).
3. I would suggest that following the above path would eventually lead to some future situations with innumerable conflict and confusion. Some of this, I have actually experienced in my 50+ year career as a professional engineer. I could wax eloquently about this if required, but not here and now. I believe I am not the only person who is aware of the professional ethical pitfalls that will inevitably result if the RDOS chooses to follow the process as proposed to date. Why?
4. Any development proponent has an ultimate purpose for what he proposes. This is exactly as normally known the “bottom line”, whether this becomes “maximum lot yield”, “highest density” or variations of the above, meaning always “the very least restrictions to allow him the highest return on investment, come what may”. Developers are not by definition “agents of philanthropy” (although some of them say that they are, particularly during public hearings). On the other hand, the RDOS, and its employed professional staff, (representing the taxpayer = the general public), has a different purpose in allowing/permitting any development to happen: the promotion of various aspects of the “public good”, which in the current situation of the Official Community Plan might well be defined as better protection of the natural environment, to a much higher degree than what any developer might (by himself or by his consultants) ever envisage. As a civil engineer, having worked in both private and public sectors, I believe that these statements are true, and do reflect those of RDOS staff as well.
5. This is where the problem lies with the current “model”. Allowing a development proponent to engage an environmental consultant becomes automatically a professional ethical issue. It boils down to: “Does this professional person (and not that I am not questioning anybody’s professional ethics, but only stating the basics)
 - (a) do what the proponent (who pays him) wants him to do (= to improve the proponent’s bottom line), even to the extent of somehow compromising his professional ethics, however “good” they may be, or does he
 - (b) do everything for the common good, including the environment, even to the extent of suggesting (e.g. in a report to RDOS) that “what my client wants to develop would not really be promoting the natural environment and would actually be detrimental to it”?
6. This is not a fictitious or far-fetched problem. Professional bodies that regulate the professions like engineering, medicine, law, surveying, accounting (and the like) are all being plagued with situations from “setups” like this, and their “directors of legislation, ethics and compliance” are quite concerned about it. We all know that environmental consultants hired by Enbridge and by Trans Mountain Pipeline are being opposed vehemently by environmental consultants hired by groups opposing these two project proposals, and who can really tell what is the truth? Would it perhaps be the public, or the environmental professionals who happen to work for the federal, provincial, regional or municipal governments (some of whom may well dance to the tunes of their political masters)???

7. I am pretty sure that the above would not be the only (although extreme) current file within the basket of complaints (to and fro) in the office of the "Director of Ethics" for the (fictitious) "BC Association of Professional Environmentalists". But I do know that APEGBC (the Association of Professional Engineers and Geoscientists of BC) is receiving complaints of this nature. The November/December 2015 issue of its Journal "Innovation" shows that. Page 36 contains an article by their Mr. Efrén Swartz LLB, which is just the first in a series of articles about this issue. (Copy attached).

8. Scripture clearly says that "No one can serve two masters, for either he will hate the one and love the other, or he will be devoted to the one and despise the other." (Matthew 6:24). Allowing a developer to retain an environmental consultant would mean that RDOS would not be loved and not be devoted; it would mean that the general public of Area A of the Regional District Okanagan Similkameen may in fact be "despised" by some future development project that is not in the common good and does not really protect some specific aspect of the natural environment as well as it could have been – IF the RDOS follows a different model of "project delivery".

9. I would therefore humbly suggest to you that for any proposed development under this revision of the OCP, the RDOS retain the "right" (or is it a duty?) to hire or engage the necessary environmental professional for the project, without any prior or subsequent involvement of the proponent himself. This could easily be done (as it is in some jurisdictions) by setting up of an "on-call" list of consultants, from which RDOS staff would do the selection and management of "service contracts" (as they were called on one jurisdiction where I worked). In this way, the RDOS (through staff) would keep control of that consultant, and would afterwards "backcharge" the developer for the work done by the environmental consultant. That would give us all a much higher level of "transparency".

10. I know that the details of such different model would need to be worked out, thrashed around and eventually approved by your Board, and that none of these details are shown in this "feedback". I am quite prepared to assist your staff in some of the details, so that future pitfalls may be avoided. Believe me, I am old enough to have been in working environments where different methods were used. The City of Surrey had an "Environmental Manager" in their Engineering Department until about 1997. I dealt with him on a number of environmental issues. But suddenly, his position was scratched.

Respectfully submitted for your kind attention.

Jacob A. de Raadt, P.Eng., MBA,

*Comments by Jason de Krom
2016-03-04*

**Proposed "Parks and Recreation" Policies
Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008**

12.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Osoyoos Lake Regional Park is operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publicly owned and maintained by the Regional District are designated Park, Recreation and Trails.
- **Provincial Recreation Areas:** swiws Provincial Park (formerly Haynes Point) is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes only one small regional park, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland – equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Osoyoos Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

Comment (CJG1): Updated Section dealing with park issues. Introduces a consistent layout to what is being proposed in the other Okanagan Electoral Area OCP Bylaws.

inconsistent for Area "A"

The KVR actually ended at Oliver. The railway extension to Osoyoos (1944) was part of CP Rail and not the KVR

This misinfo should be dispelled as the name KVR Trail is wrong

(as far as Area "A" is concerned)

perhaps "KVR/CP Rail Trail"

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

See Schedule 'C' (Road and Trail Network Plan) for a map of designated trails in the Plan Area.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

Comment [CJ62]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Support trail use guidelines that promote "leave no trace" trail use.

Comment [CJ63]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

NOTE: THIS HAS BEEN PREPARED FOR CONSULTATION PURPOSES ONLY
FINAL TEXT MAY BE DIFFERENT BASED UPON RECEIVED FEEDBACK.

including ~~to the existing~~
 Add:
 Support the development and public use of the picnic grounds as Reflection Point

- .10 Supports the continued public use of Osoyoos Lake Park.
- .11 Supports the designation of the abandoned irrigation canal right-of-way situated west of Osoyoos Lake as Park in order to protect options for future use (i.e. recreation and/or utility corridor).
- .12 Will review this Official Community Plan for consistency with any National Park proposal approved by the Federal Government and which affects lands within the Plan Area.

Comment [CJG4]: Amended and carried forward from current OCP policies - Section 12.2.6

Comment [CJG5]: Amended and carried forward from current OCP policies - Section 12.2.7.

Comment [CJG6]: Amended and carried forward from current OCP policies - Section 12.3.2.20

Comment [CJG7]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

12.4 Parkland Dedication Policies:

- .1 For the purposes of Section 941(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 Will determine, in accordance with Section 941 of the *Local Government Act*, at the time of a subdivision to which Section 941 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 Will consider, when determining a potential park land dedication under Section 941 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.

not future residents

Parkland dedicated should be 100% outside SPEA boundaries

Parking lot should not be acceptable at Reflection Point and should

← the parking lot should be rejected on this basis.

Designs not done for Reflection Point.

be returned to the developer of Phase 1

There should be a section on "accreted land"

-
- .5 Considers that park land proposals must provide a benefit for the community and those lands with no benefit to the community should not be accepted.
 - .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. ~~Cleared~~ and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
 - .7 Encourages developers to dedicate greater than 5% park land in areas where parkland is desired. ^{usable}
 - .8 If cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
 - .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, developers are encouraged to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

*except of
invasive
Species*

Comment by Jacob deRooy

2016-03-04

Proposed ESDP Area Guidelines Electoral Area "A" Official Community Plan Bylaws

16.3 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated under Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as ESDP Area on Schedule 'D' are designated as an "Environmentally Sensitive Development Permit Area".

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. This Development Permit Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife habitat and plant communities. Sensitive ecosystems in the area include grasslands,

riparian areas, forest, wetlands, shallow soiled rock outcrops and ridges. Specifically, BC's pocket desert, Kruger Mountain, Osoyoos Lake, the oxbows and wetlands of Okanagan River, Richter Pass with the natural ridgeline views between Highway 3 and Osoyoos Lake. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

.1 A development permit is required, except where specified under Section 18.2.9 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:

- a) subdivision;
- b) the construction of, addition to or alteration of a building or other structure; and
- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

.1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:

a) An Environmental Assessment (EA), prepared in accordance with the Regional District's Terms of Reference for Professional Reports, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) or team that shall include a Registered Professional Biologist (RPBio) under contract to the development applicant, and shall include:

- should be prepared by consultant "for RDOs and not for developer"*
- i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species;
 - .4 consideration of Riparian Areas Regulations (RAR);
 - .5 stratification and rating of Environmentally Sensitive Areas (ESAs); and

No 6

- .6 ecological assessment results.
- ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;
 - .2 short and long term impacts;
 - .3 cumulative and residual impacts;
 - .4 avoidance of ESAs;
 - .5 mitigation and compensation;
 - .6 security requirements;
 - .7 monitoring reports;
 - .8 accountability; and
 - .9 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
- c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
- d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met. *the word "simple"*
- e) Despite sub-section 18.2.7(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report prepared in respect of the construction, alteration, addition, repair, demolition and maintenance of a residential building or structure. *is used in the "build-bears" Report No. 50*
- f) An REA, prepared in accordance with the Regional District's Terms of Reference for Professional Reports, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) or team that includes a Registered Professional Biologist (RPBio) under contract to the development applicant, and shall include: *on page 30*

NO!

The "Guidbook" has now been
withdawn from
the website.
see 2015 Annual Report by
Ombuds
Person:

I am not sure
if the "Simple"
EA's are still
allowed -
see footnote 70
on page 33 of
Public Report No. 50

- i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
- ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 There is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 Known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
- g) If a QEP cannot certify the absence of EVRs or that impacts have been avoided or acceptably mitigated through a REA, an EA as outlined under sub-section 18.2.7(a) will be required.
- .2 The Regional District reserves the right to seek a third party review of a submitted assessment. If necessary, the third party reviewer will be a mutually acceptable QEP and the cost of the review shared equally among the applicant and the Regional District.
- .3 If an area of land is subject to additional Development Permit Area designations under Section 919.1(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 the repair or maintenance of existing buildings and structures provided there is no additions or increases to the footprint of a building or structure occurs;
- .2 an alteration or addition to an existing residential building or structure where the proposed footprint of the alteration or addition does not

exceed 50.0 m², and a completed Building Permit application has been accepted by the Regional District.

- .3 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping plan);
- .4 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use on a parcel in the ALR or on a parcel classified as "farm" under the *Assessment Act*;
- .5 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR, provided farming practices are in accordance with Provincial and Federal policies and environmental guidelines;
- .6 community utility services where they meet provincial and federal regulations;
- .7 the repair of existing fences;
- .8 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.
- .9 any type of development, provided that a QEP has submitted confirmation to the Regional District of the absence of sensitive ecosystems or federally or provincially listed species and their habitats on the property.



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0083 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: Okanagan Similkameen Stewardship Society

i(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments / conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

Our concern with the proposed Official Community Plans is that as it is currently worded, there are barriers to conservation, enhancement and stewardship work being developed through the plans. By Ecological Assessment by a OEP and a Development Permit for habitat enhancement activities such as native plant re-vegetation and invasive species management, the proposed OCPs will hinder conservation and responsible land management. Annually, our charitable Society enhances approximately 100-200 acres of ecologically sensitive habitat in the RDOS under supervision of experienced biologists. With the proposed framework and additional process required for enhancement activities, we estimate that our positive impact to habitat for wildlife and species at risk would be reduced to approximately 25-50 acres due to increased time and direct expense related to Ecological Assessments and the Development Permit process.

Exemptions for habitat enhancement and restoration activities should be considered, such as:

- Land alterations for the purpose of ecological restoration
- Removal of non-native invasive vegetation or the planting of native vegetation

Time, capacity and cost are already currently barriers to conservation of important habitats on private lands and within our local communities. If the RDOS states that it wants to encourage restoration with native plants, we suggest that an exemption for DP requirements for such projects is considered.

Feedback Forms must be completed and returned to the Regional District no later than **January 31, 2016**
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca



Feedback Form

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Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

JAN 27 2016

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: X2015.100-ZONE

FROM: Name: Yelma Wateman
(please print)

Street Address: _

Tel/Email: _

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments / conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

11.1.1 Leave out "support efforts" should read:
Protect source water quality and quality (sic) today
& for future generations

11.1.2 (3) If land is in an Environmentally Sensitive
Development Permit Area, perhaps best
management practices would be to leave
it alone. I was not comforted by the
displays showing patches of protected land
— it is a bandaid approach to a gaping wound

11.2 Recognizes that water treatment & recovery planning
do not provide the significant ecosystem benefits
that natural riparian areas provide.
Under those circumstances why would we
allow development of any kind in those areas.
And why encourage high quality lakeshore
development... etc.

11.3.2 I think environmentally sensitive land should
remain untouched — not patch work protected
I expect private ownership is a barrier to this.
Over please

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

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Environmental degradation is everywhere. Houses are being built further & further up in the hills of Fenticton. So we're pumping water there at great expense as watershed becomes compromised.

I think beach accesses are important & I was happy to see them marked in Naramata. I think it use of designated areas rather than areas which still afford nature to the lake. Not sure what you mean limiting the number of accesses.

I am happy to see this document know there is acknowledgment things that degrade the environment I have just "cherry picked" a few to comment on.

Generally, I would say "damn we owe it to those that will care for us. Formalized parks & areas nice but things created by nature are priceless.

Thanks



Feedback Form

Regional District of Okanagan Similkameen
101 Marlin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: DENIS POTTER
(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments / conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

I WOULD SUGGEST THAT THE QUALIFIED ENVIRONMENTAL PROFESSIONALS SHOULD BE CHOSEN AND ASSIGNED BY RDOS STAFF. THERE COULD BE A PERCEPTION THAT A QEP HIRED BY A PROPERTY OWNER MIGHT TEND TO SLANT HIS FINDINGS IN FAVOUR OF THE OWNER

RECEIVED
Regional District

101 Marlin Street
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

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QEP Workshop Feedback Form

RDOS Environmentally Sensitive Development Permit Area Update



March 15, 2016

1) How would you rate this workshop?

Poor

Average

Good

Very Good

Excellent

2) Did the workshop meet your expectations?

Yes/No - thought we would cover the
Terms of Ref in greater detail.

3) What did you find was most useful and why?

Healing insights of other QEPs.

4) If RDOS was to hold another workshop on this topic would you
recommend it to your colleagues and peers?

Yes.

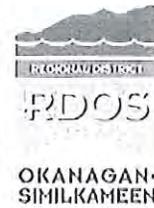
5) Do you have suggestions for future workshops (topics, areas of needed
learning or attention?)

RDOS is looking for comments and feedback from QEP's on the new ESDPA
provisions (e.g. Rapid Environmental Assessment, Terms of Reference for
Professional Reports, ESDPA Mapping etc.)

Please provide any additional feedback here, and on the back page.

QEP Workshop Feedback Form

RDOS Environmentally Sensitive Development Permit Area Update



March 15, 2016

1) How would you rate this workshop?

Poor

Average

Good

Very Good

Excellent

2) Did the workshop meet your expectations?

Yes

3) What did you find was most useful and why?

Discussion following

4) If RDOS was to hold another workshop on this topic would you recommend it to your colleagues and peers?

Yes

5) Do you have suggestions for future workshops (topics, areas of needed learning or attention?)

Area mapping

RDOS is looking for comments and feedback from QEP's on the new ESDPA provisions (e.g. Rapid Environmental Assessment, Terms of Reference for Professional Reports, ESDPA Mapping etc.)

Please provide any additional feedback here, and on the back page.

Will submit my workshop



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: Coral & Alex Brown
(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments/conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

An ESDP is essential but the mapping must be more complete. To make sense of the ESDP map for lay persons and planners the Sensitive Ecosystem (SE) inventory mapping should be included. It is now found on Eco Co's Ministry of Environment website.

An ESDP can be as you have chosen - not including ~~all~~ crown lands and A.R., but the map of the SE and water courses must be shown in the A.R. & Crownland as it affects the sensitivity of the land at a lower elevation.

RECEIVED
Regional District

DEC 3 12:11

101 Martin Street
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

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**REGIONAL DISTRICT OF THE OKANAGAN SIMILKAMEEN
ENVIRONMENTALLY SENSITIVE DEVELOPMENT PERMIT AREAS UPDATE:
PARCEL EXEMPTION REVIEW**

Report for:

Regional District of the Okanagan Similkameen

May 29, 2016

By:

Allison Haney
Kelly Chapman

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1 INTRODUCTION

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada (RDOS 2015).

Environmentally Sensitive Development Permit (ESDP) Areas are areas of land that have been designated under Section 919.1(a) of the *Local Government Act* for the purpose of protecting the natural environment, its ecosystems and biological diversity. Shortly after the Regional District of the Okanagan-Similkameen (RDOS) designated its first ESDP Area in 1997, the Regional District Board introduced a number of broad ESDP exemptions for residential development. As a result, only a small number (26) of ESDPs have since been issued, despite the Board's objective of minimizing the impact of development on the natural environment (RDOS 2015).

In 2013, the Regional District of the Okanagan-Similkameen (RDOS) resolved to accept [*Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen*](#), prepared by the South Okanagan Similkameen Conservation Program (SOSCP 2012), as a guiding document for the RDOS and the amendment of Official Community Plans (RDOS 2015). The RDOS is now updating ESDP Areas mapping to reflect the conservation ranking maps from the Biodiversity Conservation Strategy, which are based on 2009 Terrestrial Ecosystem Mapping (TEM) for the region, and show the relative importance and sensitivity of its various ecosystems¹.

During the public review of the proposed new ESDP areas, however, several landowners made inquiries about their properties being included. This report addresses these inquiries by:

- 1) Providing an overview of the ecosystem mapping process used to derive the ESDP areas;
- 2) Presenting a discussion around the scales and levels of detail used for ESDP mapping versus environmental impact assessment; and
- 3) Examining the ESDP mapping in relation to concerns expressed by landowners in the review process.

The methodology involved a desktop review of existing information and some site visits² for a sample of five properties lying wholly or partly within the proposed ESDP area.

¹ See: <http://www.soscp.org/wp-content/uploads/2012/11/Conservation-Ranking.pdf>.

² Site visits were conducted from adjacent public land. The reviewer did not access private property.

2 ECOSYSTEM MAPPING, CONSERVATION RANKING & ESDP MAPPING

From 1991-1994, ecosystems of the south Okanagan and lower Similkameen Valleys were identified and delineated on 1:15,000 aerial photographs using a biophysical habitat mapping approach (Lea et al. 1991; Harper et al. 1996). This approach served as the groundwork for current ecosystem mapping methodology, which involves a series of steps whereby lines are drawn on air photos around areas containing similar climate, terrain, soils, and resulting vegetation communities. First, a geologist uses a stereoscope to examine a pair of air photos in 3D, and delineates polygons by terrain characteristics such as slope and aspect, and interprets soil characteristics including depth and texture. A vegetation ecologist then uses site and vegetation characteristics on the air photos to identify the ecosystems present and refine the mapping, if necessary. Field work is done to verify the draft mapping, and to gather additional information on the current condition of ecosystems in an area (e.g., prevalence of weeds, selective logging). Field checks vary from detailed full plots with complete soil pits, to road-side visual inspections. Typically 10 to 20% of polygons are field checked. The delineated polygons are then transferred from the air photos and digitized at a scale of 1:20,000.

Wherever possible, ecosystem polygons contain only one type of ecosystem. However, ecosystems may occur as patches that are too small to delineate individually, or as a mosaics of two or three habitat types, making them difficult to separate into distinct polygons. Therefore, ecosystem polygons may contain up to three different (but sometimes similar) ecosystems.

The original ecosystem mapping was updated in 2006 (Iverson & Haney 2006) to bring it up to Provincial Terrestrial Ecosystem Mapping (TEM) standards (RIC 1998, 2000a, 2000b; Ministry of Environment Ecosystems Branch 2006). Further refinements were carried out in 2009 to make the mapping more useful for land management decision-making (Iverson & Haney 2010). These included the following refinements specifically requested by the RDOS: divide sensitive from non-sensitive areas where possible; delineate wetland and riparian areas as separate polygons (where possible) and map continuous riparian corridors; and delineate areas of new development. Since then, updates to the ecosystem mapping have been ongoing, in order to maintain and continuously improve its accuracy (e.g., by incorporating recent development and correcting any previous errors). The most recent version of the updated mapping was posted online in 2012³. **Appendix 1** contains a complete list and descriptions of ecosystem units found in the RDOS, and **Appendix 2** contains an explanation of symbols used for the ecosystem mapping labels.

The Biodiversity Conservation Strategy used the most recent ecosystem mapping available at the time⁴ to develop conservation ranking maps for the region. Conservation ranks were based on local sensitive ecosystem priorities (including regional rarity and habitat values to wildlife) as well as priorities from the provincial Conservation Framework (BC Ministry of Environment 2009). Global and provincial risk status⁵ are key criteria used by the Conservation Framework for prioritizing species and ecosystems for conservation. The other priority criteria used by the Conservation Framework are trends, threats, feasibility of recovery and stewardship responsibility (BC Ministry of Environment 2009).

³ <http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=29144>.

⁴ Conservation Rank maps were completed just prior to the 2012 sensitive ecosystems update report, but included **most** of the revisions that the sensitive ecosystems update provided.

⁵ Species or ecosystems with risk status are those considered in danger of becoming extinct, extirpated, endangered or threatened, or those of special concern because of their sensitivity to human activity or natural events.

Four conservation ranking classes were used in the maps: Very High, High, Moderate, and Low (see **Appendix 3** for details on the methodology). **Table 1** shows the conservation rankings of different ecosystem types found in the RDOS. Because polygons may contain up to three ecosystems, each with a different conservation ranking, the polygons were given a weighted average based on the proportion of the polygon that each ecosystem comprised.

Table 1. Conservation rankings of different ecosystem types found in the RDOS.

Conservation Ranking	Ecosystem types
Very High	Wetlands; riparian; broadleaf woodlands (aspen copses); antelope-brush steppe in any condition; grassland and sagebrush steppe in good condition; old forest; low elevation and warm aspect rugged rock/cliff.
High	Disturbed grassland and sagebrush steppe; coniferous woodland (open Ponderosa pine forest/parkland); mature forest (closed, moister forest types); mid-elevation rock/cliff and higher elevation warm aspect rock/cliff, or low elevation rock outcrops of low relief and fracturing; seasonally flooded fields (generally hayfields and other areas that used to contain wetlands but have been filled/drained)
Moderate	Remainder of relatively natural habitats - higher elevation coniferous woodland (open Ponderosa pine forest); young forest (closed, mesic/moist types, including cut blocks and second growth); higher elevation cool aspect cliffs, and mid-elevation non-rugged rock outcrops; agricultural and rural areas; golf courses; gravel pits, cut banks, mines, etc
Low	Urban areas and road surface. Little or no value, and large areas may pose barriers to wildlife movement

Terrestrial ecosystem mapping (TEM) and associated sensitive ecosystem inventory was not completed for some of the higher elevation areas of the RDOS, however. Conservation ranks for these areas are based instead on Vegetation Resources Inventory (VRI) mapping (previously known as forest cover mapping). This mapping is completed at the same scale as TEM, but is more focused on forest type and age, and generally provides fewer details about non-forested ecosystems (e.g., various types of wetlands). For areas mapped with VRI, the Biodiversity Conservation Strategy applied a conservation ranking methodology similar to that used for areas mapped with TEM. Very High conservation ranking includes wetland, riparian, old forest, and warm aspect talus or rock outcrop. High conservation ranking includes mature forest, open woodland, and cool aspect talus or rock outcrop.

These ranking maps were then used by the RDOS to develop updated ESDP area maps. The ESDP areas comprise privately held lands not in the Agricultural Land Reserve (ALR) that have been classified as having “High” and “Very High” ecological sensitivity (i.e. conservation rank) by the Biodiversity Conservation Strategy.

Under the Okanagan Electoral Area OCP Bylaws, land identified as environmentally sensitive shall be retained in its natural state or developed according to guidelines which require the preparation of an Environmental Impact Assessment report by a Qualified Environmental Professional (QEP). The report will be referred to the Province, the Department of Fisheries and Oceans and/or the Technical Environmental Advisory Committee of the Regional Board. An EIA Report may be considered if any of the following are proposed within the ESDP Area:

- redesignating land to a higher density of use than currently permitted,

- subdivision of land,
- development of land.

Hence, the ESDP mapping is a useful tool for flagging lands that are likely to contain environmentally sensitive ecosystems. The presence of sensitive ecosystems can be confirmed on a site-by-site basis by Environmental Impact Assessment (EIA). The EIA allows the ecosystems on the property to be examined and delineated at a finer scale (e.g. 1:5,000) than the ecosystem mapping (1:20,000) upon which the ESDP mapping is based.

3 ESDP VS. EIA MAPPING

Common scales of ecological mapping are 1:20,000 or 1:50,000, as their purpose is mainly to provide a landscape-level perspective of a fairly large region. Finer resolution scales (e.g., 1:5,000) are typically reserved for localized planning, and are usually deemed impractical for mapping and planning at the regional level due to the extra time and cost required to delineate, digitize and enter data for a much larger number of polygons. In addition, very complex maps viewed at a regional scale can be hard to comprehend, as it becomes difficult to interpret the information and distinguish patterns in the mapping when polygons are too small and numerous and there is too much detail.

The ecosystem mapping upon which the ESDPs are based was mapped at a scale of 1:20,000 (see **Figure 1** for an example), meaning that one millimetre on the map represents 20,000 mm (or 20 metres) on the ground. At this scale, small or narrow patches of sensitive ecosystems usually cannot be delineated separately. Two hectares is the minimum polygon size allowed under provincial TEM standards, meaning features smaller than this cannot be mapped as individual polygons (RIC 2000b). Because the RDOS' ESDP mapping is a regional-level planning tool, it was developed at a scale of 1:20,000 as per the provincial TEM standard. However, because the RDOS desired finer detail, some sensitive ecosystems were delineated further whenever possible, particularly wetlands and riparian corridors (Iverson and Haney 2009).

The purpose of the ESDP mapping is to identify areas that *contain* sensitive ecosystems, rather than to portray *precisely* where these ecosystems are located within the ESDP (i.e., if the ecosystem polygon contains more than one ecosystem).

Because Environmental Impact Assessments (EIAs) typically focus on localized developments on individual parcels of land, they generally map natural features at a much finer scale (e.g. 1:5,000), so much smaller features can be identified and mapped⁶ (e.g. **Figure 2**). A comparison of a map drawn at this scale, with the features on the ground, the qualified professional notes differences and refines assessment mapping to reflect that closer investigation.

The main purpose of an EIA is to direct development away from any sensitive areas. An EIA provides additional details and more precise locations of sensitive areas and features on the property, and recommendations on how to best protect them. If an EIA is done correctly, sensitive features would still remain even after development. Therefore, the ESDP designation would remain relevant for the parcel. If an EIA determines that no sensitive areas are present anywhere on the property, however, then the ESDP designation should be changed.

⁶ For example, at the 1:5,000 scale (e.g. **Figure 2**), features as small as 0.125 ha can be mapped according to the provincial TEM standard (RIC 2000b).

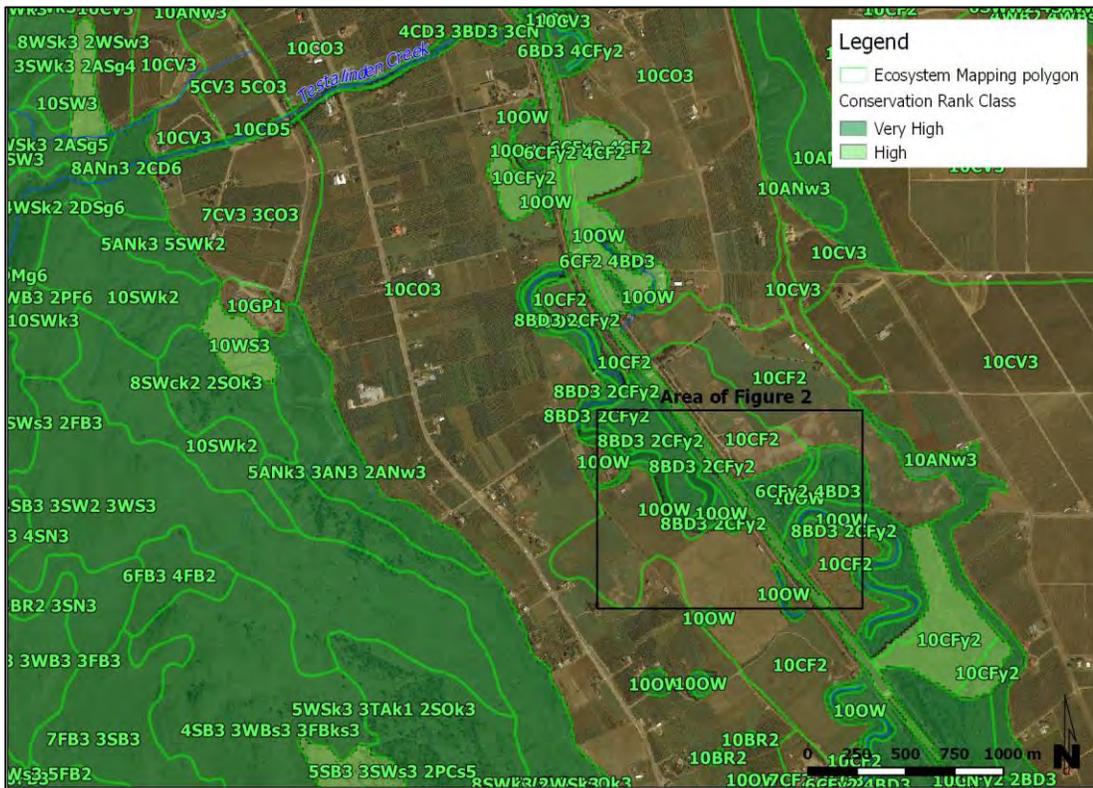


Figure 1. Ecosystem mapping shown at 1:20,000 scale, typically used for TEM and ESDP mapping.



Figure 2. Ecosystem mapping shown at 1:5,000 scale, often used for Environmental Impact Assessments.

4 EXEMPTION REPORTS

4.1 Property #1

Location: Lot 2 Plan EPP47704 SDYD District Lot 2450S 3460S, Osoyoos, Electoral Area "A"

PID: 029-671-337

Assessment:

The property⁷ and its conservation ranking as per the proposed ESDP mapping are shown in **Figure 3**; all of the subject property falls within the ESDP area (shaded green). The ecosystem units mapped for the property are described with their provincial conservation status in **Table 2**.

The owners commissioned an Environmental Impact Assessment (EIA) for this property in 2013 (Makonis Consulting 2013)⁸, which they understood had identified no sensitive areas and therefore justified the removal of ESDP requirements.

The EIA describes three sensitive ecosystems⁹:

- CD – Cottonwood community, along lakeshore
- PR – Ponderosa pine / Cottonwood – Nootka rose – Poison ivy, on the slopes above the orchard
- SW – Big sage – Bluebunch wheatgrass, occurring as a small pocket at the west end of the property.

Disturbance is prevalent in much of the area containing sensitive ecosystems, particularly evidenced by the presence of Siberian elm and hound's tongue, and the absence of mature cottonwood¹⁰. However, the EIA assigned Environmentally Sensitive Area¹¹ categories of ESA1 (High value) to the cottonwood community along the lakeshore, and ESA 2 (Moderate value) to the sagebrush (SW) and pine- rose (PR) communities at each end, where they are less disturbed.

The presence of CD was confirmed by field checks of the property in 2016 (see **Figures 4 to 7**). Given that sensitive (albeit disturbed) ecosystem units with Very High and High conservation rankings have been confirmed on the property, it should **remain within the ESDP area**.

⁷ This property was originally two parcels (024-814-393 and 024-814-407). The eastern parcel was removed from ALR a few years ago. The western parcel was subdivided, and its lakeshore portion merged with eastern parcel. It was also recently removed from ALR, despite an existing orchard, indicating the owner may be interested in developing. Had the property remained in ALR it would not have been designated an ESDP area.

⁸ Makonis Consulting (2013). *8902 168th Avenue: Terrestrial Environmental Assessment*. Makonis Consulting Ltd: Kelowna, BC.

⁹ All three are Red-listed, meaning provincially extirpated, threatened or endangered.

¹⁰ Although the EIA report mentions some mature cottonwood, none was observed during the site visit for the ESDP review (from the lakeshore, or from the road above the property or at the property's northwest end)

¹¹ ESA values range between 1 (high) and 4 (low), and are tied to the Sensitive Ecosystem Inventory rankings, communities listed by the Conservation Data Centre, and overall habitat position, condition and species value (Makonis 2013).

Summary:

PID	Assessment	Recommendation
029-671-337	Three sensitive ecosystems with very high and high conservation ranking confirmed on property: Cottonwood (CD); Ponderosa Pine – Nootka Rose – Poison Ivy (PR); and Sagebrush - Wheatgrass (ASg/SW)	Remain in ESDPA

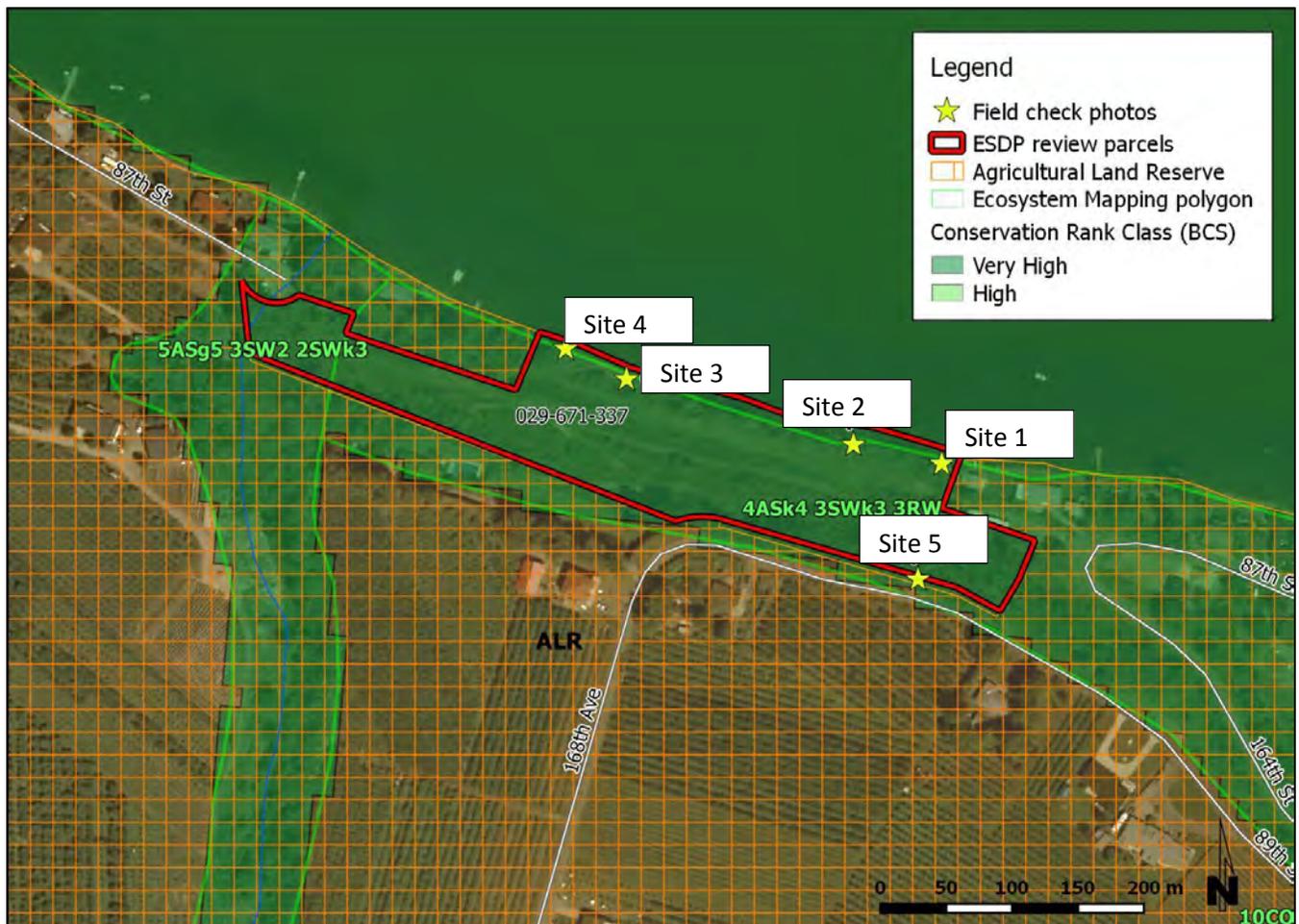


Figure 3. Map of Property #1, with conservation ranking, ecosystem mapping polygons, and field check photo locations indicated. The ESDP area is indicated by green shading.

Table 2. Descriptions of ecosystem units found on subject property, and their provincial conservation status.

Code	Name	Description & Mapping Notes	Provincial Conservation Status ¹²
Non-vegetated, Sparsely Vegetated, and Anthropogenic Units common to all subzones			
CO	Cultivated Orchard	An agricultural area with fruit trees.	N/a
RW	Rural	An area where residences are scattered and intermingled with native vegetation or agricultural areas. Most areas mapped as rural were only mapped based on the remaining native vegetation in the biophysical mapping.	N/a
BGxh1: Bunchgrass Biogeoclimatic Zone (very hot dry subzone)			
AS ¹³	Aspen – common snowberry	Moist gullies (ASg) and floodplains (ASa) with trembling aspen and a shrubby understory. Occurs on morainal materials. Non-standard unit retained from biophysical mapping. Similar to AS unit described for IDFxh1. Assumed modifiers: d, j, m	Red
CD	Cottonwood - Water birch	Active floodplain, coarse-textured fluvial soils. Cottonwood overstory with a shrubby understory.	Red
PR	Py – Nootka rose – Poison ivy	Moist ponderosa pine forests on morainal materials with some aspen or cottonwood and variable shrubby understories. Can occur in gullies (PRg) and on moist fans (PRn). Assumed modifiers: c, d, j	Red
SW	Big sagebrush – Bluebunch wheatgrass	Zonal and near zonal sites. Materials are typically morainal or medium-textured glacioufluvial (sandy loam) and often have an aeolian cap on them. Vegetation is a mixture of bunchgrasses with forbs and with big sagebrush (structural stage 3) or without big sagebrush (structural stage 2). Sites with coarse-textured soils tend to have less overall sand content than AN sites or sands are much finer; on such sites some 'AN' biophysical map units were re-interpreted as 'SW'. Assumed modifiers: d, j, m	Red

¹² Red-listed ecosystems are provincially threatened or endangered. Blue-listed ecosystems are provincially of Special Concern.

¹³ Note that the EIA (Makonis 2013) and 2016 field checks show that the Aspen - Snowberry (AS) riparian area mapped along the foreshore is actually Cottonwood - Dogwood (CD) riparian. The abundance of Siberian elm, which resembles aspen on air photos, likely contributed to this inaccuracy.



Figure 4. Field check photo site #1 for the property, showing the cottonwood community along the lakeshore with young cottonwood and Siberian elm.



Figure 5. Field check photo site #2 for the property, showing cottonwood community with high disturbance.



Figure 6. Field check photo site #3 for the property, showing a culvert outflow in the cottonwood community.



Figure 7. Field check photo site #4 for the property, showing the pine/cottonwood – rose – poison ivy

4.2 Property #2

Location: Reflection Point, Electoral Area "A"

PID: 026-579-201 / 024-108-561 / 024-107-867 / 026-579-219

Assessment

The property and its conservation ranking as per the proposed ESDP mapping are shown in **Figure 8**; the upland part the subject property falls within the ESDP area (shaded green). The ecosystem units mapped for the property are described with their provincial conservation status in **Table 3**. Prior to 2009, all four parcels occurred within a single ecosystem polygon. During the 2009 ecosystem mapping update, this ecosystem polygon was split into two, with one polygon containing the lakeshore area and the other containing the cleared area (exposed soil). However, during data entry an error was made: the information was reversed and assigned to the wrong polygon.

Consequently, although PIDs 026-579-201 and 026-579-219 contain a Cottonwood - Dogwood riparian ecosystem (CD) along the lakeshore (**Figures 10 to 12**), the ecosystem polygon along the lakeshore was erroneously mapped as Exposed Soil (ES) in 2009. Conversely, despite being cleared (**Figure 8**), the ecosystem polygon intersecting PIDs 024-108-561 and 024-107-867 was erroneously mapped as cottonwood instead of Exposed Soil (ES). The ecosystem mapping (TEM) was rectified to correct this error in 2012¹⁴ (**Figure 9**).

Hence, the ESDPA mapping should be updated to reflect the revised polygons in the 2012 ecosystem mapping, such that **the polygon labelled as CD in the 2012 ecosystem mapping is added to the ESDPA, and the polygon labelled as ES in the 2012 mapping is removed from the ESDPA.**

Summary

PID	Assessment	Recommendation
026-579-201 026-579-219	Cottonwood riparian ecosystem (CD) along the lakeshore erroneously mapped as Exposed Soil (ES)	Add polygon to ESDPA
024-108-561 024-107-867	Cleared area erroneously mapped as Cottonwood (CD) instead of Exposed Soil (ES)	Remove polygon from ESDPA

¹⁴ This was *after* the conservation ranking maps, on which the ESDP mapping is based, had been produced.

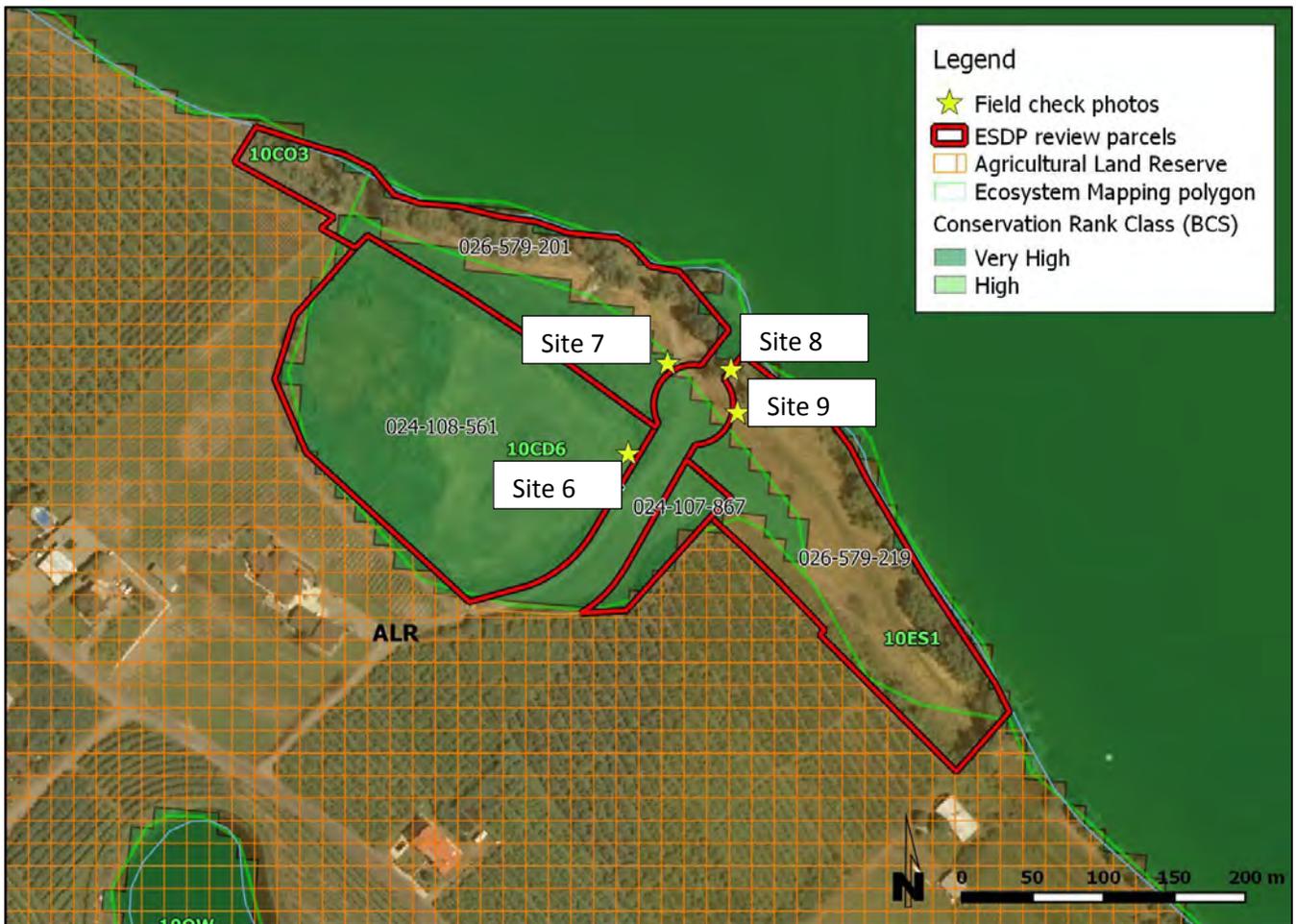


Figure 8. Map of property, with conservation ranking, 2009 ecosystem mapping polygons, and field check photo locations indicated. The ESDP area is indicated by green shading.

Table 3. Descriptions of ecosystem units found on subject property, and their conservation rankings.

Code	Name	Description & Mapping Notes	Provincial Conservation Status ¹⁵
Non-vegetated, Sparsely Vegetated, and Anthropogenic Units common to all subzones			
CO	Cultivated Orchard	An agricultural area with fruit trees.	N/a
ES	Exposed soil	Areas of exposed soil with no vegetation. May be caused by natural erosion or human causes. Can occur on cool (ESk) or warm (ESw) aspects.	N/a
BGxh1: Bunchgrass Biogeoclimatic Zone (very hot dry subzone)			
CD	Cottonwood - Water birch	Active floodplain, coarse-textured fluvial soils. Cottonwood overstory with a shrubby understory.	Red

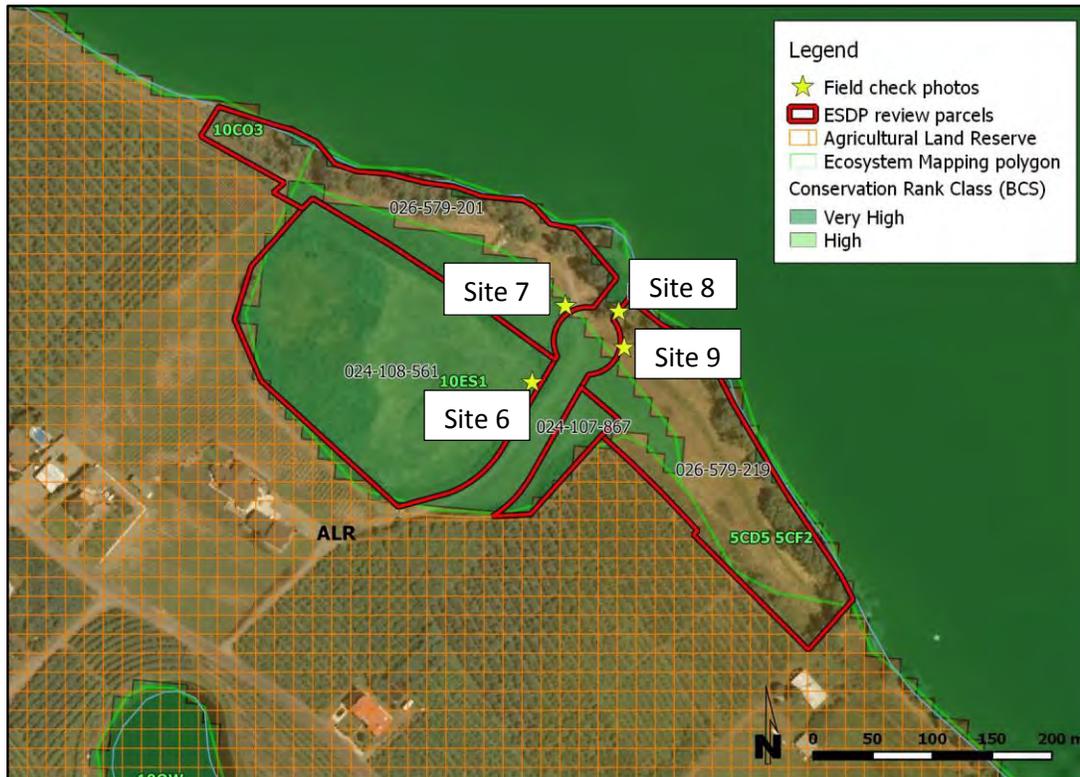


Figure 9. Map of property #2, showing the updated 2012 ecosystem mapping polygons¹⁶.

¹⁵ Red-listed ecosystems are provincially threatened or endangered. Blue-listed ecosystems are provincially of Special Concern.

¹⁶ Note that part of the cottonwood riparian ecosystem was cultivated after 2009; hence the updated 2012 ecosystem mapping now shows only 50% of this polygon being comprised Cottonwood – Dogwood (CD), with the other 50% being Cultivated Field (CF).



Figure 10. Field check photo site #6 for the property, showing area which should be mapped as exposed soil (ES), rather than cottonwood (CD), and therefore be removed from the ESDP.



Figure 11. Field check photo site #7 for the property (looking NE), showing riparian strip along the lakeshore that was mapped as exposed soil (ES) rather than cottonwood (CD), and should therefore be added to the ESDP.



Figure 12. Field check photo site #8 for the property (looking NE), showing riparian strip along the lakeshore that was mapped as exposed soil (ES) rather than cottonwood (CD), and should therefore be added to the ESDP.



Figure 13. Field check photo site #9 for the property (looking SE), showing riparian strip along the lakeshore that was mapped as exposed soil (ES) rather than cottonwood (CD), and should therefore be added to the ESDP.

4.3 Property # 3

Location: 226 Apex Mountain Road, Electoral Area “D-1”
PID: 010-397-035

Assessment:

The property and its conservation ranking as per the proposed ESDP mapping are shown in **Figure 14**; all of the subject property falls within the ESDP area (shaded green). No current / previous ESDPs are present in this area, as it is located above the elevation where the terrestrial ecosystem mapping (TEM) was completed. As such, the ESDP mapping for this area is based instead on Vegetation Resources Inventory (VRI) mapping (previously known as forest cover mapping; see **Section 2**).

Examination of satellite imagery reveals that the High ranked areas within this parcel appear to be mature forest (which is valuable to owls, woodpeckers and other cavity-nesters) and the Very High ranked areas contain warm aspect rock (which may support rare species of reptiles, bats, and cliff-nesting birds—many of which are species at risk). There is one roadkill record of the endangered Western Screech-owl¹⁷ from the southern boundary of the property. Screech-owls may be nesting along the creek, and foraging on the property. Flammulated Owls¹⁸ have also been recorded in the vicinity, and mature forest on this property contains potential nesting habitat for this species. Given that habitat for species at risk was one of the key criteria used to develop the conservation ranking maps on which the ESDP maps are based (see **Section 2**), this **property should remain in the ESDP area**.

Summary:

PID	Assessment	Recommendation
010-397-035	The area within the ESDPA contains mature forest and warm aspect rock, both sensitive ecosystems; red and blue listed owls which rely on mature forest have been recorded in the vicinity	Property should remain in ESDPA

¹⁷ The Western Screech-owl is red-listed in BC, meaning it is provincially extirpated, threatened or endangered in BC; it is listed federally by COSEWIC as Endangered.

¹⁸ The Flammulated Owl is blue-listed, meaning it is provincially of Special Concern, and federally listed by COSEWIC as Special Concern.

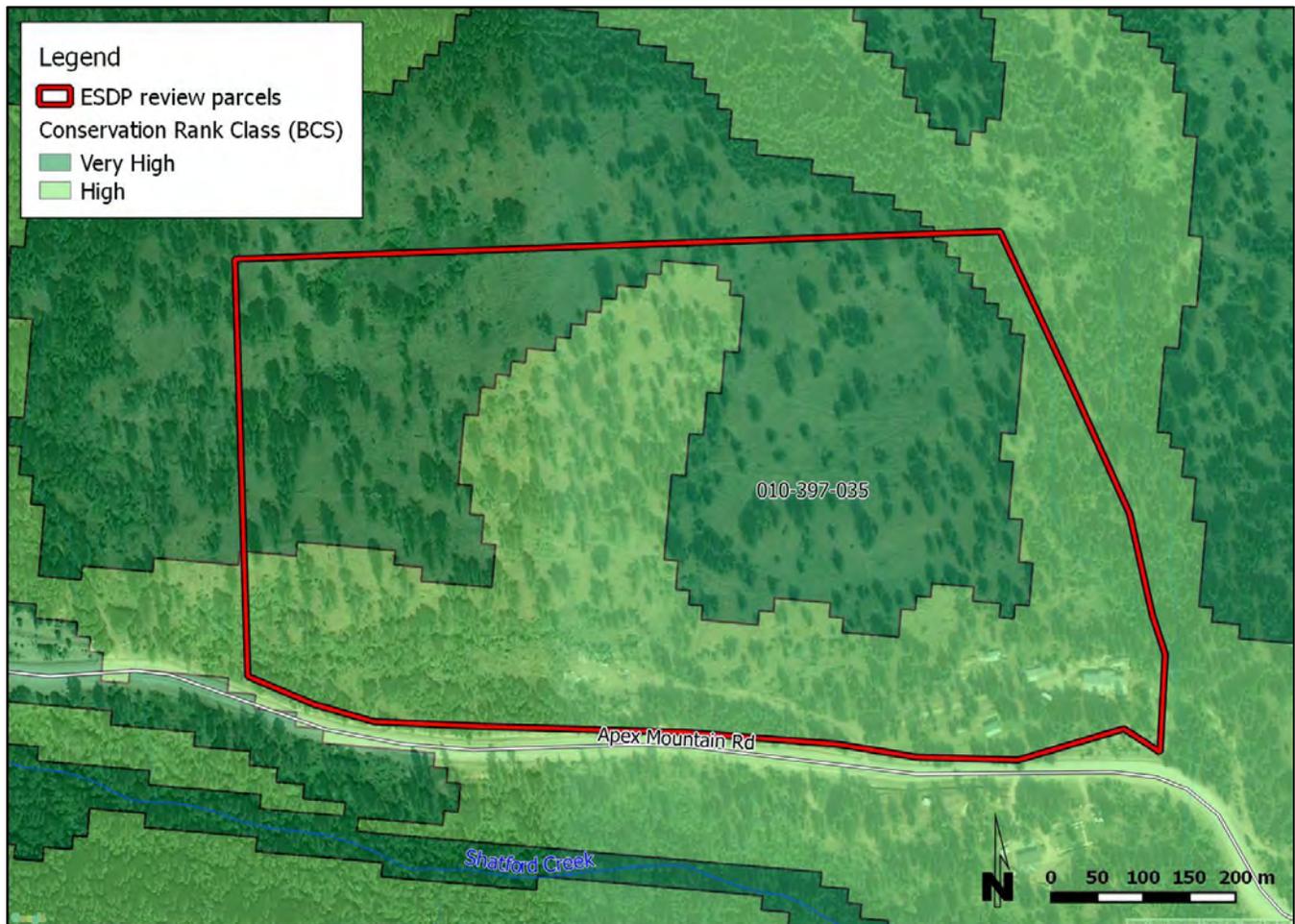


Figure 14. Map of property #3, with conservation ranking indicated. The ESDP area is indicated by green shading.

4.4 Property #4

Location: Lot A Plan KAP91675 DL 2711 SDYD*, Electoral Area “E” / 3480 & 3498 Arawana Forestry Road, Electoral Area “E” / DL 3474 SDYD Except Plan KAP44343 KAP53674 KAP59640, Electoral Area “E” / Lot A Plan KAP59640 DL 3474 SDYD Manufactured Home Reg. # 74418, Electoral Area “E”

PID: 028-409-779 / 023-695-790 / 011-816-511 / 023-832-622

Assessment:

The property and its conservation ranking as per the proposed ESDP mapping are shown in **Figure 15**; most of the subject property falls within the ESDP area (shaded green). The ecosystem units mapped for the property are described with their provincial conservation status in **Table 4**.

The owners have requested that the property be removed from the ESDP area because of “dramatically reduced or eliminated” environmental values caused by logging, grazing and rough grading for a golf course, and because an Environmental Impact Assessment (Gyug 2005)¹⁹ was commissioned.

The ecosystem mapping upon which the ESDP areas are based recognizes the logging and grading that was done, but indicates that the site contains sensitive ecosystems, including:

- riparian gully/corridor (Arawana Creek) running the length of the three adjacent parcels (PIDs: 023-695-790, 011-816-511, 023-832-622) as well as a riparian seep on the northern boundary of 011-816-511;
- grassland;
- mature coniferous woodland (although much is fragmented and/or logged, there is a fairly intact woodland area mixed with grassland south of the gully in parcel 023-695-790).

The EIA states that about one-third of the property is occupied by a combination old forest, coniferous woodland, grassland, sparsely vegetated (rock outcrops), and riparian habitat—all of which are sensitive ecosystems with High to Very High conservation ranking (**Table 1**).

In terms of species at risk (one of the key criteria used to develop the conservation ranking maps on which the ESDP maps are based), the EIA also indicates possible nesting sites for Flammulated Owl²⁰ in the SW corner of lower site. Western Screech-owls²¹ have been recorded along Arawana creek, downstream of the property, indicating potential for this species to occur in similar riparian habitats on the subject property. The EIA also states

¹⁹ Gyug, L. (2005). Ecological assessment of proposed housing development of Naramata Benchlands (DL 3474 and part of SL14 of DL 2711). Okanagan Wildlife Consulting. Report prepared for Brad Elenko, Urban Connections.

²⁰ The Flammulated Owl is blue-listed, meaning it is provincially of Special Concern, and federally listed by COSEWIC as Special Concern.

²¹ The Western Screech-owl is red-listed in BC, meaning it is provincially extirpated, threatened or endangered in BC; it is listed federally by COSEWIC as Endangered.

that White-headed Woodpecker and Lewis' Woodpecker²² might be expected on property if forest were old or mature and contained numerous potential nesting trees and snags. Given that mature forest is present, there is some current potential and high future potential for these species to occur. The EIA additionally mentions that the clearing for fairways has probably made the area more valuable to Elk.

The EIA discusses the relevance of the property as a low elevation corridor for Bighorn Sheep²³ migration between Okanagan Mountain Park and Penticton Creek. Gyug (2005) argues that having a low elevation corridor isn't crucial because: 1) there are no sheep north of Penticton Creek (although a transplant was planned); 2) the animals moving beyond traditional ranges are primarily rams and they use higher elevations; and 3) it is better to keep herds isolated to prevent disease spread. Since his 2013 report sheep have been transplanted to Okanagan Mountain Park, and contrary to his views it may be important to maintain a low elevation corridor to allow ewes to re-colonize depleted areas if a die-off does occur in either area.

Given the presence of sensitive ecosystems including habitat for species at risk, the **portions of the property currently within the ESDP area should remain.**

Summary:

PID	Assessment	Recommendation
028-409-779	The EIA's conclusion that "environmental values have been dramatically reduced or eliminated" on the property is not defensible—several sensitive ecosystems remain.	Should remain in ESDPA
023-695-790		
011-816-511		
023-832-622		

²² White headed and Lewis' Woodpeckers are red-listed in BC, meaning they are provincially extirpated, threatened or endangered in BC.

²³ Bighorn Sheep are blue-listed, meaning they are provincially of Special Concern.

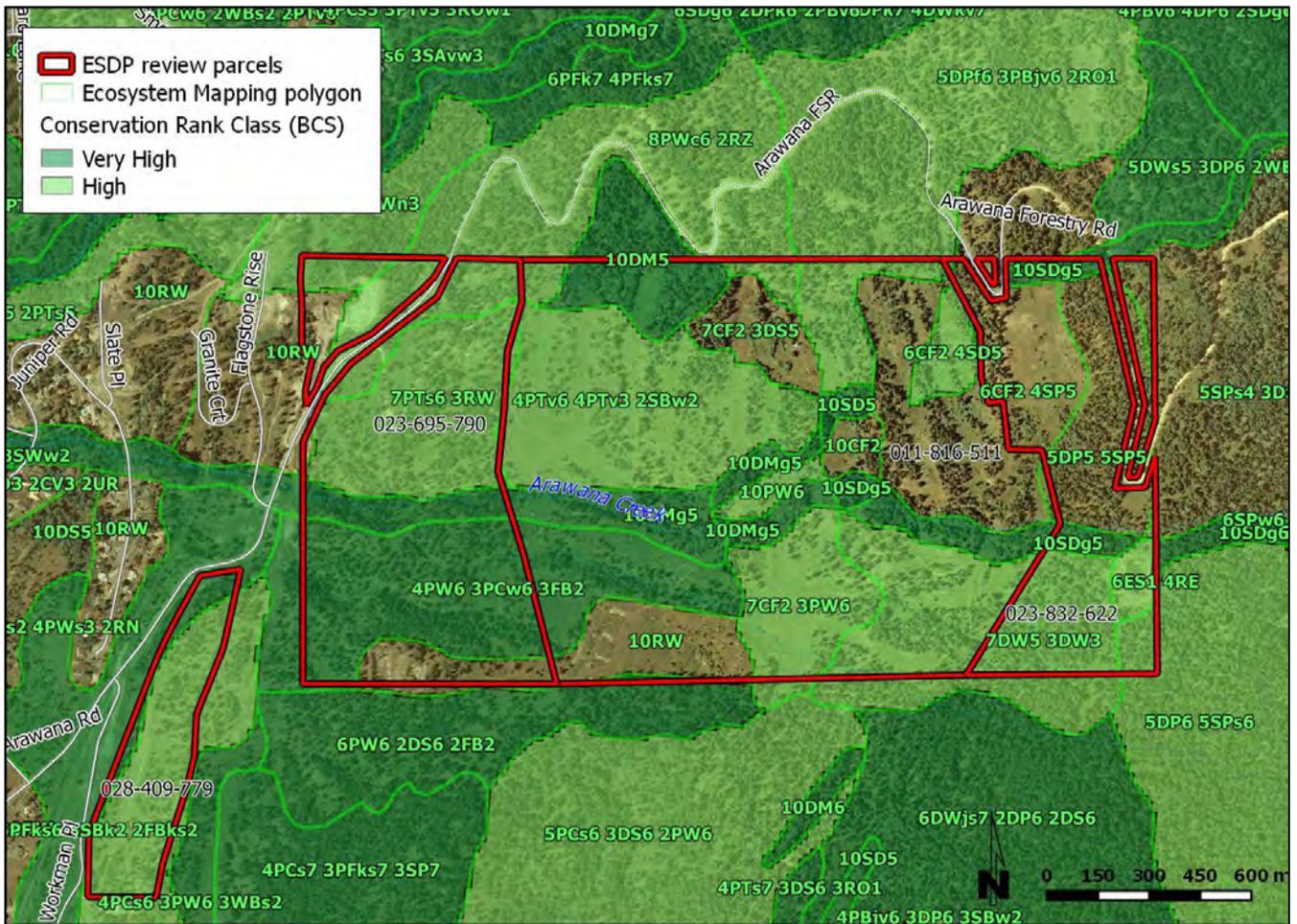


Figure 15. Map of property #4, with conservation ranking, ecosystem mapping polygons, and field check photo locations indicated. The ESDP area is indicated by green shading.

Table 4. Descriptions of ecosystem units found on subject property, and their conservation rankings.

Code	Name	Ecosystem Unit Description	Provincial Conservation Status ²⁴
Non-vegetated, Sparsely Vegetated, and Anthropogenic Units common to all subzones			
CF	Cultivated field	Cultivated areas or irrigated fields. The modifier 'x' is used to distinguish sites formerly mapped as dry pastures (PD); the modifier 'y' is used to distinguish sites formerly mapped as moist pastures (PM).	N/a
RO	Rock outcrop	A bedrock escarpment or outcropping with little soil development and sparse vegetation cover. Many sites originally mapped as RO are now mapped as SA. Very short steep rock outcrops are mapped as ROq (cool aspect) and ROz (warm aspect) rather than cliffs.	N/a
RW	Rural	An area where residences are scattered and intermingled with native vegetation or agricultural areas.	N/a
RZ	Road surface	An area cleared and compacted for the purposes of vehicular travel. Secondary roads are now included as a component of the polygon where they cover more than 10% and there are not already three ecosystem components in the polygon.	N/a
PPxh1: Ponderosa Pine Biogeoclimatic Zone (very dry hot subzone) & IDFxh1: Interior Douglas Fir Biogeoclimatic Zone (very hot dry subzone)			
DM	Douglas-fir – Water birch – Douglas maple	Moist gullies (DMg) or riparian fringes (DM), often with permanent or intermittent streams, usually with mixed Douglas-fir and paper birch overstories and rich, shrubby understories. Materials are generally morainal or fluvial. Assumed modifiers: d, j, m	Red
DP	Fd / Py – Pinegrass	Mesic and near-mesic sites on medium-textured morainal materials. Climax forests are dominated by a mixture of Douglas-fir and ponderosa pine with a pinegrass dominated understory. Assumed modifiers: d, j, m	Blue
DS	Douglas-fir / Ponderosa pine – Snowberry – Spirea	Moisture receiving sites with Douglas-fir overstories and mixed snowberry and spirea understories. Terrain is generally morainal. The old YS code is equivalent to DSn. Assumed modifiers: d, j, m	Red
DW	Fd / Py – Bluebunch wheatgrass - Pinegrass	Open Douglas-fir – ponderosa pine forests on moderate to steep warm aspects with deep, medium-textured colluvial or morainal soils. Understories are typically dominated by bluebunch wheatgrass with scattered forbs and shrubs at climax. Assumed modifiers: d, m, w	Blue
FB	Fescue – Bluebunch wheatgrass	Grasslands on gentle and cool aspects with medium-textured soils (and occasionally on sandy soils). Dominated by Idaho fescue and bluebunch wheatgrass at climax. Assumed modifiers: d, j, m	Red
PB	Fd / Py – Bluebunch wheatgrass – Balsamroot	Open Douglas-fir – ponderosa pine forests on shallow or very shallow morainal or colluvial soils on steep warm aspects. Understories have scattered shrubs such as saskatoon and mock orange with bunchgrasses, selaginella, and lichens. Assumed modifiers: m, s, w	N/a
PC	Ponderosa pine – Bluebunch	Submesic sites, often on slightly warmer or drier sites. Sites are not as steep or shallow-soiled as PT /02. Terrain is generally morainal or colluvial.	N/a

²⁴ Red-listed ecosystems are provincially threatened or endangered. Blue-listed ecosystems are provincially of Special Concern.

	wheatgrass – Cheatgrass	Open ponderosa pine overstory with bluebunch wheatgrass dominated understory (at climax). Assumed modifiers: d, j, m	
PT	Ponderosa pine – Red three-awn	Dry, open ponderosa pine forests on steep warm aspects. Frequently occurs on shallow (PTks, PTs) or very shallow colluvial or morainal materials (PTjv, PTKv, PTRv, PTv). Occasionally occurs on slightly cool aspects with shallow or very shallow soils (PTks, PTKv). Assumed modifiers: c, d, w	N/a
PW	Ponderosa pine – Bluebunch wheatgrass – Idaho fescue	Mesic and near-mesic ponderosa pine forests on medium-textured soils and level or gently sloping sites. At climax, understories are dominated by a mixture of bluebunch wheatgrass and Idaho fescue. Terrain is generally morainal or glaciofluvial. Assumed modifiers: d, j, m	Blue
SB	Selaginella – Bluebunch wheatgrass rock outcrop	Very shallow colluvial or weathered bedrock materials over bedrock. Bedrock is usually exposed in places. It is low relief and lacking large fractures. Vegetation is dominated by selaginella with bluebunch wheatgrass and other bunchgrasses, mosses, and lichens with scattered saskatoon. Some sites have moderate to high covers of big sagebrush or antelope-brush (structural stage 3). Assumed modifiers: j, v	N/a
SD	Sxw – Fd – Douglas maple – Dogwood	Moist forests often occurring in gullies, adjacent to streams and rivers, and around ponds and lakes. Has a mixed overstory that has Douglas-fir and may have hybrid white spruce, paper birch, and sometimes black cottonwood. The understory is shrubby and has red-osier dogwood, Douglas maple, snowberry and other species. Assumed modifiers: d, j, m	Red
SP	Douglas-fir / Ponderosa pine – Snowbrush - Pinegrass	Slightly drier than average Douglas-fir forests on slightly warm aspects or cool aspects with shallow soils. Sites usually have medium-textured morainal soils. Understories have a mixture of bunchgrasses and pinegrass. Assumed modifiers: d, j, m	Blue

4.5 Property #5

Location: 503 Newton Drive, West Bench, Electoral Area “F”

PID: 009-876-391

Assessment:

The property and its conservation ranking as per the proposed ESDP mapping are shown in **Figure 16**; most of the subject property falls within the ESDP area (shaded green). The ecosystem units mapped for the property are described with their provincial conservation status in **Table 5**.

The property was included in the ESDP area because it predominantly contains sagebrush grassland (mapped as SWf3/SWk2), which is a red-listed²⁵ plant community. This plant community appears to be in fair to good condition, which gives it a Very High conservation ranking (**Table 1**).

The landowner has questioned why the sagebrush community on his property has been included in the ESDP area, whereas sagebrush vegetated gullies and ravines in the surrounding West Bench area have not. He has also questioned why the KVR line (which is colonized with sagebrush) has been included in the area mapped as sagebrush where it runs through his property, but not on the adjacent property to the south (see **Figure 16**), and why the southern boundary of the ecosystem polygon stops so abruptly.

The reason why the sagebrush communities in the gullies and ravines were not mapped as ESDP is because they were too small²⁶ to be picked out by the 1:20,000 ecosystem mapping which served as the basis for the ESDP mapping. **Figure 17** shows how the ecosystem mapping looks when viewed at the 1:20,000 scale—small gully and ravine features are not visible to mappers working at this scale.

Similarly, the KVR line is too narrow a feature to be picked out in the 1:20,000 ecosystem mapping—rather than being mapped separately, it is incorporated into the polygons describing the adjacent vegetation communities. In the case of this property, the vegetation community adjacent to the KVR is a sagebrush community, so the KVR was combined with this vegetation community into a predominantly sagebrush (SW) polygon. Sagebrush ecosystems have high to very high conservation rankings depending on their condition (**Table 1**), hence this polygon was included in the ESDP area. In the case of the property to the south, the KVR is combined into a polygon containing the larger adjacent cultivated field, and therefore labeled CF. Cultivated fields only have Moderate conservation ranking (**Table 1**), which is why this polygon was not included in the ESDP area, despite the KVR being colonized by sagebrush.

The southern boundary of the sagebrush – wheatgrass (SW) ecosystem polygon ends so abruptly because it follows the edge of a map sheet (see **Figure 18**). The original 1990s ecosystem mapping was done over several years, and map sheets were sometimes used as partial study area boundaries for particular years.

²⁵ Red-listed means it is provincially extirpated, threatened or endangered.

²⁶ According to the *Standard for Terrestrial Ecosystem Mapping (TEM) – Digital Data Capture in British Columbia (RIC 2000b)*, for data captured at 1:20,000 scale (as for TEM) 2ha is a minimum polygon size, meaning features smaller than this cannot be mapped as individual polygons.

As such, ecosystem and ESDP mapping for this property and the surrounding area is confirmed as accurate and consistent, and **the property should remain within the ESDP area as mapped.**

Summary:

PID	Assessment	Recommendation
009-876-391	Ecosystem and ESDP mapping for this property and the surrounding area is confirmed as accurate and consistent.	Should remain in the ESDPA

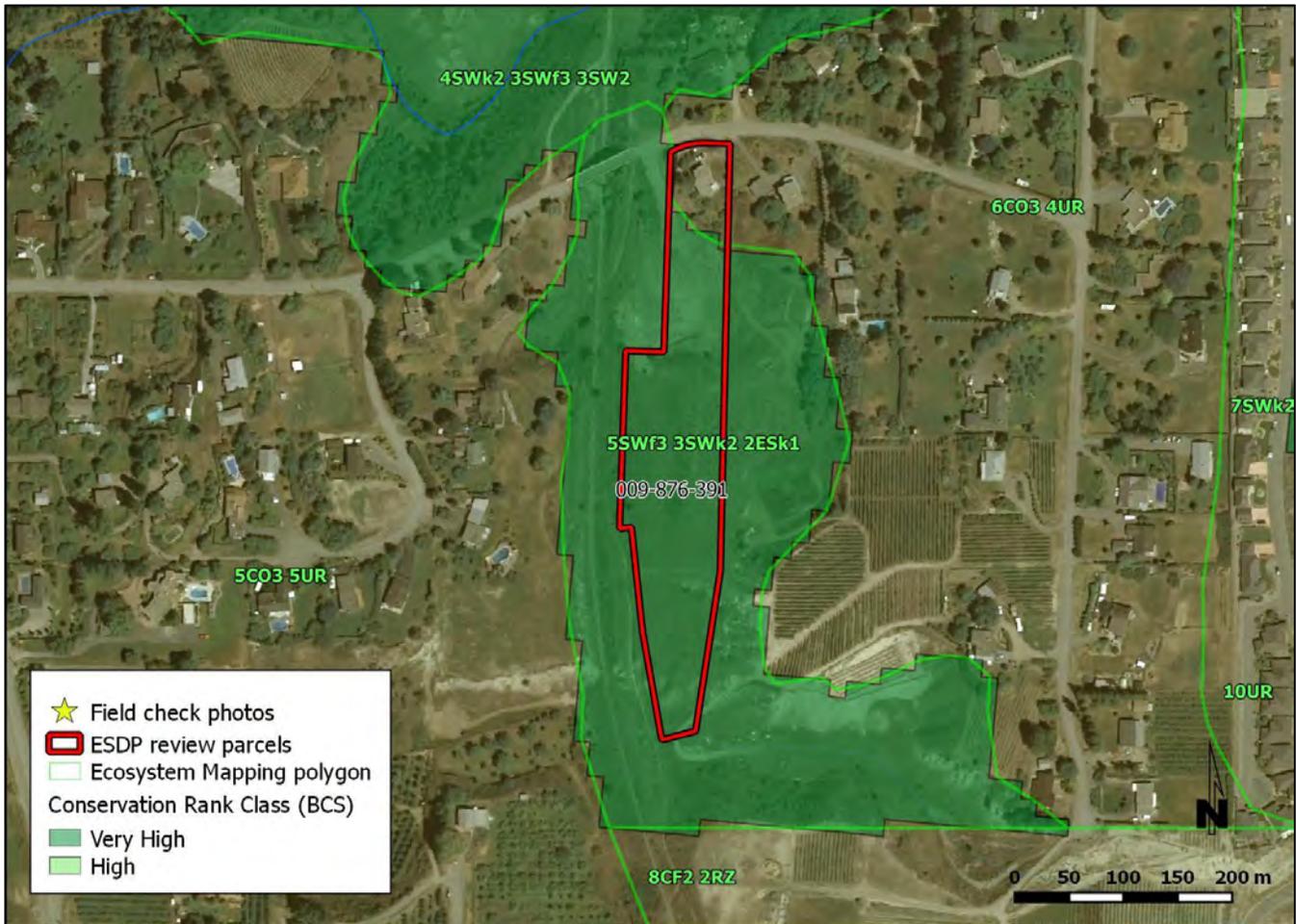


Figure 16. Map of property #5, with conservation ranking, ecosystem mapping polygons, and field check photo locations indicated. The ESDP area is indicated by green shading.

Table 5. Descriptions of ecosystem units found on subject property, and their conservation rankings.

Code	Name	Description & Mapping Notes	Provincial Conservation Status ²⁷
Non-vegetated, Sparsely Vegetated, and Anthropogenic Units common to all subzones			
CF	Cultivated field	Cultivated areas or irrigated fields. The modifier 'x' is used to distinguish sites formerly mapped as dry pastures (PD); the modifier 'y' is used to distinguish sites formerly mapped as moist pastures (PM).	N/a
CO	Cultivated Orchard	An agricultural area with fruit trees.	N/a
ES	Exposed soil	Areas of exposed soil with no vegetation. May be caused by natural erosion or human causes. Can occur on cool (ESk) or warm (ESw) aspects.	N/a
RZ	Road surface	An area cleared and compacted for the purposes of vehicular travel. Secondary roads are now included as a component of the polygon where they cover more than 10% and there are not already three ecosystem components in the polygon.	N/a
UR	Urban	Areas where residences or other human developments cover nearly all of the landscape.	N/a
BGxh1: Bunchgrass Biogeoclimatic Zone (very hot dry subzone)			
SW	Big sagebrush – Bluebunch wheatgrass	Zonal and near zonal sites. Materials are typically morainal or medium-textured glacioufluvial (sandy loam) and often have an aeolian cap on them. Vegetation is a mixture of bunchgrasses with forbs and with big sagebrush (structural stage 3) or without big sagebrush (structural stage 2). Sites with coarse-textured soils tend to have less overall sand content than AN sites or sands are much finer; on such sites some 'AN' biophysical map units were re-interpreted as 'SW'. Assumed modifiers: d, j, m	Red

²⁷ Red-listed ecosystems are provincially threatened or endangered. Blue-listed ecosystems are provincially of Special Concern.

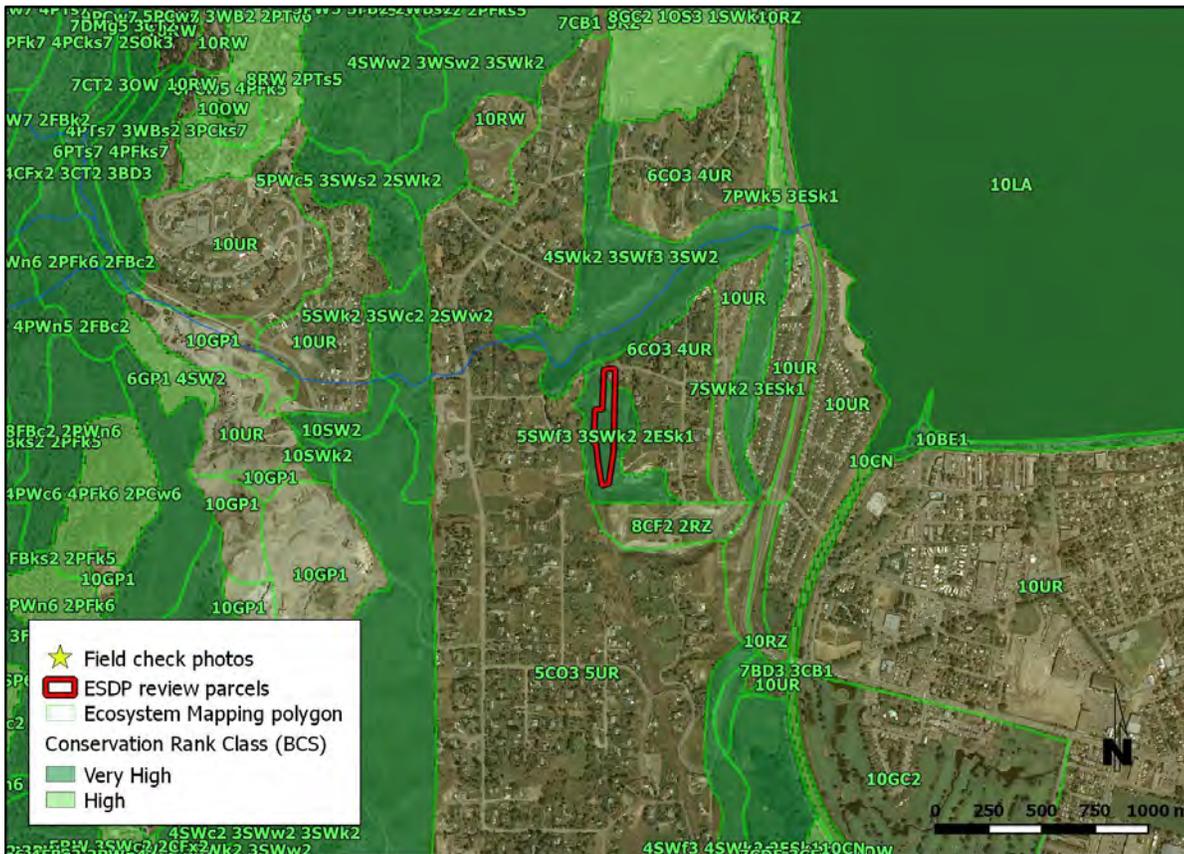


Figure 17. Illustration of how the ecosystem mapping looks when viewed at the 1:20,000 scale. Note that small gullies and ravines are not visible, and cannot be picked out by mappers working at this scale.

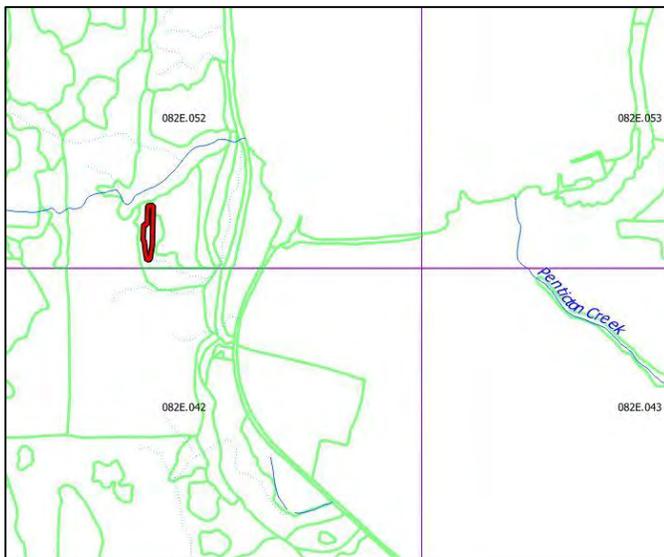


Figure 18. Terrestrial ecosystem mapping, with map sheet boundaries drawn in purple.

5 CONCLUDING REMARKS

This review of sample properties within the RDOS' proposed ESDP area supports the use of the SOSCP's (2012) conservation ranking maps as a basis for flagging areas containing sensitive ecosystems (in the ESDP mapping), and thereby requiring development permits. Concerns expressed by property owners in this sample largely related to confusion about the scale of resolution provided by the mapping and by misperceptions about how development and assessment reports interact with sensitive values. For example, some landowners question why completing an EIA, securing a development permit, and developing some of the property do not result in the property being removed from an ESDP area. The capability of the property to support environmentally sensitive features 'runs' with the property—it is not extinguished with the issuance of a development permit. This capability must be given continued consideration as future development occurs on property within the ESDP area.

ESDP mapping is *not* a substitute for environmental assessments, but *is* suitable for flagging properties that contain environmental values. Based on the analysis in this report, SOSCP recommends one adjustment to the ESDP layer, to reflect updates to sensitive ecosystem information. Supplying landowners with communication materials explaining the development permit process may help them better understand what it means to have property within an ESDP area.

6 REFERENCES

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**APPENDIX 1:
DESCRIPTIONS OF ECOSYSTEM UNITS FOUND IN THE RDOS (BY BIOGEOCLIMATIC SUBZONE)**

Biogeoclimatic zones: represent classes of ecosystems under the influence of the same regional climate. A large percentage of the plant communities within BGxh and PPxh biogeoclimatic zones are red or blue-listed (at risk) because of their limited distribution in the Province.

Code	Name	Description & Mapping Notes	BC Conservation Status ²⁸
Non-vegetated, Sparsely Vegetated, and Anthropogenic Units common to all subzones			
AK	Alkaline pond	A body of fresh water with a pH greater than 7 and less than 2m deep. Usually indicated by a white colour in the draw-down zone.	N/a
BE	Beach	Beaches on large lakeshores.	N/a
CB	Cutbank	Cutbanks of large roads or other sites.	N/a
CF	Cultivated field	Cultivated areas or irrigated fields. The modifier 'x' is used to distinguish sites formerly mapped as dry pastures (PD); the modifier 'y' is used to distinguish sites formerly mapped as moist pastures (PM).	N/a
CL	Cliff	Large steep, vertical or overhanging rock faces. The modifier 'b' is a non-standard modifier added to differentiate large cliffs (formerly mapped as CL) from moderate cliffs (formerly mapped as CM).	N/a
CN	Canal	An artificial watercourse including canals and channelized rivers.	N/a
CO	Cultivated Orchard	An agricultural area with fruit trees.	N/a
CV	Cultivated vineyard	An agricultural area with grape vines.	N/a
ES	Exposed soil	Areas of exposed soil with no vegetation. May be caused by natural erosion or human causes. Can occur on cool (ESk) or warm (ESw) aspects.	N/a
GB	Gravel bar	Gravel bars along rivers.	N/a
GC	Golf Course	Golf courses	N/a
GP	Gravel pit	Gravel pit – areas exposed through the removal of sand and gravel.	N/a
LA	Lake	Lakes – water bodies greater than 5ha in size and greater than 2m deep.	N/a
MI	Mine	An area of exposed rock where minerals or other materials are extracted.	N/a

²⁸ Red-listed ecosystems are provincially threatened or endangered. Blue-listed ecosystems are provincially of Special Concern. Status current as of Mar 2016.

OW	Shallow open water	Permanent shallow open water less than 2m deep with less than 10% cover of emergent plants.	N/a
PD	Pond	Small body of water less than 5ha in size and more than 2m deep.	N/a
RE	Reservoir	Man-made water bodies, including sewage lagoons.	N/a
RI	River	An intermittent or permanent water-course formed when water flows between two continuous, definable banks.	N/a
RO	Rock outcrop	A bedrock escarpment or outcropping with little soil development and sparse vegetation cover. Many sites originally mapped as RO are now mapped as SA. Very short steep rock outcrops are mapped as ROq (cool aspect) and ROz (warm aspect) rather than cliffs.	N/a
RW	Rural	An area where residences are scattered and intermingled with native vegetation or agricultural areas. Most areas mapped as rural were only mapped based on the remaining native vegetation in the biophysical mapping.	N/a
RZ	Road surface	An area cleared and compacted for the purposes of vehicular travel. Secondary roads are now included as a component of the polygon where they cover more than 10% and there are not already three ecosystem components in the polygon.	N/a
TA	Talus	Accumulated angular rock fragments at the base of rock outcrops or cliffs.	N/a
UR	Urban	Areas where residences or other human developments cover nearly all of the landscape.	N/a
BGxh1: Bunchgrass Biogeoclimatic Zone (very hot dry subzone)			
AN	Antelope-brush – Needle and thread grass	Occurs on level and gently undulating coarse-textured (sandy, and sandy gravelly) glaciofluvial sites. This unit was not mapped on morainal or colluvial materials. Some areas with glaciofluvial materials have medium textured soils (sandy loam) or an aeolian cap (sandy loam); the soils on these sites allows for different vegetation development (mapped as SW). Can occur on cool aspects (ANk), fans (ANn, ANnw), warm aspects (ANnw, ANsw, ANw) and occasionally on shallow soils (ANsw). (Sometimes WA, WB, SW, WS biophysical map units were interpreted as AN in photo interpretation of antelope-brush units). Assumed modifiers: c, d, j	Red
AS	Aspen – common snowberry	Moist gullies (ASg) and floodplains (ASa) with trembling aspen and a shrubby understory. Occurs on morainal materials. Non-standard unit retained from biophysical mapping. Similar to AS unit described for IDFxh1. Assumed modifiers: d, j, m	Red
BD	Water birch – red-osier dogwood swamp	Swamps adjacent to streams or other wetlands. Non-standard unit retained from biophysical mapping. Assumed modifiers: d, j, m	Red
BR	Silverweed – Bulrush marsh	Marshes and wet meadows on lacustrine sites. Non-standard unit retained from biophysical mapping; code changed from SB to BR to avoid conflicts. Assumed modifiers: d, j, m	
CD	Cottonwood – Water birch	Active floodplain, coarse-textured fluvial soils. Cottonwood overstory with a shrubby understory. Assumed modifiers: a, c, d, j	Red

CM	Summer-cypress – bentgrass meadow	Pond edges with high water tables for much of the year; lacustrine soils. Non-standard unit retained from biophysical mapping; code changed from CB to CM to avoid conflicts. Variable vegetation sometimes dominated by non-native species. Assumed modifiers: d, j, m	N/a
CT	Cattail Marsh	Marshes on lacustrine soils, typically dominated by cattails and bulrushes. Non-standard unit retained from biophysical habitat mapping. Assumed modifiers: d, j, m	Blue
DS	Douglas-fir / Ponderosa pine – Snowberry – Spirea	Moisture receiving sites with Douglas-fir overstories and mixed snowberry and birch-leaved spirea understories. Terrain is generally morainal. Unit from the PPxh1. Assumed modifiers: d, j, m	Red
HA	Black Hawthorn Copse	Moist copses dominated by black hawthorn with other shrubs. Non-standard unit retained from biophysical habitat mapping. Assumed modifiers: d, j, m	N/a
OS	Oregon grape – Saskatoon Gully	Moist shrubby gullies. Non-standard unit retained from biophysical habitat mapping. Assumed modifiers: d, j, m	N/a
PA	Py – Antelope-brush – Red three-awn	Forested level and gently sloping sites with coarse glaciofluvial soils (sandy or sandy gravelly). Open ponderosa pine overstories with mixed bunchgrass and antelope-brush understory. Most sites were historically AN with occasional trees; these sites are now dominated by encroached trees. Can occur on cool aspects (PAk, PAkn, PAKs); they are particularly susceptible to encroachment. Can also occur on fans (PAkn, PAn), shallow soils (PAks, PAs), and warm aspects (PAw). Shallow soil sites likely always had trees historically. (Sometimes AN, PW, and YS biophysical map units were re-interpreted as PA in the photo interpretation for antelope-brush mapping.) Assumed modifiers: c, d, j	N/a
PR	Py – Nootka rose – Poison ivy	Moist ponderosa pine forests on morainal materials with some aspen or cottonwood and variable shrubby understories. Can occur in gullies (PRg) and on moist fans (PRn). Assumed modifiers: c, d, j	Red
PS	Py – Sumac	Slightly moister ponderosa pine forests on fans with sumac and scattered shrubs (PSn). Assumed modifiers: c, d, j	
PT	Ponderosa pine – Red three-awn	Dry forests on warm slopes. Open ponderosa pine overstory with bluebunch wheatgrass and selaginella dominated understory. Unit from the PPxh1. Assumed modifiers: c, d, w	Blue
PW	Py – Bluebunch wheatgrass	Forested sites on gently to moderately sloping medium-textured morainal materials. Open ponderosa pine forests with bunchgrasses and often with big sagebrush. Non-standard unit from biophysical mapping. Assumed modifiers: d, j, m	Blue
SA	Antelope-brush – Selaginella	Rocky areas with scattered shrubs and bunchgrasses. Terrain is mapped as rock. Rock is generally fractured and stepped with vegetation growing in cracks and in shallow soils on ledges. Shrubs (saskatoon, mock orange, antelope-brush, choke cherry, big sagebrush) together with bunchgrasses and lichens dominate the pockets of vegetation. Non-standard unit from the IDFxh1. Antelope-brush is limited to its core range in this unit; the unit itself is widely distributed. Occurs on both aspects and on gently sloping sites. Assumed modifiers: j, m, s	N/a

SB	Selaginella – Bluebunch wheatgrass rock outcrop	Very shallow colluvial or weathered bedrock materials over bedrock. Bedrock is usually exposed in places but is low relief and lacking large fractures. Vegetation is dominated by selaginella with bluebunch wheatgrass and other bunchgrasses, mosses, and lichens, with scattered saskatoon. Some sites have moderate to high covers of big sagebrush or antelope-brush (structural stage 3). This is a non-standard unit from the PPxh1 and IDFxh1. (AN and WS biophysical units were sometimes reinterpreted as SB in the antelope-brush mapping.) Assumed modifiers: j, v	N/a
SN	Big sagebrush – Needle-and-thread grass	Coarse glaciofluvial sites with sandy soils. Limited primarily to the Similkameen Valley where there is no antelope-brush. Similar site features to the AN unit. Grasses dominated by needle-and-thread grass with varying amounts of big sagebrush. Assumed modifiers: c, d, j	N/a
SO	Saskatoon – Mock orange talus	Colluvial talus slopes with more than 10% vegetation cover. Cover is usually dominated by shrubs such as mock orange, saskatoon, and choke cherry. Scattered ponderosa pine trees may occur. Some cliff ferns and bunchgrasses may occur in pockets. This is a non-standard unit from the PPxh1 and IDFxh1. Assumed modifiers: c, d	N/a
SW	Big sagebrush – Bluebunch wheatgrass	Zonal and near zonal sites. Materials are typically morainal or medium-textured glaciofluvial (sandy loam) and often have an aeolian cap on them. Vegetation is a mixture of bunchgrasses with forbs and with big sagebrush (structural stage 3) or without big sagebrush (structural stage 2). Sites with coarse-textured soils tend to have less overall sand content than AN sites or sands are much finer; on such sites some ‘AN’ biophysical map units were re-interpreted as ‘SW’. Assumed modifiers: d, j, m	Red
WS	Bluebunch wheatgrass – Selaginella	Submesic areas usually with shallow sandy loam soils, mixed big sagebrush and antelopebrush and bunchgrasses (dominated by bluebunch wheatgrass) with selaginella. Soils are morainal, colluvial, or glaciofluvial. Due to site history (fire or other disturbance), some sites have few or no shrubs (structural stage 2). Soils tend to be shallower than in SWs and have some selaginella, which SWs is generally lacking. Assumed modifiers: j, m, s	N/a
PPxh1: Ponderosa Pine Biogeoclimatic Zone (very dry hot subzone)			
AN	Antelope-brush – Needle and thread grass	Occurs on level and gently undulating coarse-textured (sandy, and sandy gravelly) glaciofluvial sites at lower elevations of the PPxh1. This unit was not mapped on morainal or colluvial materials. Non-standard unit from the BGxh1. Assumed modifiers: c, d, j	Red
AS	Trembling aspen – Common snowberry – Kentucky bluegrass	Moist gullies (ASg) and basins (AS) with trembling aspen overstory and a shrubby understory. Occurs on morainal materials. Non-standard unit retained from biophysical mapping. Assumed modifiers: d, j, m	Red
BD	Water birch – red-osier dogwood swamp	Swamps adjacent to streams, lake edges or other wetlands. Non-standard unit retained from biophysical mapping. Assumed modifiers: d, j, m	Red
BR	Silverweed – Bulrush marsh	Marshes and wet meadows on lacustrine materials. Non-standard unit retained from biophysical mapping; code changed from SB to BR to avoid conflicts. Assumed modifiers: d, f, j	N/a

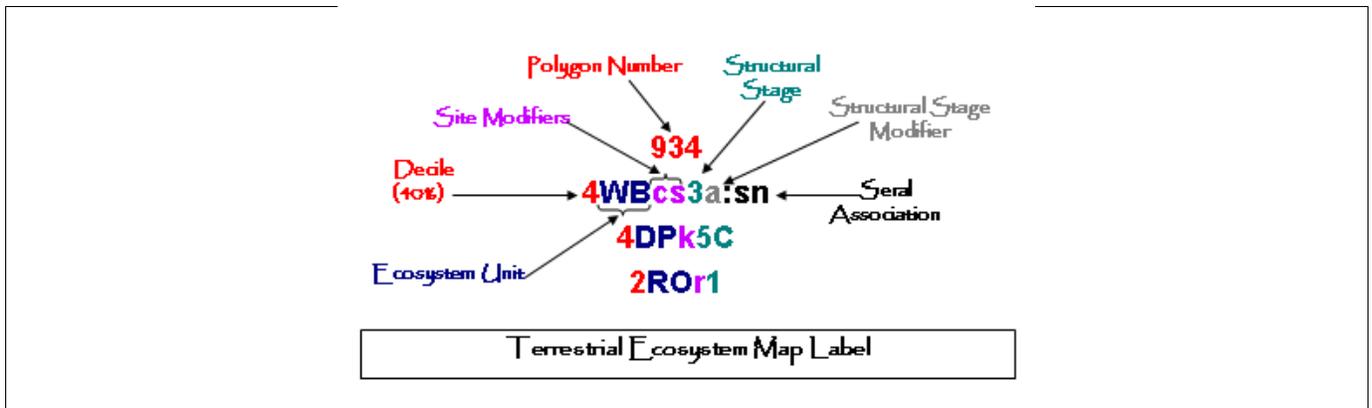
CD	Ponderosa pine - Black cottonwood – Snowberry riparian	Active floodplains, coarse-textured fluvial soils. Cottonwood overstory, sometimes with ponderosa pine, and with a shrubby understory. Code originally mapped as PA during upgrade; TEM codes changed Jan. 2006 to 'CD' for this unit. Assumed modifiers: a, c, d, j.	Red
CT	Cattail Marsh	Marshes on lacustrine soils, typically dominated by cattails. Assumed modifiers: d, j, m	Blue
DM	Douglas-fir – Water birch – Douglas maple	Moist gullies (DMg) or riparian fringes (DM), often with permanent or intermittent streams, usually with mixed Douglas-fir and paper birch overstories and rich, shrubby understories. Materials are generally morainal or fluvial. Assumed modifiers: d, j, m	Red
DS	Douglas-fir / Ponderosa pine – Snowberry – Spirea	Moisture receiving sites with Douglas-fir overstories and mixed snowberry and spirea understories. Terrain is generally morainal. The old YS code is equivalent to DSn. Assumed modifiers: d, j, m	Red
FB	Fescue – Bluebunch wheatgrass	Grasslands on gentle and cool aspects with medium-textured soils (and occasionally on sandy soils). Dominated by Idaho fescue and bluebunch wheatgrass at climax. Assumed modifiers: d, j, m	Red
PA	Ponderosa pine – Antelope-brush – Red three-awn	Mapped on level and gentle with coarse glaciofluvial soils (sandy or sandy gravely) at lower elevations of the PPxh1. Open ponderosa pine overstories with mixed bunchgrass and antelope-brush understory. Most sites were historically AN with occasional trees; these sites are now dominated by encroached trees. Can occur on cool aspects (PAk); they are particularly susceptible to encroachment. Can also occur on fans (PAn), and shallow soils (PAs). Non-standard unit from BGxh1; code originally mapped as AP during upgrade to avoid conflict; TEM codes changed Jan. 2006 to 'PA'. Assumed modifiers: c, d, j	N/a
PC	Ponderosa pine – Bluebunch wheatgrass – Cheatgrass	Submesic sites, often on slightly warmer or drier sites. Sites are not as steep or shallow-soiled as PT /02. Terrain is generally morainal or colluvial. Open ponderosa pine overstory with bluebunch wheatgrass dominated understory (at climax). Assumed modifiers: d, j, m	N/a
PF	Ponderosa pine – Bluebunch wheatgrass – Rough fescue	Cool aspect ponderosa pine forests with mixed bluebunch wheatgrass and fescue understory (at climax). Terrain is generally morainal or colluvial. Assumed modifiers: d, j, m	Red
PT	Ponderosa pine – Red three-awn	Dry, open ponderosa pine forests on steep warm aspects. Frequently occurs on shallow (PTks, PTs) or very shallow colluvial or morainal materials (PTjv, PTkv, PTrv, PTv). Occasionally occurs on slightly cool aspects with shallow or very shallow soils (PTks, PTkv). Assumed modifiers: c, d, w	Blue
PW	Ponderosa pine – Bluebunch wheatgrass – Idaho fescue	Mesic and near-mesic ponderosa pine forests on medium-textured soils and level or gently sloping sites. At climax, understories are dominated by a mixture of bluebunch wheatgrass and Idaho fescue. Terrain is generally morainal or glaciofluvial. Assumed modifiers: d, j, m	Blue

SA	Antelope-brush – Selaginella	Rocky areas with scattered shrubs and bunchgrasses. Terrain is mapped as rock. Bedrock is generally fractured and stepped with vegetation growing in cracks and in shallow soils on ledges. Shrubs (saskatoon, mock orange, antelope-brush, choke cherry, big sagebrush) together with bunchgrasses and lichens dominate the pockets of vegetation. Non-standard unit from the IDFxh1. Antelope-brush is limited to its core range in this unit; the unit itself is widely distributed. Assumed modifiers: j, m, s	N/a
SB	Selaginella – Bluebunch wheatgrass rock outcrop	Very shallow colluvial or weathered bedrock materials over bedrock. Bedrock is usually exposed in places. It is low relief and lacking large fractures. Vegetation is dominated by selaginella with bluebunch wheatgrass and other bunchgrasses, mosses, and lichens with scattered saskatoon. Some sites have moderate to high covers of big sagebrush or antelope-brush (structural stage 3). Assumed modifiers: j, v	N/a
SN	Big sagebrush – Needle-and-thread grass	Coarse glaciofluvial sites with sandy soils. Similar site features to the AN unit. Grasses dominated by needle-and-thread grass with varying amounts of big sagebrush. Assumed modifiers: c, d, j	N/a
SO	Saskatoon – Mock orange talus	Colluvial talus slopes with more than 10% vegetation cover. Cover is usually dominated by shrubs such as mock orange, saskatoon, and choke cherry. Scattered ponderosa pine trees may occur. Some cliff ferns and bunchgrasses may occur in pockets. Assumed modifiers: c, d	N/a
SP	Douglas-fir / Ponderosa pine – Snowberry - Pinegrass	Slightly moister or sheltered sites with mixed Douglas-fir and ponderosa pine overstories and an understory with pinegrass and some shrubs including snowberry. Assumed modifiers: d, j, m	N/a
SR	Snowberry – Rose – Kentucky bluegrass	Moist shrubby areas in grasslands. Dominated by snowberry and rose. Assumed modifiers: d, j, m	N/a
SW	Big sagebrush – Bluebunch wheatgrass	Drier submesic to subxeric sites. Terrain is typically morainal or medium-textured glacioufluvial (sandy loam) and often has an aeolian cap. Vegetation is a mixture of bunchgrasses with forbs and big sagebrush. May occur on slightly coarse-textured soils (SWc), cool aspects (SWk, SWks), shallow soils (generally 50-100cm deep; SWks, SWs, and SWsw), and warm aspects (SWsw and SWw). Assumed modifiers: d, j, m	Red
WB	Bluebunch wheatgrass – Balsamroot	Warm aspect grasslands. Generally morainal materials with aeolian caps. Climax sites dominated by bluebunch wheatgrass with balsamroot, other forbs, and various lichens. Also occurs on coarse textured soils (WBc, WBcn) which have less vegetation cover, and fewer forbs and lichens. Assumed modifiers: d, m, w	N/a

IDFxh1: Interior Douglas Fir Biogeoclimatic Zone (very hot dry subzone)			
AS	At – Common snowberry – Kentucky bluegrass	Moist gullies (ASg) and basins (AS) with trembling aspen and a shrubby understory. Occurs on morainal materials and is most common in grassland dominated areas. Assumed modifiers: d, j, m	Red
BD	Water birch - red-osier dogwood swamp	Shrubby swamps dominated by water birch, red-osier dogwood, mountain alder and poison ivy. Occurs on active floodplains with imperfectly to poorly drained soils. Assumed modifiers: d, j, m	Red
BM	Bulrush Marsh	Bulrush dominated marshes associated with ponds and shallow open water. Old SB unit may be broader, this may actually include what is now BR and BM. Assumed modifiers: d, j, m	Blue
BN	Kentucky bluegrass – Stiff needlegrass	A moist grassland ecosystem found on deep, medium-textured soils, in small swales and depressions where moisture collects. Most sites are seral and are dominated by Kentucky bluegrass with a diverse mixture of forbs. Assumed modifiers: d, j, m	N/a
CD	Act – Fd – Common Snowberry – Red-osier Dogwood Riparian	Black cottonwood ecosystem commonly associated with active floodplains and fluvial terraces with subsurface water flow. It has a shrub-dominated understory. Assumed modifiers: a, d, j, m (should be a, c, d, j ?)	Red
CT	Cattail Marsh	Marshes on lacustrine soils, typically dominated by cattails or bulrushes. Non-standard unit retained from biophysical mapping. Assumed modifiers: d, j, m	Blue
DP	Fd / Py – Pinegrass	Mesic and near-mesic sites on medium-textured morainal materials. Climax forests are dominated by a mixture of Douglas-fir and ponderosa pine with a pinegrass dominated understory. Assumed modifiers: d, j, m	Blue
DS	Fd / Py – Snowberry – Spirea	Slightly moist forests on medium-textured morainal soils. Climax forests are dominated by Douglas-fir with a shrubby understory of common snowberry and birch-leaved spirea. Assumed modifiers: d, j, m	Red
DW	Fd / Py – Bluebunch wheatgrass - Pinegrass	Open Douglas-fir – ponderosa pine forests on moderate to steep warm aspects with deep, medium-textured colluvial or morainal soils. Understories are typically dominated by bluebunch wheatgrass with scattered forbs and shrubs at climax. Assumed modifiers: d, m, w	Blue
FW	Idaho fescue – Bluebunch wheatgrass	Level and cool aspect grasslands usually on materials with an aeolian cap. Dominated by Idaho fescue and a diverse community of forbs at climax. Most sites are seral and may be dominated by Bluebunch wheatgrass, junegrass, Sandberg’s bluegrass, cheatgrass or other seral species. May be dominated by big sagebrush and Kentucky bluegrass (\$vk: Big sagebrush – Kentucky bluegrass seral association). Assumed modifiers: d, j, m	Red

PB	Fd / Py – Bluebunch wheatgrass – Balsamroot	Open Douglas-fir – ponderosa pine forests on shallow or very shallow morainal or colluvial soils on steep warm aspects. Understories have scattered shrubs such as saskatoon and mock orange with bunchgrasses, selaginella, and lichens. Assumed modifiers: m, s, w	Status under review by the Province
SA	Antelope-brush – Selaginella	Rocky areas with scattered shrubs and bunchgrasses. Terrain is mapped as rock. Bedrock is generally fractured and stepped with vegetation growing in cracks and in shallow soils on ledges. Shrubs (saskatoon, mock orange, antelope-brush, choke cherry, big sagebrush) together with bunchgrasses and lichens dominate the pockets of vegetation. Antelope-brush is limited to its core range in this unit; the unit itself is widely distributed. Assumed modifiers: j, m, s	N/a
SB	Selaginella – Bluebunch wheatgrass rock outcrop	Very shallow colluvial or weathered bedrock materials over bedrock. Bedrock is usually exposed in places. It is low relief and lacking large fractures. Vegetation is dominated by selaginella with bluebunch wheatgrass and other bunchgrasses, mosses, and lichens with scattered saskatoon. Assumed modifiers: j, v	N/a
SD	Sxw – Fd – Douglas maple – Dogwood	Moist forests often occurring in gullies, adjacent to streams and rivers, and around ponds and lakes. Has a mixed overstory that has Douglas-fir and may have hybrid white spruce, paper birch, and sometimes black cottonwood. The understory is shrubby and has red-osier dogwood, Douglas maple, snowberry and other species. Assumed modifiers: d, j, m	Red
SM	Sedge marsh	Marshes dominated by sedges such as beaked sedge and water sedge. Fluctuating water tables; generally inundated for part of the year. Assumed modifiers: d, j, m	N/a
SO	Saskatoon – Mock orange talus	Colluvial talus slopes with more than 10% vegetation cover. Cover is usually dominated by shrubs such as mock orange, saskatoon, and choke cherry. Scattered Douglas-fir or ponderosa pine trees may occur. Some cliff ferns and bunchgrasses may occur in pockets. Assumed modifiers: c, d	N/a
SP	Douglas-fir / Ponderosa pine – Snowbrush - Pinegrass	Slightly drier than average Douglas-fir forests on slightly warm aspects or cool aspects with shallow soils. Sites usually have medium-textured morainal soils. Understories have a mixture of bunchgrasses and pinegrass. Assumed modifiers: d, j, m	Blue
WB	Bluebunch wheatgrass – Balsamroot	Grassland ecosystem commonly occurring on moderately steep to steep warm aspects with deep, medium-textured morainal or glaciofluvial soils with an aeolian cap. Dominated by bluebunch wheatgrass with balsamroot, other forbs, and lichens at climax. Assumed modifiers: d, m, w	Red
YS	Ponderosa pine - saskatoon fan	Open ponderosa pine forest with saskatoon, bluebunch wheatgrass, compact selaginella and some sumach, squaw currant, Sandberg's bluegrass, and timber milk-vetch. Occurs on fans with dry surfaces and subsurface moisture. Assumed modifiers: c, n	N/a

**APPENDIX 2
LEGEND FOR TERRESTRIAL ECOSYSTEM MAP LABELS**



Site Modifiers	
6.1.1.1.	
6.1.1.1.2	Criteria
c	Coarse-textured soils
f	Fine-textured soil
g	Site occurs in a gully
j	Gentle to moderate slope (<25%)
k	Cool aspect (25% - 100% slope, 285° - 135°)
n	Fan (glaciofluvial, fluvial, or colluvial fans) or cone
p	Peaty material (15-60cm organic material over mineral soil)
q	Very steep cool aspect (>100% slope, 285° - 135°)
r	Ridged or ridge crest
s	Shallow soil (20 – 100cm to bedrock)
t	Terrace or fluvial benches
v	Very shallow soil (<20 cm. to bedrock)
w	Warm aspect (>25% slope, 135° - 285°)
z	Very steep warm aspect (>100% slope, 135° - 285°)

Structural Stages	
6.1.1.1.2	
6.1.1.1.3	Structural stage
1	Non-vegetated / sparsely vegetated
2	Herb
2a	Graminoid dominated
2b	Forb dominated
3	Shrub/Herb
3a	Low Shrub (less than 2m tall)
3b	Tall Shrub (between 2m and 10m tall)
4	Pole/Sapling; dense, single layered forests
5	Young Forest; more open than stage 4; may have a few mature trees
6	Mature Forest; dominated by mature trees with some scattered old trees
7	Old Forest (generally >250 years old); dominated by old trees; generally open forests

APPENDIX 3:**METHODOLOGY USED TO DEVELOP CONSERVATION RANKING MAPS FOR THE SOSCP BIODIVERSITY CONSERVATION STRATEGY**

As part of the Biodiversity Conservation Strategy for the South Okanagan – Similkameen (SOSCP 2012), all units mapped in the TEM were linked to the appropriate ecosystem in the provincial Conservation Framework²⁹ (BC Ministry of Environment 2009). These linkages were often made using biogeoclimatic site series or ecosystem name; when this was not possible, then linkages were made by cross-walking the ecosystem concept provided in the expanded legend. Several mapped units did not have equivalent ecosystems in the Conservation Framework, such units included non-vegetated units (i.e. talus or cliffs), or very rare ecosystems that are not included in the provincial ecosystem assessments completed by the Conservation Data Centre (CDC).

Once the initial link was made between the mapped TEM units and the CF ecosystems, the Conservation Framework data was filtered to ensure the greatest applicability to this project. Focus was given to the ‘highest priority’ in Goals 2 and 3 of the Conservation Framework, and the decision not to use Goal 1 was made, as Goal 1 in the ecosystems component of the Conservation Framework is currently being revised and is subject to change. This put emphasis on ecosystems that are provincially at-risk, as well as those that are showing significant downward trends.

All Conservation Framework (CF) priorities were reviewed by a group of ecology and wildlife experts and the ranking converted to a three-point scale to correlate with the Sensitive Ecosystem Ranks³⁰ (SER) that had been done in the area. These rankings are referred to as the “reconciled conservation ranking”. When the SER and the CF priorities differed, a group of experts agreed upon a reconciled rank. These reconciliations were done consistently across the project area and the rationale behind these decisions can be found in the file “conservation framework TEM cross walk.xls”. Local conservation priorities, threats, and wildlife values were incorporated into this process with priorities being adjusted slightly up or down depending on the significance of these values provided by the ecosystem. For some forested ecosystems, different structural stages were assigned different priorities (i.e. mature and old forests may be rarer or more threatened than younger structural stage).

²⁹ The Conservation Framework is British Columbia’s new approach for maintaining the rich biodiversity of the province. Developed by the Ministry of Environment in collaboration with other scientists, conservation organizations, industry and government, the Framework provides a set of science-based tools and actions for conserving species and ecosystems in B.C. The Framework ensures that British Columbia is a spectacular place with healthy, natural and diverse ecosystems that sustain and enrich the lives of all.

The Three Goals of the CF are:

1. Contribute to global efforts for species and ecosystem conservation
2. Prevent species and ecosystems from becoming at risk
3. Maintain the diversity of native species and ecosystems

Now being implemented, the Framework will determine the conservation actions needed for species and ecosystems of conservation concern in British Columbia for management action using the *Prioritization Tool* and the *Action Sorting Tool*.

³⁰ Sensitive Ecosystem Ranks represented relative conservation priorities for SEI units in the South Okanagan (SEI units were ranked from 1 to 3). Most TEM units were grouped in to SEI units and thus threats and rarity of the broad SEI unit were only considered, not the specific rarity of a particular site series or TEM unit. In a few cases, SEI units were ranked differently for different biogeoclimatic subzones or variants.

When the ecosystem did not occur in the CF, the SER was assigned; this was most often the case for non-vegetated units that provide high valued wildlife habitat (i.e. cliffs, talus).

Conservation rankings were applied to the database using the Sensitive Ecosystems ratings table. The following four conservation ranking categories were applied to the dataset:

- Very High
- High
- Moderate
- Low

The ratings table was used to generate conservation ranks for each component of the polygon, and the weighted average of the conservation ranks in each polygon. The ranks sometimes varied depending on elevation and slope (i.e., cliffs and rock outcrops) or habitat condition (e.g., fragmentation, weeds, forest harvesting)

Table A-1. Conservation rankings of different ecosystem types found in the RDOS.

Conservation Ranking	Ecosystem types
Very High	wetlands; riparian; broadleaf woodlands (aspen copses); antelope-brush steppe in any condition; grassland and sagebrush in good condition; old forest; low elevation and warm aspect rugged rock/cliff.
High	disturbed grassland and sagebrush; coniferous woodland (open Ponderosa pine forest/parkland); mature forest (closed, moister forest types); mid-elevation rock/cliff and higher elevation warm aspect rock/cliff, or low elevation rock outcrops of low relief and fracturing; seasonally flooded fields (generally hayfields and other areas that used to contain wetlands but have been filled/drained)
Moderate	remainder of relatively natural habitats - higher elevation coniferous woodland (open Ponderosa pine forest); young forest (closed, mesic/moist types, including cut blocks and second growth); higher elevation cool aspect cliffs, and mid-elevation non-rugged rock outcrops; agricultural and rural areas; golf courses; gravel pits, cut banks, mines, etc
Low	urban areas and road surface. Little or no value, and large areas may pose barriers to wildlife movement

ADMINISTRATIVE REPORT

TO: Planning and Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: OCP & Zoning Bylaw Amendment — Electoral Area “D-2”
Commercial Zone Update



Administrative Recommendation:

THAT the Board of Directors directs staff to bring forward Amendment Bylaw No. 2455.24, with the following applied to the Recreational Vehicle Park (C7) Zone a minimum parcel size requirement of 4.0 hectares.

Proposal:

The purpose of this report is to seek direction from the Planning and Development (P&D) Committee regarding proposed changes to the Recreation Vehicle Park (C7) Zone stemming from the update of Commercial Zones in Electoral Area “D-2”.

Background:

At its meeting of March 6, 2014, the Board adopted a new Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

The OCP contemplates a number of changes to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, including “relabeling the highway commercial zone and providing a range of permitted uses that complement the vibrant, mixed use vision for the downtown area of Okanagan Falls that the OCP seeks.”

At its meeting of January 21, 2016, the P&D Committee of the Regional District Board resolved to “direct staff to initiate an amendment to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to update the commercial zones.”

Administration subsequently notified all affected property owners by mail in early February of 2016, and, shortly thereafter, entered into discussion with the property owner of 1830 Alba Road, Okanagan Falls, regarding proposed changes to the C7 Zone.

The agent for the property owner has advised that they do not support some of the proposed amendments to the C7 Zone, including minimum parcel size and the existing limitations on residential use of an RV pad to no more than 180 days in a calendar year.

Analysis:

With regard to the concerns that have been raised by the property owner’s agent regarding minimum parcel size, Administration notes that at the time the subject property was rezoned to C7 Site Specific in 2008, the Board required, as a condition of approval, that the two properties that were the subject of the rezoning be consolidated in order to create a single parcel of 4.0 hectares (ha) in area.

That this Board requirement was not written into the site specific zoning applied to the property is seen to be a drafting oversight that Administration is now proposing to correct.

The property owner is objecting to this and wishes to retain the existing minimum parcel size requirement of 1,010 m².

Administration does not support this as the only principal permitted use in the C7 Zone is “recreational vehicle park”, and allowing for parcel sizes of 1,010 m² would suggest that the Board favours the fragmentation of this site into multiple RV parks — which would be counter to the direction provided in 2008.

Alternately, Administration recognises that some of the newer Electoral Area Zoning Bylaw (i.e. “A” & “E”) require that campground uses (which is what a commercial “recreation vehicle park” is considered to be), are established on parcels not less than 2.0 ha in area.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



D. Butler, Development Services Manager

Attachments: No. 1 – Comparison of Existing and Proposed C7 Zone Regulations

No. 2 – Comparison of Existing and Proposed RV Park Definitions

Attachment No. 1 – Comparison of Existing and Proposed C7 Zone Regulations

CURRENT C7 ZONE REGULATIONS	PROPOSED C7 ZONE REGULATIONS
<p>Permitted Uses: <u>Principal uses:</u> a) recreational vehicle park; b) eating and drinking establishments; <u>Secondary uses:</u> c) offices; d) convenience stores auxiliary to recreation vehicle parks; e) laundry facilities, auxiliary to recreation vehicle parks; f) recreation and amusement facilities, accessory to recreation vehicle parks; g) gift shops; h) home occupations; and i) bed and breakfast operation; j) accessory dwellings; and k) accessory buildings and structures.</p>	<p>Permitted Uses: <u>Principal uses:</u> a) recreational vehicle park; <u>Secondary uses:</u> b) home occupations; c) bed and breakfast operation; d) accessory dwellings; e) accessory buildings and structures.</p>
<p>Minimum Parcel Size: a) 1,010 m², subject to servicing requirements</p>	<p>Minimum Parcel Size: a) 4.0 ha; and b) 130 m² for each recreational vehicle space, subject to servicing requirements.</p>
	<p>Maximum Parcel Size: a) 223 m² for each recreational vehicle space, subject to servicing requirements.</p>
<p>Minimum Parcel Width: a) Not less than 25% of parcel depth.</p>	<p>Minimum Parcel Width: a) Not less than 25% of parcel depth.</p>
<p>Maximum Number of Dwellings Permitted Per Parcel: a) one (1) accessory dwelling.</p>	<p>Maximum Number of Dwellings Permitted Per Parcel: a) one (1) accessory dwelling.</p>
<p>Maximum Density: a) 50 RV sites or strata lots per ha, subject to servicing requirements.</p>	<p>Maximum Density: a) 50 recreational vehicle spaces per ha, subject to servicing requirements.</p>
<p>Minimum Site or Strata Lot Size: a) 130 m², subject to servicing requirements.</p>	<p><i>[see “Minimum Parcel Size” provisions]</i></p>
<p>Minimum Setbacks: a) for permanent buildings or structures: i) Front parcel line: 7.5 metres ii) Rear parcel line: 7.5 metres</p>	<p>Minimum Setbacks: a) Buildings and structures: i) Front parcel line: 7.5 metres ii) Rear parcel line: 7.5 metres</p>

CURRENT C7 ZONE REGULATIONS	PROPOSED C7 ZONE REGULATIONS
<ul style="list-style-type: none"> iii) Interior side parcel line: 1.5 metres iv) Exterior side parcel line: 4.5 metres b) For RV's and other non-permanent structures: <ul style="list-style-type: none"> i) Front parcel line: 1.5 metres ii) Rear parcel line: 1.5 metres iii) Interior parcel line: 2.5 metres iv) Exterior parcel line: 3.5 metres 	<ul style="list-style-type: none"> iii) Interior side parcel line: 1.5 metres iv) Exterior side parcel line: 4.5 metres b) Accessory buildings and structures: <ul style="list-style-type: none"> i) Front parcel line: 7.5 metres ii) Rear parcel line: 7.5 metres iii) Interior parcel line: 1.5 metres iv) Exterior parcel line: 4.5 metres c) Setbacks within each recreational vehicle space for buildings and structures, including recreational vehicles (subject to Sections (a) & (b) above): <ul style="list-style-type: none"> i) Front parcel line: 1.5 metres ii) Rear parcel line: 1.5 metres iii) Interior parcel line: 2.5 metres iv) Exterior parcel line: 3.5 metres
<p>Minimum Buffer Area:</p> <ul style="list-style-type: none"> a) 1.5 metres around perimeter of parcel for RV Park use. 	<p>Minimum Buffer Area:</p> <ul style="list-style-type: none"> a) 1.5 metres around perimeter of parcel for RV Park use.
<p>Minimum Access:</p> <ul style="list-style-type: none"> a) Internal road access must be provided to every site or strata lot for an RV Park use. 	<p><i>[see "General Provisions" provisions]</i></p>
<p>Maximum Height:</p> <ul style="list-style-type: none"> a) No building or structure shall exceed a height of 8.5 metres. 	<p>Maximum Height:</p> <ul style="list-style-type: none"> a) No building or structure shall exceed a height of 8.5 metres; b) No accessory building or structure shall exceed a height of 4.5 metres.
<p>Maximum Parcel Coverage:</p> <ul style="list-style-type: none"> a) Parcel Coverage: 35% b) Site or Strata Lot Coverage: 40% 	<p>Maximum Parcel Coverage:</p> <ul style="list-style-type: none"> a) 35%; and b) 40% for recreational vehicle spaces.
<p>Maximum Area for Auxiliary Retail Sales:</p> <ul style="list-style-type: none"> a) 235 m² for convenience stores or gift shops (including storage areas) 	<p><i>[Not applicable]</i></p>
<p>Provision for Garbage/Waste Disposal:</p> <ul style="list-style-type: none"> a) a garbage/waste disposal facility, with internal road access, must be provided on the parcel. 	<p>General Provisions:</p> <ul style="list-style-type: none"> a) All provisions in the Campsite Bylaw No. 713, 1982, as amended from time to time that have not been specified in this particular bylaw shall be met.

Attachment No. 2 – Comparison of Existing and Proposed RV Park Definitions

CURRENT DEFINITIONS	PROPOSED DEFINITIONS
<p>“recreational vehicle park” means any lot or parcel operated and maintained for the sole purpose of providing two or more recreational vehicle and park model sites or lots, connected to services, for the exclusive use and occupancy, for a maximum of six months of the year only, of persons who are the owners or lessees of the sites or lots; may include bare land strata lots, but does not include a mobile home park, motel, campground or camp licensed under the relevant Provincial regulations;</p>	<p>“recreational vehicle park” means a parcel of land occupied and maintained for temporary accommodation (maximum 180 days) of the travelling public or persons who are the owners of a strata recreational vehicle space within the recreational vehicle park. May include a laundry facility, washroom and shower facility, convenience store, office, storage area, and recreational facilities as part of the permitted use but does not include cabins, hotels, manufactured homes, manufactured home parks, or motels.</p>
<p>N/A</p>	<p>“recreational vehicle space” means an area of land within a recreational vehicle park designed for the siting of one recreational vehicle and accessory buildings and structures.</p>



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, July 7, 2016

11:00 am

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

That the Agenda for the Environment and Infrastructure Committee Meeting of July 7, 2016 be adopted.

B. DELEGATION

1. Ms. Kellie Garcia, Okanagan Basin Water Board, and Ms. Jennifer Miles, Regional District North Okanagan will present an update on Drought Management Plans.
-

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, July 7, 2016

12:30 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

That the Agenda for the Corporate Services Committee Meeting of July 7, 2016 be adopted.

B. UBCM Meeting Register – For Information Only

C. ADJOURNMENT

2016 UBCM Appointments
Regional District of Okanagan-Similkameen

<u>Attendees</u>	<u>Minister(y)</u>	<u>Topic</u>	<u>Date/Time/Place</u>	<u>Responsible for Briefing Note (status)</u>
Bill Newell Mark Pendergraft Andrew Jakubeit	Forest, Lands and Natural Resource Operations	- Fire Smart Funding	Confirmation #18	Mark Woods
Bill Newell Mark Pendergraft Andrew Jakubeit	Forest, Lands and Natural Resource Operations	- Waiving of assent for essential services (water)	Confirmation #27	Roger Huston Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Forest, Lands and Natural Resource Operations	- South Okanagan KVR Trail	Confirmation #25	Mark Woods Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Justice/ Attorney General Ministry of Public Safety and Solicitor General	- Increased policing related to the new correctional facility	Confirmation #20	Mark Woods Drafted
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Justice/ Attorney General Ministry of Public Safety and Solicitor General	- Auxiliary Policing	Confirmation #23	TBD
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Education	- School Closures	Confirmation #21	Bill Newell Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Health	- Youth Mental Health	Confirmation #22	Christy Malden
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Health	- IH Planning for aging populations	Confirmation #24	Bill Newell Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Health	- Sage Mesa Water – Boil Water Notice	Confirmation #29	Roger Huston Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Environment	- Landfill Gas Capture Reg. - Substituted Requirements	Confirmation #28	Roger Huston Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	Ministry of Environment	- Sage Mesa Water – Water Comptroller	Confirmation #35	Roger Huston Complete
Bill Newell Mark Pendergraft Andrew Jakubeit	MINISTRY STAFF MEETING Ministry of Environment	- Sage Mesa Water	TBD	Roger Huston

Bill Newell Mark Pendergraft Andrew Jakubeit	BC Emergency Health Services	- High Risk Hazard Field Support Guide		Mark Woods
Bill Newell Mark Pendergraft Andrew Jakubeit		-		
Bill Newell Mark Pendergraft Andrew Jakubeit		-		

*****Victoria Conference Centre



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, July 7, 2016

1:15 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

That the Agenda for the Protective Services Committee Meeting of July 7, 2016 be adopted.

B. VICTIM SERVICES PROGRAM

1. 2016 Victim Services Agreement
2. Victim Services Program – Transfer Under Agreement with Province

RECOMMENDATION 2

THAT the Board of Directors initiate Victim Service Program Establishment Bylaws for Area “A”, Area “C” and one service for Areas “D, E & F, being services to contribute financially to existing programs.

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Protective Services Committee
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Victim Services Program



Recommendation:

THAT the RDOS initiate Victim Service Program Establishment Bylaws for Area “A”, Area “C” and one service for Areas “D,E&F, being services to contribute financially to existing programs.

Reference:

Letter from Osoyoos – 15 March 2016
Osoyoos Victim Services Agreement

Background:

Osoyoos

The Town of Osoyoos is currently under agreement with the Province of British Columbia to provide a Victim Service Program in the Osoyoos RCMP Detachment policing jurisdiction, which would also cover victims of crime in electoral area “A”. While program costs are contributed by the Province, the Town is supervises the victim service worker in the provision of the following services:

- Critical Incident Response
- Criminal Justice Information and Support
- Safety Planning
- Information and referrals
- Emotional and Practical Support

The Town will receive \$47,936.02 from the Province for their 16 month program, applied against an attributed cost of \$51,686.02. The outstanding difference of approximately \$4,000.00 is an administrative levy expensed by the Town to fulfil their supervisory responsibilities.

The Town has proposed that the RDOS assume responsibility for the Victim Services program for Osoyoos and Electoral Area “A”; or alternatively, provide a financial contribution from the RDOS. The letter of request was submitted for the Board’s consideration at the April 7, 2016 Protective Services Committee meeting. The Board requested that staff research current Victim Service Program delivery options from other Regional Districts.

Penticton Area

The City of Penticton and District of Summerland deliver Victim Services Programs to their jurisdictions out of the Penticton Detachment. Electoral Areas “D, E and F” have been contributing to administrative costs through an annual grant-in-aid of approximately \$2,000.00 each.

The Town of Oliver provides for their jurisdiction as well as Electoral area "C". The Village of Keremeos and Town of Princeton's Victim Services programs are administrated by local volunteer groups and support Electoral Areas "B, G and H".

Local Programs

Osoyoos	- ½ employee
Oliver	- ½ employee
Penticton/Summerland	- 1 ½ employees
Keremeos	- ½ employee
Princeton	- ½ employee

Regional Programs

10 Regional Districts (RDs) replied with information on Victim Service Programs. 7 RD's operate in the same manner as the RDOS, providing financial support to municipal partners.

East Kootenay RD has provided administration for the town of Fernie since 2006. Mount Waddington RD administered a Victim Services Program for approximately 10 years then ended their program due to funding and staffing issues. The program is now administered by a non-profit.

KBRD has administered a sub-Regional program for approximately 15 years for 5 municipalities and 2 Electoral Areas. The service area is very contained geographically. The KBRD program has a full-time Victim Services Program Manager and one part-time support position. There are also volunteers within the program. Budget for the program is \$112,000 annually with a \$49,000 annual Provincial contribution.

Alternatives:

1. Status Quo
2. Establish a Regional Victim Services Program
3. Establish a service for electoral areas adjacent to a detachment so they can contribute on behalf of their constituents.

Analysis:

Throughout the benchmarking exercise, there seems a consensus that offering service to victims of crime is best administered locally, in partnership with the local RCMP detachments. Large geographic areas covering multiple jurisdictions and RCMP detachments would prove challenging. There was also concern over increasing costs locally with no indication of pending increase from Provincial contributions.

Through the research initiated by the Osoyoos proposal, inconsistency has been identified in the manner the Regional District has been partnering on the program, in that electoral areas around Penticton have been contributing annually through a grant, while none of our other areas have been. The grant program is not sustainable without public assent.

In keeping with the regional district funding model, it would seem fair that where electoral area constituents are eligible for a municipally funded service, we should pay our share.

Respectfully submitted:

A handwritten signature in blue ink, appearing to be 'D. Kronebusch', written in a cursive style.

D. Kronebusch, Emergency Services Supervisor

**PROVINCE OF BRITISH COLUMBIA
MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL**

TRANSFER UNDER AGREEMENT

THIS AGREEMENT dated for reference the **01st** day of **April, 2016**.

BETWEEN:

Town of Osoyoos (the "Contractor") with the following specified address and fax number:

PO Box 3010
Osoyoos BC V0H 1V0
Fax No.: 250-495-2400

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the Solicitor General and Minister of Public Safety (the "Province") with the following specified address and fax number:

Victim Services and Crime Prevention Division
Community Safety and Crime Prevention Branch
Ministry of Public Safety and Solicitor General
302 – 815 Hornby Street
Vancouver, BC V6Z 2E6
Fax No.: 604-660-1635

The Province wishes to retain the Contractor to provide the services specified in Schedule A and, in consideration for the remuneration set out in Schedule B, the Contractor has agreed to provide those services, on the terms and conditions set out in this Agreement.

As a result, the Province and the Contractor agree as follows:

SECTION 1 – DEFINITIONS

1.01 In this Agreement, unless the context otherwise requires:

- (a) "Contract Price" means the maximum amount specified in Schedule B;
- (b) "Services" means the services described in Schedule A;
- (c) "Term" means the term of the Agreement described in Schedule A subject to that term ending earlier in accordance with this Agreement;
- (d) "Material" means all findings, data, specifications, drawings, working papers, reports, surveys, spread sheets, evaluations, documents, databases, records and materials (both printed and electronic, including but not limited to hard disk or other diskettes), whether complete or otherwise, that have been produced, received, compiled or acquired by, or provided by or on behalf of the Province to the Contractor as a direct result of this Agreement, but does not include:

- i. Client Files or Personal Information which could reasonably be expected to reveal the identity of a client;
 - ii. Property owned by the Contractor
- (e) “Client” means a person receiving the Services provided by the Contractor;
- (f) “Client File” means a separate file created for each individual client to whom or on whose behalf the Contractor provides services under this Agreement, in order that the Contractor may retain Personal Information about that individual client either in electronic or in paper form;
- (g) “Personal Information” means recorded information about an identifiable person.
- (h) “Refund” means any available refund, credit, rebate or remission of federal, provincial or other tax or duty imposed on the Contractor as a result of this Agreement that the Province has paid or reimbursed to the Contractor or agreed to pay or reimburse to the Contractor under this Agreement;

SECTION 2 – SERVICES

- 2.01 The Contractor must provide the Services in accordance with this Agreement.
- 2.02 Regardless of the date of execution or delivery of this Agreement, the Contractor must provide the Services during the Term.

SECTION 3 - PAYMENT

- 3.01 If the Contractor complies with this Agreement, and the Province approves the Contractor’s budget (contained in Schedule F), the Province must pay to the Contractor, in the amount and manner, at the times and on the conditions set out in Schedule B.
- 3.02 The Province is not obliged to pay to the Contractor more than the “Maximum Amount” specified in Schedule B.
- 3.03 In order to receive the payments described in Schedule B, the Contractor must submit statements of account and reports in accordance with Section 9 of this Agreement.
- 3.04 The Province in its sole discretion may withhold all or a portion of any payment or payments otherwise due under Schedule B to recover any payments that were not made in compliance with Schedule F, herein, in a previous period.
- 3.05 The Province may withhold from any payment due to the Contractor an amount sufficient to indemnify the Province against any lien or other third party claims that could arise in connection with the provision of the Services.
- 3.06 At the sole option of the Province, any portion of the Contract Price provided to the Contractor and not expended at the end of the Term shall be:
 - (a) returned by the Contractor to the Minister of Finance;
 - (b) retained by the Contractor as supplemental funding provided for under an amendment to this Agreement; or

- (c) deducted by the Province from any future funding requests submitted by the Contractor and approved by the Province.
- 3.07 The Province's obligation to pay money to the Contractor is subject to the *Financial Administration Act*, which makes that obligation subject to an appropriation being available in the fiscal year of the Province during which payment becomes due.
- 3.08 Unless otherwise specified in this Agreement, all references to money are to Canadian dollars.
- 3.09 Without limiting section 5.02, the Contractor must not in relation to performing the Contractor's obligations under this Agreement commit or purport to commit the Province to pay any money except as may be expressly provided for in this Agreement.
- 3.10 The Contractor must:
- (a) apply for, and use reasonable efforts to obtain, any available refund, credit, rebate or remission of federal, provincial or other tax or duty imposed on the Contractor as a result of this Agreement that the Province has paid or reimbursed to the Contractor or agreed to pay or reimburse to the Contractor under this Agreement; and
 - (b) immediately on receiving, or being credited with, any amount applied for under paragraph (a), remit that amount to the Province.

SECTION 4 - REPRESENTATIONS AND WARRANTIES

- 4.01 The Contractor represents and warrants to the Province with the intent that the Province will rely thereon in entering into this Agreement that:
- (a) it has the legal capacity to enter into this Agreement and to carry out the transactions contemplated by this Agreement and all necessary proceedings have been taken and done to authorize the execution and delivery of this Agreement by the Contractor, and this Agreement has been legally and properly executed by the Contractor and is legally binding upon and enforceable against it;
 - (b) all information, financial statements, documents and reports furnished or submitted by the Contractor in connection with this Agreement are true and correct;
 - (c) the Contractor is not in breach, and the provision of the Services contemplated herein will not constitute a breach by the Contractor, of any statute, bylaw or regulation, or, of its constating documents;
 - (d) if the Contractor is a society or corporation, it is registered and in good standing with the Corporate Registry of British Columbia; and if it is a sole proprietor or a partnership, it is registered with Corporate Registry of British Columbia; and
 - (e) the Contractor has no knowledge of any fact that materially adversely affects, or so far as it can foresee, might materially adversely affect, its properties, assets, condition (financial or otherwise), business or operations or its ability to fulfill its obligations under this Agreement.

- 4.02 All representations, warranties, covenants and agreements made herein and all certificates, applications or other documents delivered by or on behalf of the Contractor are material, are relied upon by the Province and will continue in full force and effect during the continuation of this Agreement.

SECTION 5 – RELATIONSHIPS

- 5.01 No partnership, joint venture, agency or other legal entity will be created by or will be deemed to be created by this Agreement or by any actions of the parties pursuant to this Agreement.
- 5.02 The Contractor is an independent contractor and not the servant, employee or agent of the Province.
- 5.03 The Province may, from time to time, give reasonable instructions (in writing or otherwise) to the Contractor in relation to the carrying out of the Services, and the Contractor must comply with those instructions but unless otherwise specified by this Agreement, the Contractor may determine the manner in which the instructions are carried out.

SECTION 6 - OBLIGATIONS OF THE CONTRACTOR

- 6.01 The Contractor must:
- (a) carry out the Services described in Schedule A, and in accordance with the terms of this Agreement during the Term;
 - (b) unless the parties otherwise agree in writing, the Contractor must supply and pay for all labour, materials, equipment, tools, facilities, approvals and licenses necessary or advisable to perform the Contractor's obligations under this Agreement
 - (c) comply with all applicable laws;
 - (d) ensure that all persons employed or retained to perform the Services are competent to perform them and are properly trained, instructed, and supervised;
 - (e) ensure that volunteers, students, trainees, work placements are properly trained, instructed and supervised in assisting with the delivery of the Services, ensure that all persons connected in any way to the delivery of the Services, including, employees, subcontractors, volunteers, students, trainees and work placements, have provided a criminal record check, and that the results of that criminal record check indicate that the person is suitable for delivery of the Services, or assisting with the delivery of the Services;
 - (f) not do anything that would result in personnel hired by the Contractor or a subcontractor being considered as the Province's employees;
 - (g) notify the Province in writing immediately upon any change in personnel and any leave of absence of persons employed or retained to deliver the Services for any period greater than 30 days;
 - (h) obtain the prior written consent of the Province to change the scheduled hours of operation of the program as noted in Schedule F;
 - (i) establish and maintain intake and operational policies that are intended to provide for the safety and welfare of clients, the Contractor and their employees and volunteers;
 - (j) acknowledge the involvement of the Ministry of Public Safety and Solicitor General in funding the

services in all public communications related to the Services including press releases, published reports, brochures, radio and TV programs, and public meetings.

SECTION 7 - SUBCONTRACTORS AND ASSIGNMENT

- 7.01 The Contractor must not assign any of the Contractor's rights under this Agreement without the Province's prior written consent.
- 7.02 The Contractor must not subcontract any of its obligations under this Agreement other than to persons identified in Schedule F, without the prior written consent of the Province.
- 7.03 No subcontract, whether consented to or not, relieves the Contractor from any obligations under this Agreement or imposes upon the Province any obligation or liability arising from any such subcontract.
- 7.04 The Contractor must ensure that any person retained by the Contractor to perform obligations under this Agreement fully complies with this Agreement in performing the subcontracted obligations.

SECTION 8 – RECORDS

- 8.01 The Contractor must:
 - (a) establish and maintain accounting records and books of account, invoices, receipts and vouchers for all expenses incurred in connection with providing the Services in accordance with Canadian Generally Accepted Accounting Principles;
 - (b) establish and maintain time records and administrative records in connection with providing the Services in a form and manner as may be determined by the Province.
 - (c) record and report statistics and other data in connection with the provision of the Services, as identified in this Agreement and its Schedules, in a form and manner determined by the Province;
 - (d) subject to 8.02, provide to the Province, upon reasonable request, for contract monitoring and audit purposes, any documents or records relating to the Contractor's delivery of the Services; and
 - (e) permit the Province, for contract monitoring and audit purposes, at all reasonable times and upon reasonable notice, to enter any premises used by the Contractor to deliver the Services or used by the Contractor to keep any documents or records pertaining to the Services, in order for the Province to inspect, audit, examine, review and copy any such documents and records.
- 8.02 At no time shall the Province have access to, or custody or control of, Client Files or any other records or documents that identify, or could reasonably be expected to reveal the identity of a client and their family.
- 8.03 The Parties agree that the Province does not have control, for the purpose of the Freedom of Information and Protection of Privacy Act, of the records held by the Contractor.

SECTION 9 – REPORTING

- 9.01 The Contractor must, upon the Province's request, fully inform the Province of all work done by the Contractor or its subcontractor in connection with providing the Services.

9.02 The Contractor must submit monthly statistical reports to the Province in a form and manner determined by the Province, no later than the tenth (10th) working day of the month following the month which is being reported.

9.03 The Contractor must submit **quarterly** a Statement of Operations in the form and manner set out in **Schedule G** confirming all expenditures for the period at the following dates and times:

For the Reporting Period	Due Date
April 01, 2016 to June 30, 2016	On or before July 31, 2016
July 01, 2016 to September 30, 2016	On or before October 31, 2016
October 01, 2016 to December 31, 2016	On or before January 31, 2017
January 01, 2017 to March 31, 2017	On or before April 30, 2017
April 01, 2017 to July 31, 2017	On or before August 31, 2017

9.04 The Contractor must submit **semi-annually** a Descriptive Report in the form and manner set out in **Schedule H** confirming activities for the period at the following dates and time:

For the Reporting Period	Due Date
April 01, 2016 to September 30, 2016	On or before October 31, 2016
October 01, 2016 to March 31, 2017	On or before April 30, 2017
April 01, 2017 to July 31, 2017	On or before August 31, 2017

SECTION 10 - STATEMENTS AND ACCOUNTING

10.01 Where the Contractor is not a Health Authority, Municipality or Regional District, the Contractor must submit to the Province within three months of its fiscal year end:

- (a) where the Contract Price is less than \$100,000.00
 - (i) an annual set of financial statements that identifies the payments made by the Province under this Agreement; and
 - (ii) a report that shows the disbursement of the funds provided under this Agreement (either as a schedule to the annual financial statements or as a separate report).

Or

- (b) where the Contract Price is \$100,000 or over, an annual set of financial statements, with either an Audit or Review Engagement report, which identifies the payments made by the Province under this Agreement and the disbursement of these funds as a schedule to the annual financial statements.

- 10.02 Where the Contractor is a Health Authority, Municipality, or Regional District, it must, at a time and in a form and manner determined by the Province, provide the Province with an annual report that identifies the payments made by the Province under this Agreement and the disbursement of these funds for the Services.
- 10.03 The Contractor must keep and maintain separate administrative and financial records that pertain to the Services and must permit the Province to conduct, at any time with reasonable notice, and at the expense of the Province, an audit of these administrative and financial records.

SECTION 11 - CONFLICT OF INTEREST

- 11.01 The Contractor must not provide any services to any person in circumstances which, in the Province's reasonable opinion, could give rise to a conflict of interest between the Contractor's duties to that person and the Contractor's duties to the Province under this Agreement.

SECTION 12 – CONFIDENTIALITY

- 12.01 The Province will not have access to, or custody or control of, client files relating to the Services or any other records or documents that identify, or could reasonably be expected to reveal the identity of a client receiving Services, except where it is necessary for the Province to safeguard and facilitate a transfer of said client files, records or documents.
- 12.02 The exception referred to in 12.01 above does not apply if the Contractor does not have access to, or custody or control of the client files relating to the Services, or any other records or documents that identify, or could reasonably be expected to reveal the identity of a client receiving Services.
- 12.03 The Contractor must treat as confidential all information in the Material and all other information accessed or obtained by the Contractor or a Subcontractor (whether verbally, electronically or otherwise) as a result of this Agreement, and not permit its disclosure or use without the Province's prior written consent except, as required to perform the Contractor's obligations under this Agreement or to comply with applicable laws.
- 12.04 Notwithstanding paragraph 12.03, the Contractor shall comply with all federal or provincial legislation requiring the disclosure of information.

SECTION 13 – DEFAULT

- 13.01 Any of the following events will constitute an Event of Default, whether any such event is voluntary, involuntary or result from the operation of law or any judgment or order of any court or administrative tribunal or government:
- (a) the Contractor fails to comply with any provision of this Agreement;
 - (b) any representation or warranty made by the Contractor in connection with this Agreement is untrue or incorrect;
 - (c) any information, statement, certificate, report or other document furnished or submitted by or on behalf of the Contractor pursuant to or as a result of this Agreement is untrue or incorrect;
 - (d) a change occurs with respect to one or more of the properties, assets, condition (financial or otherwise), business or operations of the Contractor which, in the opinion of the Province, materially adversely affects the ability of the Contractor to deliver the Services;

- (e) an order is made or a resolution is passed or a petition is filed for the liquidation or winding up of the Contractor;
- (f) the Contractor becomes insolvent or commits an act of bankruptcy or makes an assignment for the benefit of its creditors or otherwise acknowledges its insolvency;
- (g) a bankruptcy petition is filed or presented against, or a proposal under the *Bankruptcy and Insolvency Act* (Canada) is made, by the Contractor;
- (h) a receiver or receiver-manager of any property of the Contractor is appointed; or
- (i) the Contractor permits any sum which is not disputed to be due by it to remain unpaid after legal proceedings have been commenced to enforce payment thereof,
- (j) the Contractor ceases, in the Province's opinion, to carry on business or operations as a going concern.

SECTION 14 – TERMINATION

- 14.01 Notwithstanding any other provision of this Agreement, if an Event of Default occurs, then, and in addition to any other remedy or remedies available to the Province, the Province may, at its sole option, terminate this Agreement by the Minister giving written notice of termination to the Contractor and if such option is exercised then this Agreement will terminate on the date such written notice is received or deemed received, pursuant to Section 14, by the Contractor and the Province will be under no further obligation to the Contractor except to pay to the Contractor such amount as the Contractor may be entitled to receive, pursuant to Schedule B, for Services provided to the date of termination.
- 14.02 Notwithstanding any other provision of this Agreement the Province may, at its option and for any reason, terminate this Agreement by giving at least 30 days' written notice of termination to the Contractor and if such option is exercised the Province will be under no further obligation to the Contractor except to pay to the Contractor such amount as the Contractor may be entitled to receive pursuant to "Schedule B", for Services provided to the date of termination.
- 14.03 Without limitation to 14.02, any of the following events, whether voluntary or involuntary, will constitute a termination:
- (a) Failure to provide the Services to the Province's satisfaction.
 - (b) The Contractor fails to notify the Province, with particulars that any of events previously noted has occurred or is occurring.

SECTION 15 – NOTICES

Delivery of notices

- 15.01 Any notice contemplated by this Agreement, to be effective, must be in writing and delivered as follows:
- (a) by fax to the addressee's fax number specified on the first page of this Agreement, in which case it will be deemed to be received on the day of transmittal unless transmitted after the normal business hours of the addressee or on a day that is not a Business Day, in which cases it will be deemed to be received on the next following Business Day;

- (b) by hand to the addressee's address specified on the first page of this Agreement, in which case it will be deemed to be received on the day of its delivery; or
- (c) by prepaid post to the addressee's address specified on the first page of this Agreement, in which case if mailed during any period when normal postal services prevail, it will be deemed to be received on the fifth Business Day after its mailing.

Change of address or fax number

- 15.02 Either party may from time to time give notice to the other party of a substitute address or fax number, which from the date such notice is given, will supersede for purposes of section 15.01 any previous address or fax number specified for the party giving the notice.

SECTION 16 - NON-WAIVER

- 16.01 No provision of this Agreement and no breach by the Contractor of any such provision will be deemed to have been waived unless such waiver is in writing and signed by the Province.
- 16.02 The written waiver by the Province of any breach of any provision of this Agreement by the Contractor will not be deemed a waiver of any subsequent breach of the same or any other provision of this Agreement.

SECTION 17 - ENTIRE AGREEMENT

- 17.01 No amendment or modification of this Agreement is effective unless it is in writing and signed by the parties.
- 17.02 This Agreement, including its Schedules, as well as any modifications or amendments to it constitutes the entire Agreement between the parties with respect to the subject matter of this Agreement.

SECTION 18 - SURVIVAL OF PROVISIONS

- 18.01 All of the provisions of this Agreement in favour of the Province and all of the rights and remedies of the Province, either at law or in equity, will survive indefinitely, despite any expiration or sooner termination of this Agreement.

SECTION 19 - EVALUATION

- 19.01 The Contractor must participate in any evaluation, review or inspection of the Services at the request of the Province.

SECTION 20 – INDEMNITY

- 20.01 The Contractor must indemnify and save harmless the Province and the Province's employees and agents from any losses, claims, damages, actions, causes of action, costs and expenses that the Province or any of the Province's employees or agents may sustain, incur, suffer or be put to at any time, either before or after this Agreement ends, including any claim of infringement of third-party intellectual property rights, where the same or any of them are based upon, arise out of or occur, directly or indirectly, by reason of any act or omission by the Contractor or by any of the Contractor's agents, employees, officers, directors or Subcontractors in connection with this Agreement, excepting always liability arising out of the independent acts or omissions of the Province and the Province's employees and agents.

SECTION 21 – INSURANCE

- 21.01 The Contractor must comply with the Insurance Schedule attached as Schedule D.
- 21.02 The Contractor must comply with, and must ensure that any Subcontractors comply with, all applicable occupational health and safety laws in relation to the performance of the Contractor’s obligations under this Agreement, including the *Workers Compensation Act* in British Columbia.
- 21.03 It is the Contractors responsibility to ensure any required automobile insurance is in place. The Contractor shall provide, maintain, and pay for automobile insurance which it is required by law to carry or which it considers necessary to cover risks.

SECTION 22 – REFERENCES

- 22.01 Every reference to the Province in this Agreement includes the Minister of Justice, the Deputy Solicitor General, the Assistant Deputy Minister, and the Executive Director of the Victim Services and Crime Prevention Division and any person designated by any of them to act for or on their respective behalf with respect to any of the provisions of this Agreement.

SECTION 23 – OWNERSHIP

- 23.01 Any equipment, machinery or other property provided by the Province to the Contractor as a result of this Agreement will:
- (a) be the exclusive property of the Province;
 - (b) forthwith be delivered by the Contractor to the Province on written notice to the Contractor requesting delivery of the same, whether such a notice is given before, upon, or after the expiration or sooner termination of this Agreement.

SECTION 24 - MISCELLANEOUS

- 24.01 This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.
- 24.02 All references to paragraph numbers in this Agreement refer to paragraphs in this Agreement, and all references to Schedules in this Agreement refer to Schedules attached to this Agreement.
- 24.03 The Schedules to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.
- 24.04 The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.
- 24.05 If any provision of this Agreement or the application to any person or circumstance is invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to any other person or circumstance will not be affected or impaired thereby and will be enforceable to the extent permitted by law.
- 24.06 Nothing in this Agreement operates as a consent, permit, approval or authorization by the Government of the Province of British Columbia or any Ministry or Branch thereof to or for anything related to the Services that by statute, the Contractor is required to obtain unless it is expressly stated herein to be such a consent, permit, approval or authorization.

- 24.07 For the purpose of paragraphs 24.08 and 24.09, an "Event of Force Majeure" includes, but is not limited to, acts of God, changes in the laws of Canada, governmental restrictions or control on imports, exports or foreign exchange, wars (declared or undeclared), fires, floods, storms, freight embargoes and power failures or other cause beyond the reasonable control of a Party, provided always that lack of money, financing or credit will not be and will not be deemed to be an "Event of Force Majeure".
- 24.08 Neither party will be liable to the other for any delay, interruption or failure in the performance of their respective obligations if caused by an Event of Force Majeure, in which case the time period for the performance or completion of any such obligation will be automatically extended for the duration of the Event of Force Majeure.
- 24.09 If an Event of Force Majeure occurs or is likely to occur, then the party directly affected will notify the other Party forthwith, and must use its reasonable efforts to remove, curtail or contain the cause of the delay, interruption or failure and to resume with the least possible delay compliance with its obligations under this Agreement.
- 24.10 Time and the uninterrupted provision of the Services are of the essence in this Agreement.
- 24.11 The Contractor must ensure that provision of services is uninterrupted and continuous. In the event that the Contractor is unable to provide the Services for any period greater than 30 days during the Term, the Contractor must immediately contact and inform the Province.
- 24.12 The Province reserves the right to engage other resources to provide the Services during any such periods referred to in paragraph 24.11 and make a claim for related costs to the Contractor. This provision does not include periods where demand exceeds Contractor capacity.
- 24.13 If there is any conflict between any provision in the body of this Agreement and any provision of any Schedule attached hereto, then the provisions in the body of this Agreement will prevail.
- 24.14 Every reference to an act, whether or not defined, in this Agreement, includes all regulations made pursuant to that act and any act passed in substitution for, replacement of, or amendment of that act.
- 24.15 In this Agreement wherever the singular or neuter is used it will be construed as if the plural or masculine or feminine, as the case may be, had been used where the context or the parties hereto so require.
- 24.16 This Agreement will be binding upon the Province and its assigns and the Contractor, the Contractor's successors and permitted assigns.
- 24.17 No amendment or modification to this Agreement will be effective unless it is in writing and duly executed by the parties.
- 24.18 Where the Contractor is a corporation, the Contractor warrants that the signatory has been duly authorized by the Contractor to execute this Agreement without corporate seal on behalf of the Contractor.

SECTION 25 – EXECUTION

The parties have executed this Agreement as follows:

<p>SIGNED on the ____ day of _____, 2016 on behalf of the Contractor by its authorized signing officer:</p> <p>Authorized Signing Officer: (Chair of the Board if the Contractor is a Society)</p> <p>_____</p> <p>Signature</p> <p>_____</p> <p>Name</p> <p>_____</p> <p>Title</p>	<p>SIGNED on the ____ day of _____, 2016 on behalf of the Province by its duly authorized representative:</p> <p>Duly Authorized Representative:</p> <p>_____</p> <p>Signature</p> <p>Taryn Walsh Executive Director Victim Services and Crime Prevention Division</p>
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Schedule A – Police-Based – Sole Service

TERM: The term of this Agreement commences on **April 1, 2016 and ends on July 31, 2017.**

A.1 Service Area

This victim service program will provide services to clients in the policing jurisdiction of the ***Okanagan (Osoyoos) RCMP Detachment.***

- ✦ In some cases, clients may request service from outside the service area and the victim service program may provide services in these cases.

A.2 Type of Program

This police-based victim service program is the sole provider of victim services in this service area.

A.3 Service Clientele

This police-based victim service program will provide the following services to the following clients:

	Victims of crime¹ (other than family/ sexual violence)	Victims of trauma²	Victims of family/ sexual violence³
Critical Incident Response	Yes	Yes	Yes
Criminal Justice Information and Support	Yes	N/A	Yes
Safety Planning	Yes	Yes	Yes
Information and Referrals	Yes	Yes	Yes
Emotional and Practical Support	Yes	Yes	Yes

A.4 Service Deliverables

Contractors are responsible for supervising victim service workers to provide the services described below. Contractors may prioritize service delivery based upon victim safety, victim vulnerability, type of crime and the seriousness of the incident.

Critical Incident Response

- ✦ Respond to call out from police to:
 - Provide initial incident defusing
 - Provide critical incident stabilization
 - Liaise between victim and emergency personnel

- ✦ Respond to hospital call out
 - Liaise between victim and hospital personnel

- ✦ Identify and address immediate emotional, safety, and logistical victim needs

¹ See A.6 - definition section
² See A.6 - definition section
³ See A.6 - definition section

- Provide information regarding the immediate and post incident impacts of crime and trauma
- Provide information regarding next steps or actions to be undertaken by the police
- Coordinate with appropriate parties
- Provide response in accordance with contractor agency policies and procedures

Criminal Justice System - Information and Support

- Provide information to victims about their rights under the Victims of Crime Act (VOCA)
- Obtain, provide and/or arrange for victims to receive case specific information which they may request under sections 6 and 7 VOCA.
- Provide information about the criminal justice system process, and roles of key parties
- Assist victims to engage with justice system personnel (e.g. police, Crown counsel)
- Arrange, facilitate and/or accompany victims to meetings with criminal justice system personnel (eg. police, Crown counsel, corrections staff)
- Support and prepare victims for the criminal court process, including:
 - Review with victims whether they may require testimonial accommodations
 - Initiate conversations with Crown counsel regarding victims' participation in the court process, including, if appropriate, exploration of testimonial accommodation
 - Prepare victim for possible emotional responses to court proceedings and/or testifying
 - Provide victim with court orientation by providing a courthouse tour, reviewing court room protocol, or providing public education materials. Note: Public education materials alone are generally not sufficient for court orientation unless they are the only option due to geography or workload.
- Provide victims with information regarding options for travel expenses to court and assist with facilitating these processes and arrangements
- Accompany victim to court and provide related emotional and practical assistance
- Provide information about and assistance with Victim Impact Statements
- Provide support to the victim upon conclusion of the case, ensuring victim is aware of and understands the outcome, and has access to necessary follow-up resources including registration for victim notification where appropriate and referral to other community supports where needed.

Safety Planning

- Upon initial contact with victim, assess, identify and address victim's immediate and emergency safety needs
- Develop and continue to update safety plan with victim including coordination with community and criminal justice system partners where appropriate
- Provide general safety and crime prevention information and referrals to community resources

Practical and Emotional Support

- ✦ Provide emotional support to assist victims to cope with the impacts of crime and trauma.
 - Assist victim with the completion of forms (ie. Crime Victim Assistance Program application, Victim Impact Statement, victim notification registration).
- ✦ Assist victim with accessing transportation services including, but not limited to hospital, court, police, transition house, and/or shelters.
- ✦ Assist victim with accessing shelter, financial assistance, and/or social services as required.
- ✦ Provide or facilitate other types of practical support and assistance as appropriate

Information and Referral

- ✦ Provide referral information about Ministry of Public Safety and Solicitor General supports including:
 - Victim services
 - Victim Safety Unit
 - Crime Victim Assistance Program
 - Stopping the Violence Counselling
 - Children Who Witness Abuse Counselling
 - Outreach and Multicultural Outreach Services
- ✦ Provide referral information regarding:
 - Child Protection/MCFD
 - Social services
 - Health services
 - Counselling services
 - Housing services
 - Mental health services
 - Community resources
 - Crime prevention
 - Financial Benefits
 - Attorney General services, including family justice counsellors
 - Other resources as appropriate

Networking, Public Awareness and Education

The following activities are provided depending upon the needs of the community and the program's client service requirements. These activities enhance service delivery to victims, reach out to potential victims and raise the profile of victim services within the community.

- ✦ Host and/or participate in victim-related events
- ✦ Provide public education and promote awareness regarding victims' issues
- ✦ Inform other community services about services available to victims of crime
- ✦ Develop and maintain a network with criminal justice system personnel including police, Crown counsel, court services, corrections, and sheriffs; and social service and other community agencies, including transition houses, hospitals, and family justice resources

Provision of Services in Family Court Related Matters

Although, Victim Service Workers are not expected to provide detailed information on family law and/or family court processes, clients who are victims of family and sexual violence may require support through family law related matters. The following are examples of services that might be provided in a family court context:

- ✦ Providing emotional support to victims of crime in relation to family law issues/family court matters;
- ✦ Helping to obtain family law related protection orders or obtaining copies of existing protection orders;
- ✦ Helping to obtain information about the family court process;
- ✦ Providing referral to family court related resources such as Legal Aid, Duty Counsel and Family Justice Counsellors;
- ✦ Ensuring that safety plans are up to date and relevant to all settings including family court; and,
- ✦ Providing information on peace bonds and protection orders.

Court proceedings and the serving of court documents can be a time of heightened risk. Ensuring clients are safe at these times is critical and therefore safety planning is extremely important. If a victim service worker believes that a victim of crime would also benefit from emotional support during the family court process, then it may be appropriate for them to meet with the victim at court or arrange meetings before and/or after court to provide emotional support to the victim. Providing this type of support must be balanced with an agency's other competing service priorities.

A.5 Services Not Provided

Contractors are responsible for ensuring that the following services are not provided by victim service workers:

- ✦ Counselling – Victim service workers do not provide counselling or refer to themselves as counsellors unless they are registered counsellors
- ✦ Crime scene clean-up
- ✦ Victim Service Workers do not provide assistance in drafting forms relating to family court, including affidavits; or assist in civil/family trial preparation; and do not serve legal documents or conduct legal advocacy at civil/family court
- ✦ Legal advice
- ✦ Mental health services
- ✦ Victim transportation without appropriate vehicle insurance

A.6 DEFINITIONS

Adult – All persons 19 years and over.

Child – All persons under the age of 13 years

Child and Youth Physical Abuse – Any form of assault, as defined in the Criminal Code of Canada, committed against a child or youth by an adult in a position of trust or authority.

Child and Youth Sexual Abuse – Any sexual offence, as defined in the Criminal Code of Canada, and other offences of sexual nature committed against a child or youth.

Emotional Support - validation of the victim’s emotional/psychological reactions to the incident, acknowledging the victim’s strengths, active listening, reflection, validation, predicting, and preparing

Safety Planning – Developing a plan with the victim to manage safety and reduce the risk of further victimization.

Sexual Assault – Any sexual offence, as defined in the Criminal Code of Canada, and other offences of sexual nature committed against an adult.

Trafficked Person - controlling a person by means of coercion and fear for the purpose of exploitation; the exploitation can take many forms such as sexual exploitation, labour exploitation, and domestic servitude.

Victims of crime - Direct victims of and witnesses to criminal offences and immediate/ surviving family members of direct victims of criminal offences

Victims of family/sexual violence

- victims of violence in relationships (adult, youth, or child)
- victims of sexual assault
- victims of criminal harassment
- victims of child abuse/assault (both physical and sexual)
- adult survivors of childhood abuse (both physical and sexual)
- child witnesses of family violence

Victims of trauma - Direct victims of and witnesses to non-criminal traumatic events which involve the police or other first responders, including, but not limited to motor vehicle accidents and sudden death next of kin notifications; immediate/ surviving family members of direct victims of traumatic events

Victim Service Worker – Program coordinator, volunteer, student, trainee, and work placement who is employed or retained to provide victim services under this Agreement.

Violence in Relationships – violence in intimate relationships, including married, common law and dating relationships; same-sex or heterosexual relationships, whether the persons are living together at the time of the violence or not. It may include assault, sexual assault, criminal harassment and other crimes which occur within the context of that relationship (e.g. a victim of break and enter, mischief, and theft that was committed by a former intimate partner).

Youth – All persons aged thirteen to eighteen.

Schedule B – Terms and Conditions of Payment

1. The Contractor will be paid an amount not exceeding **\$47,936.02** in the aggregate (the “Contract Price”) for the Term of the Contract in the following manner:

The Province will pay the Contractor on **the 15th** of each specified period:

Fiscal 2016 – 2017 (April 1, 2016 – March 31, 2017) - PBVS - \$35,892.27

- On April 15, 2016, the sum of **\$8,973.07**;
- On July 15, 2016, the sum of **\$8,973.07**;
- On October 15, 2016, the sum of **\$8,973.07**;
- On January 15, 2017, the sum of **\$8,973.06**.

Fiscal 2017 – 2018 (April 1, 2017 – July 31, 2017) - PBVS - \$12,043.75

- On April 15, 2017, the sum of **\$9,032.81**;
- On July 15, 2017, the sum of **\$3,010.94**.

2. Pursuant to paragraph 3.10 (a) and (b) of the Agreement, the Contractor will apply any Refund received to the provision of the Services.

Schedule C – Criminal Record Checks

1. The Contractor will ensure that every employee, volunteer, student, trainee and work placement who will work with children, or have unsupervised access to children in the performance of the Services under this Agreement, undergoes a criminal record check to determine whether that individual has a criminal record or has an outstanding charge which indicates that the individual presents a risk to the potential safety of children who may come into contact with that individual, and:
 - (a) Ensure that every person involved with the provision of the Services under this Agreement is suitably qualified to be entrusted with the care and protection of children; and
 - (b) Maintain and make available to the Province upon request, documentation showing that the criminal record check requirement set out in this Schedule has been met.

Schedule D – Insurance

1. The Contractor must, without limiting the Contractor's obligations or liabilities and at the Contractor's own expense, purchase and maintain throughout the Term the following insurances with insurers licensed in Canada in forms and amounts acceptable to the Province:
 - a) Commercial General Liability in an amount not less than \$2,000,000.00 inclusive per occurrence against bodily injury, personal injury and property damage and including liability assumed under this Agreement and this insurance must
 - i. include the Province as an additional insured,
 - ii. be endorsed to provide the Province with 30 days advance written notice of cancellation or material change, and
 - iii. include a cross liability clause.
2. All insurance described in section 1 of this Schedule must:
 - a) be primary; and
 - b) not require the sharing of any loss by any insurer of the Province.
3. The Contractor must provide the Province with evidence of all required insurance as follows:
 - a) within 10 Business Days of commencement of the Services, the Contractor must provide to the Province evidence of all required insurance in the form of a completed Province of British Columbia Certificate of Insurance;
 - b) if any required insurance policy expires before the end of the Term, the Contractor must provide to the Province within 10 Business Days of the policy's expiration, evidence of a new or renewal policy meeting the requirements of the expired insurance in the form of a completed Province of British Columbia Certificate of Insurance; and
 - c) despite paragraph (a) or (b) above, if requested by the Province at any time, the Contractor must provide to the Province certified copies of the required insurance policies.
4. The Contractor must obtain, maintain and pay for any additional insurance which the Contractor is required by law to carry, or which the Contractor considers necessary to cover risks not otherwise covered by insurance specified in this Schedule in the Contractor's sole discretion.

Schedule E – Additional Terms

1. Documents

Upon the Province's request, the Contractor will provide the following:

- (a) Board of Directors – a current list of all directors, including contact information for each director
- (b) *Workers Compensation Act* – proof of workers compensation coverage under the Act
- (c) Job Descriptions
- (d) Other documents as requested by the Province

2. Community-Based and Police-Based Victim Service programs - PROTOCOL

- (a) A signed copy of any revised or updated local protocols must be provided to the Province by July 15th, 2016.

3. Police-based programs operating in detachments/police departments

The Contractor will ensure that the detachment/department commander or designated police officer is requested to supervise the Program Manager in the day to day delivery of the Services;

The Contractor will encourage the police to make referrals to ensure the Program's fullest utilization; and

The Contractor will ensure that any persons delivering or assisting with the delivery of the Services have undertaken the security and liability screening recommended by the police department or detachment in the area where the Services are to be delivered.

Schedule G – Quarterly Statement of Operations

Community-based or Police-based Victim Services

Contractor: _____

Contract Number: _____

Program Name: _____

Contact Name: _____

Fiscal 2016 – 2017

Quarter 1: April 01 - June 30, 2016

Quarter 3: October 01 - December 31, 2016

Quarter 2: July 01 - September 30, 2016

Quarter 4: January 01 - March 31, 2017

Fiscal 2017 – 2018

April 01, 2017 – July 31, 2017

	1	2	3	4	5=(4-3)
Revenue	Current Quarter	Year to Date	Fiscal Year-End Forecast	Approved Budget	Variance
	Amount	Amount			
Provincial - Victim Services and Crime Prevention Division					
Expenditures	Current Quarter	Year to Date			
	Amount	Amount			
Salaries and Benefits					
Total Salaries and Benefits					
Victim Service Program Delivery Expenditures					
Facilities (i.e. Rent, utilities, maintenance)					
Resource Materials					

Program delivery related travel					
Volunteer Appreciation					
Office supplies					
Promotion / Outreach					
Telephone / Fax / Internet					
Cellular Phone					
Memberships					
Other (specify):					
Total Victim Service Program Delivery Costs					
Administration Expenditures					
Victim Service Staff Training, Development, and associated travel					
Facilities (i.e. Rent, utilities, maintenance)					
Management / Administrative Support Wages					
Bookkeeping / Audit					
Other (specify):					
Total Administration Expenditures					
Total Expenditures					
Excess of revenues over expenditures					

Note: Please report on revenues and expenditures directly funded by the Province only. A separate Statement of Operations must be completed for each program type operated by the agency.

COMPLETED BY:

SIGNATURE:

DATE:

Executive Director / Signing Authority:

COMPLETED BY:

SIGNATURE:

DATE:

Note:

- Please complete a separate Quarterly Statement of Operations Report for each program type**
- Please e-mail a signed copy to VSPContracts@gov.bc.ca or fax a signed copy to Victim Services and Crime Prevention Division at: 604-660-1635.**

Schedule H – Semi-Annual Report

Contractor: _____

Contract Number: _____

Reporting Period:

Fiscal 2016 – 2017

April 01, 2016 – September 30, 2016

October 01, 2016 – March 31, 2017

Fiscal 2017 – 2018

April 01, 2017 – July 31, 2017

Program Type:

Police Based Victim Services

Community-Based Victim Services

Children Who Witness Abuse

Stopping the Violence Counselling

Outreach Services

Multicultural Outreach Services

Please complete the following questions as they relate to the reporting period identified. The information you provide helps Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General with a better understanding of program activities, and service delivery issues.

1. Thinking about the clients served by your program, please describe any unmet needs, challenges, gaps in services and/or particular trends during the reporting period:

-
2. Please describe how you have engaged with the community to share information about the services available through your program during the reporting period (i.e. meetings with other service providers, meetings with other justice system personnel, information sessions, etc.)?

-
-
3. Provide any additional comments you may have:

SCHEDULE F

APRIL 1, 2016 – JULY 31, 2017 PROGRAM APPLICATION

PART I

A. APPLICANT INFORMATION

Legal Name of Organization:	TOWN OF OSOYOOS.		
Incorporation # (for Societies only):			
Street Address: (include City, Province, and Postal Code)	8707 MAIN STREET, OSOYOOS, BC, V0H 1V0		
Mailing Address: (if different from above):	PO Box 3010, OSOYOOS, BC, V0H 1V0		
Telephone:	250-495-6515 ✓	Fax:	250-495-2400 ✓
Organization Contact			
Executive Director	JANETTE VAN VIANEN DIRECTOR OF CORPORATE SERVICES.		
Mailing Address: (if different from above)			
E-mail Address:	jvv@osooyoos.ca		
Telephone:	250-495-4600 ✓	Fax:	250-495-2400 ✓
Chair of Board (or other Board Member)			
Mailing Address: (if different from above)			
E-mail Address:			
Telephone:		Fax:	

B. APPLICANT ADMINISTRATIVE INFORMATION

1. Do your organization's human resources policies and procedures comply with the:

- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| Employment Standards Act of British Columbia? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| British Columbia Human Rights Code? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Worker's Compensation Act (under WorkSafe BC) | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

2. Are the staff in your organization unionized? Yes No

If answered "Yes" to the above,

Specify which union: CUPE

3. Are your program staff exempt from the collective agreement? Yes No

4. Is your organization part of the Community Social Services Employers Association of BC (CSSEA)?

Member

Associate Member

Non-member

C. COMMERCIAL GENERAL LIABILITY INSURANCE

All contractors are required to have Commercial General Liability (CGL) insurance in accordance with the terms of the Transfer Under Agreement.

The criteria for CGL include:

1. Commercial General Liability in an amount not less than \$2,000,000.00 inclusive per occurrence against bodily injury, personal injury and property damage and including liability assumed under the Agreement;
2. The Province must be included as an additional insured;
3. The policy must be endorsed to provide the Province with 30 days advance written notice of cancellation or material change; and
4. The policy must include a cross liability clause

A Certificate of Insurance will be included when you receive your contract. Please have your insurer complete and return to the Province as quickly as possible.

Attached for your reference is **Appendix A – Master Insurance Program**. The Appendix provides general information on the Master Insurance Program.

Please choose from **ONE** of the following options:

Option A: Your agency carries its own Commercial General Liability (CGL) coverage (as described above) that covers the programs and services you are applying to provide.

or

Option B: Your agency is requesting enrolment in the Province's Master Insurance Program.

PART II PROGRAM INFORMATION

NOTE: FOR EACH PROGRAM APPLIED FOR, A SEPARATE PROGRAM INFORMATION FORM MUST BE COMPLETED.

A. Program Contact Information

Program Type:	<input type="checkbox"/> CWWA	<input type="checkbox"/> STV	<input type="checkbox"/> OR
	<input type="checkbox"/> Multi OR	<input type="checkbox"/> CBVS	<input checked="" type="checkbox"/> PBVS
Street Address:	16 EAGLE COURT		
	<i>(Do not disclose physical address if program is located in a TH or SH.)</i>		
Mailing Address: (if different from above):	Box 960, OSOYOOS, BC, V0H 1V0		
Program Telephone:	250-495-4704 ✓	Program Fax:	250-495-7416
Program Coordinator:	TINA LOUISE WALLNER	Telephone:	250-498-9646
Program Coordinator E-mail:	Tinalouise.Wallner@ramp-grc.gc.ca		
Program Coordinator Address:	Box 960, OSOYOOS, BC, V0H 1V0		
Names of all additional paid program staff:			
	Name	Position	E-mail Address
	N/A		
↓ Police-based Victim Service Programs only ↓			
Police Department/ Detachment Liaison:	CPL JASON BAYDA		
Mailing Address:	Box 960, OSOYOOS, BC, V0H 1V0		
Telephone:	250-495-7236	Fax:	250-495-7829

E-mail Address: Jason.bayda@rcmp-grc.gc.ca

B. Program Delivery

This section pertains only to the "Victim Service Program" or "Violence Against Women Program" funded by Victim Services and Crime Prevention Division (the "Division"), Ministry of Justice. **DO NOT** include details of other programs your organization administers.

1. What are the scheduled hours of operation of the program? (E.g. Monday to Friday, 8:30 am to 4:30 pm)

Days: MONDAY & THURSDAY Hours: 8:00 - 4:00 PM

2. Indicate the base hourly wage paid for **each** of the program position(s):

Program Position	Base Hourly Wage
<u>PROGRAM COORDINATOR</u>	<u>24.01</u>

3. Indicate the number of hours per week and the base hourly wage paid for clinical supervision (if provided):

Position	Hours per week	Base Hourly Wage
	<u>2-3 / mo</u>	<u>15.80</u>

FOR SOCIETIES ONLY:

1. Attach a copy of your Society's current:
 - a) Annual report (If an annual report is not produced, attach a copy of the minutes from the last Annual General Meeting)

Note the following when completing your April 1, 2016 – July 31, 2017 Budget Proposal:

1. For each program applied for, a **separate** Budget Proposal must be completed.
2. Ministry guidelines require that **Police-based and Community-based Victim Service Programs** are to allocate **at least 80%** of provincial funding towards "Salaries and Benefits" for direct service delivery and direct supervision costs (Section 2A of the Budget Proposal).
3. For **Police-based Victim Service Programs** that are cost-shared with municipality/regional district, the maximum "in kind" amount that may be claimed for under "Municipal" or "Regional District" is 20% of cash. "In kind" expenditures include costs for facilities (e.g. rent, utilities and maintenance), telephone, fax, and office supplies, etc.
4. For **Violence Against Women Programs**, your budget should confirm that you are providing the number of hours as stated in your contract.
5. Your **Budget Proposal must be balanced and equal to the amount identified in your Program Application Cover Letter.**

April 1, 2016 – July 31, 2017 BUDGET PROPOSAL

Your Budget Proposal should reflect the Province's costs of delivering a program.
Incomplete Budget Proposals will cause a delay in the assessment of your application.

Please Note: We are asking agencies to submit program budget proposals for the period April 1, 2016 through to July 31, 2017.

Program Type:

CWWA
 STV
 OR
 Multi OR
 CBVS
 PBVS

Program Location (e.g. Surrey): _____

1. PROGRAM REVENUES

SOURCE	CASH	IN-KIND	TOTAL
Ministry of Justice - VSCPD	47,936.02		47,936.02
Municipal Government			
Regional District			
Applicant Organization			
Other: (Please specify)			
TOTAL PROGRAM REVENUES			

NOTE: Police-Based Victim Service Programs

If the program is cost-shared with your municipality/regional district, the maximum "in kind" amount that may be claimed for under "Municipal Government" or "Regional District" is 20% of cash. "In kind" expenditures include costs for facilities (e.g. rent, utilities and maintenance), telephone, fax, and office supplies, etc.

2. PROGRAM EXPENDITURES

A. Salaries and Benefits (includes direct service delivery, direct supervision and clinical supervision costs only.)

Note: Include receptionist position(s) under Administration "Administrative Support wages"

POSITION(S) by Job Title:	SALARY	BENEFITS	TOTAL COST	FUNDED FROM VSCPD
1. PROGRAM COORDINATOR	30,866.02	8,600	39,466.02	39,466.02
2.				
3.				
4.				
5.				
6.				
TOTAL SALARIES AND BENEFITS	30,866.02	8,600	39,466.02	39,466.02

B. PROGRAM DELIVERY (Expenses directly related to the delivery of the program.)

EXPENSE	TOTAL COST	FUNDED FROM VSCPD
Facilities (e.g. rent, utilities, maintenance)	∅	∅
Resource Materials	BUDGET CUT	∅
Program Delivery Related Travel	2,900	2,900
Volunteer Appreciation	∅	∅
Staff Training, Development, and Associated Travel	∅	∅
Office Supplies	370	370
Promotion / Outreach	BUDGET CUT	∅
Telephone / Fax / Internet	∅	∅
Cellular Phone	2700	2700
Memberships (specify):	300	300
Program Delivery Supplies (specify):	∅	∅
Other (specify) CLINICAL SUPERVISION	2,200	2,200
TOTAL PROGRAM DELIVERY COSTS	8,470 ✓	8,470 ✓

C. ADMINISTRATION (Expenses indirectly related to the delivery of the program)

EXPENSE	TOTAL COSTS	FUNDED FROM VSCPD
Facilities (e.g. rent, utilities, maintenance)	∅	∅
Management Wages	2,000	∅
Administrative Support Wages	∅	∅
Bookkeeping / Audit	1,750	∅
Other (specify)		∅
TOTAL ADMINISTRATION COSTS	3,750 ✓	∅

TOTAL PROGRAM EXPENDITURES

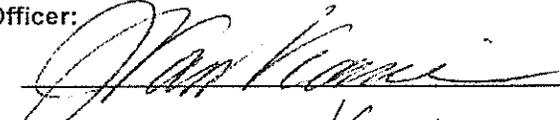
EXPENSE	TOTAL COSTS	FUNDED FROM VSCPD
A. Total Salaries and Benefits	39,466.02	39,466.02
B. Total Program Delivery Costs	8,470.00	8,470.00
C. Total Administration Costs	3,750.00	∅
TOTAL EXPENDITURES (A+B+C)	51,686.02	47,936.02

SUBMITTED BY: AUTHORIZED SIGNING OFFICER FOR ORGANIZATION

Please note that if the applicant is a Society, the signatures of at least **ONE Board** member is required

As an authorized signing officer for the organization, I hereby certify that all the information contained on this application including all attachments is accurate and correct to the best of my knowledge:

Authorized Signing Officer:

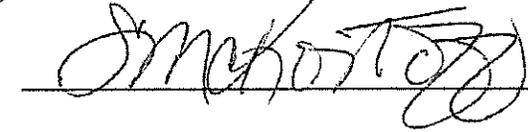
Signature: 

Name: JANETTE VAN KIENEW

Title: DIRECTOR OF CORPORATE SERVICES

Date: January 19, 2016

Board Member:

Signature: 

Name: SUZAN MCKORTOFF

Title: MAYOR

Date: 8 January 20, 2016

FOR VICTIM SERVICES AND CRIME PREVENTION DIVISION USE ONLY

Approved By:

Program Manager: Wendy Potter

Signature: 

Date: Feb 9 2016

Comments / Notes:

March 15, 2016

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

Dear Mr. Pendergraft:

Re: Victim Services Program - Transfer Under Agreement with Province
Our File: AI-315

The Town of Osoyoos has administered the Victim Services program on behalf of the Province since 2005. At that time the Town administered not only the Osoyoos program, but also the Oliver and Keremeos programs which include the RDOS areas.

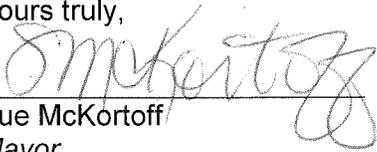
In 2008 the Town of Osoyoos advised the Village of Keremeos and the Town of Oliver that it would no longer administer the programs on their behalf. Since 2009 Osoyoos has only administered the Osoyoos Victim Services Program.

Throughout this period, the Town of Osoyoos has not received any administration fee from the Province, through its program funding, to administer the contract. This includes monitoring of the agreement, budgeting, accounts payable, and payroll for the Program Manager (who is under employment contract). Nor has the Town asked for or received any fees to administer this program from the RDOS. The Town also covers the Program Manager under its WorkSafe BC coverage and municipal liability insurance through MIABC.

The Council of the Town of Osoyoos is looking at removing itself entirely from the administration of the Victim Services Contract for the Province. It is not Council's wish to lose the program for the area so it is asking the RDOS to consider taking on the administration (with no administration costs being paid by the Town of Osoyoos in recognition of the 11+ years the Town has administered on behalf of the entire Area "A" and Town areas). If the RDOS is not willing to take over the administration of this contract it is likely that either the program will be eliminated for this area or would have to be taken over by a service group. In the end, if the Town is forced to continue to administer the program we will be looking for an administration fee to be paid by the RDOS to the Town.

The Town is committed to administering the contract until July 31, 2017. It is hoped that an agreement can be reached whereby the RDOS takes over the administration of the contract when it comes up for renewal in 2017.

Yours truly,


Sue McKortoff
Mayor

JVV
cc: Council
Barry Romanko, CAO

RECEIVED
Regional District

MAR 21 2016

101 Martin Street
Penticton BC V2A 5J9

2016 03 15 ltr RDOS re administration of Victim Services Agreement.docx



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, July 7, 2016

1:45 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of July 7, 2016 be adopted.

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee – June 16, 2016

THAT the Minutes of the June 16, 2016 Corporate Services Committee be received.

b. Environment and Infrastructure Committee – June 16, 2016

THAT the Minutes of the June 16, 2016 Environment and Infrastructure Committee be received.

c. Planning and Development Committee – June 16, 2016

THAT the Minutes of the June 16, 2016 Planning and Development Committee be received.

d. RDOS Regular Board Meeting – June 16, 2016

THAT the Minutes of the June 16, 2016 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services

a. Development Variance Permit Application – T. Kolinsky & K. McDonell, 156 Towers Road, Electoral Area “H”

- i. Permit No. H2016.060-DVP
- ii. Responses Received

To construct a carport addition to the existing house.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors approve Development Variance Permit No. H2016.060–DVP.

B. DEVELOPMENT SERVICES – Rural Land Use Matters**1. Floodplain Exemption Application – Upper Lonsdale Holdings Ltd., 13829 81st Street, Electoral Area “A”**

To reduce the requirement that the floor of a dwelling unit be 1.0 metre above natural ground elevation to 0.0 metres, in order for the construction of a new single detached dwelling.

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors approve a floodplain exemption for Lot 1, Plan EPP42021, District Lot 2450s, SDYD, in order to permit the development of a single detached dwelling containing a floor located less than 1.0 metre above natural ground elevation, subject to the following condition:

- i) a statutory covenant is registered on title in order to:**
 - a) “save harmless” the Regional District against any damages as a result of a flood occurrence; and**
 - b) secure the recommendations contained within the flood hazard assessment report prepared by Paul Glen (P.Eng.) of Rock Glen Consulting Limited, dated May 19, 2016.**

2. OCP & Zoning Bylaw Amendment – E. & W. Monteith, Adjacent to McLean Creek Road, Electoral Area “D”

- a. Bylaw No. 2603.07, 2016
- b. Bylaw No. 2455.23, 2016
- c. Responses Received

To allow for the subdivision of a new 5.1 ha parcel while leaving a 47.7 ha remainder parcel.

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2603.07, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.23, 2016, Electoral Area “D” Zoning Amendment Bylaw be denied.

3. Development Variance Permit Application – P. & C. Jones, 441 Eastview Road, Electoral Area “D”

- a. Permit No. D2016.045-DVP

To formalize an existing accessory structure constructed without a permit.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors deny Development Variance Permit No. D2016.045–DVP.

C. COMMUNITY SERVICES – Recreation Services

1. Kaleden Parks & Recreation Commission Rescinding Appointment

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors rescind the appointment Paul Chahil from the Kaleden Parks & Recreation Commission; and,

THAT a letter be forwarded to Mr. Chahil thanking him for his contribution to the Kaleden Parks & Recreation Commission.

D. COMMUNITY SERVICES – Rural Projects

1. South Okanagan Transit System – Service Establishment

- a. Bylaw No. 2741, 2016
b. Bylaw No. 2741, 2016 - Map
c. South Okanagan Transit Maps

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

THAT Regional District of Okanagan-Similkameen South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 be read a first, second and third time prior to being forwarded to the Inspector of Municipalities for approval.

RECOMMENDATION 9 (Unweighted Corporate Vote – 2/3 Majority)

THAT upon approval by the Inspector, participating area approval for Regional District of Okanagan-Similkameen South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 be obtained for the entire service area through an Alternative Approval Process.

2. Fire Protection Agreement Between LSIB and KVFD**a. Agreement**

RECOMMENDATION 10 (Weighted Corporate Vote – Simple Majority)

THAT the Board of Directors enter into a 5-year Fire Protection Agreement (2016 – 2020) with the Lower Similkameen Indian Band, utilizing the Keremeos Fire Department.

E. FINANCE**1. Area E Parkland Acquisition – Temporary Borrowing Bylaw 2744****a. Bylaw No. 2744, 2016**

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

THAT Bylaw No. 2744, 2016 Area E Parkland Acquisition Temporary Borrowing Bylaw be read a first, second, and third time, and adopted.

2. Bylaw 2745, 2016 Security Issuing Bylaw – District of Summerland**a. Bylaw No. 2745, 2016****b. Summerland Bylaw No. 2016-023 – certified copy after third reading****c. Certified copy of resolution from Summerland**

RECOMMENDATION 12 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw 2745, 2016 Regional District Okanagan Similkameen Security Issuing Bylaw be read a first, second and third time and be adopted.

3. 2016-2020 Five Year Financial Plan Amendment – Oliver Parks and Recreation

RECOMMENDATION 13 (Weighted Corporate Vote – Simple Majority)

THAT the Board of Directors support a Five-year Financial Plan Amendment in the amount of \$50,000 from the Oliver Parks and Recreation Society Hall Reserve to fund the Weight Room Expansion; and,

THAT the Board of Directors support a Five-year Financial Plan Amendment in the amount of \$30,000 from the Oliver Parks and Recreation Hall and Oliver Parks and Recreation Society Services Capital Reserves for equipment related to the weight room expansion

-
4. **Liability Insurance Coverage through Municipal Insurance Association – Oliver Parks and Recreation**
 - a. Service Provider Agreement

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors approve the Service Provider Agreement between Regional District of Okanagan Similkameen and Oliver Parks and Recreation Society.

F. OFFICE OF THE CAO

1. **Bylaw Notice Enforcement Amendment**

- a. Bylaw No. 2507.06, 2016

To provide for enforcement of zoning regulations at Kennedy Lake, through the issuance of Bylaw Offence Notices.

RECOMMENDATION 15 (Unweighted Corporate Vote – 2/3 Majority)

THAT the Bylaw Notice Enforcement Amendment Bylaw No. 2507.06 be read a first, second and third time and be adopted

2. **Regional Heritage Conservation Services Establishment**

- a. Bylaw No. 2706, 2015

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)

THAT Regional District of Okanagan-Similkameen Heritage Conservation Service Establishment Bylaw No. 2706, 2015 be adopted.

3. **Naramata Water Advisory Committee Appointment**

To appoint a new member to Naramata Water Advisory Committee.

RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors appoint Peter Graham as a member of the Naramata Water Advisory Commission.

4. Southern Interior Local Government Association (SILGA) Appointment

To appoint a RDOS representative to Southern Interior Local Government Association (SILGA).

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

THAT Director Karla Kozakevich be appointed as the Regional District of Okanagan-Similkameen’s representative to Southern Interior Local Government Association (SILGA) for 2016.

5. Okanagan Basin Water Board Appointment

To ensure that the Regional District is represented at the Okanagan Basin Water Board.

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

THAT the Board rescind the appointment of Andre Martin from the Okanagan Basin Water Board; and further,

THAT a Director from a jurisdiction participating in the Okanagan Basin Water Board service be appointed as a representative to the Okanagan Basin Water Board to fill the vacancy.

6. UBCM Resolution – For Information

- a. Resolution – Protection of Water Bodies from Mussels
- b. Background Information – Protection of Water Bodies from Mussels

To submit a resolution to the Union of BC Municipalities (UBCM) regarding the restriction of out of Province registered watercraft entering British Columbia.

RECOMMENDATION 20 (Unweighted Corporate Vote – Simple Majority)

THAT a resolution be submitted to the Union of BC Municipalities requesting that out of Province registered watercraft be restricted from entering British Columbia.

7. Olalla Water System Service Establishment Amendment

- a. Bylaw No. 2677, 2016

RECOMMENDATION 21 (Unweighted Corporate Vote – Simple Majority)

THAT Olalla Water System Service Establishment Amendment Bylaw No. 2677, 2016, be read a first, second, and third time, and be adopted.

-
- 8. Sub-Regional Conservation Fund Service Establishment (as deferred from the May 19, 2016 and June 16, 2016 Board Meeting)**
a. Bylaw No. 2690, 2015

To establish a service for the requisition of funds to assist with achieving environmentally sustainable objectives and conservation of our natural areas through a conservation services.

RECOMMENDATION 22 (Unweighted Corporate Vote – Simple Majority)
THAT Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be read a first, second and third time prior to being forwarded to the Inspector of Municipalities for approval.

RECOMMENDATION 23 (Unweighted Corporate Vote – 2/3 Majority)
THAT upon approval by the Inspector of Municipalities, participating area approval for Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be obtained for the entire service area through an Alternative Approval Process in accordance with section 342 (4) of the *Local Government Act*.

- 9. Shared Services Pilot Study (as carried forward from the June 16, 2016 Corporate Services Committee Meeting)**

To look for economies of scale and other cost-saving measures by partnering with other public agencies, including but not limited to, the City of Penticton, SD #67, Penticton Indian Band and the District of Summerland. The Penticton Hospital (IHA) and Okanagan College may be interested as well.

RECOMMENDATION 24 (Weighted Corporate Vote – Simple Majority)
THAT the Regional District participate in a “Shared Services” pilot study to identify partnering opportunities with other public agencies, with a commitment of up to \$12,500.00 to be found within an existing “Consultant Services” line account in the 2016 Budget.

G. CAO REPORTS

- 1. Verbal Update**
-

H. OTHER BUSINESS

1. Chair's Report

2. Directors Motions

3. Board Members Verbal Update

I. ADJOURNMENT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Development Variance Permit Application — Electoral Area “H”



Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. H2016.060–DVP.

Purpose: To construct a carport addition to the existing house.

Owners: Todd Kolinsky & Karen McDonell Agent: NA Folio: H-00810.000

Civic: 156 Towers Road Legal: Lot 13, District Lot 902, YDYD, Plan 12149

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

Requested Variances: to vary the minimum front parcel line setback from 7.5 metres to 3.81 metres.

Proposed Development:

This application seeks to reduce the minimum front parcel line setback for a principal building from 7.5 metres to 3.81 metres (as measured to the outermost projection) to allow for the construction of a carport addition to the existing house on the property. The carport addition would allow the owners to access their vehicles easily in the winter, without having to remove snow and ice from the vehicles.

The applicant has stated the following in support of their application:

- The carport does not affect adjacent or nearby properties.
- This is a unique situation as in the 1962 development of these lots, there was a cul-de-sac created at the front of the lot. However, the road was extended and the cul-de-sac (vehicle turn around) ended up farther down the road. As such, the cul-de-sac at the front of the lot has never been a functioning cul-de-sac in their ownership (since 1994).
- The best option for the desired use is to attach the carport to the main building. This option has been recommended by the builder and engineer.

Site Context:

The subject property is approximately 1,352 m² in area and is situated on the west side of Towers Road in Eastgate. The surrounding pattern of development is generally characterised by similar small holdings rural residential uses.

Background:

The subject property was created by a subdivision deposited in the Land Title office on March 21, 1962. There are no building permits on file for the property; however, development is seen to comprise a dwelling and three accessory structures.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the subject property is zoned Small Holdings Four (SH4), which permits “single detached dwellings” as a permitted use.

At Section 11.8.5(a)(i) of the Zoning Bylaw, the minimum front parcel line setback is 7.5 metres.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Thursday, June 30, 2016.

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.

Generally, development within a front setback is considered to represent poor streetscape design. However, in this instance, the cul-de-sac that was created at the front of the lot has not been used functionally as the road was extended further south. If the front lot line continued straight rather than curving inward for the road allowance for the cul-de-sac, the proposed structure would meet the required front setback of 7.5 metres.

As such, it is not anticipated that the proposed carport addition would detract from the established streetscape characteristics or have a detrimental impact upon the amenity of the area or adjoining uses, and the proposal is seen to be reasonable.

Alternatives:

- .1 THAT the Board of Directors deny Development Variance Permit No. H2016.060–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).

Respectfully submitted:



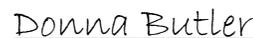
S. Lightfoot, Planning Tech.

Endorsed by:



C. Garrish, Planning Supervisor

Endorsed by:



D. Butler, Development Services Manager



Development Variance Permit

FILE NO.: H2016.060-DVP

Owners: Todd Kolinsky &
Karen McDonell

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: Lot 13, District Lot 902, YDYD, Plan 12149

Civic Address: 156 Towers Road, Eastgate

Parcel Identifier (PID): 008-593-787 Folio: H-00810.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "H" Zoning Bylaw No. 2498, 2012, in the Regional District of Okanagan-Similkameen:
 - a) The minimum front parcel line setback for a building, as prescribed at Section 11.8.5(a)(i), is varied :
 - i) from: 7.5 metres

to: 3.81 metres, as measured to the outermost projection and as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

a) Not Applicable

8. **SECURITY REQUIREMENTS**

a) Not applicable

9. **EXPIRY OF PERMIT**

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

- (a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.
- (b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

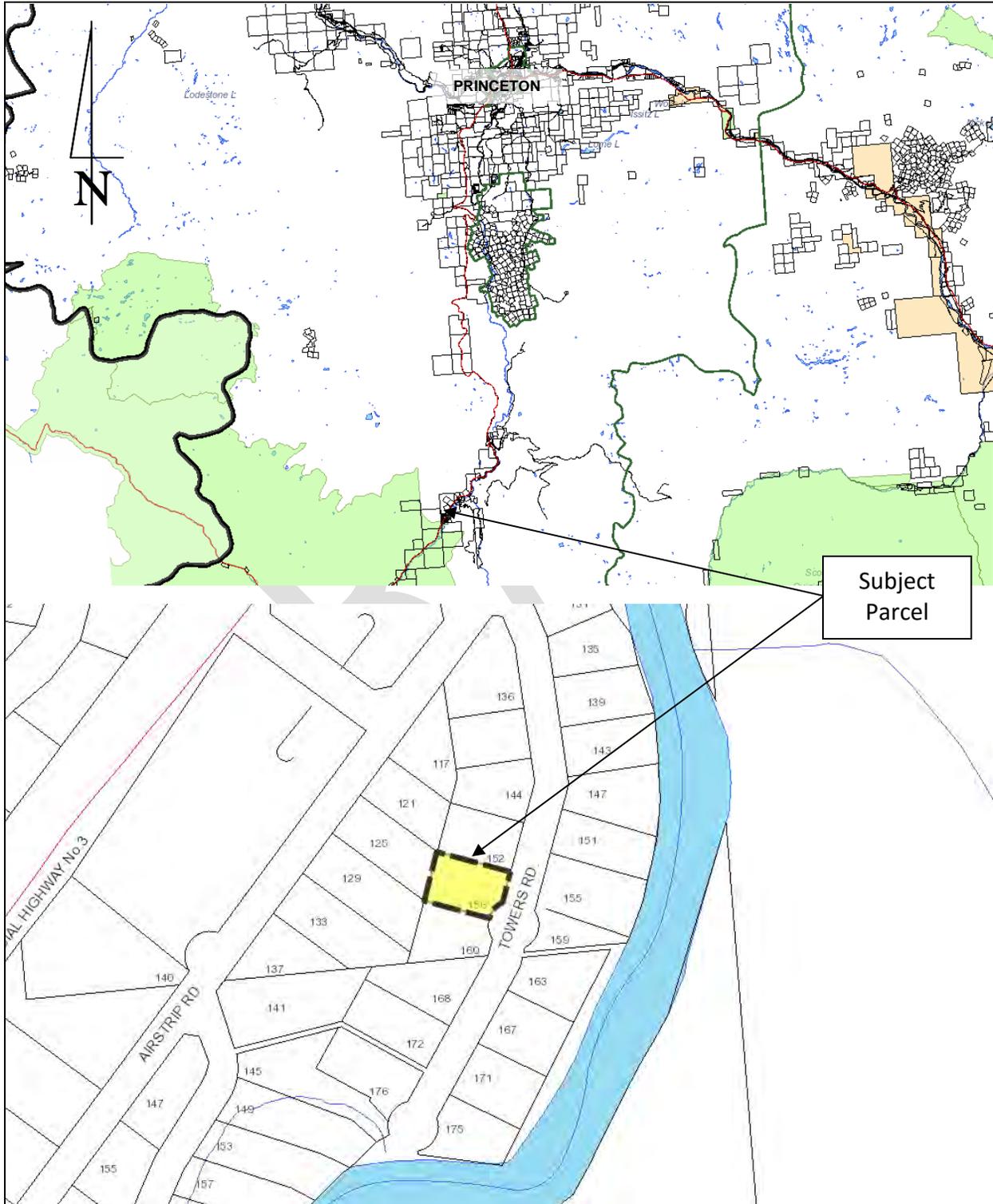
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2016.060-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

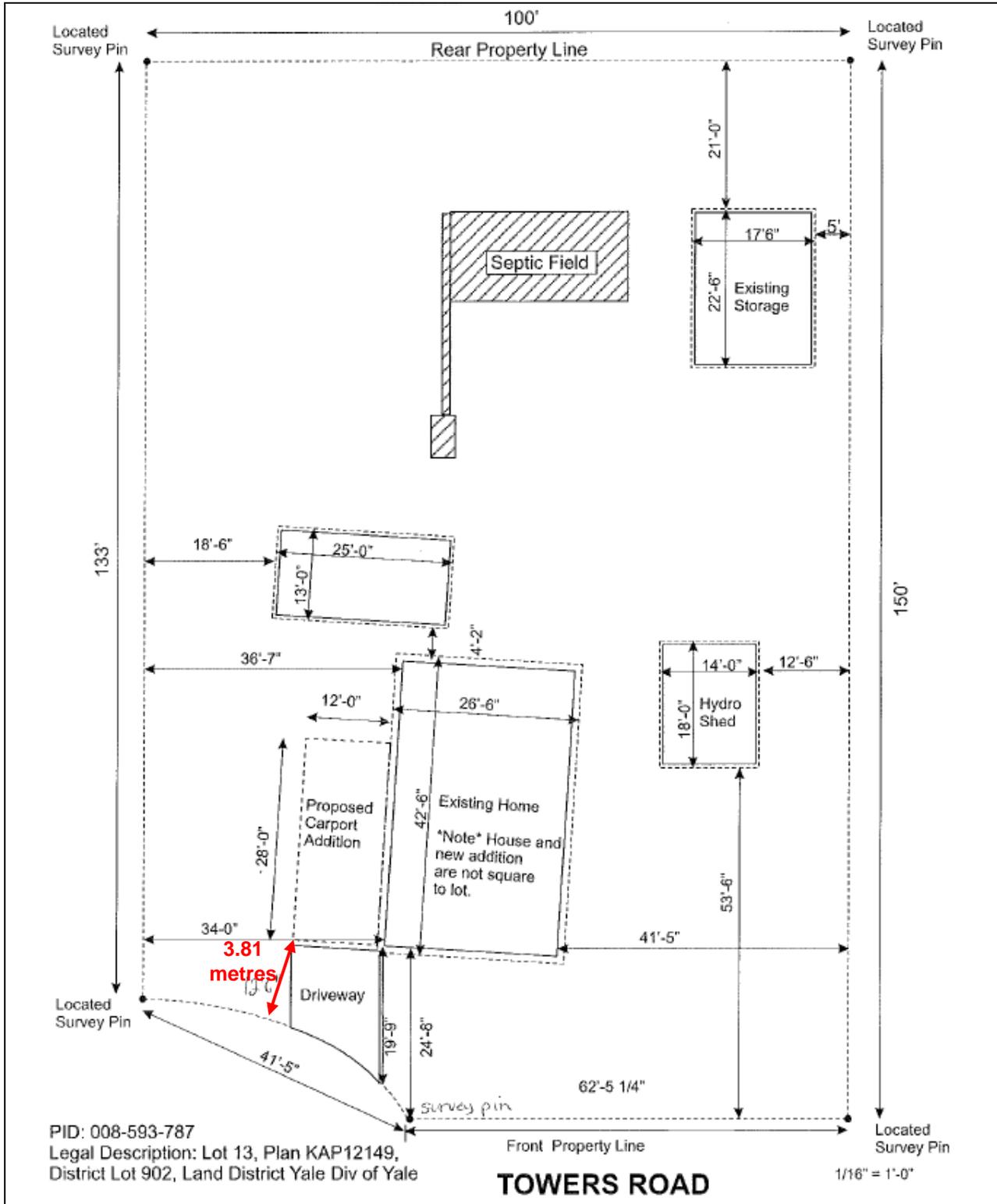
101 Martin St, Penticton, BC V2A 5J9
 Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2016.060-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

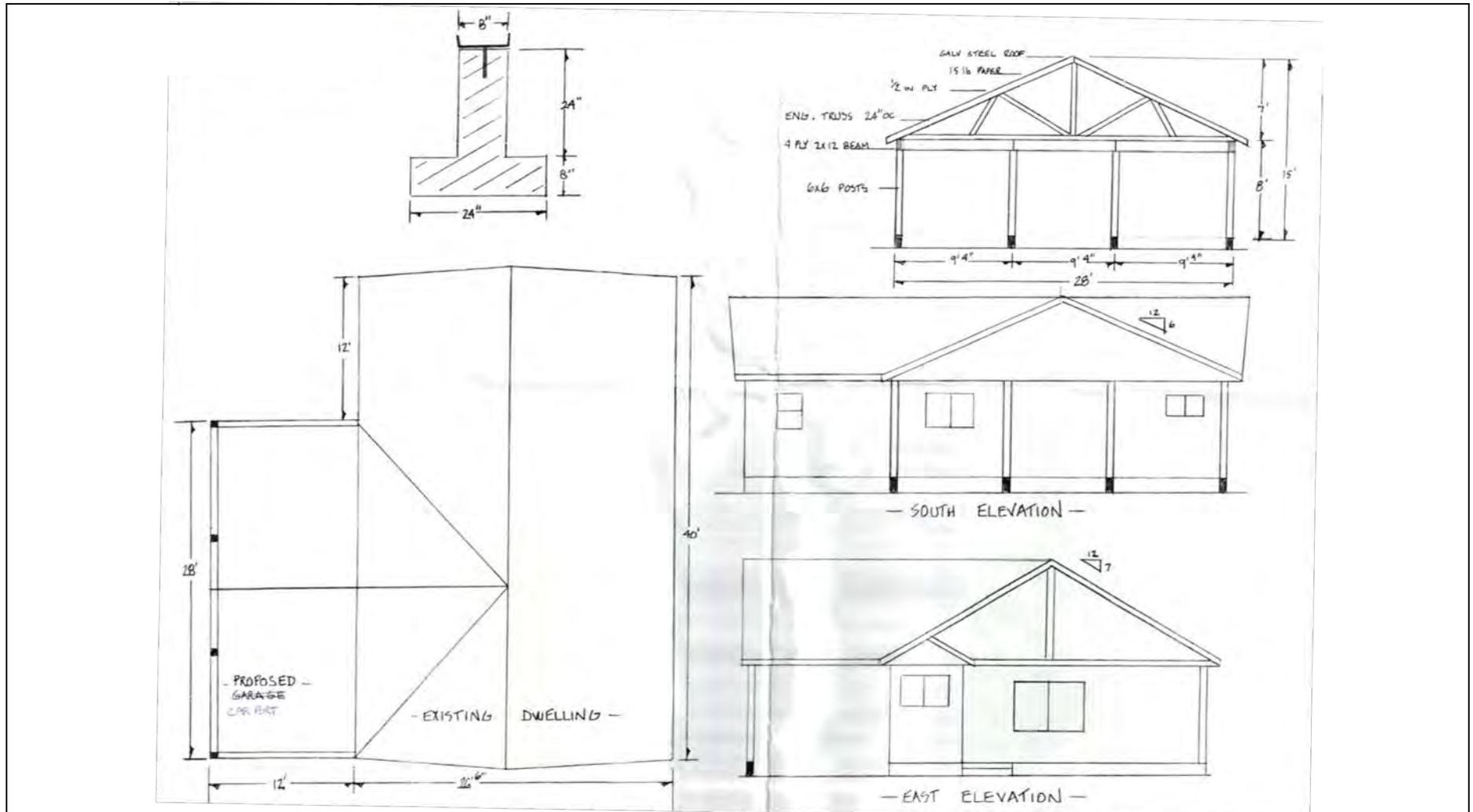
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. H2016.060-DVP

Schedule 'C'



Lauri Feindell

Subject: FW: lot 156 eastgate bc. todd kolinsky

-----Original Message-----

Sent: June 13, 2016 8:25 PM

To: Susan Lightfoot

Subject: lot 156 eastgate bc. todd kolinsky

I W. Little 125 Airstrip Road has no problem with Todd Kolinsky lot 156 Eastgate building his carport. Thankyou.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Floodplain Exemption Application — Electoral Area “A”



Administrative Recommendation:

THAT the Board of Directors approve a floodplain exemption for Lot 1, Plan EPP42021, District Lot 2450s, SDYD, in order to permit the development of a single detached dwelling containing a floor located less than 1.0 metre above natural ground elevation, subject to the following condition:

- i) a statutory covenant is registered on title in order to:**
 - a) “save harmless” the Regional District against any damages as a result of a flood occurrence; and**
 - b) secure the recommendations contained within the flood hazard assessment report prepared by Paul Glen (P.Eng.) of Rock Glen Consulting Limited, dated May 19, 2016.**

Purpose: To reduce the requirement that the floor of a dwelling unit be 1.0 metre above natural ground elevation to 0.0 metres, in order to for the construction of a new single detached dwelling.

Owner: Upper Lonsdale Holdings Ltd. Applicant: Michael and Sharon Greig Folio: A-05995.005
Civic: 13829 81st Street Legal: Lot 1, Plan EPP42021, District Lot 2450s, SDYD
OCP: Low Density Residential (LR) Zone: Residential Single Family One Zone (RS1)

Proposed Development:

This application seeks to reduce the requirement to locate the floor of a dwelling unit from 1.0 metre to 0.0 metres above natural ground elevation, in order to facilitate the construction of a proposed single family detached dwelling.

In support of the proposal, the applicant has provided a flood hazard assessment dated May 19, 2016, prepared by Paul Glen, P. Eng., of Rock Glen Consulting Ltd.

Site Context:

Approximately 501.6 m² in area, the subject property is situated on the east side of 81st Street on the shore of Osoyoos Lake approximately 2.3 kilometres northwest of the Town of Osoyoos. There are no buildings or structures on the property. The surrounding pattern of development is characterised by low density residential development.

Background:

Under the Electoral Area “A” Zoning Bylaw, the subject property is zoned Residential Single Family One Zone (RS1), wherein a single detached dwelling is a permitted use.

Under Section 8.3.3(a) of the Zoning Bylaw, it is stated “dwelling units must be located with the underside of a wooden floor system, or the top of the pad of any habitable area, or the ground surface on which it is located, no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 8.1, whichever is greater.”

Despite this restriction, Section 524(7) of the *Local Government Act* allows the Regional District to consider exempting a specific parcel for its floodplain regulations if the Board considers it advisable and either:

- (a) considers that the exemption is consistent with the Provincial guidelines, or*
- (b) has received a report that the land may be used safely for the use intended, which report is certified by a person who is*
 - (i) a professional engineer or geoscientist and experienced in geotechnical engineering, or*
 - (ii) a person in a class prescribed by the environment minister under subsection (9).*

On May 5, 2016, the Board of Directors approved Development Variance Permit A2016.010-DVP to reduce the minimum front parcel line setback for the proposal from 7.5 metres to 1.0 metres.

On June 7, 2016, staff approved Watercourse Development Permit A2016.011-WDP with respect to the proposal, which included notation that the proposal meets floodplain regulations.

Analysis:

In considering this floodplain exemption request against the requirements of Section 524(7) of the *Local Government Act*, Administration notes that the property owners have submitted a flood hazard assessment, dated May 19, 2016, prepared by Paul Glen, P. Eng., of Rock Glen Consulting Ltd., which states:

Flood protection measures were designed to provide protection against a 200-year flood event. The new house foundations will be protected against erosion and scour during extreme flood event. Existing ground elevations will be maintained or raised against building foundations.

Flood hazard mitigation strategies and protection recommendations include:

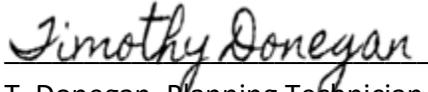
- Siting the top of the floor slab for the new house at or above the flood construction level of 280.7 masl to reduce the potential for flood waters to enter the house.*
- Maintaining existing shoreline retaining wall as erosion protection works between the new house and the lake.*
- Sloping all ground away from the house foundations.*
- Protecting footing with approximately 6-6 inch angular rock. This erosion protection riprap shall be approximately 2 feet thick extending across the east side of the house foundation. Installation to be reviewed by RGC.*

Further to the Regional District’s Development Procedures Bylaw No. 2500, 2011, a statutory covenant under Section 219 of the *Land Title Act* is required to be registered on title in order that the Regional District is “saved harmless” as a result of issuing this floodplain exemption.

Alternatives:

1. Deny the Floodplain Exemption request.
2. Approve the Floodplain Exemption request.
3. Approve the request with conditions.

Respectfully submitted:



T. Donegan, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

Endorsed by:



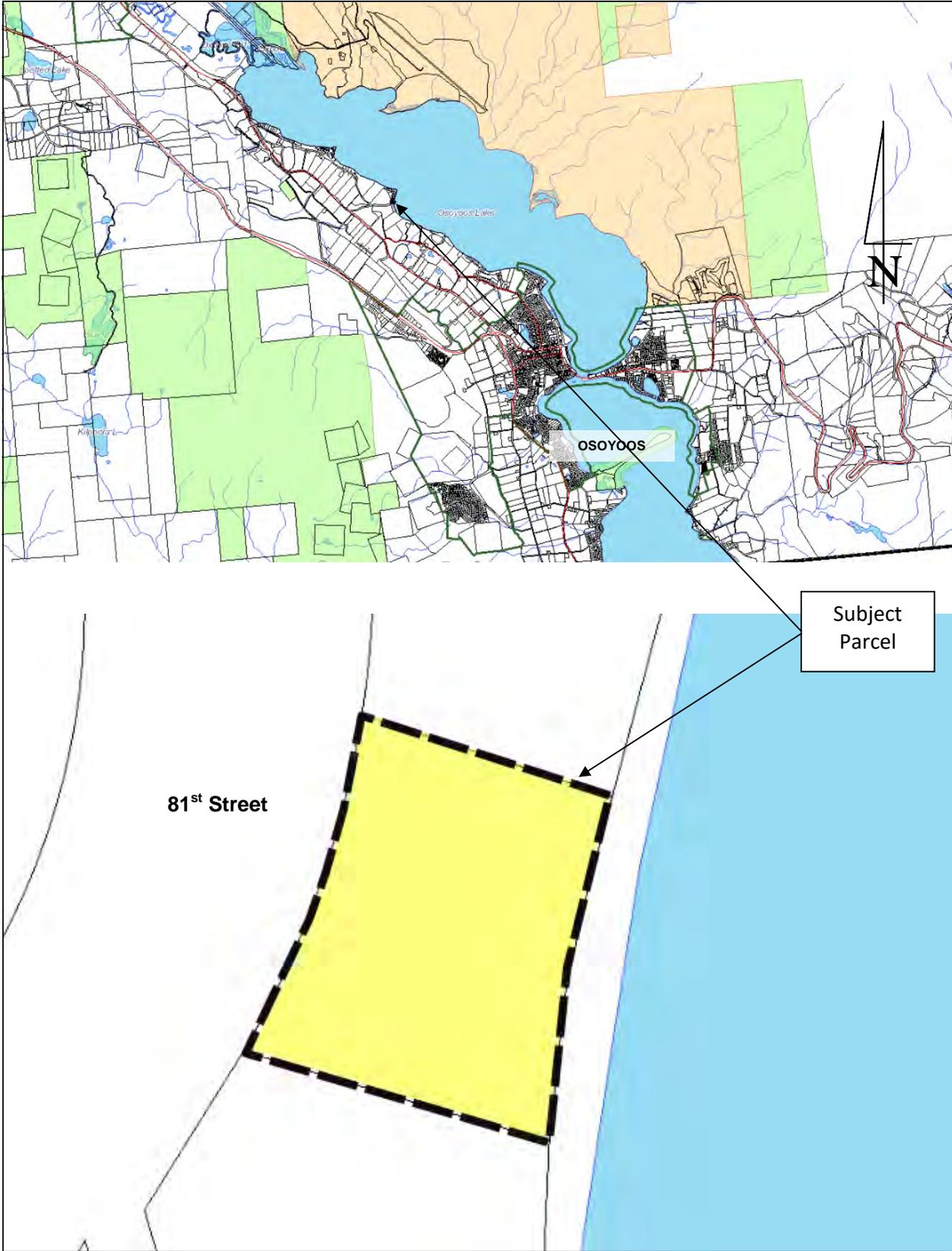
D. Butler, Dev. Services Manager

Attachments: Attachment No. 1 – Context Maps

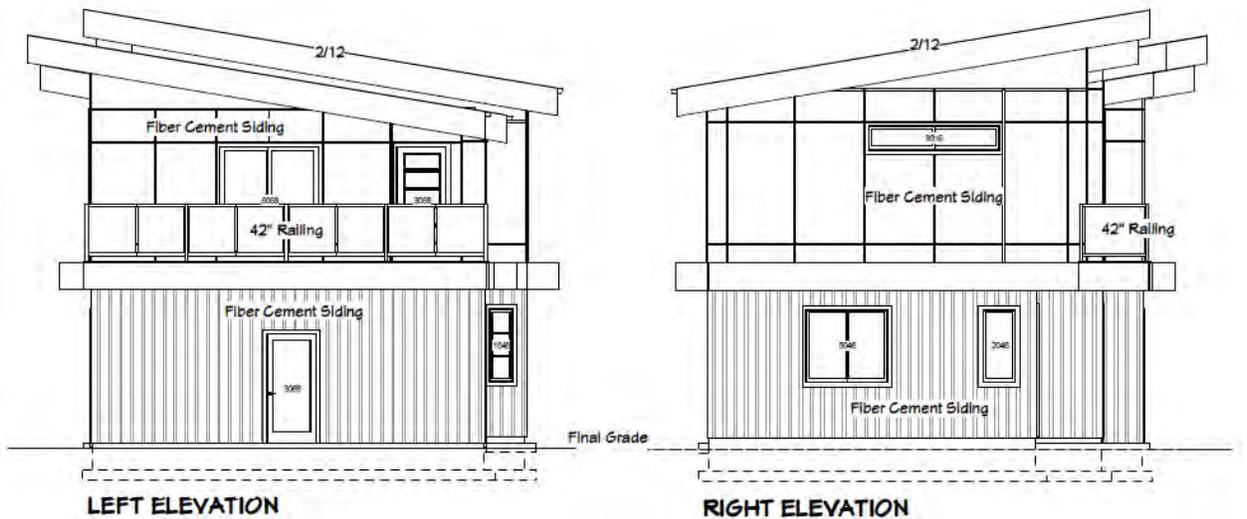
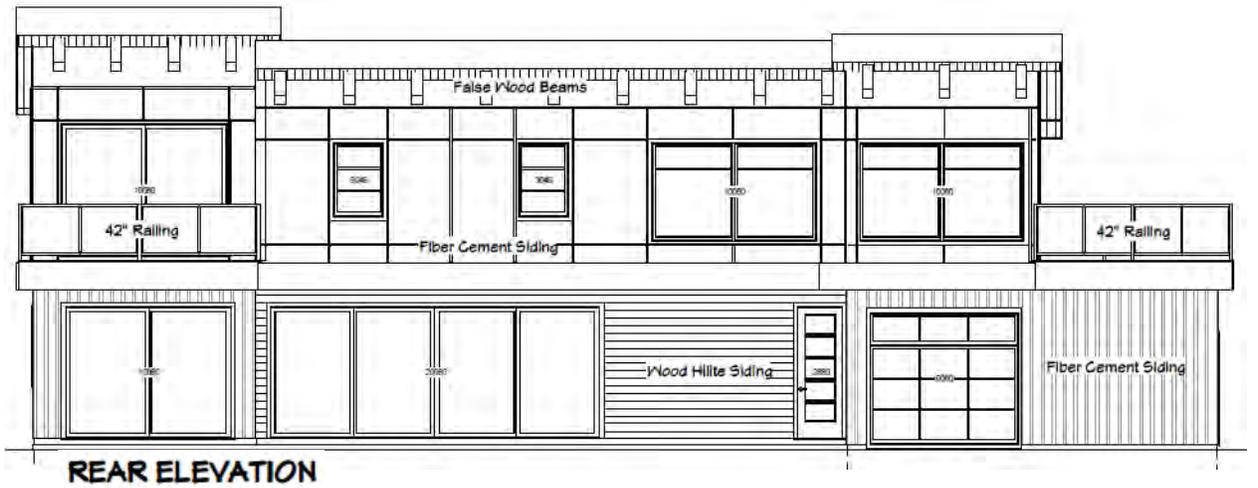
Attachment No. 2 – Applicant’s Site Plan

Attachment No. 3 – Applicant’s Elevation Drawings

Attachment No. 1 – Context Maps



Attachment No. 3 – Applicant’s Elevation Drawings



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: OCP & Zoning Bylaw Amendment — Electoral Area “D-2”



Administrative Recommendation:

THAT Bylaw No. 2603.07, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.23, 2016, Electoral Area “D” Zoning Amendment Bylaw be denied.

Purpose: To allow for the subdivision of a new 5.1 ha parcel while leaving a 47.7 ha remainder parcel.

Owner: Eileen & William Monteith Agent: McElhanney (Brad Elenko) Folio: D-02881.000

Legal: DL 461, SDYD, except Plan 890, B4454, 5152, 16913, KAP50649, KAP67022. Civic: unknown

OCP: Large Holdings (LH) Proposed OCP: part LH and part Agriculture (AG)

Zoning: Large Holdings (LH) Proposed Zoning: part LH and part Agriculture One (AG1)

Proposal:

This proposal is seeking to amend the zoning on a 5.1 hectare (ha) part of the subject property in order to facilitate the subdivision of a new parcel adjacent to McLean Creek Road while leaving a remainder parcel of 47.7 ha that will be hooked across McLean Creek Road with additional road frontage to Eastside Road.

Specifically, it is being proposed to amend the Official Community Plan (OCP) designation on the proposed new 5.1 ha parcel from Large Holdings (LH) to Agriculture (AG) and the zoning of this same area under the Zoning Bylaw from Large Holdings (LH) to Agriculture One (AG1).

In support of this proposal, the applicant has stated the configuration of the proposed parcel reflects the natural and constructed barriers associated with McLean Creek Road, an un-made road at the north-west corner of the property and McLean Creek; and that this part of the property could be better utilised for agricultural purposes if it was subdivided.

Site Context:

The subject property is approximately 52.8 ha in area and is situated on the eastern side of Eastside Road, and is bisected by McLean Creek Road. The property appears to be largely undeveloped apart from two farm outbuildings near McLean Creek Road.

The surrounding pattern of development is generally characterised by low density residential development to the west (i.e. Skaha Estates), agricultural operation in the Agricultural Land Reserve (ALR) to the north and similar open land and un-surveyed Crown land to the east.

Background:

It is unclear when the parcel was created by subdivision, and the development of any structures on the property likely predate the formation of the Regional District in 1966 (as no building permit records exist for this parcel).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property has been designated as Large Holdings (LH), and is also the subject of an Environmentally Sensitive Development Permit (ESDP), Watercourse Development Area (WDP) and a Hillside and Steep Slope Development Permit (HSSDP) Area designation. If rezoning is approved, a WDP would be required prior to subdivision of the parcel.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the subject property is currently zoned Large Holdings (LH), which establishes a minimum parcel size of 20.0 ha.

In the past, the property has been the subject of a number of re-development proposals, including a contentious rezoning application to create a 225 unit mobile home park in 1991 (Abby Downs Construction Limited) which was ultimately refused by the Board.

A revised “78 strata lot” development in the south-west corner, which comprised “critically important wildlife habitat”, was prepared in 1998 but never formally submitted for rezoning.

The property is currently classified as “residential” by BC Assessment, is not within the Agricultural Land Reserve (ALR) and contains a registered archaeological site, which the Archaeological Branch has advised is located west of McLean Creek Road but not within the area proposed for the new parcel.

On June 21, 2016, the applicant submitted an application to the Agricultural Land Commission (ALC) in order to include the proposed parcel in the ALR. The applicant has advised that, if the rezoning application is rejected, they will withdraw this inclusion application.

Agency comments received on the 1991 rezoning proposal also indicate that the western part of the property possesses a number of important environmental values.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will not be required prior to adoption as the proposed amendments do not affect land within 800 metres of a controlled area (i.e. Highway 97).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District’s current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS’s current waste management plan and financial plan.

Public Process:

At their meeting of March 8, 2016, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend that the proposed amendments to the Commercial Zone be denied.

Administration recommends that consideration by the APC, written notification of affected property owners as well as formal referral to the agencies listed at Attachment No. 1 should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, this process is seen to be sufficiently early and does not need to be further ongoing.

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

Analysis:

In considering this proposal, Administration notes that the recent OCP Review in Electoral Area “D-2” reconfirmed the designation of the subject property as Large Holdings, and further included a policy to the effect that the Regional District Board discourages changes in land use that will allow for the subdivision of LH designated parcels to less than 20 ha in size.

Administration further notes that this property is not *currently* situated within the Agricultural Land Reserve (ALR), appears to have no recent history of agricultural use (i.e. BC Assessment has consistently classified the property as “residential” since 2006), and no history of the fruit and vegetable farming *generally* associated with the AG1 Zone.

In addition, the notion that agriculture only becomes feasible if smaller parcels are created runs counter to one of the main objectives of the Agriculture designation under the Plan; which is to prevent the “fragmentation of large agricultural areas.”

Administration further notes that there would be no way to compel anyone to actually farm this proposed parcel, and that “agriculture” is already listed as a principal permitted use in the LH Zone — so rezoning to AG1 is not going to allow for any farm uses (other than “winery”) not already permitted by the LH Zone.

The Board is asked to be aware that the applicant recently submitted an application to the ALC to include the proposed parcel in the ALR so as to confirm the owner’s “commitment to agriculture”. Similar to the comments above, Administration is concerned that inclusion in the ALR will not compel anyone to actually farm this parcel or generally allow for uses not already permitted by the LH Zone.

For all these reasons, Administration considers this as being more akin to a rural-residential type subdivision and that the Small Holdings One (SH1) Zone (which also allows for “agriculture”) would be more appropriate. In this context, however, the OCP states that there is sufficient land already zoned for residential development to 2031.

Available sensitive ecosystem mapping also indicates that the proposed new parcel comprises a riparian gully with mature forest (a relatively uncommon occurrence) and that a portion of riparian area along McLean Creek contains black cottonwood-water birch (a red-listed plant community) which can support many species at risk. It is also understood that McLean Creek supports high capability fish spawning habitat, and that local first nations consider this a priority area for restoration.

Administration recognises that it has supported previous rezonings to create smaller parcels on properties immediately to the south of the subject property, however, this was prior to the adoption of the current OCP and in two of those instances it was to facilitate the donation of land to a

conservation organisation or the creation of areas zoned Conservation Area (CA) — neither of which are being proposed in this instance.

Conversely, it is recognised that:

- the OCP contemplates a limited amount of infill development in the rural areas;
- the Regional District has previously approved a number of rezoning proposals that created smaller lots near the subject property (for the reasons mentioned above); and
- the proposed 5.0 ha parcel is not inconsistent with the pattern of development found further west on McLean Creek Road (but which is generally zoned SH5).

Administration also concurs with the applicant that it is unlikely that the creation of a new parcel at this location would adversely affect the use of adjacent properties.

Nevertheless, Administration considers that the objectives and policies of the new OCP Bylaw need to be upheld, that there is no substantial benefit to the community by the creation of a single new parcel (i.e. no sensitive lands on the parent parcel will be protected) and, accordingly, does not support this proposal.

Importantly, it is also felt that other options are available to the property owner, such as pursuing a subdivision along McLean Creek Road as this would not require rezoning as the resultant parcels would each meet the 20 ha minimum parcel size requirement of the LH Zone.

Alternative:

THAT Bylaw No. 2603.07, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2455.23, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 7, 2016, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2603.08, 2016, in conjunction with its Financial and applicable Waste Management Plans;

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

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

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

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



D. Butler, Development Services Manager

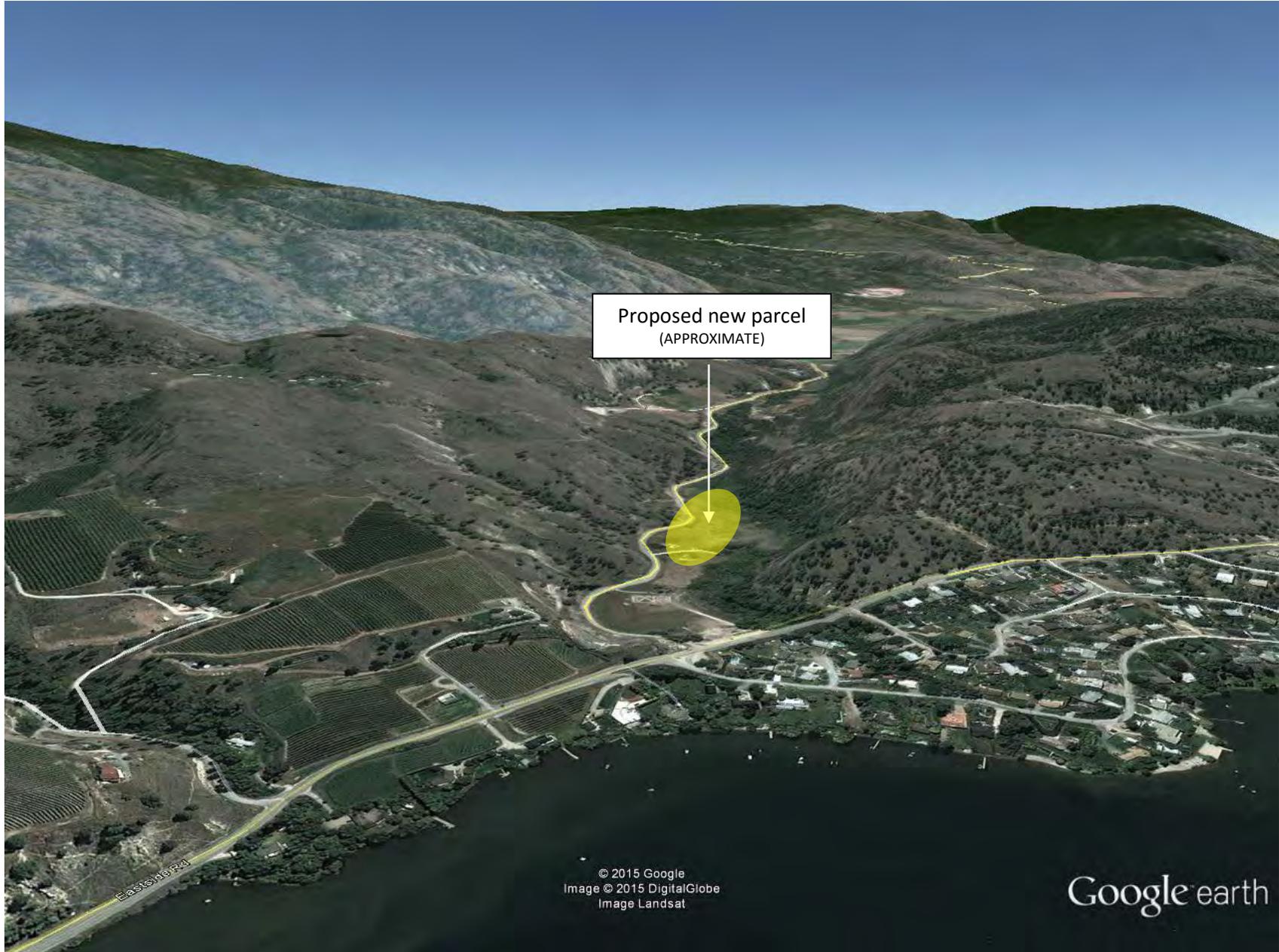
Attachments: No. 1 – Agency Referral List
No. 2 – Aerial Photo (Google Earth)

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 2603.07, 2016, and No. 2455.23, 2016.

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

Attachment No. 2 — Aerial Photo (Google Earth)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2603.07, 2016

**A Bylaw to amend the Electoral Area “D”
Official Community Plan Bylaw No. 2603, 2013**

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “D” Official Community Plan Amendment Bylaw No. 2603.07, 2016.”
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on an approximately 5.1 hectare part of the land described as District Lot 461, SDYD, Except Plans 890, 4544, 5152, 16913, KAP50649 and KAP 67022, and shown shaded yellow on Schedule ‘X-2’, which forms part of this Bylaw, from Large Holdings (LH) to Agriculture (AG).

READ A FIRST AND SECOND TIME this ___ day of _____, 2016.

PUBLIC HEARING held on this ___ day of _____, 2016.

READ A THIRD TIME AND ADOPTED this ___ day of _____, 2016.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

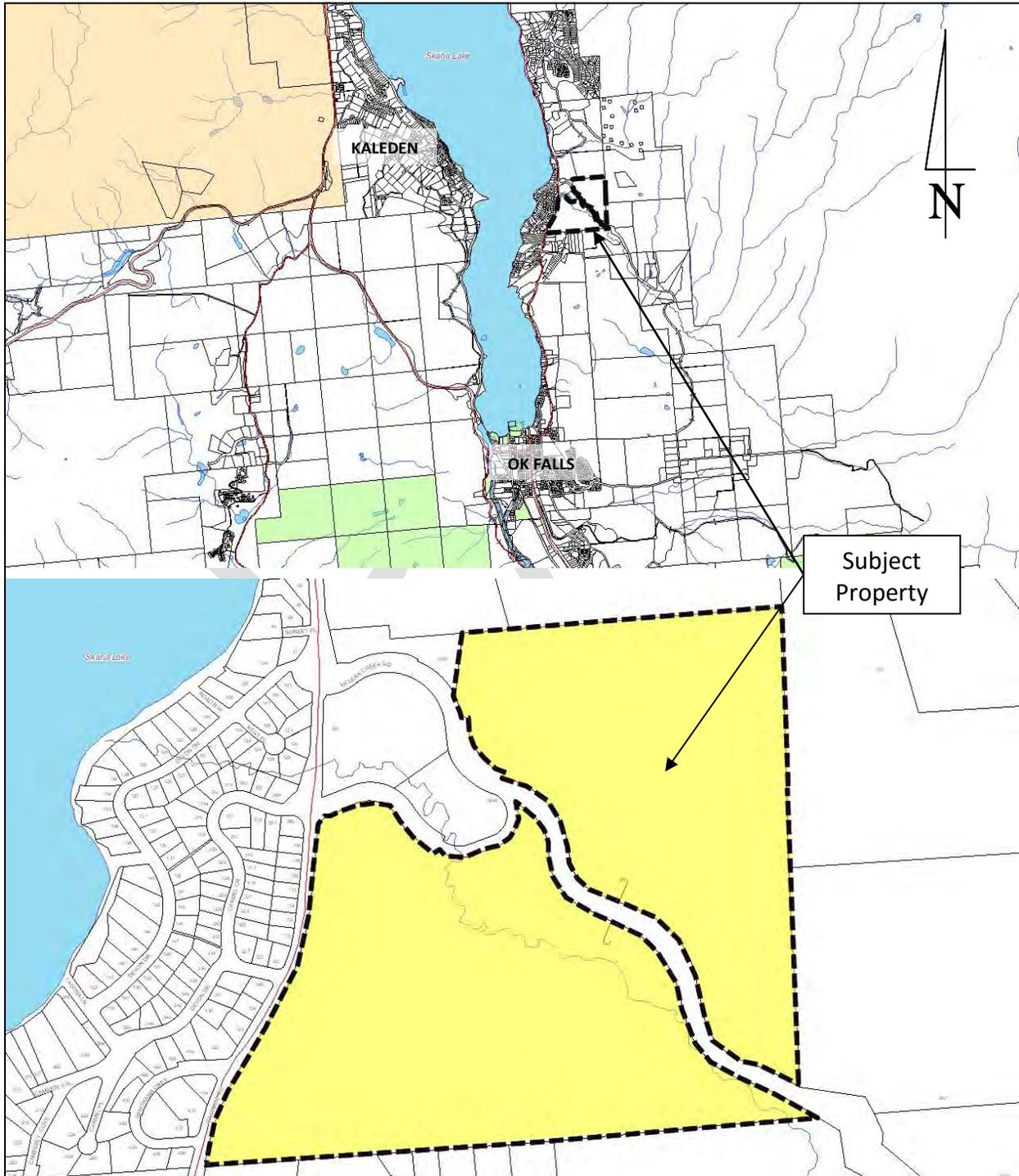
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.07, 2016

Project No: D2015.128-ZONE

Schedule 'X-1'



Regional District of Okanagan-Similkameen

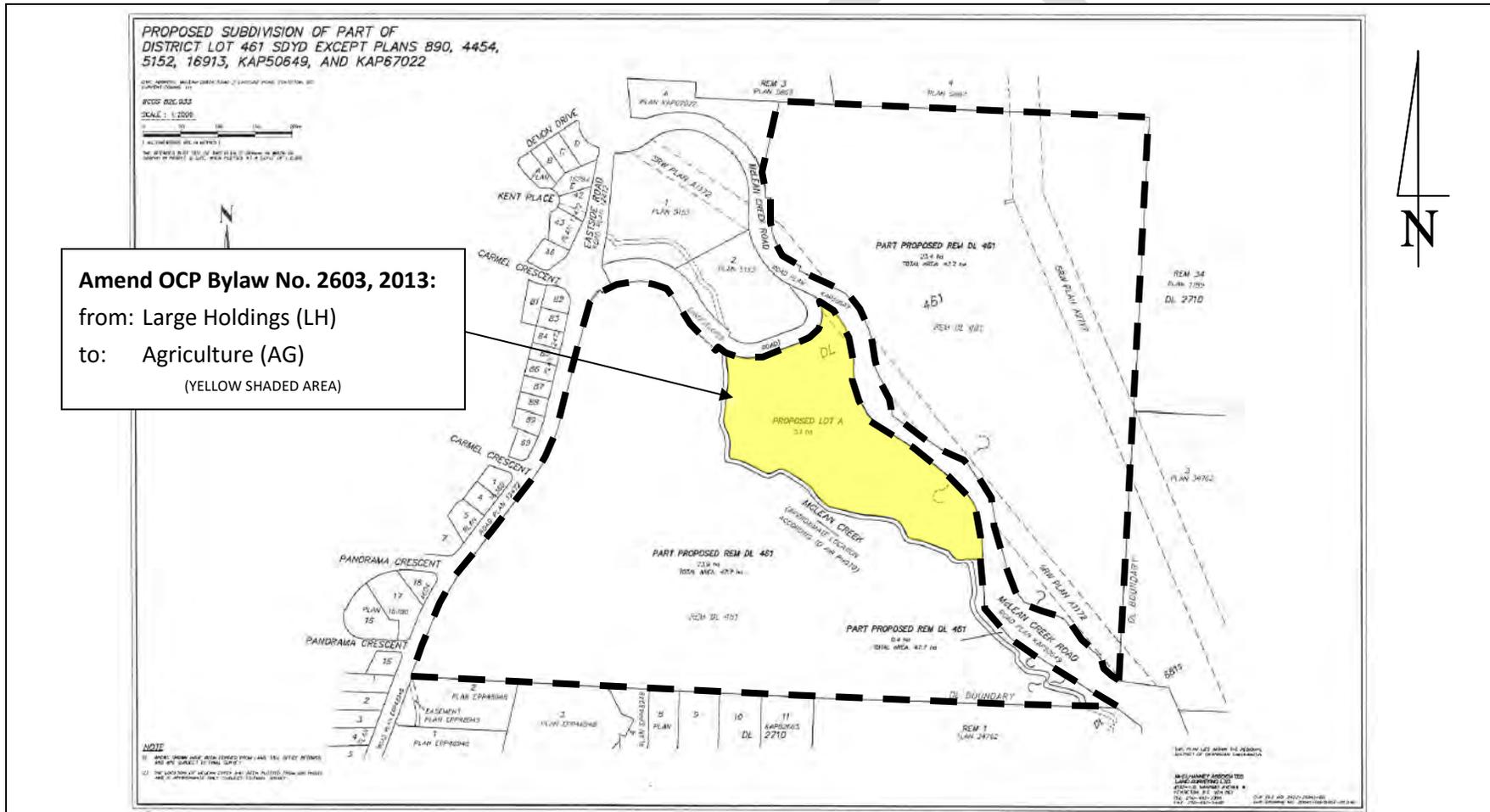
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.07, 2016

Project No: D2015.128-ZONE

Schedule 'X-2'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.23, 2016

A Bylaw to amend the Electoral Area “D” Zoning Bylaw No. 2455, 2008

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “D” Zoning Amendment Bylaw No. 2455.23, 2016.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “D” Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on an approximately 5.1 hectare part of the land described as District Lot 461, SDYD, Except Plans 890, 4544, 5152, 16913, KAP50649 and KAP 67022, and shown shaded yellow on Schedule ‘Y-2’, which forms part of this Bylaw, from Large Holding (LH) to Agriculture One (AG1).

READ A FIRST AND SECOND TIME this ___ day of _____, 2016.

PUBLIC HEARING held on this ___ day of _____, 2016.

READ A THIRD TIME AND ADOPTED this ___ day of _____, 2016.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

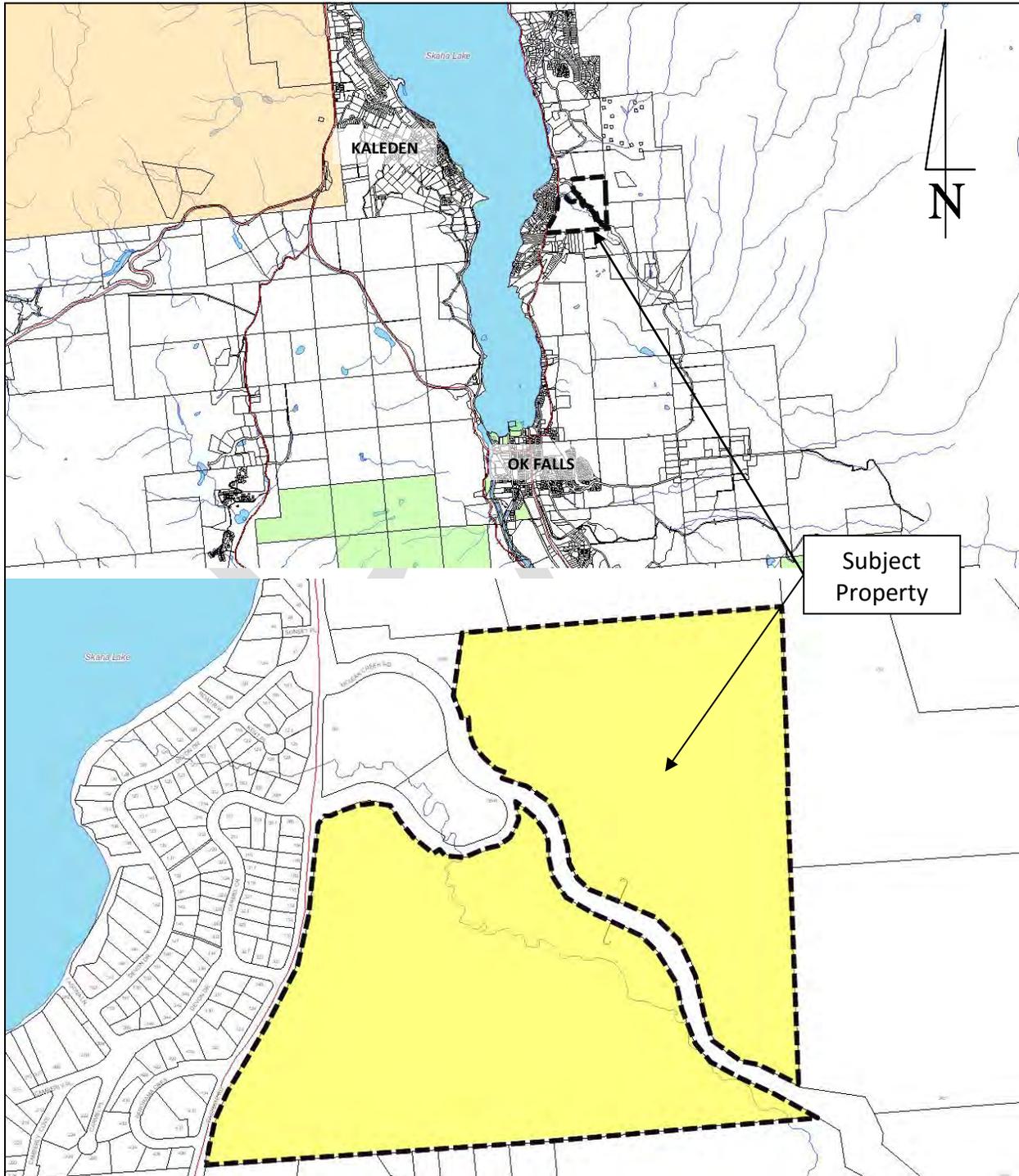
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.23, 2016

Project No: D2015.128-ZONE

Schedule 'Y-1'



Regional District of Okanagan-Similkameen

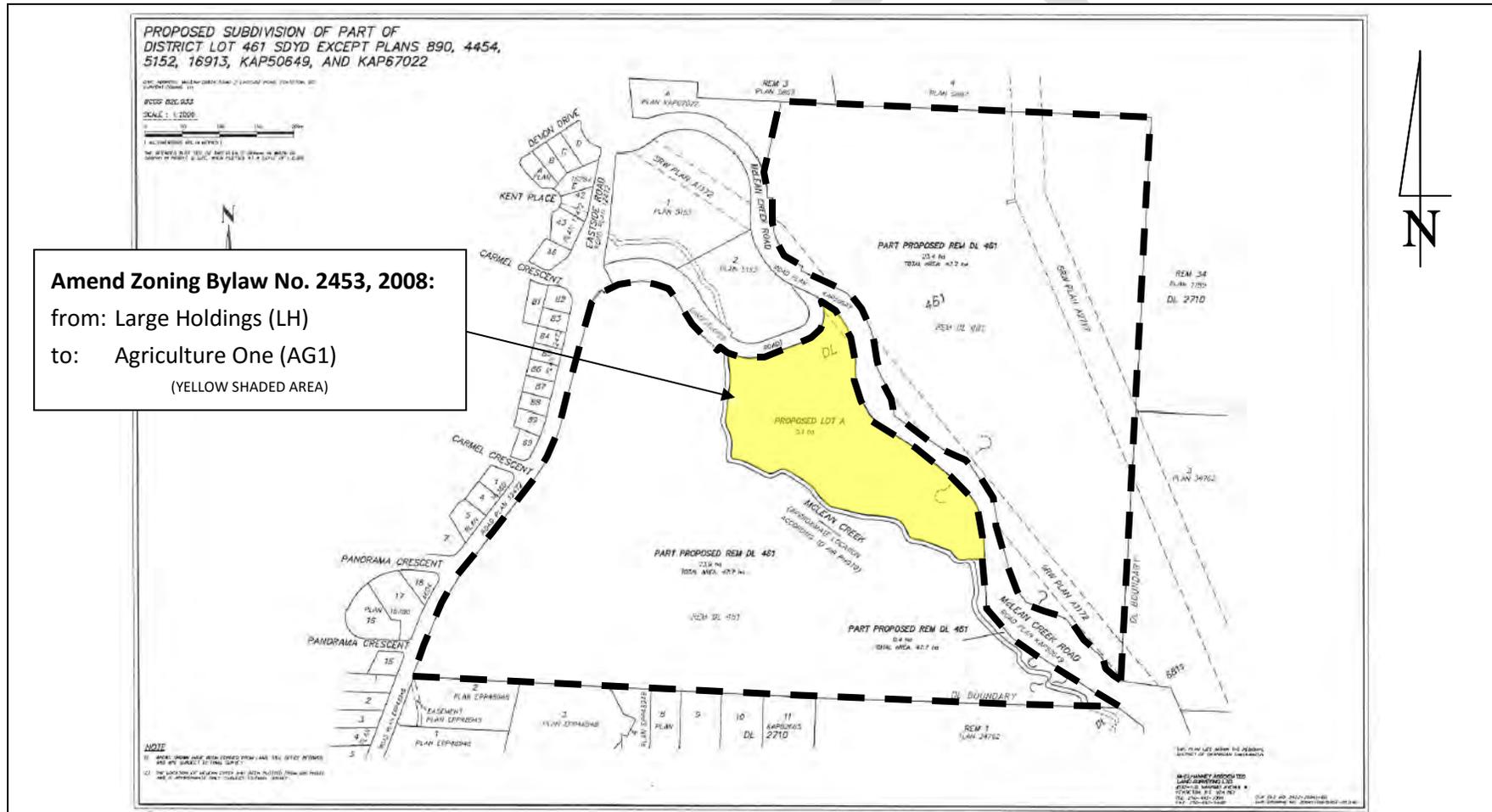
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.23, 2016

Project No: D2015.128-ZONE

Schedule 'Y-2'



Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: January 29, 2016 9:20 AM
To: Planning
Subject: rezoing referral File D2015.128-ZONE

Hello Christopher,

Thank you for your referral regarding file D2015.128-ZONE for the property DL 461 SIMILKAMEEN DIVISION YALE DISTRICT EXC PLS 890 4454 5152 16913 KAP50649 & KAP67022, PID 014778343. Provincial records indicate previously recorded archaeological site DiQv-14 is recorded on the portion of the property south of McLean Creek Road. DiQv-14, consisting of cultural depressions and lithics (flakes of stone produced making tools) is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Additionally, the remainder of the property has high to moderate potential to contain previously unknown/unrecorded archaeological materials and the property is situated directly east of DiQv-27, which covers a large portion of the foreshore of Skaha Lake.

Prior to any land-altering activities (e.g. addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be engaged to determine if there are other archaeological deposits on the property and also the steps in managing impacts to the known archaeological site. 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) or through local directories.

Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

If a permit is required, proponents should be advised that the permit application and issuance process takes approximately 8-10 weeks and should plan their development schedule accordingly.

If work is planned that is outside of the red area as shown in the screenshot below, the Archaeology Branch cannot require the proponent conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent. However, the Archaeology Branch strongly encourages engaging an archaeologist prior to development as the site may extend beyond the limits indicated on the attached screenshot, or DiQv-27 may extend on to the property.

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 likely experience development delays while the appropriate permits are obtained.

If you or the property owners 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.



If you or the property owners have further questions regarding the permitting process, please contact Paula Thorogood (Supervisor of Permitting and Assessment, Archaeology Branch) at 250-953-3300 or Paula.Thorogood@gov.bc.ca.

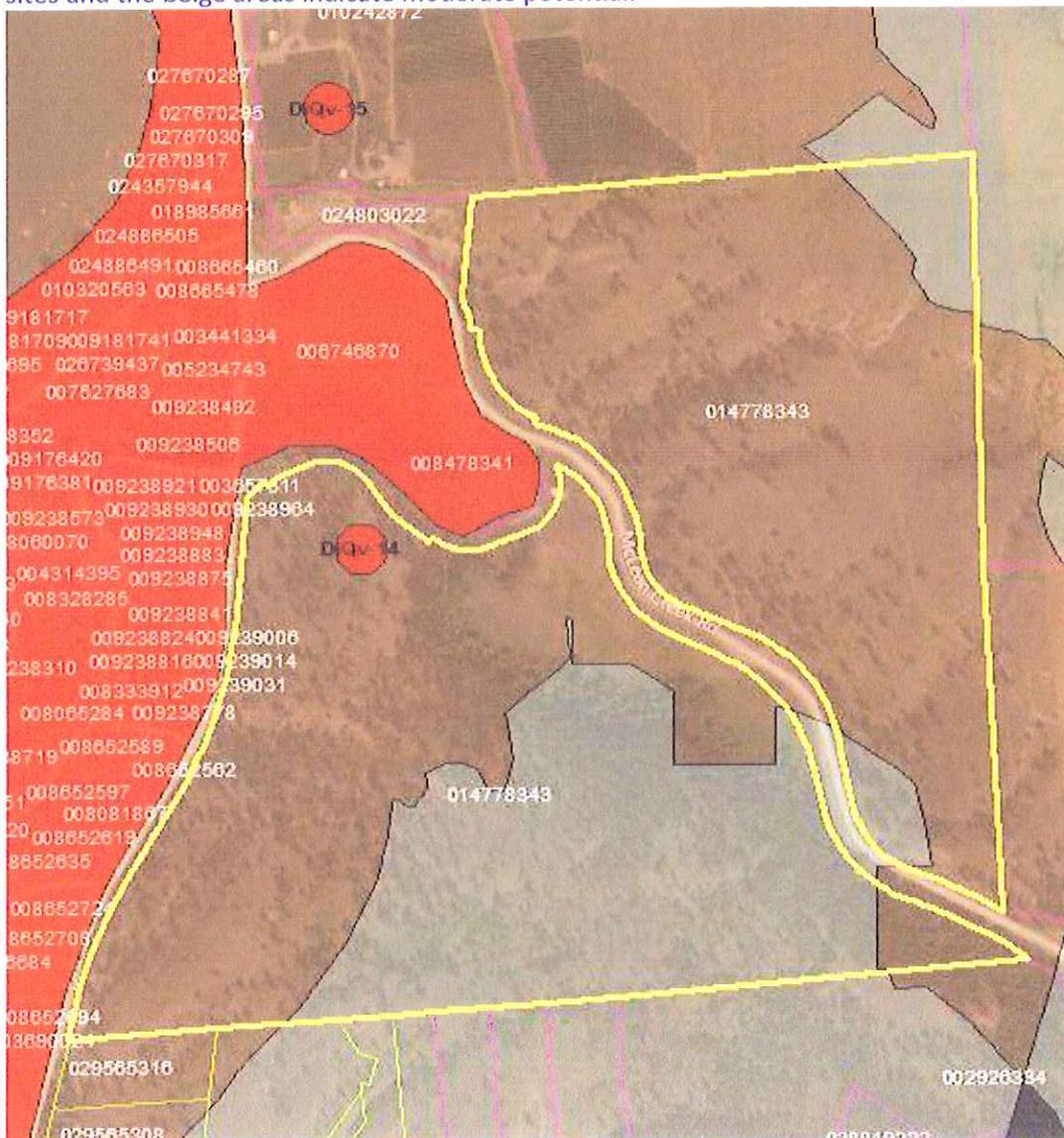
Below is a screenshot showing the property (outlined in yellow) in relation to DiQv-14 and DiQv-27 (red areas). If this is not the property as described in the referral, please contact me.

Please feel free to contact me should you have any questions regarding this data request.

Kind regards,

Diana

The red areas are archaeological sites. The brown areas indicate high potential for unknown/unrecorded archaeological sites and the beige areas indicate moderate potential.



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

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

Lauri Feindell

From: Cameron Baughen
Sent: March 1, 2016 4:55 PM
To: Lauri Feindell
Cc: Roger Huston
Subject: RE: Bylaw Referral (D2015.128-ZONE)

Does not impact Solid Waste Management Plan. I don't know if a Liquid Waste Management Plan has been set for the area.

Cameron Baughen, RDOS Solid Waste Management Coordinator
101 Martin Street, Penticton BC
Ph 250-490-4203 TF 1-877-610-3737
cbaughen@rdos.bc.ca www.rdos.bc.ca

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/ or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed

From: Lauri Feindell
Sent: March-01-16 9:21 AM
To: Sandy Croteau; Roger Huston
Cc: Cameron Baughen; Christopher Garrish
Subject: FW: Bylaw Referral (D2015.128-ZONE)

Good Morning,

Re: Bylaw 2455.23
(Monteith)

Under Section 447 of the *Local Government Act*, when considering an amendment to an OCP, the Regional District must:
After first reading of a bylaw under subsection (1), the local government must, in sequence, do the following:

- (a) consider the plan in conjunction with
 - (i) its financial plan, and*
 - (ii) any waste management plan that is applicable in the municipality or regional district;**

Please forward comments if you have, and if no comments or concerns, could you also please send a quick email,

Much appreciated,

Lauri



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: January 20, 2016 4:04 PM
To: Planning
Cc: Mirsky, Nicholas
Subject: Eastside Rd & McLean Creek Rd, DL 461 RDOS (D2015.128-ZONE)

With respect to the above noted file,

There are primary distribution facilities along McLean Creek Road. However, due to their size, both proposed lots may require extension work to bring service to potential building sites; the cost of which may be significant. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision. 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



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*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings, Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

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Lauri Feindell

D02881.000
Monteith

From: Sandy Croteau
Sent: March 1, 2016 9:27 AM
To: Lauri Feindell
Subject: RE: Bylaw Referral (D2015.128-ZONE)

No issues

Sandy Croteau
250-490-4230

From: Lauri Feindell
Sent: March-01-16 9:21 AM
To: Sandy Croteau; Roger Huston
Cc: Cameron Baughen; Christopher Garrish
Subject: FW: Bylaw Referral (D2015.128-ZONE)

Good Morning,

[Re: Bylaw 2455.23](#)
(Monteith)

Under Section 447 of the *Local Government Act*, when considering an amendment to an OCP, the Regional District must:
After first reading of a bylaw under subsection (1), the local government must, in sequence, do the following:

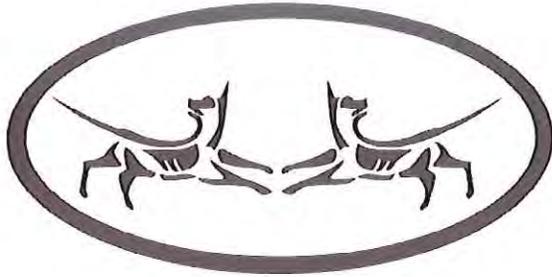
- (a) consider the plan in conjunction with*
 - (i) its financial plan, and*
 - (ii) any waste management plan that is applicable in the municipality or regional district;*

Please forward comments if you have, and if no comments or concerns, could you also please send a quick email,

Much appreciated,

Lauri





Penticton Indian Band

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

Telephone: 250-492-0411 Fax: 250-493-2882

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

February-16-16

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

RTS #: 1444

Referral ID: 2015-12-22 ZON 1444

Reference #: BL2603.06 2455.23 D2015.128-Zone

Referral Date: December-22-15

Attention: Lauri Feindell

Re: Regional District of Okanagan Similkameen RTS #1444, Invoice #376

We write regarding your failure to pay invoice #376 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 December-22-15.

Please make cheque payable to Penticton Indian Band. re: P.C. 132 RTS #1444

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:

p02881000
montenth



Penticton Indian Band

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

Telephone: 250-492-0411 Fax: 250-493-2882

WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION

January-05-16

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

Attention: Lauri Feindell

RTS #: 1444

Referral ID: 2015-12-22 ZON 1444

Ref #: BL2603.06 2455.23 D2015.128-Zone

Date: December-22-15

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on January-05-16.

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

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

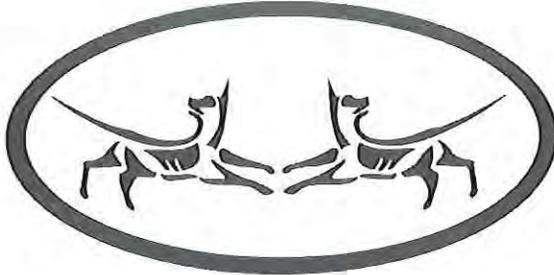
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlɛmt,

Lavonda Nelson
Data Management Clerk





Penticton Indian Band

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

Telephone: 250-492-0411 Fax: 250-493-2882

January-05-16

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

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

RTS #: 1444

Referral ID: 2015-12-22 ZON 1444

Ref #: BL2603.06 2455.23 D2015.128-Zone

Date: December-22-15

Attention: Lauri Feindell

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory and the PIB Area of Responsibility. All lands and resources within the vicinity of this referral are subject to our unextinguished Aboriginal Title and Rights.

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

Penticton Indian Band has specific referral processing requirements for both government and proponents which are integral to the exercise of our Rights to manage our lands and resources and to ensuring that the Crown can meet its duty to consult and accommodate our Rights, including our Aboriginal Title and management Rights. There is a cost associated with PIB referral processing and engagement. In accordance with PIB policy, proponents are required to pay a processing fee for each referral. This fee is as follows:

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #1444

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982

This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be fully reviewed.

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

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

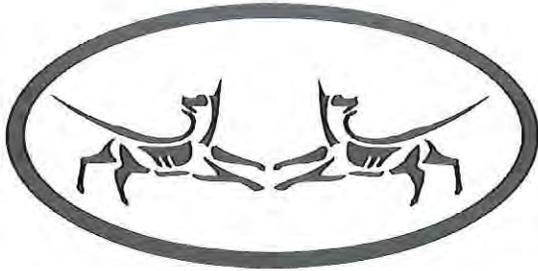
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

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

limlmt,

Lavonda Nelson
Data Management Clerk

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



Penticton Indian Band

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

January-05-16

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

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

Summary: the zoning on a 5.1 hectare; subdivision of a new parcel adjacent to McLean

RTS #: 1444

Referral ID: 2015-12-22 ZON 1444

Ref #: BL2603.06 2455.23 D2015.128-Zone

Date: December-22-15

Creek Road ; of 47.7 ha that will be hooked across McLean Creek Road, Eastside Road to Okfalls.

Attention: Lauri Feindell

The Penticton Indian Band acknowledges receipt of your referral dated December-22-15. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

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

- Proponent contact info
Please provide : name, phone, email, address

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

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

Limlœmt,

Lavonda Nelson
Data Management Clerk

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Development Variance Permit Application — Electoral Area “D”



Administrative Recommendation:

THAT the Board of Directors deny Development Variance Permit No. D2016.045–DVP.

Purpose: To formalise an existing accessory structure constructed without a permit

Owners: Paul & Colleen Jones Agent: Randall Jones Folio: D-02463.000

Civic: 441 Eastview Road, Twin Lakes Legal: Lot 6, Plan KAP9937, Block 2, District Lot 280, SDYD

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

Requested to vary the minimum exterior side parcel line setback from 4.5 metres to 0.2 metres; and

Variances: to vary the minimum separation between buildings from 1.0 metres to 0.05 metres.

Proposed Development:

This application proposes a number of variances to the provisions of Electoral Area “D-1” Zoning Bylaw No. 2457, 2008, in order to formalise an existing accessory structure. Specifically, the applicant is seeking to:

- reduce the minimum exterior side parcel line setback for an accessory building or structure from 4.5 metres to 0.2 metres, as measured to the outermost projection; and
- reduce the minimum separation between buildings from 1.0 metres to 0.05 metres, as measured to the outermost projection.

On June 13, 2016, the property owners deposited a Consent Order with the BC Supreme Court stating that they will remove the building within 60 days should this application be denied. They intend this appeal to the Board for a Development Variance Permit as a last resort to removing the structure.

Site Context:

The subject property is approximately 1,238 m² in area and is situated on the east side of Eastview Road, Twin Lakes and is comprised of a single detached dwelling, shed and the accessory structure that is the subject of this application. The surrounding pattern of development is generally characterised by similar residential development.

Background:

The subject property is zoned Residential Single Family Two (RS2), which permits “accessory buildings and structures” as a permitted use and establishes setbacks of 7.5 metres (front), 1.0 metre (rear & interior side) & 4.5 metres (exterior side).

Importantly, the Zoning Bylaw defines a “dwelling unit” as meaning “one or more habitable rooms constituting one self-contained unit [emphasis added] ... which is designed to be used for living and sleeping purposes”.

While the RS2 Zone allows for “secondary suites” and Section 7.12 of the bylaw further allows for these to be developed in an accessory structure, the secondary suite cannot be the only use of the structure (i.e. it must be associated with a garage, workshop, etc.).

On August 20, 2013, a “Stop Work” notice was placed on an accessory building being constructed on the property as a valid building permit has not been issued for the work.

At its meeting of October 2, 2014, the Board resolved to proceed to injunctive action in order to achieve bylaw compliance through the courts.

In order to achieve compliance the property owners have also submitted a concurrent Watercourse Development Permit (WDP) application which similarly seeks to formalise the existence of the structure within the 16.0 metre Streamside Protection and Enhancement Area (SPEA) established by a qualified environmental professional (QEP).

At its meeting of June 16, 2016, the Board resolved to defer consideration of this application at the request of the proponent (who was unable to attend the meeting that day).

As the proposed addition is to be situated within 4.5 metres of a road reserve, Ministry of Transportation and Infrastructure (MoTI) approval was obtained on May 4, 2016.

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, June 9, 2016.

Analysis:

In considering this proposal, Administration considers that allowing the accessory structure to remain within 0.05 metres of the exterior side boundary and 0.33 metres of the principal dwelling will not affect any established streetscape characteristics on Westview Road and is unlikely to affect the amenity of the area or of adjoining properties.

This property has significant slopes ranging from 3:1 (33%) to 2:1 (50%), the riparian values associated with Nipit Lake affect an area 16.0 metres above the high water mark and the structure has been placed within the 7.5 metre floodplain setback associated with Nipit lake.

This structure is entirely within the SPEA and was commenced prior to any determination of the riparian values present on the property being undertaken.

While the applicant has since engaged a qualified environmental professional (QEP) who is recommending that a WDP be issued to allow this structure to remain in place, the Board is asked to be aware that the Ministry of Environment (MoE) has provided the following comment on the QEP’s report:

Retroactive mitigation for encroachment fails to meet the intent of the [RAR]. As permanent structures have removed vegetation potential in the SPEA, harm has been made to natural features functions and conditions that support fish habitat. Under the RAR, compensation is not considered mitigation as there is a net loss of SPEA area.

Issues:

1. The structure was built without a building permit.
2. It's totally within the SPEA
3. It's in the flood plain
4. It's in the RAR
5. It requires two variances to zoning setbacks and goes right to property line.
6. The zoning bylaw does not permit accessory structures to be used as independent living spaces, which this is.
7. The Board previously actioned injunctive action in October 2014 and it has taken almost two years working through the court system to get to this point at an approximate cost of \$6,000.00. The court has awarded costs to the Regional District.
8. The owner has already filed a Consent Order with the court to remove it.

Overall, the number of variances required in order to formalise the existence of this structure (i.e. from parcel lines, other structures and the floodplain) speaks to the inappropriateness of locating a building at this location.

As noted previously if this proposal is denied by the Board, the property owner will be required to remove the structure from its present location. The solicitor representing the land owner has indicated that if this occurs "the owners will agree to demolish the accessory building within 60 days".

Alternatives:

- .1 THAT the Board of Directors approve Development Variance Permit No. D2016.045-DVP; or
- .2 THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area "D" Advisory Planning Commission (APC).

Respectfully submitted:



C. Garrish, Planning Supervisor

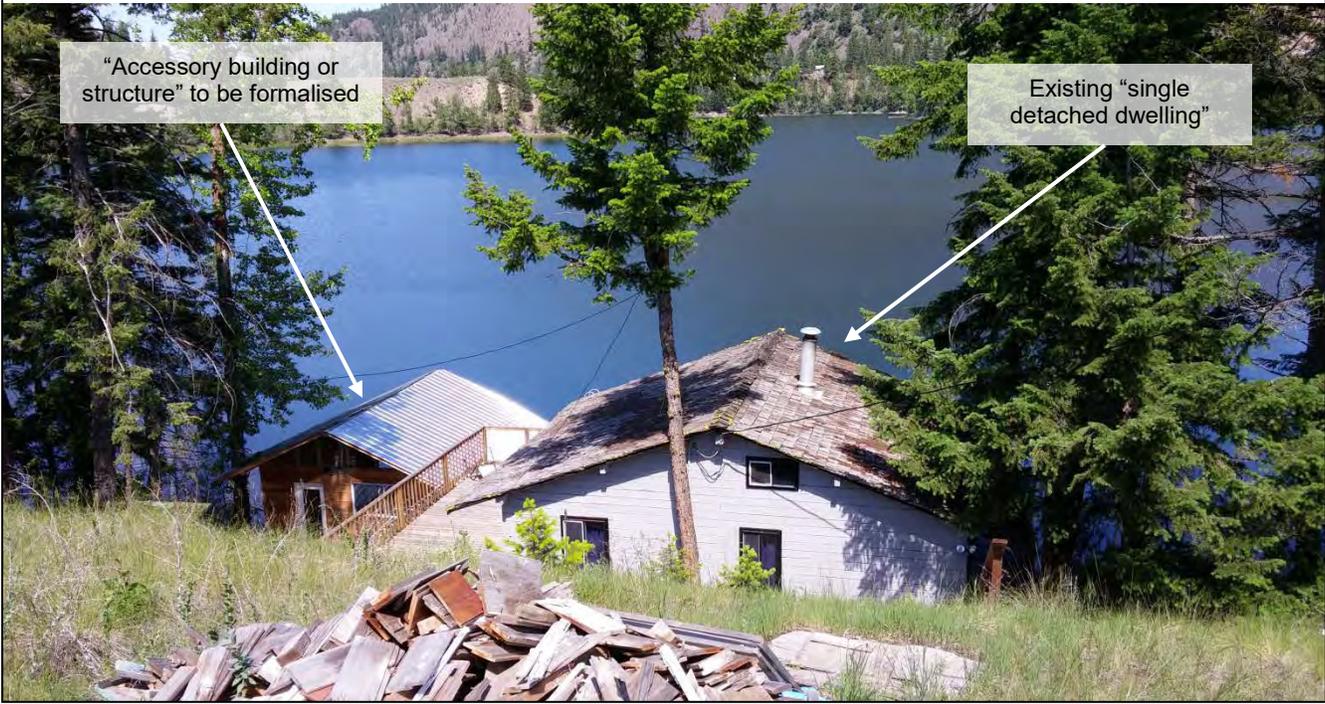
Endorsed by:



D. Butler, Development Services Manager

Attachments: No. 1 — Site Photos

Attachment No. 1 – Site Photos





Development Variance Permit

FILE NO.: D2016.045-DVP

Owner: Paul and Colleen Jones
9161 112th Street
Delta, BC
V4C-4X7

Agent: Randall Jones
9161 112th Street
Delta, BC
V4C-4X7

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 6, Plan KAP9937, Block 2, District Lot 280, SDYD

Civic Address: 441 Eastview Road

Parcel Identifier (PID): 009-631-364 Folio: D-02463.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "D" Zoning Bylaw No. 2457, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum exterior side parcel line setback for an accessory building or structure, as prescribed at Section 11.2.3(b)(iv), is varied:

- i) from: 4.5 metres
to: 0.05 metres, as measured to the outermost projection and as shown on Schedule 'B'.
- b) The minimum separation between buildings, as prescribed at Section 7.13.2, is varied:
 - i) from: 1.0 metre
to: 0.20 metres, as measured to the outermost projection and as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

- a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.
- b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

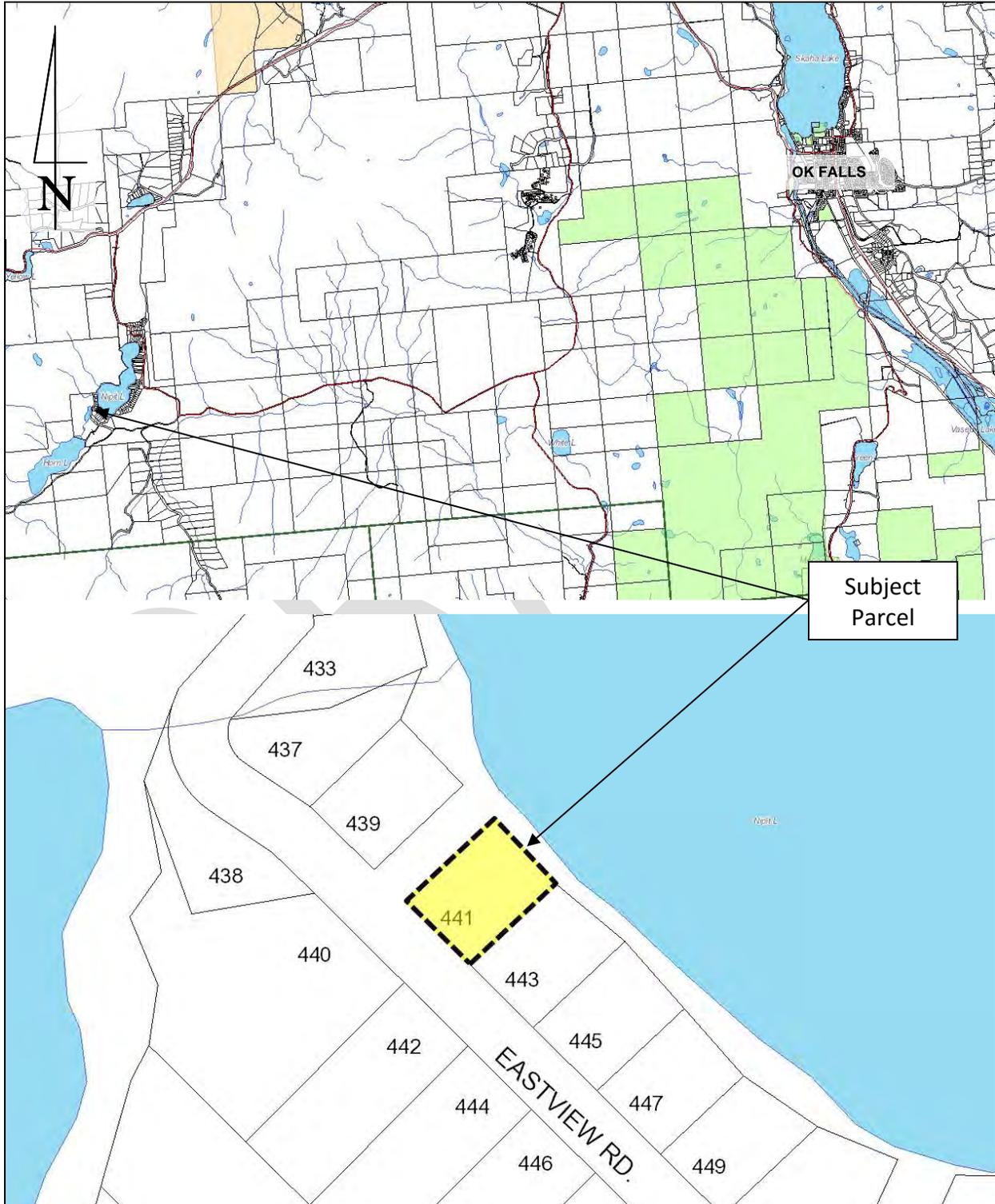
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.045-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. D2016.045-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

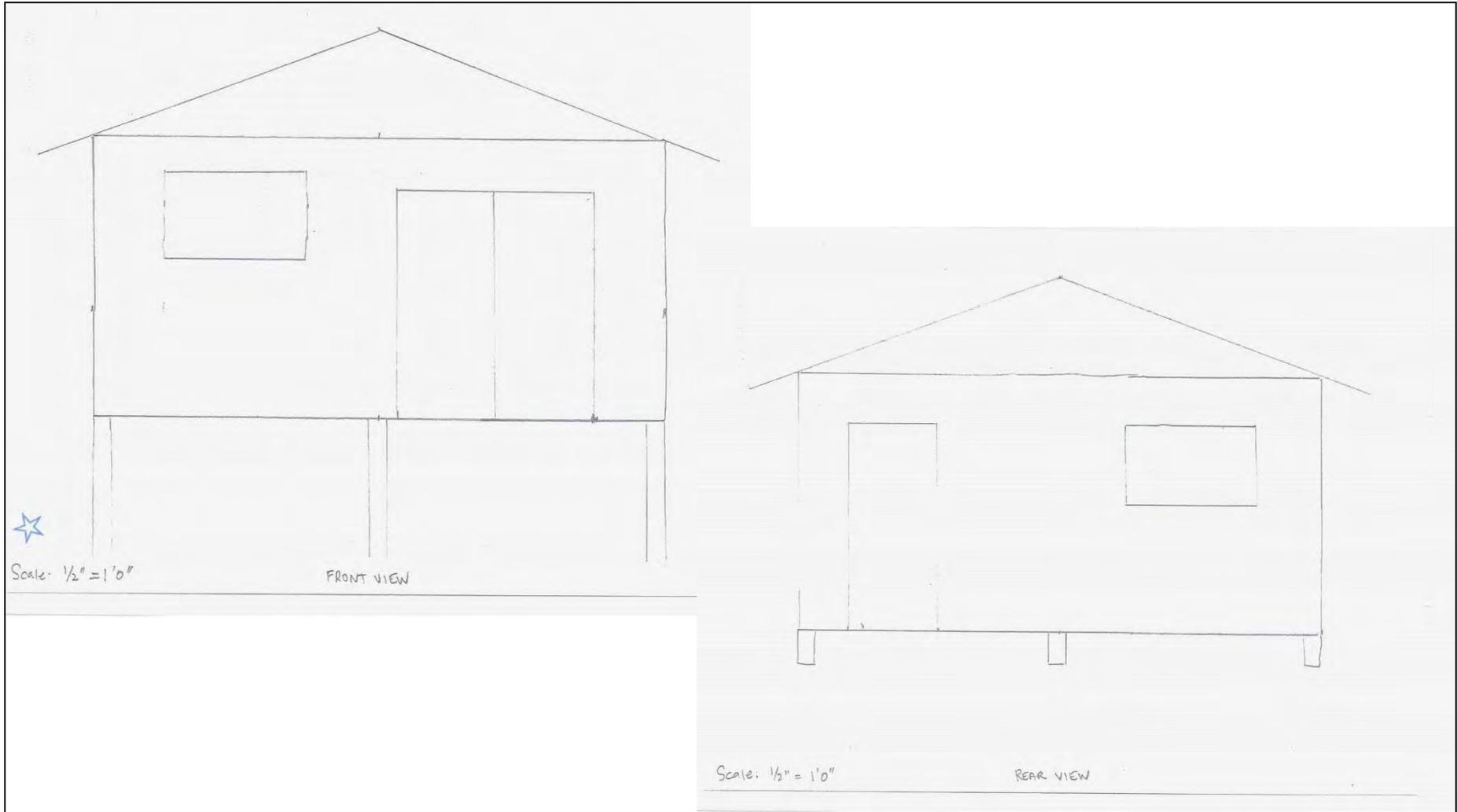
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.045-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

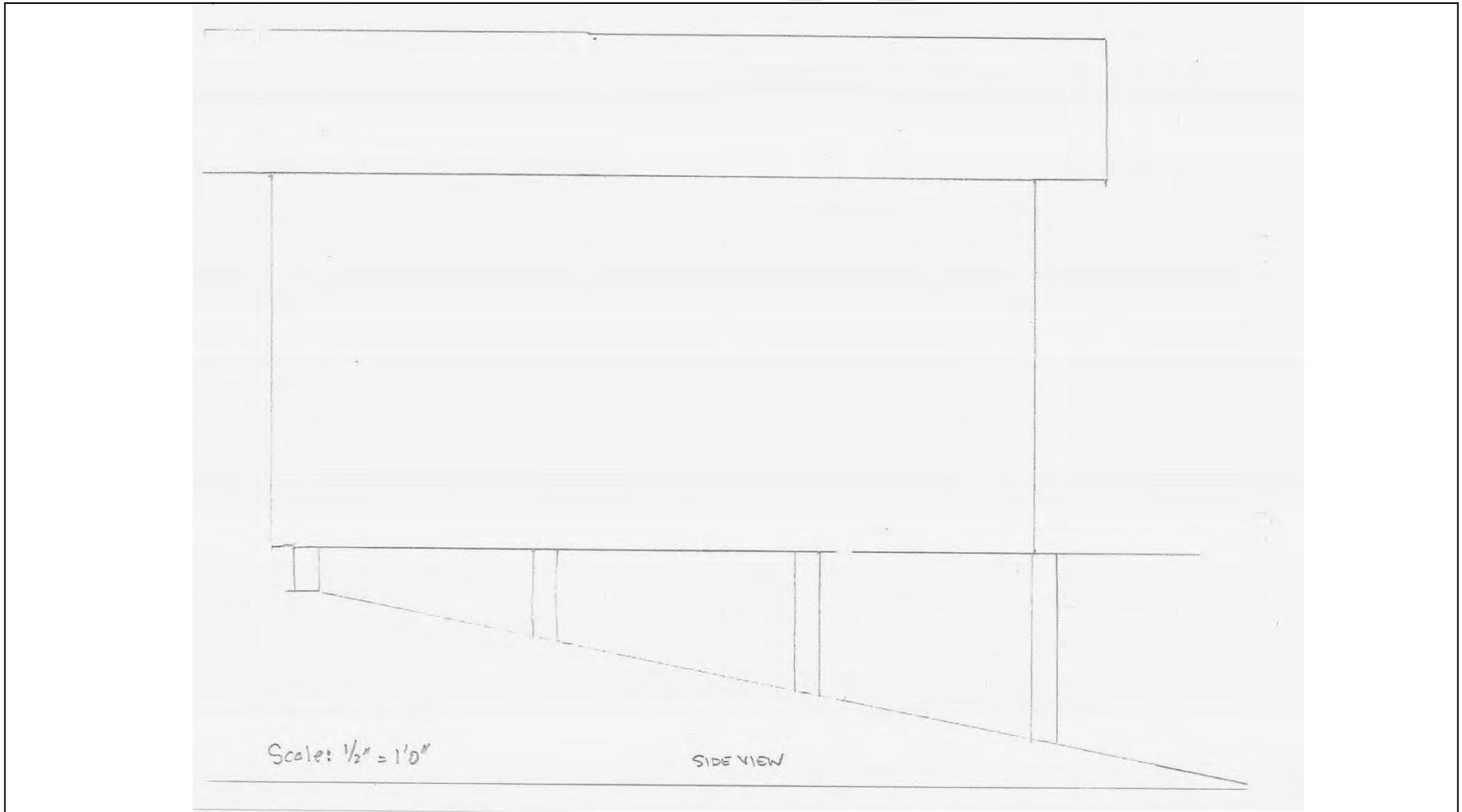
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.045-DVP

Schedule 'D'



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Kaleden Parks & Recreation Commission Rescinding Appointment



Administrative Recommendation:

THAT the Board rescind the appointment of Paul Chahil from the Kaleden Parks & Recreation Commission;

AND THAT a letter is forwarded to Mr. Chahil thanking him for his contribution.

Reference:

Bylaw 2732, 2016 Regional District of Okanagan-Similkameen Parks and Recreation Commission Establishment Bylaw.

Background:

Analysis:

As the Regional District Board appoints members to the Recreation Commission a resolution is required to rescind the appointment of members.

Alternatives:

Respectfully submitted:

Justin Shuttleworth

J. Shuttleworth, Park/Facilities Coordinator

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: South Okanagan Transit System – Service Establishment



Administrative Recommendation 1:

THAT Regional District of Okanagan-Similkameen South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 be read a first, second and third time prior to being forwarded to the Inspector of Municipalities for approval.

Administrative Recommendation 2:

THAT upon approval by the Inspector, participating area approval for Regional District of Okanagan-Similkameen South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 be obtained for the entire service area through an Alternative Approval Process.

Reference:

Okanagan-Similkameen Transit Future Plan – Executive Summary (OSTFP)
South Okanagan Transit Maps (attached)

Business Plan Objective:

Key Success Driver 2.0: Optimize the Customer Experience

2.4 To meet public needs through the development and implementation of key services

Key Success Driver 3.0: Build a Sustainable Community

3.1 To develop a socially sustainable community

3.2 To develop an economically sustainable community

3.3 To develop an environmentally sustainable community

Background:

The Town of Osoyoos administers the South Okanagan Transit System (SOTS) in partnership with BC Transit. The current system has three separate routes that provide service between Osoyoos and Kelowna. The first route operates within Osoyoos Monday to Thursday mornings and in the afternoons Tuesday to Thursday. The second route provides service between Osoyoos and Summerland (including scheduled stops in Oliver, Okanagan Falls and Penticton) on Tuesdays, Wednesdays, and Thursdays. The third route operates between Osoyoos and Kelowna (including scheduled stops in Oliver, Okanagan Falls, Penticton, Summerland, and Kelowna) every Monday. On demand service is also available to Kaleden.

Analysis:

The Town of Osoyoos had previously petitioned the Regional District to assume control of the system and, at the May 24, 2007 meeting, it was resolved to create a regional service for the South Okanagan

Similkameen Transit System. However, BC Transit indicated that they would not consider transferring the system in the absence of a Transit Future Study for the Region. As a result, Electoral Areas “A”, “C” and “D” have been contributing to the system through their individual Electoral Area Rural Projects budgets since 2008. At the March 10, 2016, regular Board meeting, the Board resolved to create a taxation structure for the rural areas contributing to the service.

The current service performance/details of the South Okanagan Transit Service:

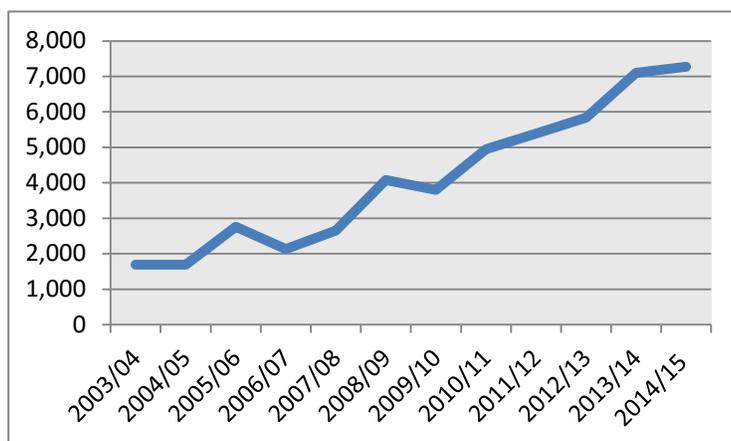
System	Service Hours	Vehicles	Annual Ridership	Average Weekday Ridership	Fares	Operations / Maintenance Facility
South Okanagan	1,482	1	7,273	36	\$1.75 within OSO \$2.75 OSO to OLI \$11.00 OSO to KEL \$5.25 OSO to PEN	South Okanagan Transit Society / OK Truck Centre

The proposed cost sharing structure between each of the participating local governments will be based on land and improvements; the current and proposed contribution levels are outlined below:

Area	Current Percentage Share	2016 Local Operating Share	Proposed Percentage Share	2017 Local Operating Share
Area A	9.44	5,414	11.79	\$7,061
Area C	14.14	8,110	15.83	\$9,479
Area D	17.04	9,773	15.46	\$9,258*
Town of Oliver	21.02	12,056	20.39	\$12,212
Town of Osoyoos	38.36	22,001	36.53	\$21,872
Totals	100.0	57,355	100.0	59,882

* the service area for the 2017 budget will be defined as D1

In April 2016, the Provincial Government announced their commitment to \$12.7 million in funding over the next three years to support transit expansion initiatives throughout the province. The South Okanagan Transit System has been identified as a candidate for potential expansion due to an increase in ridership and public engagement feedback.



Below is the proposed 3 year expansion process provided by BC Transit:

AOA Period	In Service Date	Annual Hours	Vehicle Requirements	Revenue	Total Costs*	Net Municipal Share
2017/18	Sept 2017	340	1	\$3,080	\$43,774	\$29,432
		Description	Transit Future Plan recommendation: <ul style="list-style-type: none"> • Priority 21 phase one - Addition of one round trip on Friday mornings between Osoyoos and Penticton • Priority 21 phase two - Addition of one round trip on Fridays midday • Priority 21 phase three - Conversion of Monday Kelowna trip to two Penticton trips connecting with the new Kelowna service from Penticton 			
2019/20	Sept 2019	1,260	1	\$6,847	\$105,617	\$53,627
		Description	Transit Future Plan recommendation: <ul style="list-style-type: none"> • Priority 22 - Increase service Osoyoos to Penticton four round trips per day Monday to Friday to align with the Penticton to Kelowna interregional service 			

* Vehicle costs do not reflect Standardized Lease Fees

The proposed service expansion would help set the groundwork for meeting the targeted transit goals for regional and inter-regional transit set out in the Okanagan-Similkameen Transit Future Plan (see goals 21 and 22 in the OSTFP Executive Summary)

Taking on the South Okanagan Transit system will allow the regional district to work directly with BC Transit to increase service to the electoral areas contributing to the service.

For the establishment of this type of service, the Local Government Act provides for participating area approval to be obtained by either of the following methods:

- assent of the electors by voting;
- approval of the electors by alternative approval process

Participating area approval must be obtained separately for each participating area in the proposed service area, unless the board, by resolution adopted by at least 2/3 of the votes cast, provides that the participating area approval is to be obtained for the entire proposed service area. The Board, therefore would be responsible for obtaining that approval, and the alternative approval process would be conducted, as one whole area, by Regional District administration.

Administration has established a requisition amount of up to \$75,000 and calculated apportionment percentages based solely on assessed value.

The financial impact of \$75,000 across the proposed full service area calculates to \$0.0177 per \$1,000 of assessed value, or \$5.14 for the average household valued at \$292,000.

Alternatives:

- THAT the Board of Directors NOT approve the service
- THAT the apportionment calculations be adjusted to a different funding formula
- THAT the elector approval be obtained by assent of the electors by voting (referendum)
- THAT participating area approval be obtained separately for each participating area

Respectfully submitted:

Mark Woods

M. Woods, Manager of Community Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2741 2016

A bylaw to establish and operate a transit system in the South Okanagan portion of the Regional District of Okanagan-Similkameen

WHEREAS the Regional District of Okanagan-Similkameen by B.C. Reg. 128/92 dated April 9, 1992 was granted the additional power to provide Transit Systems as local services;

AND WHEREAS the Board of Directors for the Regional District of Okanagan-Similkameen wishes to establish a transit service in the South Okanagan portion of the Regional District;

AND WHEREAS the approval of the electors in the service area was obtained by the alternative approval process in accordance with the *Local Government Act*;

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

1. CITATION

1.1 This bylaw may be cited as the 'South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016.'

2. ESTABLISHMENT OF THE SERVICE

2.1 The Board of the Regional District of Okanagan-Similkameen, is empowered and authorized to undertake and carry out, or cause to be undertaken and carried out, provisions of the Transit System Service, and without limiting the generality of the foregoing:

- (a) to acquire all such licenses, rights or authorities as may be required or desirable for or in connection with the provision of the said Transit System Service, and
- (b) to enter into contracts with such authorities and companies as may be necessary or appropriate to implement the said Transit System Service.

3. BOUNDARIES OF THE SERVICE AREA

3.1 The boundaries of the South Okanagan Transit System Service Area include the boundaries of the Town of Oliver, the Town of Osoyoos, and Electoral Areas “A”, “C” of the Regional District of Okanagan-Similkameen in their entirety and a portion of Electoral Area “D”, known as Area D1; all as outlined on the service area map, attached as Schedule ‘A’.

4. PARTICIPATING AREA

4.1 The participating areas in the South Okanagan Transit System Service are the Town of Oliver, the Town of Osoyoos, Electoral Areas “A”, “C”, and “D” of the Regional District of Okanagan-Similkameen.

5. COST RECOVERY METHOD

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 3 [Requisition and Tax Collection];
- (b) subject to subsection (2) of section 378, parcel taxes imposed in accordance with Division 3;
- (c) fees and charges imposed under section 397 [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

The maximum amount that may be requisitioned shall not exceed the greater of \$75,000 or \$0.0177 per \$1,000 net taxable value of land and improvements in the service area

7. APPORTIONMENT

The requisition amount, based on assessed values shall be apportioned as follows:

Electoral Area “A” (All)	11.79%
Electoral Area “C” (All)	15.83%
Electoral Area “D” (Service Area)	15.46%
Town of Oliver (All)	20.39%
Town of Osoyoos (All)	36.53%

READ A FIRST, SECOND, and THIRD TIME this xxx day of xxx, 2016.

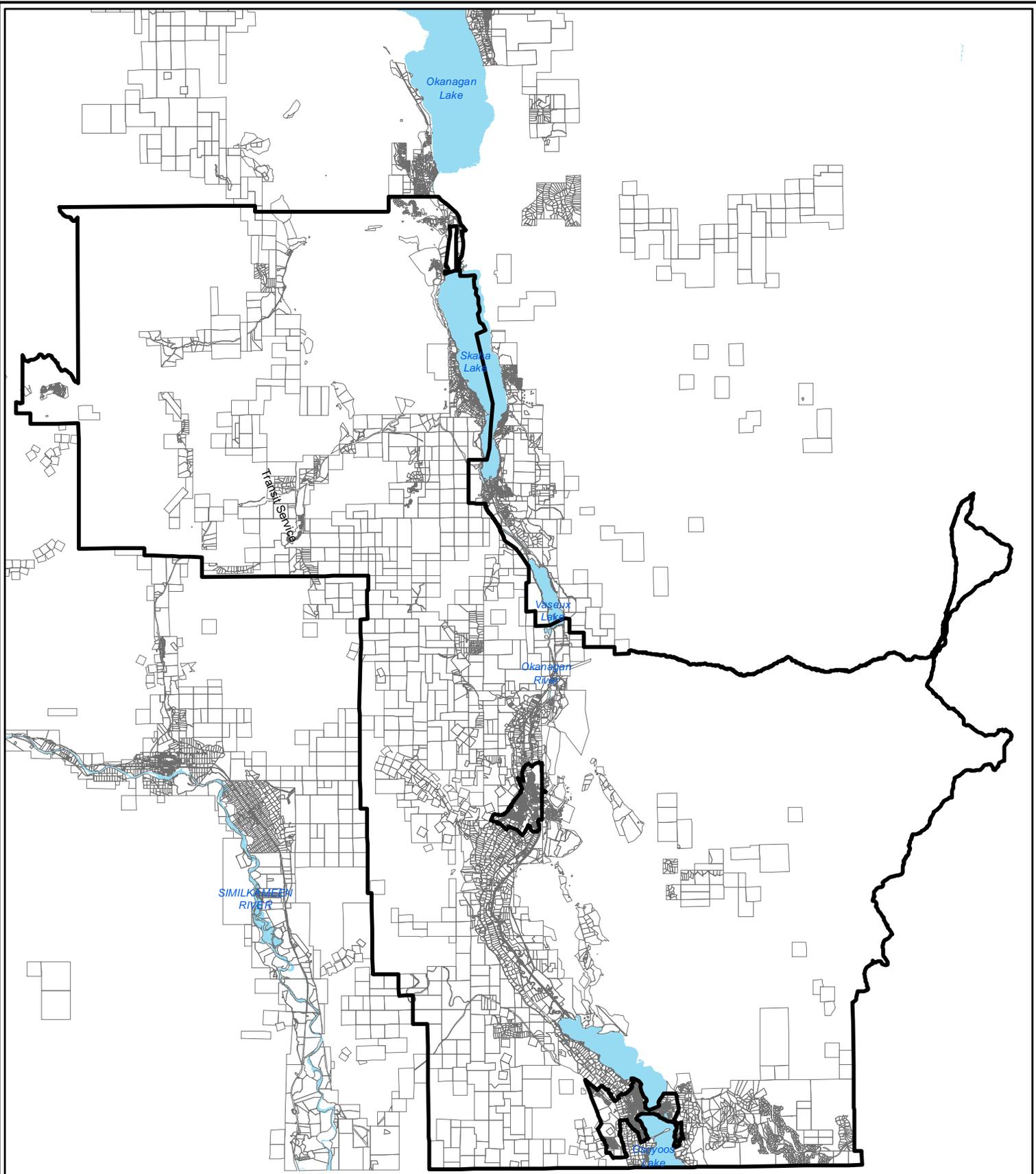
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this xxx day of xxx, 2016.

RECEIVED APPROVAL OF THE ELECTORATE THROUGH ALTERNATIVE APPROVAL this xxx day of xxx, 2016

ADOPTED this xxx day of xxx, 2016

RDOS Board Chair

Corporate Officer



Legend

 Transit Bylaw - 2741

Regional District of Okanagan-Similkameen
South Okanagan Transit System Service Establishment Bylaw No.
2741, 2016

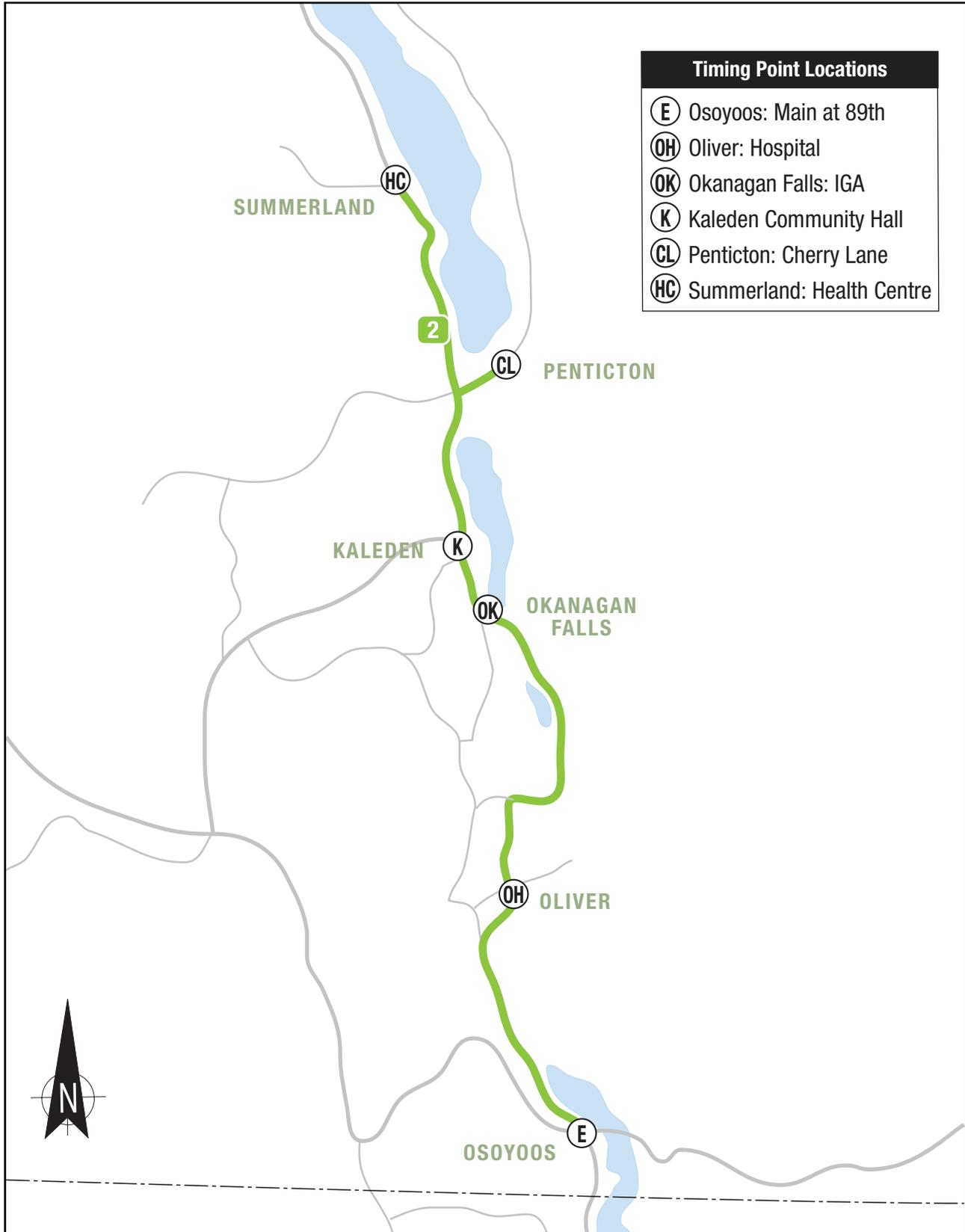




*To Oliver,
Penticton
& Kelowna*



2 Osoyoos/Penticton



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Fire Protection Agreement between LSIB and KVFD



Administrative Recommendation:

THAT the Board of Directors enter into a 5-year Fire Protection Agreement (2016 – 2020) with the Lower Similkameen Indian Band, utilizing the Keremeos Fire Department.

Background:

The Keremeos Fire department has provided Fire Protection to the Lower Similkameen Indian Band since 2007. A formal agreement was created that provided an equitable cost sharing equation applied throughout the entire fire protection area which includes Electoral Areas “B” and “G” and the Village of Keremeos. The previous contract expired on December 31, 2015

Analysis:

The Lower Similkameen Indian Band wishes to continue with the service and the Keremeos Fire Department is in favor of the renewal agreement.

Respectfully submitted:

D. Kronebusch, Emergency Services Supervisor

THIS AGREEMENT dated the 1st day of January, 2016

BETWEEN:

The **LOWER SIMILKAMEEN INDIAN BAND,**

represented by its duly constituted Chief and Councillors,
having a band office located at 1420 Highway 3, Cawston BC, Post Office Box 100
Keremeos, in the Province of British Columbia;

(hereinafter called the “**Band**”)

OF THE FIRST PART

AND:

The **REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN,**

having its head office at
101 Martin Street, in the City of Penticton,
Province of British Columbia;

(hereinafter called the “**District**”)

OF THE SECOND PART

WHEREAS the Band Council wishes the Regional District Okanagan-Similkameen to provide fire protection services for the owners and occupiers of property situated upon the Reserve as outlined in Schedule 'A' herein defined;

AND WHEREAS the District has the technical and resource capability to provide the service;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

A. DEFINITIONS:

In this Agreement for Service:

“**Band**” means the Lower Similkameen Indian Band

“**Reserve**” means those lands listed as per Schedule 'A' of this Agreement

A. DEFINITIONS: (continued)

“**Specified Area**” means the Regional District Okanagan-Similkameen Specified Area as established by **Bylaw No. 86**, as amended by **Bylaw No. 159**, as amended by **Bylaw No. 454**

“**Fire Department**” means the Keremeos Volunteer Fire Department which serves the Specified Area.

“**Fire Chief**” means any person, or his lawful deputy, appointed by the District as Chief of the Fire Department.

B. CONDITIONS OF AGREEMENT

1. The District agrees to provide fire protection to the Reserve on the same basis as fire protection services to the Specified Area.
2. The fire-fighting equipment and personnel of the Fire Department shall remain under the sole control of the Fire Chief at all times.
3. The Fire Chief shall have sole responsibility for the direction of the equipment and personnel of the Fire Department at any fire on the Reserve attended by the Fire Department.
4. The fire protection provided by the District to the Band shall be subject to the availability of fire protection equipment and personnel and the District shall have the sole and absolute discretion to determine the priority of use of fire protection equipment and personnel and what fire protection equipment and personnel shall be employed in pursuance of this Agreement.
5. The District shall not be responsible or liable for any damage which may be sustained by reason of the District exercising its discretion set out in Point 4 herein.
6. The Band shall indemnify, protect and save harmless the District and its officers.
7. The Band shall take all reasonable steps to assist the District and the Fire Department, or both, in the performance of its services.
8. Members of the Band may become members of the Fire Department on the same terms and conditions as all other volunteers, and shall be subject to the same control.
9. The District and the Fire Department shall not be liable for any damages, expenses or losses occurring by reason of suspension or discontinuance of the said services where suspension or discontinuance is caused by circumstances beyond the control of the Fire Department.

10. For the services rendered under this agreement the Band agrees to pay to the District annually a sum calculated as follows:
 - a. From January 1st, 2016 the formula will be based on the number of properties in each area divided by the total budget.
 - b. Addresses for inclusion in Schedule 'A' will be revised and updated by the Band annually on December 31st.
11. The District shall invoice the Band annually on July 1 and the Band agrees to pay the annual fee within thirty (30) days of the receipt by the Band of the invoice from the District.
12. The annual payment made to the District under this Agreement for Service shall constitute full compensation to the District for everything furnished and done by it under this Agreement, in the year for which the annual payment was made.
13. This Agreement may be terminated by the Band or the District as of September 30th in any year, by giving not less than three (3) months' notice in writing.
14. It is expressly understood that in the event that the Fire Chief considers that the services of the Ministry of Forests and Lands are warranted, that they be called. No cost in this connection shall be paid by the District.
15. The Band agrees with the District to adopt the most recent edition of the National Fire Code of Canada as being applicable to the Fire Protection Area, and to appoint an Inspector therefore.
16. The Band shall keep and maintain all hydrants located on the Reserves in good condition at all times and shall undertake to repair all hydrants and water supply lines as necessary.
17. The Fire Chief or designated Fire Department members may enter upon the Reserve two times per year (i.e. April and September) to inspect and test the hydrants at all reasonable times.
18. This Agreement for Service shall not be construed as placing a greater liability on the Fire Department in respect to the Band, than the liability which exists in the law between the District and a property owner elsewhere in the Specified Area.
19. Notwithstanding any other provision of this Agreement for Service, if either party shall:
 - (a) fail, for any reason, to comply with or perform any provision of this Agreement for Service to be complied with or performed by it, or

- (b) breach any of the covenants, conditions and agreements contained herein, the other party, at its option, to be exercised by notice hereunder, may, after a minimum of ten (10) days within which to correct any problem, end and terminate this Agreement for Service.
- 20. Whenever it is required or desired that the Band or District shall deliver or serve a notice on the other, delivery or service shall be deemed to be satisfactory and deemed to have occurred when:
 - (a) that party has been served personally on the date of service, or
 - (b) mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, so long as the notice is mailed to the party at the address shown in this Agreement for that party, or to whatever address the Band and the District may, from time to time, agree to in writing.
- 21. This Agreement for Service may be amended from time to time upon terms and conditions mutually acceptable to the Band and the District.
- 22. Where ever the singular or masculine is used in this Agreement for Service, the same is deemed to include the plural or the feminine or the body corporate or politic as the context so requires.
- 23. Every reference to the Band and the District is deemed to include their heirs, executors, administrators, successors, Band members, permitted assigns, employees, agents, officers and invitees.
- 24. The validity and interpretation of this Agreement for Service and of each paragraph and part thereof shall be governed by the laws of the Province of British Columbia.
- 25. The failure of either party at any time to require performance by the other party of any provision hereof shall in no way affect his right thereafter to enforce such provision.
- 26. This Agreement for Service constitutes the entire agreement between the parties and may not be changed except by an instrument signed and accepted in writing by both parties hereto.
- 27. In the event that any provision hereof shall be determined to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect the other or remaining provisions therefore or remaining provisions therefore.
- 28. The services contracted for by this instrument describe the available fire-fighting facilities for the District and the response to fire emergencies on the Reserves shall be the same as that for the non-reserve houses within the Regional District Specified Area.

C. TERM OF AGREEMENT

This Agreement shall be in effect for the 5 year period commencing January 1, 2016 and ending December 31, 2020.

IN WITNESS WHEREOF the parties hereto have executed these presents by the proper officers duly authorized as of the day and year first above written.

The Seal of the **LOWER SIMILKAMEEN INDIAN BAND** was hereunto affixed in the presence of its duly authorized signing authority.

Chief

Housing Manager

The Corporate Seal of the **REGIONAL DISTRICT OKANAGAN SIMILKAMEEN** was hereunto affixed in the presence of its duly authorized signing authority.

Chairman

Chief Administrative Officer

SCHEDULE 'A'
Agreement for Fire Protection Service Lower Similkameen Indian Band

House Number	Lot Number	IMO	Road Name	Households
141		2-east	Similkameen Road	1
149	4-1	2-east	Similkameen Road	1
1625		2-east	Barcelo Road	1
1631		2-east	Barcelo Road	1
1955	3	6	Fairview Road	1
2010	2	6	Fairview Road	1
1910		6	Fairview Road	1
1900		6	Fairview Road	1
1920		6	Fairview Road	1
1930		6	Fairview Road	1
1940		6	Fairview Road	1
120	7 & 8	6	Nkwrulauwx Lane	1
150	11	6	Nkwrulauwx Lane	1
130	9	6	Nkwrulauwx Lane	1
100	6	6	Nkwrulauwx Lane	1
140	10	6	Nkwrulauwx Lane	1
160	12	6	Nkwrulauwx Lane	1
3511	4	9	Highway No.3	1
3575	4-3	9	Highway No.3	1
3577		9	Highway No.3	1
3601	4-1	9	Highway No.3	1
3603	4-2	9	Highway No.3	1
3655	6	9	Highway No.3	1
3665	5	9	Highway No.3	1
411	18	10	Ashnola Road	1
425	18	10	Ashnola Road	1
435			Ashnola Road	1
440			Ashnola Road	1
445	17	10	Ashnola Road	1
650		10	Ashnola Road	1
651		10	Ashnola Road	1
660		10	Ashnola Road	1
668			Ashnola Road	1
670	12-2	10	Ashnola Road	1
701	12-22	10	Ashnola Village Road	1
702	12-23	10	Ashnola Village Road	1
704	12-24	10	Ashnola Village Road	1
711	12-15	10	Ashnola Village Road	1
717	12-12	10	Ashnola Village Road	1
706	12-26	10	Ashnola Village Road	1
729	12-5	10	Ashnola Village Road	1
708	12-27	10	Ashnola Village Road	1
721			Ashnola Village Road	1
731			Ashnola Village Road	1
733	12-3	10	Ashnola Village Road	1
735	12-31	10	Ashnola Village Road	1
737	12-29	10	Ashnola Village Road	1
712		10	Ashnola Village Road	1
710	12-28	10	Ashnola Village	1
713	12-13	10	Ashnola Village	1
715	12-14	10	Ashnola Village	1
719	12-6	10	Ashnola Village	1

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Area E Parkland Acquisition – Temporary Borrowing Bylaw 2744

Administrative Recommendation:

THAT Bylaw No. 2744, 2016 Area E Parkland Acquisition Temporary Borrowing Bylaw be read a first, second and third time and adopted.

Reference:

Bylaw No. 2729, 2016 Area E Parkland Acquisition Loan Authorization Bylaw

Background:

At the June 16, 2016 Board Meeting, the Board adopted Bylaw 2729, 2016 Area E Parkland Acquisition Loan Authorization Bylaw for up to \$1,150,000 for parkland acquisition.

Analysis:

MFA borrowing intakes only occur in April and October. The project will not be completed in time to meet the October intake. As such, to fund the project under the loan authorization bylaw, short term borrowing will be required until the project is complete and the short term borrowing can be converted to long term borrowing in 2017.

In order to access short term borrowing, a temporary borrowing bylaw is required.

Respectfully submitted:

"Sandy Croteau"

S. Croteau, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2744, 2016

A bylaw to authorize temporary borrowing pending the sale of debentures

WHEREAS it is provided by section 409 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. 2729, 2016 cited as 'Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw" in the amount of one million one hundred and fifty thousand dollars (\$1,150,000).;

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 one hundred and fifty thousand dollars (\$1,150,000), 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. 2729, 2016.
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 the "Area "E" Parkland Acquisition Temporary Borrowing Bylaw No. 2744, 2016

READ A FIRST, SECOND, AND THIRD TIME this day of ,

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Bylaw 2745, 2016 Security Issuing Bylaw – District of Summerland



Administrative Recommendation:

THAT Bylaw 2745, 2016 Regional District Okanagan Similkameen Security Issuing Bylaw be read a first, second and third time and be adopted.

Reference:

Section 410 of the Local Government Act
District of Summerland Bylaw Number 2016-023 and Certified Resolution

Background:

The Local Government Act requires that all borrowing for municipalities be established through their Regional District. The District of Summerland has requested borrowing in the total amount of \$366,000 for the construction of sanitary sewer system for the Local Sanitary Sewer Service Area (Juniper, Miltimore, Willow and Tait). The supporting documentation from the municipality is attached.

Analysis:

If the Board chooses to adopt the bylaw, the municipality's request will be considered for the fall borrowing through the Municipal Finance Authority of BC.

The debt servicing costs flow through the Regional District but are directly recovered from the municipality.

Respectfully submitted:

"Sandy Croteau"

S. Croteau, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2745, 2016

A bylaw to authorize the entering into of an Agreement respecting financing between the Regional District of Okanagan-Similkameen and the Municipal Finance Authority of British Columbia.

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds there from to the Regional District on whose request the financing is undertaken;;

AND WHEREAS the District of Summerland is a member municipality of the Regional District of Okanagan-Similkameen (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 410 of the Local Government Act, the works to be financed pursuant to the following loan authorization bylaws;

Municipality	L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
Summerland	2016-023	Sanitary Sewer Construction for Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area	\$366,000	0	\$366,000	20	\$366,000
Total							\$366,000

Total Financing under Section 410: \$366,000

GRAND TOTAL: \$366,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority;

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

1. The Regional Board hereby consents to financing the debt of the District of Summerland in the amount of Three Hundred and Sixty Six Thousand Dollars (\$366,000) in accordance with the following terms.

2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertaking at the sole cost and on behalf of the Regional District and its member municipality up to, but not exceeding Three Hundred and Sixty Six Thousand Dollars (\$366,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$366,000 in Canadian Dollars at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and officer assigned the responsibility of financial administration of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule "A" and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the Local Government Act, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the officer assigned the responsibility of financial administration of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. During the currency of the obligation incurred under the said Agreement to secure borrowings in respect of the District of Summerland Loan Authorization Bylaw No. 2016-023 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a

liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.

10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the Municipal Finance Authority Act to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
11. This bylaw may be cited as "Regional District of Okanagan-Similkameen Security Issuing Bylaw No. 2745,2016".

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

RDOS Board Chair

Corporate Officer

SCHEDULE "A" to Bylaw No. 2745, 2016

C A N A D A

PROVINCE OF BRITISH COLUMBIA

A G R E E M E N T

The Regional District of Okanagan Similkameen (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia at its Head Office in Victoria, British Columbia, (the "Authority") the sum of Three Hundred and Sixty Six Thousand Dollars (\$366,000) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the ___ day of _____, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

DATED at _____, British Columbia, this ___ day of _____, 20__

IN TESTIMONY WHEREOF and under the authority of Bylaw No.2745,2016 cited as "Regional District of Okanagan Similkameen Security Issuing Bylaw". This Agreement is sealed with the Corporate Seal of the Regional District of and signed by the Chair and the officer assigned the responsibility of financial administration thereof.

Chair

(Financial Administration Officer)

Pursuant to the Local Government Act, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated _____(month, day) 20__

Inspector of Municipalities

(Reverse Side)

PRINCIPAL AND/ OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS

Date of Payment	Principal and/or Sinking Fund Deposit		Interest	Total
_____	\$ _____	\$ _____	\$ _____	
_____	\$ _____	\$ _____	\$ _____	

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 2016-023

LOAN AUTHORIZATION BYLAW – JUNIPER, MILTIMORE, WILLOW AND TAIT LOCAL SANITARY SEWER SERVICE AREA

WHEREAS it is deemed desirable and expedient to establish and construct a sanitary sewer system for the Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area for the portion of the District of Summerland as shown on Schedule A attached to and forming part of this bylaw;

AND WHEREAS the estimated cost of establishing and constructing a sanitary sewer system for the Local Sanitary Sewer Service Area (Juniper, Miltimore, Willow and Tait) including expenses incidental thereto is the sum of \$426,764 of which the sum of \$366,000 is the amount of debt intended to be borrowed by this bylaw;

AND WHEREAS the service and recovery methods have been proposed by a petition process in accordance with Section 212 of the *Community Charter* in relation to this Bylaw;

NOW THEREFORE, the Council of the Corporation of the District of Summerland in open meeting assembled, enacts as follows:

- 1) The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out, the establishment and construction of a sanitary sewer system for the Local Sanitary Sewer Service Area (Juniper, Miltimore, Willow and Tait) in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) To borrow upon the credit of the Municipality a sum not exceeding \$366,000.
 - b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of the said establishment of the sanitary sewer system for Local Sanitary Sewer Service Area (Juniper, Miltimore, Willow and Tait).
- 2) The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.
- 3) This bylaw may be cited as "Loan Authorization Bylaw for Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area, Bylaw No. 2016-023".

Read a first time this 13th day of June, 2016.

Read a second time this 13th day of June, 2016.

Read a third time this 13th day of June, 2016.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2016.

Received the assent of the electors of the Corporation of the District of Summerland on the ____ day of _____, 2016.

Reconsidered and finally adopted by the Municipal Council of the Corporation of the District of Summerland this ___ day of _____, 2016.

Mayor

Corporate Officer

Certified a true copy of Bylaw No. 2016-023 as at third reading.



Corporate Officer

Certified a true copy of Bylaw No. 2016-023 as adopted.

Corporate Officer

CERTIFIED COPY OF RESOLUTION

14.4 Loan Authorization Bylaw for Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area, Bylaw No. 2016-023

Moved and seconded,

1. THAT "Loan Authorization Bylaw for Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area, Bylaw No. 2016-023" be introduced and read a first, second and third time by title only.
2. THAT District of Summerland Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of the 2016 Fall Borrowing Session, \$366,000 as authorized through "Loan Authorization Bylaw for Juniper, Miltimore, Willow and Tait Local Sanitary Sewer Service Area, Bylaw No. 2016-023" and that the Regional District of Okanagan Similkameen be requested to consent to our borrowing over a twenty (20) year term and include the borrowing in their Security Issuing Bylaw.

Carried

I hereby certify this to be a true copy of a resolution adopted by the Municipal Council of the District of Summerland at its Regular Council Meeting held on June 13, 2016.

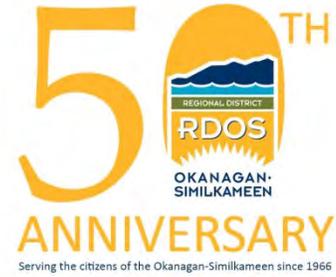
Dated this 14 day of June, 2016 at Summerland, British Columbia.



Jeremy Denegar
Director of Corporate Services
District of Summerland

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: OPRS 2016-2020 Five Year Financial Plan Amendment



Administrative Recommendation:

THAT the Board of Directors support a Five-year Financial Plan Amendment in the amount of \$50,000 from the Oliver Parks and Recreation Society Hall Reserve to fund the Weight Room Expansion

And

THAT the Board of Directors support a Five-year Financial Plan Amendment in the amount of \$30,000 from the Oliver Parks and Recreation Hall and Oliver Parks and Recreation Society Services Capital Reserves for equipment related to the weight room expansion.

Reference:

Bylaw 2724,2016 2016-2020 Five Year Financial Plan

Background:

Amendments to the approved Five-year Financial Plan are brought forward as supporting resolutions with bylaw amendments taking place in aggregation annually.

Analysis:

When the 2016 budget was approved, \$140,000 was approved for the weight room project. The project bid process is now complete and the selected bid came in at \$182,605.50 + GST.

The OPRS Board would like to continue with the project for 2016 and is requesting a budget amendment of \$50,000 for that project. In addition, the OPRS Board would like to utilize \$30,000 of reserve funding for equipment in relation to the weight room expansion.

At the end of 2015, the OPRS Recreation Hall Capital Reserve had a balance of \$117,730. The 2015 approved budget utilize \$40,000 of reserve funding leaving a balance available of \$77,730. This additional request will utilize all of the Recreation Hall Capital reserve as well as \$2,270 from the newly created Oliver Parks and Recreations Services Capital reserve which had a balance of \$168,326 at the end of 2015.

Alternatives:

Not approve the amendment and delay the project until another budget year.

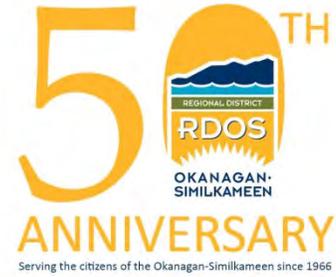
Respectfully submitted:

"Sandy Croteau"

S. Croteau, Finance Manager

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: OPRS Liability Insurance Coverage through Municipal Insurance Association



Administrative Recommendation:

THAT Council approves the Service Provider Agreement between Regional District of Okanagan Similkameen and Oliver Parks and Recreation Society dated June 21, 2016.

Reference:

Service Provider Agreement

Background:

Oliver Parks and Recreation Society have historically been covered under RDOS liability insurance through Municipal Insurance Association (MIA). The renewal of the OPRS agreement in December 2015 has resulted in MIA viewing the relationship in a different manner.

Analysis:

MIA now requires that the RDOS Board authorize the attached service provider agreement to allow the OPRS to be added as an associate member to the RDOS liability insurance. This is an administrative change only and will allow OPRS to remain with the same liability coverage they have had in the past through the RDOS.

Alternatives:

Not approve the agreement and OPRS would need to seek separate liability insurance coverage from another source.

Respectfully submitted:

"Sandy Croteau"

S. Croteau, Finance Manager



MUNICIPAL INSURANCE ASSOCIATION
OF BRITISH COLUMBIA

SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the "Agreement") is made and entered into this 21 day of

June, 2016 by and in between Regional District of Okanagan Similkameen
(the "Local Government") and Oliver Parks and Recreation Society (the "Service Provider").

The Service Provider agrees to provide the following services for or on behalf of the Local Government:

The management, supervision and operation of the Oliver Arena,
Oliver Community Pool and the Oliver Community Centre, community
parks and recreation programming

The term of the Agreement is from the 1 day of December, 2015 and
the 30 day of November, 2020.

The term of the Agreement is perpetual commencing the _____ day of _____,
_____.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government.

The Local Government agrees to obtain commercial general liability insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker's compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

- The Local Government agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.
- The Service Provider agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

ON BEHALF OF <LOCAL GOVERNMENT>

Name: Bill Newell

Title: Chief Administrative Officer

Signature:

Date:

ON BEHALF OF <SERVICE PROVIDER>

Name: Shiela Lange

Title: OPRS Chair

Signature:

Date:

21 / 06 / 2016

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Bylaw Notice Enforcement Amendment Bylaw No. 2507.06, 2016



Administrative Recommendation:

THAT the Bylaw Notice Enforcement Amendment Bylaw No. 2507.06 be read a first, second and third time and be adopted.

Purpose:

To provide for enforcement of zoning regulations at Kennedy Lake, through the issuance of Bylaw Offence Notices.

Reference:

Electoral Area "H" Zoning Bylaw 2498, 2012
Bylaw Notice Enforcement Bylaw No. 2507, 2010

Background:

The property is situated approximately 20km south of the Town of Princeton and is situated west of Highway 3 and west of the mining operation at Copper Mountain.

Amendments to the Area H Zoning Bylaw to establish a new Comprehensive Development (CD) zone for the Kennedy Lake development were adopted in May 2016. The purpose of the CD zone was to recognize pre-existing leases and to allow for the creation of comprehensive, site-specific land use regulations that can be applied to the development in our efforts to regulate growth on the property.

Analysis:

This amendment to the Bylaw Notice Enforcement Bylaw 2507 is to give the Regional District the ability to issue fines for contraventions. If the bylaw doesn't allow for the issuance of fines, the only enforcement option available would be through the courts if the property owner is not cooperative. The fines as proposed are consistent with fines applied for similar contraventions within other zones and zoning bylaws.

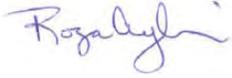
Highlights of the proposed amendments include ability to issue a fine for:

- Placing anything other than a seasonal cabin, recreational vehicle or accessory building within the Recreational Use Area approved for development - \$500.00 fine
- Utilizing the area approved as a non-occupancy area for anything other than forest based outdoor recreation (placement of structures) - \$500.00 fine
- Exceeding maximum density in areas approved for development - \$300.00

Alternatives:

THAT the Bylaw Notice Enforcement Bylaw No. 2507.06 to provide for issuance of bylaw notices for zoning bylaw offenses at Kennedy Lake be abandoned.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Rozalyn", written in a cursive style.

R. Aylwin, Bylaw Enforcement Coordinator

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2507.06, 2016**

A bylaw to provide for issuance of bylaw notices for zoning bylaw contraventions at Kennedy Lake Resort.

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 Bylaw Notices Enforcement Bylaw 2507, 2010;

AND WHEREAS the Board has adopted a new zone to regulate development within Kennedy Lake Resort;

AND WHEREAS the Board wishes to apply the provisions of the Bylaw Notice Enforcement Bylaw within the Kennedy Lake Resort development;

AND WHEREAS the Regional Board wishes to amend the Bylaw Notice Enforcement Bylaw No. 2507, 2010 to recognize the ability to issue Bylaw Offence Notices for contraventions within the Comprehensive Development zone;

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

CITATION

1. This bylaw may be cited for all purposes as Bylaw Notice Enforcement Amendment Bylaw No. 2507.06, 2016.

AMENDMENT OF SERVICE

1. Bylaw Notice Enforcement Bylaw No. 2507, 2010 is amended by rescinding Appendix 3(g) to Schedule A of the Bylaw Notice Enforcement Bylaw No. 2507, 2010, and replace it with a new Appendix 3(g) as attached to this bylaw.

READ A FIRST, SECOND AND THIRD TIME this _____ of _____, 2016.

ADOPTED this _____ of _____, 2016.

RDOS Board Chair

Corporate Officer

SCHEDULE 'A'

Appendix 3(g) to Schedule A

**Electoral Area "H"
Zoning Bylaw No. 2498, 2012**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Obstructing an officer, person or employee	3.2	\$300.00	\$270.00	\$330.00	No
Operating a Use Not Listed in Respect of a Particular Zone	6.4	\$500.00	\$450.00	\$550.00	No
Conditions of Use (restrictions within Sections 11.0 to 15.0)	6.5	\$300.00	\$270.00	\$330.00	Yes
Tent as permanent residence	7.4.1	\$100.00	\$90.00	\$110.00	No
Recreational vehicle as permanent residence	7.4.2	\$200.00	\$180.00	\$220.00	No
Derelict vehicles exceed number permitted	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Features projecting into setbacks	7.5	\$100.00	\$90.00	\$110.00	Yes
Fence Height	7.6	\$100.00	\$90.00	\$110.00	Yes
Provision and maintenance of screening and landscaping	7.7	\$100.00	\$90.00	\$110.00	Yes

SCHEDULE 'A'

Appendix 3(g) to Schedule A, continued

**Electoral Area "H"
Zoning Bylaw No. 2498, 2012**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Exterior lighting not deflected	7.8	\$100.00	\$90.00	\$110.00	Yes
Accessory dwelling exceeds size permitted	7.9.1	\$200.00	\$180.00	\$220.00	Yes
Accessory dwelling exceeds storey and/or height	7.9.2	\$200.00	\$180.00	\$220.00	Yes
Secondary Suite	7.10.1 – 7.10.6	\$100.00	\$90.00	\$110.00	Yes
Carriage houses	7.11.1 – 7.11.6	\$100.00	\$90.00	\$110.00	Yes
Accessory building and structures	7.12.1 – 7.12.3	\$100.00	\$90.00	\$110.00	Yes
Residential occupancy of recreational vehicle	7.14.1 – 7.14.4	\$200.00	\$180.00	\$220.00	Yes
Agri-Tourism Accommodation	7.15.1 – 7.15.9	\$400.00	\$360.00	\$440.00	Yes
Home Occupation	7.16.1 – 7.16.7	\$200.00	\$180.00	\$220.00	Yes
Home Industry	7.17.1 – 7.17.10	\$200.00	\$180.00	\$220.00	Yes
Bed and Breakfast	7.18.1 – 7.18.9	\$300.00	\$270.00	\$330.00	Yes
Signs	7.19.1 – 7.19.7	\$100.00	\$90.00	\$110.00	Yes

SCHEDULE 'A'

Appendix 3(g) to Schedule A, continued

**Electoral Area "H"
Zoning Bylaw No. 2498, 2012**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Farm buildings, structures and uses	7.21	\$100.00	\$90.00	\$110.00	Yes
Keeping of Livestock	7.22.1 – 7.22.2	\$100.00	\$90.00	\$110.00	Yes
Fuel distribution pumps or devices setbacks	7.24.2	\$300.00	\$270.00	\$330.00	Yes
Composting Facilities	7.25	\$300.00	\$270.00	\$330.00	Yes
Tourist Cabin	7.26.1	\$100.00	\$90.00	\$110.00	Yes
Parking / loading not on Same parcel	9.2.1	\$100.00	\$90.00	\$110.00	Yes
Not enough parking	9.5, Table 9.2	\$100.00	\$90.00	\$110.00	Yes
Non permitted use Recreational Use Area	16.6	\$500.00	\$480.00	\$520.00	No
Non permitted use Non-Occupancy Area	16.7	\$500.00	\$480.00	\$520.00	No
Exceeding Maximum Density	16.9 a)	\$300.00	\$280.00	\$320.00	Yes
Seasonal Cabin or Recreational Vehicle in Non-Occupancy Area	16.9 b)	\$500.00	\$480.00	\$520.00	Yes
Minimum Setbacks	16.11	\$200.00	\$180.00	\$220.00	Yes
Maximum Height	16.12	\$100.00	\$90.00	\$110.00	Yes
Maximum Floor Area	16.13	\$100.00	\$90.00	\$110.00	Yes

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Regional Heritage Conservation Service Establishment
Bylaw No. 2706, 2015



Administrative Recommendation:

THAT Regional District of Okanagan-Similkameen Heritage Conservation Service Establishment Bylaw No. 2706, 2015 be adopted.

Reference:

1. Bylaw No. 2706, 2015 (attached)

History:

On March 10, 2016, the Board of Directors gave three readings to **Regional District of Okanagan-Similkameen Heritage Conservation Service Establishment Bylaw No. 2706, 2015** to authorize the establishment of a service for the purpose of carrying out heritage conservation services within the service area.

The Inspector of Municipalities provided statutory approval on June 16, 2016.

Analysis:

The Board may now proceed with the adoption of **Regional District of Okanagan-Similkameen Heritage Conservation Service Establishment Bylaw No. 2706, 2015**.

Respectfully submitted:

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2706, 2015

A bylaw to establish Heritage Conservation as a service in the Regional District of Okanagan-Similkameen.

WHEREAS the Regional District Okanagan Similkameen, pursuant to the *Local Government Act*, may, by bylaw, establish and operate a service relating to heritage conservation;

AND WHEREAS the Board of Directors has authorized approval of this bylaw to be obtained under sections 346 and 347 (1) (b) of the Local Government Act;

AND WHEREAS the councils of the City of Penticton, the District of Summerland, the Towns of Oliver, Osoyoos, and the Village of Keremeos have notified the Board of Directors in writing of their consent to the adoption of this bylaw;

AND WHEREAS the Directors for Electoral Areas "A", "B", "C", "D", "E", "F", "G", and "H" have consented in writing to the adoption of this bylaw;

NOW THEREFORE, the Board of the Regional District 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 Heritage Conservation Service Establishment Bylaw No. 2706, 2015.

2. ESTABLISHMENT OF THE SERVICE

- 2.1 In the Regional District of Okanagan-Similkameen, heritage conservation is established as a service called the Regional District of Okanagan-Similkameen Heritage Conservation Service.
- 2.2 The Board of Directors may operate the service in the Regional District Okanagan-Similkameen and, without limitation, enter into a contract with a third party to implement the service.
- 2.3 The Board of Directors is hereby empowered and authorized to carry out, or cause to be carried out, heritage conservation services in and for the identified service area and do all things necessary or convenient in connection therewith in accordance with the requirements in the *Local Government Act*, *Community Charter*, *Land Title Act*, *Heritage Conservation Act* and all other relevant legislation.

3 BOUNDARIES OF THE SERVICE AREA

- 3.1 The boundaries of the service area are the boundaries of the Regional District of Okanagan-Similkameen excepting the boundaries of the Town of Princeton.

4 PARTICIPATING AREA

- 4.1 The participating area includes the City of Penticton, the Towns of Osoyoos, Oliver, Village of Keremeos, the District of Summerland, and Electoral Areas "A", "B", "C", "D", "E", "F", "G" and "H" of the Regional District of Okanagan-Similkameen in their entirety.

5 COST RECOVERY

- 5.1 The annual cost of the service shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 4.3 of the *Local Government Act*;
 - (b) fees and charges imposed under section 363 of the *Local Government Act*;
 - (c) revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) revenues received by way of agreement, enterprise, gift, grant or otherwise

READ A FIRST, SECOND, AND THIRD TIME this 1st day of October, 2015

DISTRICT OF SUMMERLAND CONSENT OBTAINED this 25th day of January, 2016.

CITY OF PENTICTON CONSENT OBTAINED this 16th day of November, 2015.

TOWN OF OLIVER CONSENT OBTAINED this 23rd day of November, 2015.

TOWN OF OSOYOOS CONSENT OBTAINED this 7th day of December, 2015.

VILLAGE OF KEREMEOS CONSENT OBTAINED this 2nd day of November, 2015.

ELECTORAL AREA “A” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “B” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “C” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “D” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “E” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “F” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015.

ELECTORAL AREA “G” DIRECTOR CONSENT OBTAINED this 21st day of January, 2016.

ELECTORAL AREA “H” DIRECTOR CONSENT OBTAINED this 1st day of October, 2015

THIRD READING RESCINDED this 10th day of March, 2016

READ A THIRD TIME as amended this 10th day of March, 2016

APPROVED by the Inspector of Municipalities this 8th day of June, 2016.

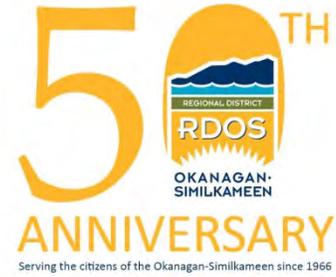
ADOPTED this day of, .

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 16, 2016
RE: Naramata Water Advisory Committee Appointment



Administrative Recommendation:

THAT the Board of Directors appoint Peter Graham as a member of the Naramata Water Advisory Commission.

Purpose:

To appoint a new member to Naramata Water Advisory Committee

Reference:

Naramata Water Advisory Committee Bylaw No. 1969 – a bylaw to create the committee and establish the role of the committee members.

Analysis:

On April 27, 2016, the Director for Area “E” advised administration that Mr. Peter Graham, a previous long serving member of the Naramata Water Advisory Committee (NWAC) has expressed interest in becoming a member of the committee once again.

As the Board appoints members to NWAC, a resolution is required to return Mr. Graham to the committee.

Volunteers are critical to the success of the Regional District and the Board wishes to thank Mr. Graham for his commitment of time to this committee.

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Southern Interior Local Government Association (SILGA)
Appointment



Administrative Recommendation:

THAT Director Karla Kozakevich be appointed as the Regional District of Okanagan-Similkameen's representative to the Board of Directors for the Southern Interior Local Government Association (SILGA) for 2016/2017.

Purpose:

To appoint a RDOS representative to SILGA.

Background:

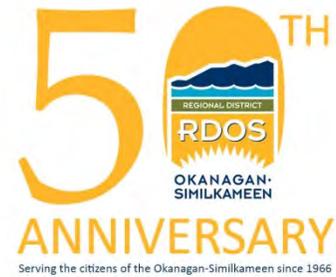
SILGA is a body formed for the purposes of representing, in one organization, the various municipalities and regional districts of the BC Southern Interior. At their annual convention in Kelowna this past April, Director Kozakevich was elected to the Board of Directors in their Electoral Area Director category.

Analysis:

Director Kozakevich has been representing the RDOS at SILGA meetings but needs a formal resolution appointing her as the RDOS representative in order to receive reimbursement for any expenses incurred in performing her duties.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Okanagan Basin Water Board Appointment



Administrative Recommendation:

THAT the Board rescind the appointment of Andre Martin from the Okanagan Basin Water Board; and further,

THAT a Director from a jurisdiction participating in the Okanagan Basin Water Board service be appointed as a representative to the Okanagan Basin Water Board to fill the vacancy.

Purpose:

To ensure that the Regional District is represented at the OBWB.

Reference:

Email from Director Martin – June 21, 2016

Background:

The Regional District generally appoints members to Committees and External Agencies annually and in December 2015, the following Directors and Alternates were appointed to the Okanagan Basin Water Board (OBWB):

Sue McKortoff, Representative	-	Mark Pendergraft, Alternate
Andre Martin, Representative	-	Tom Siddon, Alternate
Peter Waterman, Representative	-	Toni Boot, Alternate

Analysis:

On June 21, 2016, Director Andre Martin notified the Board Chair that, due to a recent change to the City of Penticton Council meeting schedule, he would no longer be available to represent the Regional District Board at the OBWB, as both the City of Penticton and OBWB meetings take place on the same day.

As a result of this vacancy, the Board may wish to appoint another Director to the position.

The participating jurisdictions in the Okanagan Basin Water Board service are: Electoral Areas "A", "C", "D", "E", "F", "G", City of Penticton, District of Summerland, Town of Osoyoos, and Town of Oliver.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: UBCM Resolution



Recommendation:

THAT a resolution be submitted to the Union of BC Municipalities requesting that out of Province registered watercraft be restricted from entering British Columbia.

Reference:

Resolution to UBCM – ‘Protection of Water Bodies from Mussels’
Resolution Backgrounder

Background:

At the June 16, 2016 Board of Directors meeting, it was requested that a resolution be submitted to UBCM requesting that all out of Province registered watercraft be restricted from entering BC.

Analysis:

Local Governments are urged to submit resolutions first to Area Associations for consideration. Resolutions endorsed at Area Association annual meetings are submitted automatically to UBCM for consideration and do not need to be re-submitted to UBCM by the sponsor.

The deadline for submitting this resolution to Southern Interior Local Government Association (SILGA) for consideration at the 2016 UBCM has passed; however, the issue is urgent; therefore, a resolution has been submitted directly to UBCM by the June 30, 2016 deadline, along with the required background documents.

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services



Resolution

PROTECTION OF WATER BODIES FROM MUSSELS

Regional District of Okanagan Similkameen

WHEREAS the Province of British Columbia has acknowledged the risk posed by invasive mussels to BC water bodies with the establishment of the BC Invasive Mussel Defense Program;

AND WHEREAS British Columbia has added Schedule 4 to the BC Wildlife Act Regulation, which provides that zebra and quagga mussels are banned alive and dead from possession, breeding, release, and transportation in British Columbia;

AND WHEREAS British Columbia has established a roving highway inspection station program at 30 locations to control entry of watercraft into British Columbia from the United States and Alberta;

AND WHEREAS, by their nature, this is unlikely to capture all invasive mussels;

THEREFORE BE IT RESOLVED that the province of British Columbia restrict all non-BC registered watercraft from entering into British Columbia.

BACKGROUND INFORMATION

Protection of Water Bodies from Mussels

**Sponsored by
Regional District of Okanagan-Similkameen**

Zebra and Quagga mussels originated in Europe, and are now found in the Great Lakes in Ontario, Quebec, most recently in Lake Winnepeg in Manitoba and at least twenty four American states as far west as California. Live mussels become attached to recreational vehicles, boats, boating equipment and fishing gear can be easily transferred from one body of water to another; microscopic, free-swimming larva can be transported in water.

In 2015 British Columbia established a roving highway inspection station program at 30 locations to control entry of watercraft into British Columbia from the United States and Alberta. In 2016, a slightly expanded program (with assistance of private funding from BC Hydro and Columbia Basin Trust) currently consists of:

- 32 mussel inspectors (4 inspectors/location) with mobile decontamination units
- Crews operational from April to October only, not year round, not in permanent stations, but based out of Lower Mainland, Penticton, Nelson, Cranbrook, Invermere, Golden, Valemount and Dawson Creek.
- Highway inspection stations at 5 eastern border locations and 3 southern border locations

By their impermanent nature, these measures are unlikely to capture all invasive mussels as demonstrated by what has been identified from the inspection stations crews to date in 2016,

- 2,900 watercraft inspected and have been identified as traveling into British Columbia from 33 different provinces and states;
- 107 watercraft identified as coming from a high risk province or state;
- 14 watercraft have been issued Decontamination Orders, and 12 watercraft have been issued quarantine periods to meet the required 30 day drying time. Of the total watercraft inspected, 5 were confirmed to have adult invasive mussels.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Olalla Water System Service Establishment Amendment
Bylaw No. 2677, 2016.



Administrative Recommendation:

THAT Olalla Water System Service Establishment Amendment **Bylaw No. 2677, 2016, be read a first, second and third time, and be adopted.**

Purpose:

To extend the boundaries of the Olalla Water System service area to include District Lot 176, SDYD, Except Plans H9, 85, and 35946.

Reference:

Olalla Water System Local Service Establishment Bylaw No. 1690, 1996
Owner's Petition

Background:

The applicant has petitioned the Regional District to allow the entry of the parcel legally described as **District Lot 176, SDYD, Except Plans H9, 85, and 35946** into the Olalla Water System Service Area.

Alternatives:

1. Deny the petition
2. Approve the petition

Analysis:

The Regional District of Okanagan Similkameen owns and operates the Olalla Water System. The Board has created a Community Commission under the Local Government Act to provide advice and oversight on the management of the system. The petitioners are owners of a parcel of land adjacent to the existing water system and will be responsible for all costs of hooking up. The water system has the technical capability to accept the additional parcel.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2677, 2016**

**A bylaw to amend the Regional District of Okanagan-Similkameen
Olalla Water System Local Service Establishment Bylaw No. 1690, 1996.**

WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen has adopted Olalla Water System Local Service Establishment Bylaw No. 1690, 1996;

AND WHEREAS the property owners of District Lot 176, SDYD, Except Plans H9, 85, and 35946 have petitioned the Regional District to extend the boundaries of the Olalla Water System service area to include their property;

AND WHEREAS the Director for Electoral Area "G" has consented to the amendment of the Olalla Water System Local Service Establishment Bylaw No. 1690, 1996, pursuant to the *Local Government Act*,

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

1.0 CITATION

1.1 This bylaw may be cited for all purposes as the "**Olalla Water System Service Establishment Amendment Bylaw No. 2677, 2016**".

2.0 AMENDMENT OF SERVICE

2.1 The service area established by "Olalla Water System Local Service Establishment Bylaw No. 1690, 1996" is amended by adding the property legally described as District Lot 176, SDYD, Except Plans H9, 85, and 35946, as outlined in black on Schedule 'A' attached to and forming part of this Bylaw.

PETITION FOR INCLUSION INTO THE SERVICE AREA RECEIVED this 10 day of June, 2016

READ A FIRST, SECOND AND THIRD TIME this xx day of xxx, 2016.

DIRECTOR CONSENT OBTAINED this xxx day of xxx, 2016.

ADOPTED WITH 2/3 CONSENT this xxx day of xxx, 2016.

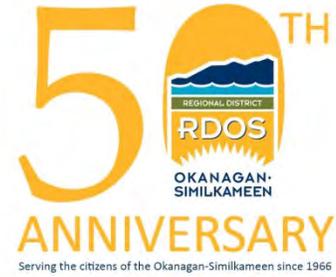
RDOS Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, 2016.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: RDOS Sub-Regional Conservation Fund Service
Establishment Bylaw No. 2690, 2016



Administrative Recommendation 1:

THAT Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be read a first, second and third time prior to being forwarded to the Inspector of Municipalities for approval.

Administrative Recommendation 2:

THAT upon approval by the Inspector of Municipalities, participating area approval for Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be obtained for the entire service area through an Alternative Approval Process in accordance with section 342 (4) of the *Local Government Act*.

Purpose:

To establish a service for the requisition of funds to assist with achieving environmentally sustainable objectives and conservation of our natural areas through a conservation service.

Business Plan Objective:

- To meet public needs through the development and implementation of key services
- To develop a responsive, transparent, effective organization
- To build an environmentally sustainable community

Background:

The Regional District has identified Environmental Responsibility as one of their guiding values and committed to environmental protection and conservation in the 2010 Regional Growth Strategy and in the endorsement of the 2012 Keeping Nature in our Future strategy document developed in conjunction with the South Okanagan Similkameen Conservation Program.

Analysis:

A dedicated conservation fund provides a tool for local government and conservation organizations to protect natural areas through a source of funding held by a regional district for the purpose of undertaking environmental conservation activities including restoration and maintenance of natural areas, and the acquisition and management of land with significant ecological values.

In order to create this type of service, assent of the electors is required. The *Local Government Act* provides for participating area approval to be obtained by either of the following methods:

- assent of the electors by voting;
- approval of the electors by alternative approval process

Participating area approval must be obtained separately for each participating area in the proposed service area, unless the board, by resolution adopted by at least 2/3 of the votes cast, provides that the participating area approval is to be obtained for the entire proposed service area. The Board, therefore would be responsible for obtaining that approval, and the alternative approval process would be conducted, as one whole area, by Regional District administration.

The financial impact of \$450,000 across the entire proposed service area calculates to \$0.0292 per \$1,000 of assessed value, or approximately \$10.00 for the average household valued at \$343,000.

Alternatives:

- THAT the elector approval be obtained by assent of the electors by voting (referendum)
- THAT participating area approval be obtained separately for each participating area

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2690, 2016

A bylaw to establish a Sub-Regional Conservation Fund Service

WHEREAS a Regional District may, by bylaw, establish and operate a service under the provisions of the *Local Government Act*;

AND WHEREAS the Board of the Regional District of Okanagan-Similkameen wishes to establish a service for the purpose of establishing a Sub-Regional Conservation Fund in the Regional District of Okanagan-Similkameen;

AND WHEREAS the Board of Directors resolved by a 2/3 vote that participating area approval be obtained for the entire proposed service area;

AND WHEREAS approval of the Electors has been obtained for the entire service area by the alternative approval process, in accordance with the *Local Government Act*,

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

1. CITATION

- 1.1 This Bylaw may be cited as the “Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016”.

2. ESTABLISHMENT OF THE SERVICE

- 2.1 The Service established by this bylaw is for the purpose of establishing a sub-regional Conservation Fund in the Regional District of Okanagan-Similkameen.

3. BOUNDARIES OF THE SERVICE AREA

- 3.1 The boundaries of the service area are the boundaries of Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, Town of Oliver and the Town of Osoyoos.

4. PARTICIPATING AREA

- 4.1 The participating areas are Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, Town of Oliver and the Town of Osoyoos.

5. SERVICE PROVISION

- 5.1 The Board of Directors may enter into an agreement for the administration of the local conservation fund.

6. COST RECOVERY AND APPORTIONMENT

- 6.1 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 3 [*Requisition and Tax Collection*];
 - (b) subject to subsection (2) of section 378, parcel taxes imposed in accordance with Division 3;
 - (c) fees and charges imposed under section 397 [*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.

7. LIMIT

- 7.1 The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$450,000 or \$0.0292 per thousand dollars of net taxable value of land and improvements in the Regional District of Okanagan-Similkameen.

READ A FIRST, SECOND AND THIRD TIME this xxx day of XXX , XXX.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this XXX day of XXX, XXX.

RECEIVED APPROVAL OF THE ELECTORATE THROUGH AN ALTERNATIVE APPROVAL PROCESS this XXX day of XXX, XXX.

ADOPTED this XXX day of XXX, XXX.

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 7, 2016
RE: Shared Services



Administrative Recommendation:

THAT the Regional District participate in a “Shared Services” pilot study to identify partnering opportunities with other public agencies, with a commitment of up to \$12,500.00 to be found within an existing “Consultant Services” line account in the 2016 Budget.

Purpose:

To look for economies of scale and other cost-saving measures by partnering with other public agencies, including but not limited to, the City of Penticton, SD #67, Penticton Indian Band and the District of Summerland. The Penticton Hospital (IHA) and Okanagan College may be interested as well.

Reference:

Briefing Note from the City of Penticton

Background:

Objective 4.2.3 in the 2016 Corporate Business Plan provides that we will facilitate partnerships within the Regional District by investigating partnership opportunities to leverage operational efficiencies. This Objective stimulated the re-formation of the CAO Group in 2016 and previous efforts has led to minor successes over the years. While opportunities have been identified, issues seem to get in the way. Control over the service, labour contracts, portioning of costs, parochialism, or just the sheer workload of making the change have all been deterrents.

The City of Penticton has had confirmation from the Province that they would see the value in facilitating this type of study and would pay pilot projects up to 50%, with the other 50% to be paid by benefiting parties. The estimate for the study is \$100,000.00, leaving \$50,000.00 to be raised from the participants.

Analysis:

The legislative framework provided for local government by the Province has always caused concern for local politicians, in that the sole mechanism of taxation available is property tax. Seen as a regressive tax, in that the more people improve their property the more they have to pay, there are no alternatives provided. At the same time, the cost of providing services seems to be increasing faster that citizens expect. One potential mechanism that could be applied is to remove the redundancy of similar services being offered by several different agencies.