

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, November 02, 2017  
RDOS Boardroom – 101 Martin Street, Penticton

## SCHEDULE OF MEETINGS

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9:00 am	-	9:15 am	Public Hearing: Early Termination of Land Use Contract – 8127 River Road, Electoral Area “C”
9:15 am	-	10:00 am	Planning and Development Committee
10:00 am	-	10:30 am	Community Services Committee
10:30 am	-	11:30 am	Corporate Services Committee
11:30 am	-	12:45 pm	Environment and Infrastructure Committee
12:45 pm	-	1:15 pm	Lunch
1:15 pm*	-	2:45 pm	Inaugural Board Meeting
2:45 pm*	-	3:00 pm	Okanagan-Similkameen Regional Hospital District Inaugural Board Meeting

*"Karla Kozakevich"*

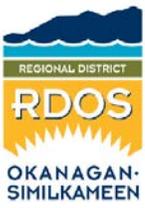
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Karla Kozakevich  
RDOS Board Chair

### Advance Notice of Meetings:

November 16, 2017	RDOS Board/OSRHD Board/Committee Meetings
December 07, 2017	RDOS Board/Committee Meetings
<del>December 21, 2017</del>	<del>RDOS Board/OSRHD Board/Committee Meetings</del> - CANCELLED
January 04, 2018	RDOS Board/Committee Meetings

*\*Revised Meeting Time*



# NOTICE OF PUBLIC HEARING

Electoral Area "C" Official Community Plan and Zoning Bylaw Amendments  
Proposed "Early Termination" of Land Use Contract No. LU-4-C-77  
8703 Highway 97, Gallagher Lake  
Lot 1, Plan KAP3579, District Lot 28S, SDYD

**Date:** Thursday, November 2, 2017  
**Time:** 9:00 a.m.  
**Location:** RDOS, Board Room, 101 Martin Street, Penticton

The purpose of the proposed amendment bylaws is to terminate Land Use Contract No. LU-4-C-77 registered against title of the property at 8703 Highway 97 (Lot 1, Plan KAP3579, District Lot 28S, SDYD) in accordance with Section 548 of the *Local Government Act* and to amend the Oliver Rural Official Community Plan (OCP) Bylaw No. 2452, 2008, and the Regional District Okanagan-Similkameen Electoral Area 'C' Zoning Bylaw No. 2453, 2008, to designate and zone the subject property. Specifically:

*Amendment Bylaw No. 2452.18 2017:* proposes to amend Schedule 'B' (OCP Map) of OCP Bylaw No. 2452, 2008, by changing land use designation on the subject property from Small Holdings (SH) to Administrative, Cultural and Institutional (AI).

*Amendment Bylaw No. 2453.31 2017:* proposes to terminate Land Use Contract No. LU-4-C-77 and to amend Zoning Bylaw No. 2453, 2008, to zone the subject property Administrative and Institutional Site Specific (AIs). The site specific regulation will limit principal permitted uses to "churches", "educational facility for a maximum of 65 students" and one "single detached dwelling"; will limit principal accessory uses to "agriculture", "home occupations" and "accessory building and structures"; requires 40 off-street parking stall shall be provided on the site for a church use; and established a minimum parcel size for subdivision of 2.0 hectares.

**NOTE:** if adopted, the zoning amendment bylaw will come into force one year and a day after the date of its adoption.



**Terminate Land Use Contract LU-4-C-77**  
**AND**  
**Amend OCP Bylaw No. 2452, 2008:**  
from: Small Holdings (SH)  
to: Administrative, Cultural and Institutional (AI)  
**AND**  
**Amend Zoning Bylaw No. 2453, 2008:**  
to: Administrative and Institutional Site Specific (AIs)  
(SHADED & OUTLINED IN BROKEN BOLD LINE)

## VIEW COPIES OF THE DRAFT BYLAWS, THE LAND USE CONTRACT & SUPPORTING INFORMATION AT:

Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC, V2A-5J9  
Weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

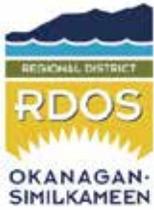
Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Department of Planning and Development Services) [C2017.095-ZONE](http://www.rdos.bc.ca/C2017.095-ZONE).

Anyone who considers themselves affected by the proposed bylaw amendments can present written information or speak at the public hearing. All correspondence received for the public hearing will be made public and should be addressed to: Public Hearing Bylaw No. 2452.18, 2017 & 2453.31, 2017, c/o Regional District of Okanagan-Similkameen at 101 Martin Street, Penticton, BC, V2A-5J9. No letter, report or representation from the public will be received after the conclusion of the public hearing.

**FOR MORE INFORMATION PLEASE CONTACT DEVELOPMENT SERVICES:**  
Telephone: 250-490-4107 | Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Brad Dollevoet  
Manager of Development Services

Bill Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Planning and Development Committee

Thursday, November 02, 2017

9:15 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### **RECOMMENDATION 1**

THAT the Agenda for the Planning and Development Committee Meeting of November 02, 2017 be adopted.

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### B. LAKE AND FORESHORE LAND USE REGULATIONS IN ELECTORAL AREA "A" – For Information Only [Page 4]

The Regional District has received a request from a resident of Electoral Area "A" to give consideration to the implementation of zoning regulations governing the development of docks as a Strategic Project for 2018.

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### C. RETAINING WALLS AND BUILDING HEIGHT REVIEW – For Information Only [Page 7]

This report has been prepared in support of a presentation to be made to the Planning and Development (P&D) Committee that will provide a recap of Amendment Bylaw No. 2773, 2017.

This will include a review of comments received as part of the consultation process and proposed changes to the bylaw since it was last considered by the Committee on May 4, 2017. (NOTE: consideration of 1st reading of the amendment bylaw is scheduled for the Regular Board meeting on November 2, 2017)

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### D. ADJOURNMENT

# ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 19, 2017  
**RE:** Lake and Foreshore land use regulations in Electoral Area "A" – For Information Only

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## **Purpose:**

The Regional District has received a request from a resident of Electoral Area "A" to give consideration to the implementation of zoning regulations governing the development of docks as a Strategic Project for 2018.

## **Background:**

The La Stella winery applied to the Province for a Licence of Occupation for a Commercial Wharf in 2015, which was referred to the RDOS for comment. The Regional District responded with expressed concerns over potential of conflicting uses and safety, and the lack of information of an overall development concept for the upland properties.

The Province owns nearly all freshwater and saltwater foreshore and although land adjacent to the foreshore may be privately held, in common law the public retains the privilege to access the foreshore. The foreshore is the land between the high and low watermarks of streams, rivers, lakes and the ocean. Individuals cannot build on or develop Crown land, including the foreshore, without the Province's authorization.

For private moorage facilities, the construction, placement on aquatic Crown land (foreshore) requires authorization from the Ministry of Forests, Lands, and Natural Resource Operations. Private moorage facilities include docks, boat ways/ramps or boat lifts that are used for private residential use. A General Permission may be granted for docks on aquatic Crown land as long as it is constructed in accordance with the terms and conditions contained in the General Permission to Use Crown Land for a Private Moorage Dock.

For commercial moorage facilities, a tenure from the Province must first be obtained to lease Crown land (foreshore) in order to operate. Obtaining a tenure for a commercial use is a three step process including securing a 1 year temporary licence from the Province to allow for time to seek the necessary approvals from other government agencies and prepare a development plan.

Forests, Lands and Natural Resource Operations do not have a formal complaint process that pertains to specific Crown Land tenures. However, the Lands Administration will respond to concerns or complaints through email and investigate if the tenure is being used as intended.

Under the BC *Local Government Act*, local governments may designate zoning over the surface of water.

In the RDOS, the only regulations for docks and boatlifts are contained within the Electoral Area "F" Zoning Bylaw and were put in place mainly for the proposed Greata Ranch development. These general regulations outline sizes, shapes, and setbacks for docks.

Member municipalities have a variety of approaches to water zoning:

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- Town of Osoyoos: Zoning Bylaw No. 1294, 2012, provides general regulations on public water use, private moorage, group and strata moorage and commercial moorage. The commercial moorage regulations reference compliance with Best Management Practices of the Province and support by Council.
  - District of Summerland: regulates through its zoning bylaw for three types of water zones.

Neither the Town of Oliver nor the City of Penticton have zoning regulations for docks or moorage facilities.

**Analysis:**

The shoreline along Osoyoos Lake within Electoral Area "A" consists of mostly agricultural lands and larger properties with several small parcel sized residential development pockets. The east side of Osoyoos Lake is part of the Osoyoos Indian Band lands and not under the RDOS jurisdiction. The Town of Osoyoos boundaries extend along the southern portion of the lake.

Private dock concentrations are within the pockets of residential development; however, air photos indicate that not all parcels at this time have docks extending into the lake therefore there exists some potential for additional residential docks.

Pending further instruction from the Board, Administration will continue the 'status quo' and not pursue the development of any new regulations to regulate the water or foreshore. Having the Province continue to be the authorizing agency for any new moorage facilities will ensure that any proposal would need to meet their regulations. Referrals from the Province will continue to be reviewed and assessed based on any relevant OCP policies and land use best practises. Any land use concerns and specific policies would be part of the RDOS response to the Province.

If regulations are considered for the foreshore and Osoyoos Lake, the Regional District would need to address bylaw enforcement capacity to ensure that docks and other structures are brought into compliance with new zoning regulations. Further, the Regional District would need to determine if building permits for dock structures (not current practice) would be required. Should the Board choose to move forward with lake and foreshore regulations, the interested member should raise the issue at the Board's Strategic Planning Workshop on November 9<sup>th</sup>.

Respectfully submitted

Endorsed by:

Endorsed by:

*ERiechert*

*CG*

*B. Dollevoet*

E. Riechert, Planner

C. Garrish, Planning Supervisor

B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Request for Zoning for North Osoyoos Lake

Attachment No. 1 – Request for Zoning of North Osoyoos Lake

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August 22, 2017

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

Sent by email to: [cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)

Dear Mr. Garrish,

**Re: Proposed Foreshore and Lake Zoning on North Osoyoos Lake**

Please accept this request to the Planning and Development (P&D) Committee of the Regional District Board for their consideration to zone land use on north Osoyoos Lake. We kindly ask that this project be considered as a strategic project for 2018.

It is our understanding that there is no foreshore or lake zoning on Osoyoos Lake outside of the Town of Osoyoos. This is problematic since without it there is limited guidance for the approval of Crown lakeshore tenures or related upland developments that may not be compatible with desired uses of the foreshore or lake, or interests of nearby property owners.

As an example of issues that can arise without zoning, La Stella Winery recently applied for and was granted a Licence of Occupation to build a commercial dock next to a residential area. It resulted in outrage. This development was viewed as incompatible by residents and RDOS. It granted permission to build a large ugly dock structure and authorises float plane and boat traffic to a winery in an area that is a quiet family use area. The tenure was granted by a Provincial agency removed from the area, with little regard for RDOS recommendations and no meaningful consultation with adjacent owners. Refer also to:

- <http://www.osoyoostimes.com/dock-la-stella-inflames-neighbours/>
- <https://www.castanet.net/news/Penticton/203999/Winery-dock-strikes-a-nerve>
- <http://globalnews.ca/news/3673118/winery-dock-near-osoyoos-striking-nerve-with-locals/>

The P&D committee might consider adopting a Foreshore and Lake Zoning Bylaw similar to the Town of Osoyoos Bylaw No 1294, 2012. This might help keep uses consistent across the lake and compatible with the Resort Town of Osoyoos.

The bylaw might include minimum setbacks, design criteria, safety criteria and requirements to minimize the chance of conflict with non-commercial owners and recreational users of the lake. It should require proponents to obtain written consent from adjoining property owners and meaningful consultation with surrounding property owners before any award is made.

Thank you for your consideration. Please call me at (604) 868-0834 or email to [mgreig@direct.ca](mailto:mgreig@direct.ca) if you have any questions.

Sincerely,



Mike G Greig, RPF, P.Eng

# ADMINISTRATIVE REPORT



**TO:** Planning and Development Committee

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

**DATE:** November 2, 2017

**RE:** Retaining Walls and Building Height Review - For information only

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## **Purpose:**

This report has been prepared in support of a presentation to be made to the Planning and Development (P&D) Committee that will provide a recap of Amendment Bylaw No. 2773, 2017.

This will include a review of comments received as part of the consultation process and proposed changes to the bylaw since it was last considered by the Committee on May 4, 2017. (NOTE: consideration of 1<sup>st</sup> reading of the amendment bylaw is scheduled for the Regular Board meeting on November 2, 2017)

## **Background:**

At its meeting of October 17, 2013, the Planning and Development (P&D) Committee considered an administrative report related to "[Retaining Walls and Height](#)" which recommended in favour of introducing standard definitions and regulations related to retaining walls and height (i.e. that it be measured from average finished grade) into the "Okanagan Electoral Areas Zoning Bylaws update".

The Committee resolved to defer consideration of a motion "to a future meeting", and the item remained outstanding.

At its meeting of May 4, 2017, the P&D Committee considered a revised report dealing with, retaining walls, the calculation of height and a number of related items and resolved in favour of initiating Amendment Bylaw No. 2773."

In light of the technical nature of the proposed changes, Administration recommended that consultation would consist of referral to external agencies as well as a select group of local firms familiar with development requiring the use of retaining walls (i.e. Ecora and McElhanney) instead of public open houses or consideration by the Electoral Area Advisory Planning Commissions (APCs).

## **Overview:**

Amendment Bylaw No. 2773 is proposing to undertake the following amendments to the Electoral Area Zoning Bylaws:

- introduction of consistent definitions related to "crawl space", "development", "first storey", "grade, finished", "height", "panhandle", "parcel", "parcel area, useable", "parcel coverage", "retaining wall" and "structure";
- introduction of consistent regulations related to "Projections", "Fence Heights", and "Retaining Walls". With regard to "Retaining Walls", this includes the following:
  - ∅ a maximum height of 2.0 metres outside of prescribed setbacks;

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- ∅ a minimum horizontal separation between retaining walls equal to the height of the lower wall (multiple retaining walls constructed closer than this distance is to be considered part of a single wall for the purposes of determining height);
  - ∅ a maximum height of 1.2 metres inside of prescribed setbacks;
  - ∅ no retaining walls to be constructed within site triangles at road intersections; and
  - ∅ the maximum height of a fence constructed on a retaining wall within 1.2 metres of a setback not exceeding 1.8 metres.
- revision of Section 3.0 (Administration) so that it is consistent across Electoral Areas and comprised of only administrative matter;
  - revision of Section 5.0 (Creation of Zones) so that it is consistent across Electoral Areas;
  - creation of a new Section 6.0 (Subdivision Regulations) to encapsulate various subdivision regulations currently comprised under "Basic Provisions" and ensuring these are consistent across Electoral Areas (i.e. hooked parcel and minimum useable parcel area requirements); and
  - revision of the maximum height for each zone in Electoral Area "F" to reflect new calculation of height, as well as the setback for accessory structures in the Small Holdings Five (SH5) Zone.

In drafting these provisions, a review was made of the regulations employed by member municipalities (i.e. Penticton and Summerland) as well as other Okanagan local governments.

**Respectfully submitted:**

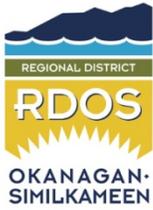


C. Garrish, Planning Supervisor

**Endorsed by:**



B. Dollevoet, Development Services Manager



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, November 02, 2017

10:00 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

**THAT the Agenda for the Community Services Committee Meeting of November 02, 2017 be adopted.**

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### B. DELEGATION

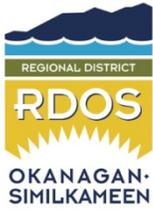
#### **Kwantlen Polytechnic University's Institute for Sustainable Food Systems**

1. Kristi Tatebe - Planning Research Associate
2. Kent Mullinix – Director, Sustainable Agriculture and Food Security

Ms. Tatebe and Dr. Mullinix will address the Board to discuss a proposed Okanagan Bioregion Food System Study project that quantifies the economic, ecological, and food security implications of a bioregional food system for the Okanagan region, and makes policy recommendations.

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### B. ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, November 02, 2017

10:30 a.m.

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

**THAT the Agenda for the Corporate Services Committee Meeting of November 02, 2017 be adopted.**

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**B. TRANSFORMING THE ORGANIZATION**

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**C. BOARD OF DIRECTORS SELF-ASSESSMENT**

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**D. ADJOURNMENT**



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, November 02, 2017

11:30 a.m.

### REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

THAT the Agenda for the Environment and Infrastructure Committee Meeting of November 02, 2017 be adopted.

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**B. RDOS DROUGHT AND FLOOD RISK MANAGEMENT AND MITIGATION – GAP ANALYSIS  
For Information Only [Page 12]**

To provide background information on the Drought and Flood Risk Mitigation and Management Plan - Gap Analysis.

Associated Environmental Consultants Inc.

1. Drew Lejbak, Hydrologist

Mr. Lejbak will address the Board to discuss identified gaps and potential risks pertaining to drought and flood events in the region.

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**C. GAS TAX ALLOCATION TO THE OKANAGAN FALLS WETLAND PROJECT [Page 14]**

To secure 100% of the funding required to complete the Okanagan Falls Wetlands Enhancement project and utilize the Regionally Significant Project Funds.

**RECOMMENDATION 2**

THAT the Regional District commit \$700,000 from the Electoral Area "D" Community Works Fund for the construction of a wetland adjacent to the Okanagan Falls Wastewater Treatment Plant.

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**D. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** November 2, 2017

**RE:** RDOS Drought and Flood Risk Management and Mitigation – Gap Analysis

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### Administrative Recommendation

#### FOR INFORMATION ONLY

**Purpose:**

The Purpose of this report is to provide background information on the Drought and Flood Risk Mitigation and Management Plan - Gap Analysis. This information is in advance of a delegation from the consulting firm of Associated Environmental who will provide a presentation on identified gaps and potential risks pertaining to drought and flood events in the region. The report will inform the Drought and Flood Risk Mitigation and Management Plan (DFRMMP) .

**Reference:**

Drought and Flood Risk Management and Mitigation Plan Gap Analysis report by Associated Environmental Consulting

**Business Plan Objective:**

Key Success Driver 3.0 Build a Sustainable Region

Key Success driver 4.0 Governance & Oversight in a Representative Democracy

To enhance communications and relations with other governments in the region

**Background:**

The RDOS has grown substantially through the acquisition of new water systems, parks and infrastructure. Available Drought Plans are outdated and stand alone with no overarching regional focus and similarly Flood Plans do not exist for individual areas or regional Electoral Areas.

The RDOS identified the need for the development of a Drought and Flood Risk Management and Mitigation Plan (DFRMMP). The goal is to develop an informed management plan for use during dry and wet years, which considers all water sources and supplies, infrastructure, and the health and safety of all residents for the present and into the future. The DFRMMP will provide guidance for community coordination and management decisions, as well as support plan integration into local plans, policies, bylaws, and best management practices.

The OBWB has encouraged and funded organizations moving towards developing or updating drought and flood plans in the Basin. Along with the RDOS, the Town of Oliver and City of Penticton are also writing or updating plans. The RDOS has been successful in receiving phased 3 year funding through the OBWB's Water Quality Water Improvement Grant to research and write a region specific Drought and Flood Risk Management and Mitigation Plan.

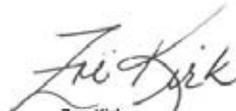
The DFRMMP was initiated just prior to the Provincial Water Audit and in conjunction with the Regional Water Use Regulations and Bylaws Project. The Provincial Water Audit, RDOS Water Use Regulations and Bylaws project and a recent Provincial Flood Forum held at the RDOS by Associated Environmental have informed the Gap Analysis.

### Analysis:

The Gap Analysis will provide an overview of disparities that fall under RDOS authority or control and those that are outside RDOS control. Outside 'gaps' could dramatically affect the operations of RDOS public works facilities and water systems in the event of either a drought or flood event. The RDOS can use the Gap Analysis findings to develop better informed strategies in the DFRMMP and to engage relevant authorities on issues outside RDOS authority which are most likely to negatively impact the RDOS and it's citizens during drought or flood event(s).

Following finalization of the Gap Analysis document, the Drought and Flood Risk Mitigation and Management Plan will be written in draft form and presented to the Board at a future meeting.

**Respectfully submitted:**



Zoe Kirk  
RDOS – Public Works Projects Coordinator

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Z. Kirk, Projects Coordinator

**Endorsed By**

Janine Dougall

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Janine Dougall, Public Works Mgr.

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** November 2, 2017

**RE:** Gas Tax Allocation to the Okanagan Falls Wetland Project

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### Administrative Recommendation:

**THAT the Regional District commit \$700,000 from the Electoral Area "D" Community Works Fund for the construction of a wetland adjacent to the Okanagan Falls Wastewater Treatment Plant.**

### Purpose:

Secure 100% of the funding required to complete the Okanagan Falls Wetlands Enhancement project and utilize the Regionally Significant Project Funds.

### Business Plan Objective: *(Tie to current RDOS Business Plan)*

Complete the Wetland project for the Okanagan Falls Treatment Plant

### Background and Analysis:

#### Wetlands Project

The Okanagan Falls Wetland Enhancement project has been in the future vision for wastewater treatment in the area since the idea was initially discussed during the development of the 'Okanagan Falls Sewage Treatment Plant - Strategic Review' in 2005.

In 2012, funds were allocated from the Regionally Significant Projects (RSP) gas tax funds in an effort to move the wetland project along. In total, \$360,911 was allocated to install a discharge pipe and initial receiving area within the existing Vaseux wetland area. Environment Canada denied the request to connect with the existing wetland and the project stalled as no lands were available.

In 2015, a nearby property was purchased that could be used for a constructed wetland. The RSP funds were still available, however the change in scope now required a new stand-alone wetland to be constructed. The costs associated with constructing a new wetland are estimated to be significantly higher as no natural infrastructure existed. As part of the rules surrounding the RSP funds, the securing of complete funding for the wetland project was required prior to the RSP agreement execution.

Constructed wetlands built around the globe have a significant range in cost estimates depending on many factors, such as location, treatment requirements, native materials, capacity, etc. For the Okanagan Falls wetland the following assumptions were made when the cost estimate was prepared.

- Wetland area of about 3.8 hectares – treatment area about 2.6 hectares
- Wetland not have a liner and effluent will be discharged as groundwater and not via the river channel diffusers
- Gravity flow is insufficient from the WWTP and a pumping system needs to be retrofitted into the existing effluent discharge system
- Wetland will have typical plants and planting arrangements
- Type of wetland will be surface flow system (open water on surface)

**Table 1: Updated cost estimate (*L.Bloomfield, 2017*)**

Description	Cost
<b>HDPE pipe to wetland</b> – Open trench, backfilling, anchoring, road structure repairs, culvert reinstallation, cold millings on roadway (75m + 100m sections)	\$ 166,000
<b>Wet well and pump</b> – connect to existing outfall pipework, supply, install beside effluent storage tank	\$ 14,000
<b>Electrical and Instrumentation</b> – PLC integration, sensors, additions/changes to programming, conduits, wires and equipment	\$ 35,000
<b>General construction costs</b> – Mobilization, demobilization, admin, insurance, bonding, overhead, disbursements	\$ 17,000
<b>Earthwork</b> – Surveying, grubbing, clearing, removal 1.5m existing soil (approximately 42,000 m <sup>3</sup> )	\$ 265,000
<b>New soil/sand/media</b> – for bottom area & berms (21,000 m <sup>3</sup> ) and for planting shallow areas (18,000 m <sup>3</sup> )	\$ 128,000
<b>Plants and installation</b> – assume about 20,000 plants per hectare (typical quantity used in treatment wetlands) (\$3 per plant installed)	\$ 156,000
<b>Structures</b> – Inlet and outlet structures, sampling locations	\$ 15,000
<b>Engineering and Inspection costs</b> – typically 10% to 15% of construction costs	\$ 80,000
<b>Contingency</b> – typically 15% to 20%	\$ 130,000
<b>Total Estimated Cost</b>	<b>\$ 1,006,000</b>

*L.Bloomfield, 2017 – Preliminary estimate updated from previous (AECOM), past tenders and updated using some typical unit costs from 'Treatment Wetlands, Second Edition' 2009., Kadlec & Wallace.*

**Note:** This high level cost estimate assumes a typical layout without the need for an impervious liner. An impervious liner is estimated at about \$450,000 for this site. Additionally, the wetland may also require a second pipe installed to carry effluent back to the treatment plant for direct river

discharge after flowing through the wetland. This need will be determined through discussion with Ministry of Environment when detailed design is completed.

Additional design work is required to refine these presented cost estimates.

**Potential Funding Sources**

Funds are potentially available from the Community Gas Tax fund from Area D. Additionally, other Electoral Areas could contribute to ensure full funding is available for the project. For information and discussion purposes, the following Electoral Areas have the current unallocated balances in the Community Works Fund Gas Tax:

<b>Uncommitted Balances at October 25, 2017</b>	
Electoral Area A	\$ 191,489
Electoral Area B	\$ 339,757
Electoral Area C	\$ 673,679
Electoral Area D	\$ 963,205
Electoral Area E	\$ 221,069
Electoral Area F	\$ 490,707
Electoral Area G	\$ 408,313
Electoral Area H	\$ 357,370

Confirmation has been received from the UBCM, who administers the funds, that the Community Gas Tax fund can be used in conjunction with the Regionally Significant Program funds to provide full funding for the wetland project.

**Alternatives:**

1. The Board provides an alternate source of funding to complete the project.

**Communication Strategy:**

The community will be updated as the project proceeds through newsletters, website updates, emails, site visits and open houses.

**Respectfully submitted:**

**Endorsed By:**

*Liisa Bloomfield*

*Janine Dougall*

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L. Bloomfield, Engineer

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J. Dougall, Public Works Manager

BOARD of DIRECTORS MEETING

Thursday, November 02, 2017

2:45 p.m.

## INAUGURAL BOARD MEETING AGENDA

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A. CALL TO ORDER

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B. OSRHD CHAIR 2017 ANNUAL YEAR-END REPORT

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C. ELECTION OF 2018 OSRHD BOARD CHAIR AND VICE CHAIR

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D. ADOPTION OF AGENDA

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

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board Meeting of November 2, 2017 be adopted.

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E. 2018 OSRHD SCHEDULE OF MEETINGS [Page 20]

To establish, by resolution, a schedule for regular Hospital District Board Meetings for 2018.

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

THAT the 2018 Okanagan-Similkameen Regional Hospital District (OSRHD) Board Schedule of Meetings, as provided in the November 2, 2017 report from the Chief Administrative Officer, be approved.

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F. 2018 OSRHD SIGNING AUTHORITY [Page 22]

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

THAT the Board of Directors appoint the following Directors as signing officers for the Okanagan-Similkameen Regional Hospital District for the 2018 year:

*OSRHD Board Chair:*

*OSRHD Board Vice Chair:*

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G. ADJOURNMENT

TO: Board of Directors

FROM: Bill Newell, CAO

Date: 2 November 2017

RE: Regional Hospital District Activity Report

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**Reference:**

**Hospital District Act, RSBC 1996, Chapter 202**

**Regional hospital board**

**8** (1) A regional hospital district board consists of the directors on the board of the regional district that corresponds to the regional hospital district.

**Chair and acting chair**

**13** (1) Where the directors hold office under section 8 (1), the board must elect a chair from among its directors at the first meeting held in each year.

**Purposes**

**20** (1) The purposes of a regional hospital district are the following:

- (a) to establish, acquire, construct, reconstruct, enlarge, operate and maintain hospitals and hospital facilities;
- (b) to grant aid for the establishment, acquisition, reconstruction, enlargement, operation and maintenance of hospitals and hospital facilities;

**2016 Information:**

- 2017 Tax Requisition \$6,136,460
- Capital Reserve Forecast \$410,265 (as at December 31, 2017)
- Capital Commitment for Patient Care Tower \$117,000,000
- 2017 Patient Care Tower Payment \$41,487,000 (to Dec. 31, 2017)
- 2017 Commitment for annual capital \$3,536,700
- Clean Audit received for 2016
- Current taxing philosophy is to increase taxes by \$5/household/year to build capital reserve/pay debt
- Avg. residential property tax for 2017 is \$106.00
- Quantum of tax revenue increased by \$296,977 in 2017 over 2016
- Transfer to capital reserve in 2017 was \$2.2M
- Design/Build/Operate Contract for the “Building Patient Care” Tower awarded to Ellis Don Consortium for \$312M and Construction commenced in 2016, with a projected scheduled completion of December 2021.



## ADMINISTRATIVE REPORT

**TO:** Okanagan-Similkameen Regional Hospital Board

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

**DATE:** November 2, 2017

**RE:** 2018 Regional Hospital Board Schedule of Meetings

---

### **Administrative Recommendation:**

**THAT the 2018 Okanagan-Similkameen Regional Hospital District (OSRHD) Board Schedule of Meetings, as provided in the November 2, 2017 report from the Chief Administrative Officer, be approved**

### **Purpose:**

To establish, by resolution, a schedule for regular Hospital District Board Meetings for 2018

### **Analysis:**

The 2018 meeting schedule is before the Board for review and approval. Generally, the Board follows a schedule of convening meetings on the third Thursday of each month; although, on occasion, the schedule has been adjusted due to conflicts with annual conventions and forums.

In 2018, there are no conflicting meetings; therefore, no changes to the existing schedule are proposed.

### **Respectfully submitted:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

## OSRHD 2018 Meeting Schedule

<b>Month</b>	<b>Board Day</b>
<b>January</b>	January 18
<b>February</b>	February 15
<b>March</b>	March 15
<b>April</b>	April 19
<b>May</b>	May 17
<b>June</b>	June 21
<b>July</b>	July 19
<b>August</b>	August 16
<b>September</b>	September 20
<b>October</b>	October 18
<b>November</b>	November 15 Inaugural Meeting
<b>December</b>	December 20

## ADMINISTRATIVE REPORT

**TO:** Okanagan-Similkameen Regional Hospital Board  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** 2018 Regional Hospital District Signing Authority

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### Administrative Recommendation:

**THAT the Board of Directors appoint the following Directors as signing officers for the Okanagan-Similkameen Regional Hospital District for the 2018 year:**

*OSRHD Board Chair:*

*OSRHD Board Vice Chair:*

### History:

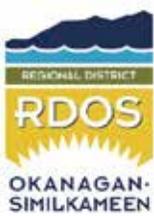
The Board historically, by resolution each year, appoints the Chair and Vice-Chair as signing authorities for the Regional Hospital District.

Respectfully submitted,

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, November 02, 2017

1:15 p.m.

## INAUGURAL BOARD MEETING AGENDA

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A. CALL TO ORDER

---

B. RDOS CHAIR 2017 ANNUAL YEAR-END REPORT

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C. ELECTION OF 2018 BOARD CHAIR AND VICE CHAIR

1. Chairperson Election Process [Page 36]
- 

D. APPROVAL OF AGENDA

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

**THAT** the Agenda for the RDOS Board Meeting of November 02, 2017 be adopted.

---

E. CONSENT AGENDA

1. Consent Agenda – Corporate Issues

- a. Corporate Services Committee – October 19, 2017 [Page 35]

*THAT the Minutes of the October 19, 2017 Corporate Services Committee be received.*

- b. Community Services Committee – October 19, 2017 [Page 37]

*THAT the Minutes of the October 19, 2017 Community Services Committee be received.*

*THAT the Committee recommend the Board of Directors support the nomination of See Ya Later Ranch Barn for inclusion on the RDOS Community Heritage Register.*

- c. Environment and Infrastructure Committee – October 19, 2017 [Page 39]**  
*THAT the Minutes of the October 19, 2017 Environment and Infrastructure Committee be received.*

*THAT the Regional District of Okanagan-Similkameen submit a request to the BC Minister of Environment for a major amendment to the Regional Solid Waste Management Plan regarding the location and capital costs of the Apex Mountain Waste Transfer Station:*

- § *That the SWMP be amended to show the exact address of the facility will be at 220 Strayhorse Rd, Apex Mountain;*
- § *That the SWMP be amended to show estimated capital costs for design, tendering and construction of the Apex Mountain Waste Transfer Station has been estimated at \$592,790;*
- § *That these facts have been presented to affected residents through significant public consultation process.*

*THAT for the Apex Mountain Waste Transfer Station the Regional District of Okanagan-Similkameen recover capital costs from taxation and operational costs as a fee for service.*

- d. Planning and Development Committee – October 19, 2017 [Page 42]**  
*THAT the Minutes of the October 19, 2017 Planning and Development Committee be received.*
- e. Protective Services Committee – October 19, 2017 [Page 45]**  
*THAT the Minutes of the October 19, 2017 Protective Services Committee be received.*
- f. RDOS Regular Board Meeting – October 19, 2017 [Page 46]**  
*THAT the minutes of the October 19, 2017 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 – 178 Juniper Avenue, Kaleden, Electoral Area “D” [Page 51]**
  - i. Permit No. D2017.135-DVP [Page 55]

To formalize the construction of a concrete-block retaining wall.

*THAT the Board of Directors approve Development Variance Permit No. D2017.135–DVP.*

- b. **Development Variance Permit Application – 2710 Noyes Road, Naramata, Electoral Area “E” [Page 61]**
  - i. Permit No. E2017.143-DVP [Page 65]

To allow for an accessory structure (shed) to be sited within an interior side yard setback.

*THAT the Board of Directors approve Development Variance Permit No. E2017.143–DVP.*

**RECOMMENDATION 3** (Unweighted Rural Vote – Simple Majority)  
**THAT the Consent Agenda – Development Services be adopted.**

---

**F. DEVELOPMENT SERVICES – Building Inspection**

1. **Building Bylaw Infraction, 590 Sovereign Road, Okanagan Falls, Electoral Area “D” [Page 69]**

**RECOMMENDATION 4** (Unweighted Corporate Vote – Simple Majority)  
**THAT a Section 302 Notice on Title, pursuant to Section 302 of the Local Government Act and Section 57 of the Community Charter (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 9 Shown on Plan B16861, District Lot 697S, SDYD, District Plan 1434, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and**

**THAT injunctive action be commenced.**

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**G. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Early Termination of Land Use Contract – 8127 River Road, Oliver, Electoral Area “C” [Page 74]**

- a. Bylaw No. 2452.18, 2017 [Page 77]
- b. Bylaw No. 2453.31, 2017 [Page 79]
- c. Responses Received [Page 83]

*The public hearing for this item will have been held Thursday, November 02, 2017 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.*

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

**THAT** Bylaw No. 2452.18, 2017, Electoral Area “C” Official Community Plan Amendment Bylaw and Bylaw No. 2453.31, 2017, Electoral Area “C” Zoning Amendment Bylaw be read a third time.

---

**2. Agricultural Land Commission Referral (Subdivision) – 8856 Highway 97, Oliver, Electoral Area “C” [Page 92]**

To facilitate the subdivision of the subject property into two (2) new parcels of approximately 11.725 ha (Lot 1) and 13.655 ha (Lot 2).

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

**THAT** the Board of Directors “authorize” the application to undertake a two lot subdivision at 8856 Highway 97 in Electoral Area “C” to proceed to the Agricultural Land Commission.

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- 3. Review and Update of the Electoral Area “G” Zoning Bylaw [Page 101]**
  - a. Bylaw No. 2781, 2017 - Schedule "1" Electoral Area "G" Zoning Text [Page 107]
  - b. Bylaw No. 2781, 2017 - Schedule "2" Electoral Area "G" Zoning Map [Page 146]
  - c. Bylaw No. 2781, 2017 - Schedule "3" Similkameen River Provincial Floodplain Maps [Page 149]
  - d. Responses Received [Page 150]

Administration is proposing that the Regional District Board initiate an update of the Electoral Area “G” Zoning Bylaw, as it has not been the subject of such a review since its adoption in 1977.

The impetus for this review has arisen from a recent rezoning to allow for an “accessory dwelling” on a property which highlighted the out-of-date nature of the bylaw. The intent of the proposed new Electoral Area “G” Zoning Bylaw No. 2781 is to modernize the bylaw, but still keep the same regulations and use restrictions provided in the current bylaw.

The current bylaw only applies to 41 parcels, and the replacement Electoral Area “G” Zoning Bylaw will apply to these same parcels (i.e. no new parcel are being zoned as part of this process).

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

**THAT Regional District of Okanagan-Similkameen, Electoral Area “G” Zoning Bylaw No. 2781, 2017, be read a first and second time and proceed to a public hearing; and**

**THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017; and**

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

---

4. **Zoning Bylaw Amendments – Retaining Walls and Building Height Review, Electoral Areas “A”, “C”, “D”, “E”, “F”, & “H”** [Page 160]
  - a. Bylaw No. 2773, 2017 [Page 163]
  - b. Responses Received [Page 234]

The purpose of Amendment Bylaw No. 2773 is generally to address consistency issues currently existing within the various Electoral Area zoning bylaws as they relate to the calculation of height and regulation of retaining walls, but to also address:

- new definitions related to “height” “retaining wall”, “structure”, “parcel”, “parcel coverage”, “parcel area, useable” and “panhandle”;
- updated general regulations pertaining to Projections and Fence Heights and new regulations pertaining to Retaining Walls;
- a re-ordering of bylaw sections related to “Administration”, “Basic Provisions”, “Creation of Zones” and “Subdivision Regulations” in order to improve and clarify the intent of these sections across Electoral Areas.

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

**THAT Bylaw No. 2773, 2017, Regional District of Okanagan-Similkameen Retaining Wall and Building Height Update Amendment Bylaw be read a first and second time and proceed to a public hearing; and,**

**THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017; and,**

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

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5. **Official Community Plan (OCP) & Zoning Bylaw Amendments – Dominion Radio Astrophysical Observatory (DRAO), Electoral Areas “C” & “D-1” [Page 247]**
  - a. Bylaw No. 2777, 2017 [Page 252]
  - b. Oliver Rural Official Community Plan Bylaw No. 2452, 2008 – Schedule “F” Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area [Page 270]
  - c. Oliver Rural Official Community Plan Bylaw No. 2452, 2008 – Schedule “3” Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area [Page 271]
  - d. Electoral Area “D” Zoning Bylaw No. 2457, 2008 – Schedule “3” Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area [Page 276]
  - e. Responses Received [Page 273]

Amendment Bylaw No. 2777 seeks to amend the Electoral Area “C” Official Community Plan and Zoning Bylaws and Electoral Area “D-1” Zoning Bylaw as they relate to the Dominion Radio Astrophysical Observatory (DRAO) in order to ensure consistency of objectives, policies, regulations and mapping across those Electoral Areas to which DRAO’s Radio Frequency Interference (RFI) Area applies.

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

**THAT** Bylaw No. 2777, 2017, Regional District of Okanagan-Similkameen Dominion Radio Astrophysical Observatory Official Community Plan and 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 November 2, 2017, 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. 2777, 2017, in conjunction with its Financial and applicable Waste Management Plans; and

**THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017; and

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

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**H. FINANCE****1. Electoral Areas "H" Community Facilities Capital Reserve Fund Expenditure**

[Page 299]

- a. Bylaw No. 2786, 2017 [Page 301]

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

THAT Bylaw No. 2786, 2017, being a bylaw of the Regional District of Okanagan Similkameen to authorize an expenditure of \$78,496.00 from the Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw, be read a first, second and third time and be adopted.

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**I. LEGISLATIVE SERVICES****1. 2018 RDOS Schedule of Meetings [Page 302]**

**RECOMMENDATION 11** (Unweighted Corporate Vote – Simple Majority)

THAT the 2018 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings, as provided in the November 2, 2017 report from the Chief Administrative Officer, be approved.

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**2. 2018 Advisory Planning Commission Schedule of Meetings [Page 304]**

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

THAT the Board of Directors accept the 2018 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions.

---

**3. 2018 Regional District Signing Authority [Page 306]**

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

THAT the Board of Directors appoint the following Directors as signing officers for the Regional District of Okanagan-Similkameen for the 2018 year:

RDOS Board Chair:

RDOS Board Vice Chair:

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- 4. Committee Chairs [Page 307]**  
a. Board Policy – Terms of Reference-Select Committees [Page 308]
- 

**5. External Agency Appointments [Page 311]**

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- 6. Sterile Insect Release Board – Nomination of Industry Representative [Page 313]**  
a. SIR Nomination Letter [Page 315]

To obtain support from the Board of Directors for the BC Fruit Growers' Association (BCFGA) nomination to the SIR Board.

**RECOMMENDATION 14** (Unweighted Corporate Vote – Simple Majority)  
**THAT the Board of Directors confirm the nomination of Walter Makepeace as the Zone 1 representative to the Sterile Insect Release (SIR) Board.**

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**7. Province of BC – Population for Regional District of Okanagan-Similkameen [Page 317]**

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- 8. Sun Valley Water Service Conversion and Continuation Bylaw [Page 318]**  
a. Bylaw No. 2764, 2017 [Page 320]

**RECOMMENDATION 15** (Unweighted Corporate Vote – Simple Majority)  
**THAT Bylaw No. 2764, 2017 Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw be adopted.**

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**J. CAO REPORTS**

**1. Verbal Update**

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**K. OTHER BUSINESS**

**1. Chair's Report**

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**L. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Chairperson Election Process

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### For Information Only

- 215 (1) At the first meeting held after November 1 in each year, the board must elect a chair and a vice chair.
- (2) The vice chair has, during the absence, illness or other disability of the chair, all the powers of the chair and is subject to all rules applicable to the chair.
- (3) If the chair and the vice chair are not present at a meeting of the board, the directors present may elect an acting chair who, during that meeting, has all the powers of the chair and is subject to all rules applicable to the chair.
- (4) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.

### POWERS AND DUTIES OF CHAIR

S. 216 of the *Local Government Act* provides that the chair is the head and chief executive officer of the regional district; and, in addition to the chair's powers and duties as a board member, the chair has the following duties:

- (a) to see that the law is carried out for the improvement and good government of the regional district;
- (b) to communicate information to the board;
- (c) to preside at board meetings when in attendance;
- (d) to recommend bylaws, resolutions and measures that, in the chair's opinion, may assist the peace, order and good government of the regional district in relation to the powers conferred on the board by an enactment;
- (e) to direct the management of regional district business and affairs;
- (f) to direct the conduct of officers and employees in accordance with S. 239 of the *Local Government Act*.

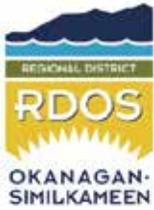
Informally, the Chair:

- a) Serves as the “face” of the Board and is required to represent the Board at many events throughout the Regional District.
- b) With the Chief Administrative Officer, sets the Board Meeting Agenda.
- c) Issues media releases on behalf of the Corporation.
- d) Declares a State of Local Emergency when required.

## ELECTION OF CHAIRPERSON

1. The Chief Administrative Officer will declare nominations open for the position of Chairperson for the Regional District of Okanagan Similkameen.
2. Each nomination will require a mover and seconder. The Member nominated will be asked if he/she is willing to let their name stand for the position.
3. The Chief Administrative Officer will call for additional nominations until, after three calls, there are no further nominations from the Floor.
4. Once nominations close, Nominees will be allowed up to 3 minutes to present their platform to the Board, in the order of nomination.
5. The Chief Administrative Officer will seek a resolution from the Board appointing Christy Malden and Gillian Cramm as Scrutineers.
6. The Chief Administrative Officer shall seek a resolution of the Board that the proposed election process and rules of voting are acceptable.
7. The Scrutineers shall issue ballots and each Member shall have one vote, with each vote to have equal weight.
8. Members shall write the name of their preferred candidate on the ballot and the Scrutineers shall collect the ballots.
9. A majority of the Board is required to elect a Chair. Should there be more than two Nominees for the position, and if on the first ballot a Chair is not elected by a majority of the Board, the Nominee with the lowest number of votes shall be dropped and a second ballot will be initiated. This process will continue until a Member is elected.
10. A tie vote on the last ballot shall be resolved by a toss of a coin.
11. Following the vote, the Chief Administrative Officer will announce the name of the Chair-elect resulting from the secret ballot and request a motion to destroy the ballots.
12. Unsuccessful candidates for Chair are eligible to stand for Vice Chairperson, if nominated.

13. Following the election of the Chairperson, the Chief Administrative Officer shall conduct the election of the Vice-Chairperson with the same rules applied to elect a Chair.
14. Following the election of a Vice-Chairperson, the Chief Administrative Officer shall turn the meeting over to the Chairperson to proceed with the remainder of the agenda.



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

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Corporate Services Committee

Thursday, October 19, 2017

10:07 a.m.

# Minutes

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### MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"  
Vice Chair M. Bauer, Village of Keremeos  
Director F. Armitage, Town of Princeton  
Director T. Boot, District of Summerland  
Director M. Brydon, Electoral Area "F"  
Director G. Bush, Electoral Area "B"  
Director E. Christensen, Electoral Area "G"  
Director B. Coyne, Electoral Area "H"  
Director M. Doerr, Alt. Town of Oliver

Director A. Jakubeit, City of Penticton  
Director H. Konanz, City of Penticton  
Director A. Martin, City of Penticton  
Director C. Rhodes, Alt. Town of Osoyoos  
Director M. Pendergraft, Electoral Area "A"  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

Director S. McKortoff, Town of Osoyoos

### STAFF PRESENT:

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

T. Bouwmeester, Manager of Information Services  
M. Hayter, Manager of Finance

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## A. APPROVAL OF AGENDA

### **RECOMMENDATION 1**

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

THAT the Agenda for the Corporate Services Committee Meeting of October 19, 2017 be adopted. - **CARRIED**

---

## B. Q3 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities of the third quarter of 2017 and the planned activities of the fourth quarter.

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## C. Q3 CORPORATE PLAN – For Information Only

The Committee reviewed the 2017 Corporate Action Plan.

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**D. Q3 BUDGET VARIANCE ANALYSIS REPORT – For Information Only**

The Committee reviewed the variance between the Income Statement and the Budget with forecasts to year-end.

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**E. ADJOURNMENT**

By consensus, the meeting adjourned at 11:06 a.m.

APPROVED:

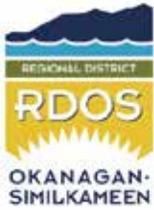
CERTIFIED CORRECT:

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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer



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

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, October 19, 2017

10:03 a.m.

# Minutes

### MEMBERS PRESENT:

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

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

### MEMBERS ABSENT:

Chair R. Hovanes, Town of Oliver

Director S. McKortoff, Town of Osoyoos

### STAFF PRESENT:

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

M. Woods, Manager of Community Services

## A. APPROVAL OF AGENDA

### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Community Services Committee Meeting of October 19, 2017 be adopted. - **CARRIED**

By consensus, the Committee brought forward Item C Community Heritage Register.

## C. COMMUNITY HERITAGE REGISTER – SEE YA LATER RANCH BARN

1. Statement of Significance
2. Supporting Documentation

To provide as information on the heritage value of See Ya Later Ranch Barn, for future nomination to the RDOS Community Heritage Register.

### RECOMMENDATION 2

#### It was MOVED and SECONDED

THAT the Committee recommend the Board of Directors support the nomination of See Ya Later Ranch Barn for inclusion on the RDOS Community Heritage Register. - **CARRIED**

**B. Q3 ACTIVITY REPORT – For Information Only**

The Committee was advised of the activities of the third quarter of 2017 and the planned activities for the fourth quarter as changed to switch order.

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**D. ADJOURNMENT**

By consensus, the Community Services Committee meeting of October 19, 2017 adjourned at 10:07 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Bauer  
Community Services Committee Vice Chair

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B. Newell  
Chief Administrative Officer



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

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, October 19, 2017

11:22 a.m.

# Minutes

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver	Director S. McKortoff, Town of Osoyoos
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### STAFF PRESENT:

B. Newell, Chief Administrative Officer	L. Bloomfield, Engineering Supervisor
C. Malden, Manager of Legislative Services	C. Baughen, Solid Waste Management Coordinator
J. Dougall, Manager of Development Services	

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## A. APPROVAL OF AGENDA

### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of October 19, 2017 be adopted. - CARRIED

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## B. SIMILKAMEEN WATERSHED PLAN – For Information Only

1. Nicole Penner, Environmental Scientist, Associated Environmental Consultants Inc.
2. Hugh Hamilton, Senior Environmental Scientist, Associated Environmental Consultants Inc.
  - a. Similkameen Watershed Plan Version 1.1

### [Presentation](#)

Ms. Penner and Dr. Hamilton addressed the Board to discuss the Similkameen Valley Watershed Plan

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**C. MAJOR AMENDMENT TO SOLID WASTE MANAGEMENT PLAN – APEX MOUNTAIN WASTE TRANSFER STATION****a. Consultation Documents**

To present to the BC Minister of Environment the results of public consultation regarding the Apex Mountain Waste Transfer Station to allow for an amendment to the Regional Solid Waste Management Plan in regards to selected location and capital costs.

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

THAT the Regional District of Okanagan-Similkameen submit a request to the BC Minister of Environment for a major amendment to the Regional Solid Waste Management Plan regarding the location and capital costs of the Apex Mountain Waste Transfer Station:

- That the SWMP be amended to show the exact address of the facility will be at 220 Strayhorse Rd, Apex Mountain;
- That the SWMP be amended to show estimated capital costs for design, tendering and construction of the Apex Mountain Waste Transfer Station has been estimated at \$592,790;
- That these facts have been presented to affected residents through significant public consultation process.

**CARRIED**

---

**D. APEX MOUNTAIN WASTE TRANSFER STATION – PROPOSED FEES AND TAX STRUCTURE**

To describe the cost recovery options available associated with construction and operation of the Apex Mountain Waste Transfer Station. Further, to allow staff to complete budget planning for the 2018-2022 period.

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

THAT for the Apex Mountain Waste Transfer Station the Regional District of Okanagan-Similkameen recover capital costs from taxation and operational costs as a fee for service.

**CARRIED**

---

**E. AWARD OF PREDESIGN FOR SKAHA ESTATES SEWER EXPANSION PROJECT**

**It was MOVED and SECONDED**

That the recommendation contained in the October 19, 2017 report from B. Newell entitled "Award of Pre-design for Skaha Estates Sewer Expansion Project" be considered at the Board meeting later today. - **CARRIED**

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**F. Q3 ACTIVITY REPORT – For Information Only**

The Committee was advised of the activities of the third quarter of 2017 and the planned activities of the fourth quarter.

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**G. ADJOURNMENT**

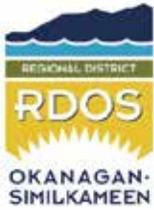
By consensus, the Environment and Infrastructure Committee meeting of October 19, 2017 adjourned at 12:39 p.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
T. Siddon  
Environment and Infrastructure Committee Chair

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



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

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Planning and Development Committee

Thursday, October 19, 2017

9:07 a.m.

## Minutes

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#### MEMBERS PRESENT:

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

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

#### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

Director S. McKortoff, Town of Osoyoos

#### STAFF PRESENT:

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

B. Dollevoet, Manager of Development Services  
C. Garrish, Planning Supervisor

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#### A. APPROVAL OF AGENDA

##### **RECOMMENDATION 1**

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

THAT the Agenda for the Planning and Development Committee Meeting of October 19, 2017 be adopted as amended to change the order of business as an unregistered delegation was present to speak against the Okanagan Falls Town Centre Phase 3 Report.

- CARRIED

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**C. OKANAGAN FALLS TOWN CENTRE PLAN – PHASE 3 REPORT (Urban Forum Associates)**

- a. Urban Forum Associates' Report "Okanagan Falls Town Centre Plan – Phase 3 Report" dated September 10, 2017
- b. Responses Received

The purpose of the Okanagan Falls Town Centre Plan – Phase 3 Report is to provide direction and guidance for the future development of Okanagan Falls Town Centre area. The report makes a number of recommendations, including the implementation of new Development Permit Area Design Guidelines; a new "Town Centre" policy section for the Electoral Area "D-2" Official Community Plan; a location for a future Place Magnet to act as the new centre attraction of Town Centre; and sets out a new plan for local road upgrading, sidewalk & trail connections, parkspace, and lake access.

Unregistered  
delegation

Robin Agur and Brad Elenko addressed the Committee to express their concerns with the Okanagan Falls Town Centre Plan – Phase 3 Report.

[PowerPoint presentation](#)

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

THAT the Board of Directors accept the Okanagan Falls Town Centre Plan – Phase 3 Report, prepared by Urban Forum Associates; and,

THAT Administration prepare an amending Bylaw to the Electoral Area "D-2" Official Community Plan based on the recommendations of the Okanagan Falls Town Centre Plan – Phase 3 Report for the Board's consideration; and,

THAT Administration complete a review of the Electoral Area "D-2" Zoning Bylaw to ensure conformance to the Okanagan Falls Town Centre Plan – Phase 3 Report as a strategic project for 2018.

**DEFEATED**

Opposed: 11 Directors

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**B. Q3 ACTIVITY REPORT – For Information Only**

The Committee was advised of the activities of the third quarter of 2017 and the planned activities for the fourth quarter.

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**D. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting of October 19, 2017 adjourned at 10:02 a.m.

APPROVED:

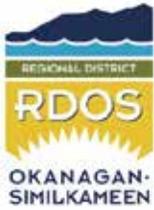
CERTIFIED CORRECT:

---

M. Brydon  
Planning and Development Committee Chair

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B. Newell  
Corporate Officer



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

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Protective Services Committee

Thursday, October 19, 2017

11:07 a.m.

# Minutes

### MEMBERS PRESENT:

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

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

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

Director S. McKortoff, Town of Osoyoos

### STAFF PRESENT:

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

M. Woods, Manager of Community Services

## A. APPROVAL OF AGENDA

### RECOMMENDATION 1

#### It was MOVED and SECONDED

THAT the Agenda for the Protective Services Committee Meeting of October 19, 2017 be adopted. - CARRIED

## B. Q3 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities of the third quarter of 2017 and the planned activities of the fourth quarter.

## C. ADJOURNMENT

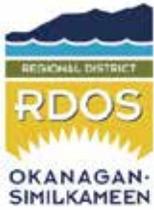
By consensus, the Protective Services Committee meeting of October 19, 2017 adjourned at 11:21 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
 A. Jakubeit  
 Protective Services Committee Chair

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



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

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 1:30 p.m. Thursday, October 19, 2017 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver	Director S. McKortoff, Town of Osoyoos
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### STAFF PRESENT:

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

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## A. APPROVAL OF AGENDA

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

**IT WAS MOVED AND SECONDED**

THAT the [Agenda](#) for the RDOS Board Meeting of October 19, 2017 be adopted.

**CARRIED**

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### 1. Consent Agenda – Corporate Issues

- a. Naramata Parks & Recreation Commission – September 28, 2017  
*THAT the Minutes of the September 18, 2017 Naramata Parks & Recreation Commission be received.*
- b. Similkameen Recreation Commission – September 26, 2017  
*THAT the Minutes of the September 26, 2017 Similkameen Recreation Commission be received.*
- c. Environment and Infrastructure Committee – October 05, 2017  
*THAT the Minutes of the October 05, 2017 Environment and Infrastructure Committee be received.*
- d. RDOS Regular Board Meeting – October 05, 2017  
*THAT the minutes of the October 05, 2017 RDOS Regular Board meeting be adopted.*

**RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)**  
**IT WAS MOVED AND SECONDED**

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

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2. Consent Agenda – Development Services
  - a. Development Variance Permit Application – Electoral Area “H”
    - i. Permit No. H2017.139-DVP

*THAT the Board of Directors approve Development Variance Permit No. H2017.139-DVP.*

**RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)**  
**IT WAS MOVED AND SECONDED**

THAT the Consent Agenda – Development Services be adopted. - **CARRIED**  
Opposed: Director Pendergraft

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

1. Zoning Bylaw Amendment – 1362 Greyback Mountain Road, Electoral Area “E”
  - a. Bylaw No. 2459.26, 2017
  - b. Responses Received

The public hearing for this item was held Thursday, October 19, 2017 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

**RECOMMENDATION 4 (Unweighted Rural Vote – 2/3 Majority)**  
**It was MOVED and SECONDED**

THAT Bylaw No. 2459.26, 2017, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted. - **CARRIED**

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2. Zoning Bylaw Amendment – 28014 Liddicoat Road, Electoral Area “G”
  - a. Bylaw No. 2462.03, 2017

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

THAT Bylaw No. 2462.03, 2017, Electoral Area “G” Zoning Amendment Bylaw be adopted. - **CARRIED**

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**C. PUBLIC WORKS**

1. Award of Predesign for Skaha Estates Sewer Expansion Project

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

THAT the Board not reallocate funding from the Regionally Significant Project gas tax funds from the “Okanagan Falls Wetlands Enhancement” project to the “Predesign of the Skaha Estates Sewer Extension to Okanagan Falls” project; and

THAT the expenditure of \$120,000 to \$360,000 from the Rural Projects Area D budget to move the Skaha Estates sewer project forward be approved.

**CARRIED**

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**D. FINANCE**

1. Naramata Water System 2017-2021 Five Year Financial Plan Amendment

**RECOMMENDATION 7 (Weighted Corporate Vote – Majority)****It was MOVED and SECONDED**

THAT the Board of Directors support a Five-year Financial Plan Amendment in the amount of \$300,000 for the Naramata Water System to fund the purchase of the generator. - **CARRIED**

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2. Appointment of Regional District of Okanagan-Similkameen Auditor

**RECOMMENDATION 8 (Weighted Corporate Vote – Majority)****It was MOVED and SECONDED**

THAT the Board appoint BDO Canada LLP to provide audit services for the Regional District of Okanagan-Similkameen and the Okanagan Similkameen Regional Hospital District for the fiscal years ending December 31, 2017, 2018 and 2019 with a possible two-year extension. - **CARRIED**

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**E. LEGISLATIVE SERVICES**

1. Dog Control Regulatory Bylaw No. 2671, 2017
  - a. Bylaw No. 2671, 2017

The purpose of this Bylaw is to specify one Dog Control Bylaw, remove reference to cats and to wild and domestic sheep, and update it to current legislation and practices related to dog (“i.e. canine”) control enforcement.

**RECOMMENDATION 9 (Unweighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2671, 2017 Dog Control Bylaw be read a first time, a second time, a third time and adopted. - **CARRIED**

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2. Animal Control Bylaw No. 2763, 2017
  - a. Bylaw No. 2763, 2017

The purpose of this bylaw is to remove sections pertaining to horses, cattle, pigs, sheep, goats and rabbits from the three current Animal Control Bylaws. These specific livestock and small animal restrictions currently do and will only apply to Electoral Areas “B” and “G” as they are the only areas paying into this service.

**RECOMMENDATION 10 (Unweighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT the Animal Control Bylaw No. 2763, 2017, be read a first, second and third time, and be adopted. - **CARRIED**

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**F. CAO REPORTS**

1. Verbal Update
- 

**G. OTHER BUSINESS**

1. Chair’s Report
-

## 2. Board Representation

- a. Developing Sustainable Rural Practice Communities - *McKortoff*
- b. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
- c. Municipal Finance Authority (MFA) – *Kozakevich, Bauer*
- d. Municipal Insurance Association (MIA) - *Kozakevich, Bauer*
- e. Okanagan Basin Water Board (OBWB) – *McKortoff, Hovanes, Waterman*
  - a) OBWB Report dated October 5, 2017
- f. Okanagan Film Commission (OFC) – *Jakubeit*
- g. Okanagan Regional Library (ORL) – *Kozakevich*
- h. Okanagan Sterile Insect Release Board (SIR) – *Bush*
- i. Okanagan-Similkameen Healthy Living Coalition - *Boot*
- j. Southern Interior Beetle Action Coalition (SIBAC) - *Armitage*
- k. Southern Interior Local Government Association (SILGA) – *Kozakevich*
- l. Southern Interior Municipal Employers Association (SIMEA) – *Kozakevich, Martin*
- m. Starling Control - *Bush*
- n. UBCO Water Chair Advisory Committee – *Bauer*

## 3. Directors Motions

## 4. Board Members Verbal Update

## H. CLOSED SESSION

### **RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)**

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

THAT in accordance with Section 90(1)(c), (e), (f), (j), (k), and Section 90(2)(b), (d), (e), of the *Community Charter*, the Board close the meeting to the public to receive minutes of previous In-Camera meetings. - **CARRIED**

The meeting closed to the public at 2:40 p.m.

The meeting was opened to the public at 2:51 p.m.

## I. ADJOURNMENT

By consensus, the meeting adjourned at 2:51 p.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
K. Kozakevich  
RDOS Board Chair

\_\_\_\_\_  
B. Newell  
Corporate Officer



---

**Background:**

The current boundaries of the subject property date to a plan of subdivision deposited with the Land Titles Office in Kamloops on January 16, 1976, and appears to be related to a homesite severance (which created the adjacent parcel at 166 Juniper Avenue).

Available Regional District records indicate a Building Permit was issued for a single detached dwelling (1986), accessory dwelling (2017) and that an application for the retaining wall was made in September of 2017.

Under the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2683, 2016, the property is designated as Agriculture One (AG), and is zoned as Agriculture One (AG1) under the Electoral Area "D" Zoning Bylaw No. 2457, 2008, which permits "accessory buildings and structures", which is what the retaining wall is considered to constitute.

The Building Department has advised that construction of the retaining wall is currently underway without a Building Permit. As a result, a doubling of the building permit fee will be applied. However, as the wall is being constructed under the supervision of an engineer, the wall is not considered to be a safety concern.

On October 13, 2017, the Ministry of Transportation issued a permit to allow the retaining wall within 4.5 metres of the highway.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting.

**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 would have a detrimental impact upon the amenity of the area and/or adjoining uses.

Generally, the intent of front parcel line setbacks is to provide a physical separation between roads and buildings; to improve traffic and pedestrian safety; to maintain an attractive streetscape by ensuring a uniform building line and discouraging encroachments that could adversely affect overshadowing and privacy on adjacent parcels and providing opportunities for openness and landscaping.

In this instance, Administration considers that the retaining wall to be a permitted accessory use; that streetscape characteristics and amenity at adjacent properties are generally unaffected as the structure has been constructed below grade and will be partially obscured by trees (and presumably the future accessory dwelling), and that traffic and pedestrian safety are not seen to be affected, as the structure is sited lower than the abutting highway.

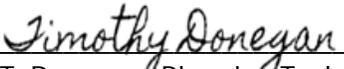
Conversely, other options were available to the applicant i.e. locating the accessory dwelling (the reason for the retaining wall) elsewhere on the property; however, doing so may have resulted in the loss of productive agricultural land (NOTE the location of the accessory dwelling is where an accessory structure, since demolished, was previously sited).

---

**Alternatives:**

1. THAT the Board of Directors deny Development Variance Permit No. D2017.135-DVP; or
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area "C" Advisory Planning Commission (APC).

**Respectfully submitted:**

  
T. Donegan, Planning Tech.

**Endorsed by:**

  
C. Garrish, Planning Supervisor

**Endorsed by:**

  
B. Dollevoet, Dev. Services Manager

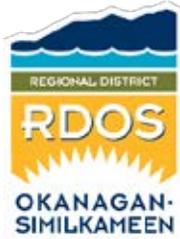
Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos



Southward Views of the Subject Property and Retaining Wall from Juniper Avenue.





# Development Variance Permit

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FILE NO.: D2017.135-DVP

Owner: Gaele Combret  
PO Box 327  
Kaleden, BC V0H-1K0

Agent: Olivier Combret  
PO Box 327  
Kaleden, BC V0H-1K0

## 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 2, Plan KAP26604, District Lots 103s and 106s, SDYD

Civic Address: 178 Juniper Avenue, Kaleden

Parcel Identifier (PID): 005-080-479 Folio: D-01567.005

## 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 front parcel line setback for a building or structure in the Agriculture One (AG1) Zone, as prescribed at Section 10.2.6(b)(iv), is varied:
    - i) from: 7.5 metres.
    - to: 2.7 metres, 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 \_\_\_\_\_, 2017.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

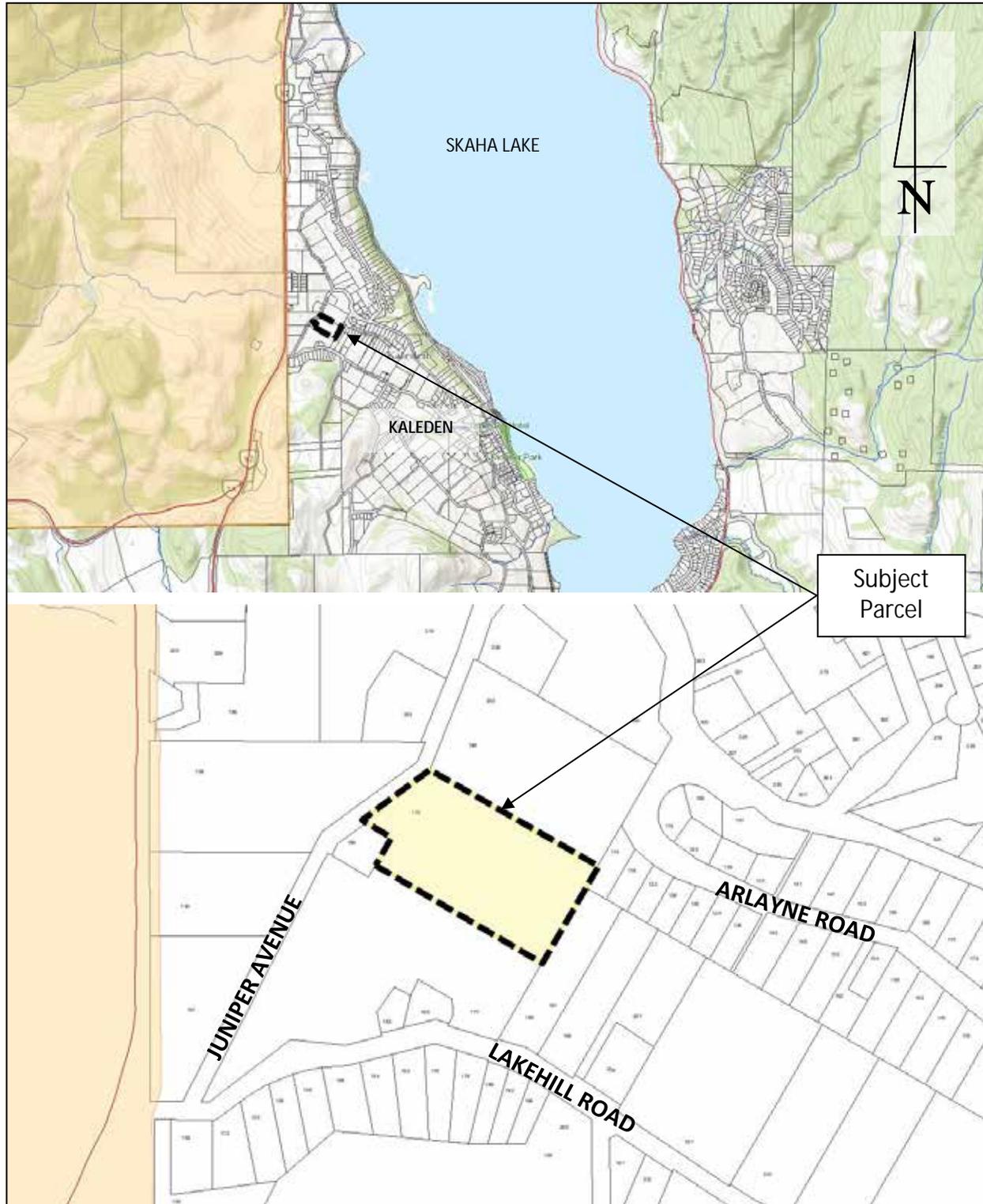
101 Martin Street, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

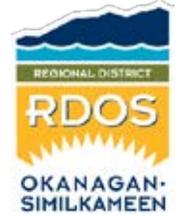
File No. D2017.135-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

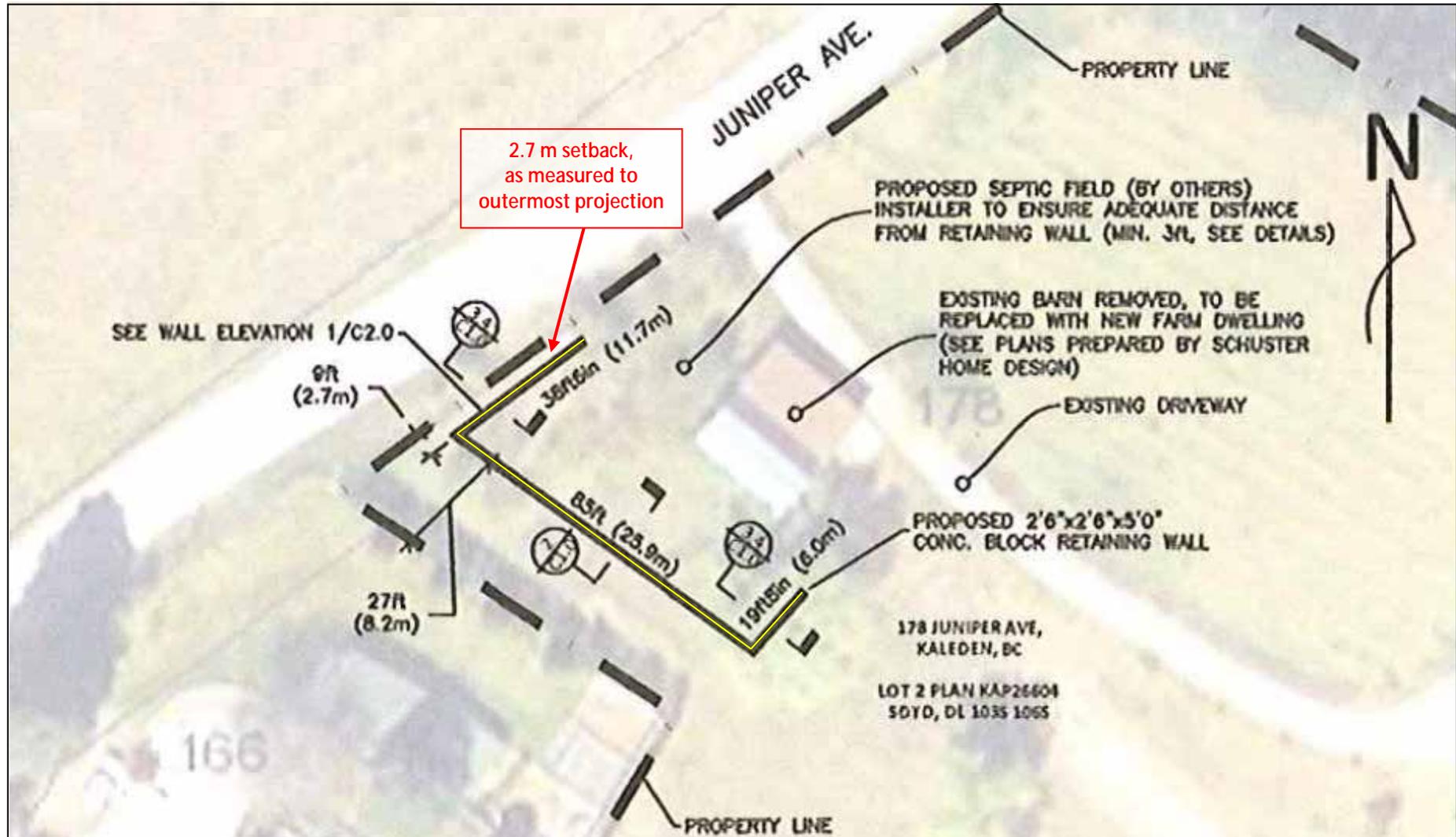
101 Martin Street, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

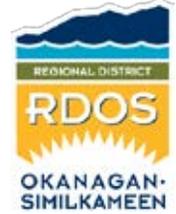
File No. D2017.135-DVP

## Schedule 'B'



# Regional District of Okanagan-Similkameen

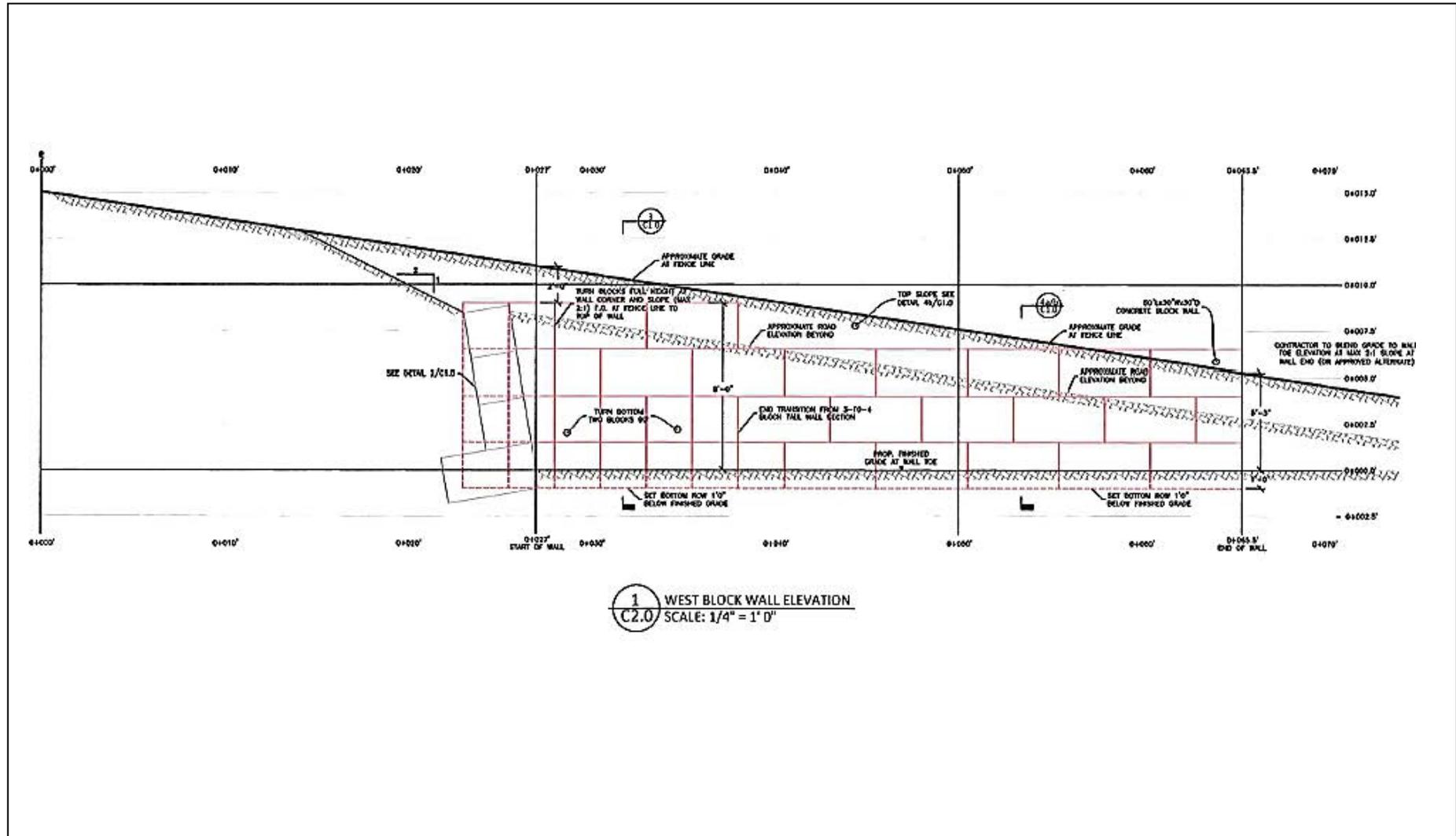
101 Martin Street, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

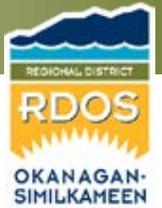
File No. D2017.135-DVP

## Schedule 'C'





# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Development Variance Permit Application — Electoral Area “E”

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## **Administrative Recommendation:**

**THAT the Board of Directors approve Development Variance Permit No. E2017.143–DVP**

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Purpose: To allow for an accessory structure (shed) to be sited within an interior side yard setback.

Owners: Carole Goheen                      Agent: Not applicable                      Folio: E020096.120

Civic: 2710 Noyes Road                      Legal: Lot 3, Plan KAP41732, DL 207, SDYD

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

Variance Request: To vary the interior side yard setback for an accessory structure from 3.0 m to 0.41 m.

---

## **Proposed Development:**

This application seeks to vary the interior side yard setback in the Residential Single Family One (RS1) zone in order to formalise the placement of an existing garden shed on the property.

The specific variance request is to reduce the interior side yard setback from 3.0 metres to 0.41 metres (see Schedule ‘C’ of the permit).

In support of the application the applicant has stated that “[the] shed is situated entirely on the property, and does not extend onto or over neighbouring properties. [There is] no electricity, plumbing, [or] water services. Does not present any risk to quiet enjoyment of neighbouring properties. [The] existing location was identified by the builder as the only available space give the location of the septic system lines and large rock formations on the property. Existing location preserves natural site characteristics [and] does not interfere with operation of septic system.”

## **Site Context:**

The subject parcel is approximately 1376 m<sup>2</sup> in area and fronts along Noyes Road to the west. The property is approximately 2.4 kilometres south east of the Naramata Town Centre and the property contains one (1) single detached dwelling and is situated near similarly sized and zoned parcels.

## **Background:**

The property was created by a subdivision deposited at the Land Titles Office in Kamloops on September 15<sup>th</sup>, 1989, and available Regional District records indicate that a building permit was issued on the 15<sup>th</sup> of August 2016 for a Single Detached Dwelling. A building permit for the garden shed that is the subject of this application was not required as the floor area does not exceed 10.0 m<sup>2</sup>.

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Under Electoral Area "E" Official Community Plan (COP) Bylaw No. 2458, 2008 the property is designated a Low Density Residential (LR).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is zone Residential Single Family One (RS1), which allows for single detached dwellings and a principal use, and accessory buildings and structures as secondary uses.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting.

**Analysis:**

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

The purpose of a setback regulation is to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

In this instance, the shed is permanent, and therefore not easily moved; with little other area available due to the location of the septic system, according to the applicant. The structure is not a dwelling unit and is not of an unreasonable height for the type of building. The structure does not appear to affect privacy or the general form and character of the neighbourhood.

Conversely, Other RS1 zones in other zoning bylaws in the Okanagan Valley prescribe a less restrictive 1.5 metre, or 1.0 metre, interior side yard setback for accessory structures. Even with these less restrictive setbacks this structure, at 0.41 metres, would still be sited nearly 50% too close to the neighbouring parcel.

The applicant was informed, at time of application, that the shed also encroaches onto a Statutory Right-of-Way held by West Kootenay Power LTD. and that the Regional Board could not formalize this encroachment through a Development Variance Permit.

**Alternatives:**

- .1 THAT the Board of Directors deny Development Variance Permit No. E2017.143-DVP; or
- .2 THAT the Board of Directors defer consideration of Development Variance Permit No. E2017.143-DVP and refer the application to the Electoral Area "E" Advisory Planning Commission.

**Respectfully submitted**

**Endorsed by:**

**Endorsed by:**



K. Taylor, Planning Technician

C. Garrish, Planning Supervisor

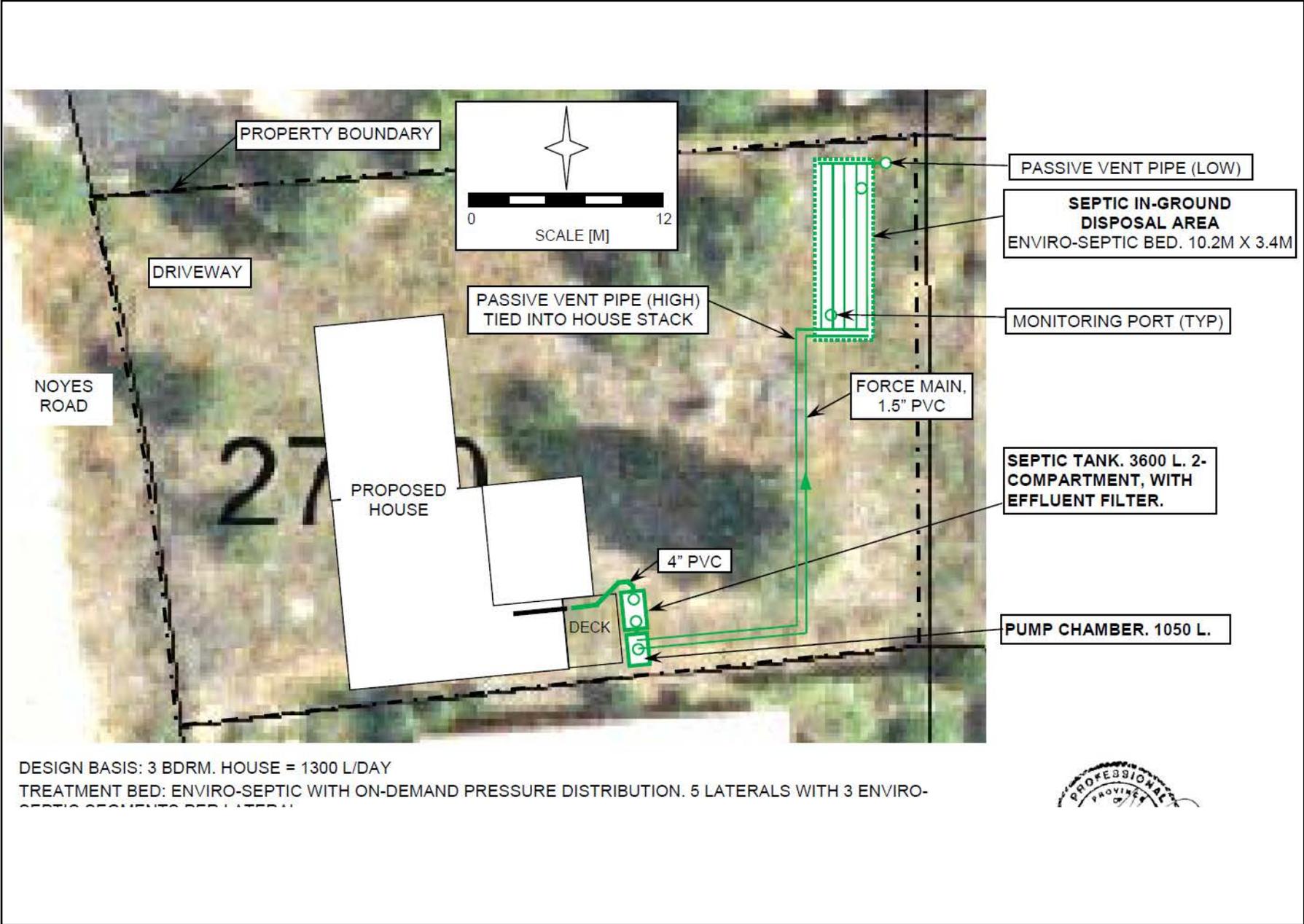
B. Dollevoet, Dev. Services Manager

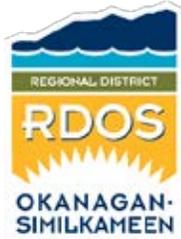
Attachments: No. 1 – Site Photos  
No. 2 – Applicant's Septic System Plan

Attachment No. 1 – Site Photos



Attachment No. 2 – Applicant’s Septic System Plan





# Development Variance Permit

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FILE NO.: E2017.143-DVP

Owner: Carole Goheen  
2710 Noyes Road  
Naramata, BC, V0H 1N1

## 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 3, Plan KAP41732, DL 207, SDYD

Civic Address: 2710 Noyes Road, Naramata

Parcel Identifier (PID): 014-746-042 Folio: E-02096.120

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variance to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
  - a) The minimum interior side parcel line setback for an accessory building or structure in Residential Single Family One (RS1) Zone, as prescribed at Section 11.1.6(b)(iv), is varied:
    - i) from: 3.0 metres

to: 0.41 metres, as measured to the outermost projection.

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.

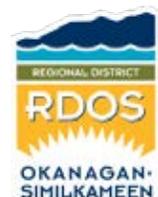
Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2017.

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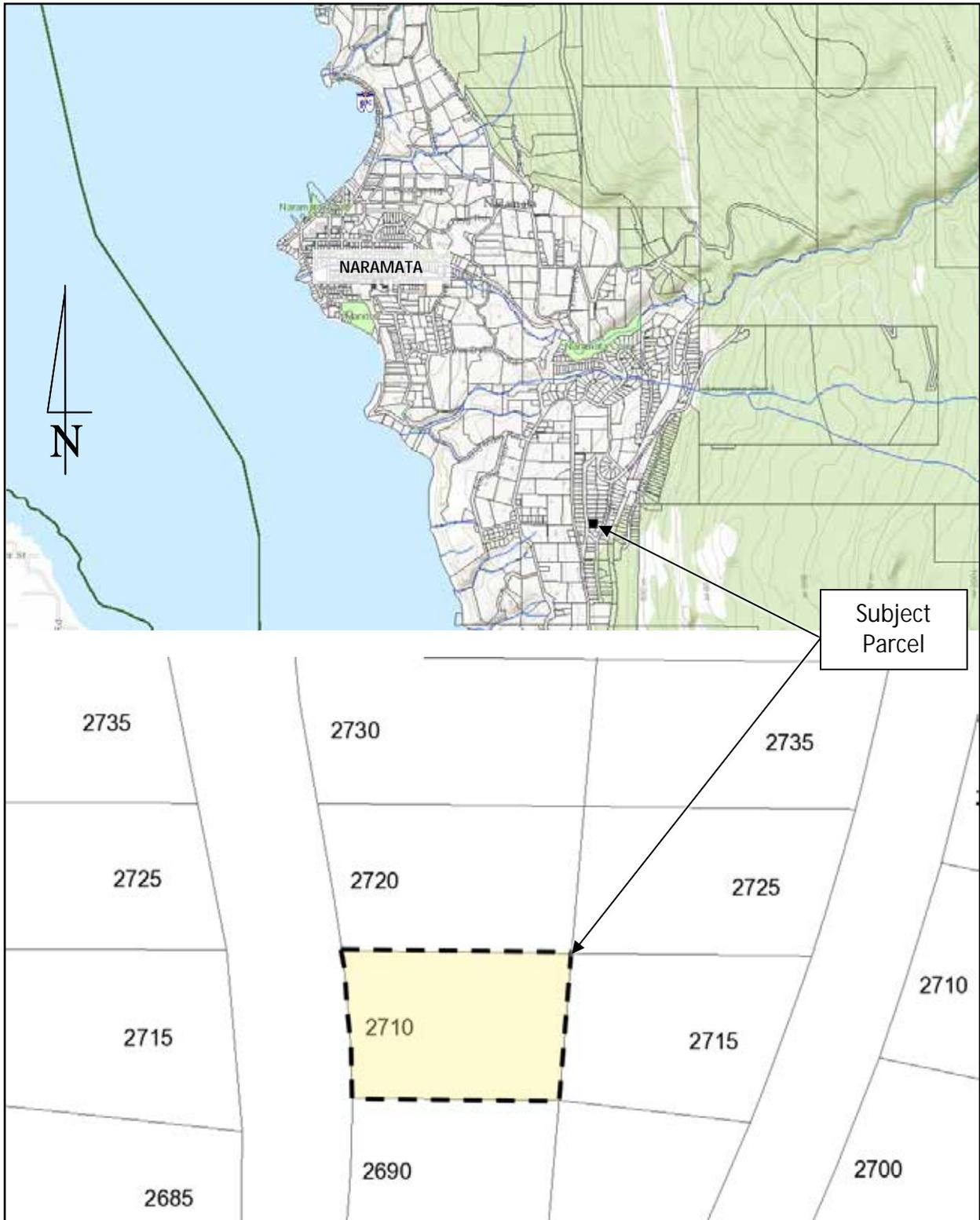
B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A 5J9



Schedule 'A'





## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Building Bylaw Infraction  
Folio: D1-03644.005 Lot: 9 shown on Plan: B15861 DL: 697S SDYD Plan 1434  
PID: 011-630-019  
Civic Address: 590 SOVEREIGN ROAD

---

### Administrative Recommendation:

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 9 Shown on Plan B16861, District Lot 697S, SDYD, District Plan 1434, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

### Reference:

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

## History:

The Contravention of Building Regulations Report dated September 6, 2017 from the Building Official indicates that multiple structures have been constructed without a building permit. Many RV shelters have been converted into enclosed living space and pose a significant fire hazard. This property is zoned CT4 and has been used for many years as a campsite.

On May 1, 2014 a Stop Work order was posted for a deck being constructed without a permit. On Sept. 23, 2014, a Planning Technician and the Bylaw Coordinator accompanied the Building Official to conduct a site investigation and it was concluded that multiple structures have been illegally constructed without the benefit of a building permit. Historical aerial photos confirm the extent of the construction that has taken place over the years without a building permit.

The deck which had the original Stop Work order posted has since been enclosed.

The following efforts to resolve this matter have been made, in addition to letters sent in 2014 and 2015:

- Letter to property owners dated December 12, 2016.
- Meeting at RDOS with property owners and D. Butler, Development Services Manager on January 10, 2017. It was agreed that a demolition permit would be applied for by May 31, 2017. The owners were to arrange a site visit with the Building Official to determine which structures needed to be removed and demolition/removed was to be completed by the end of July 2017.
- Follow up letter on January 18, 2017 to confirm details of meeting.
- Letter from property owner dated March 22, 2017 proposing the demolition permit application being made by May 31, 2017 and structures removed by September 15, 2017.
- Letter from Development Services Manager to property owners agreeing to proposal.
- Emails June 20, 2017 and September 6, 2017 from Building Official to property owner as no applications for demolition had been received.

On September 18, 2017, a letter was received from the owners. They advised that roofs over RV's had been removed and provided a photograph. No inspection of the site has been undertaken.

This Building Bylaw infraction is considered to be Category 3.

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

**Analysis:**

Seeking a court injunction has a legal cost and the Board may wish to choose this option for enforcement of significant health or safety issues. As there are potential construction and health and safety deficiencies on this property, a Section 302 Notice on Title and injunctive action are recommended by staff. The Notice on Title advises the current and future owners of the deficiency and injunctive action will require that the deficiencies be remedied and the property be brought into compliance with RDOS bylaws.

**Alternatives:**

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

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

**Category 2** (Major Deficiencies) – Place Section 302 Notice on title.

**Category 3** (Health & Safety Deficiencies/Building without Permit) – Place Section 302 Notice on title and seek compliance through injunctive action.

**Respectfully submitted:**

*“L. Miller”*

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Laura Miller, Building Inspection Services Supervisor

**Endorsed by:**

*“B. Dollevoet”*

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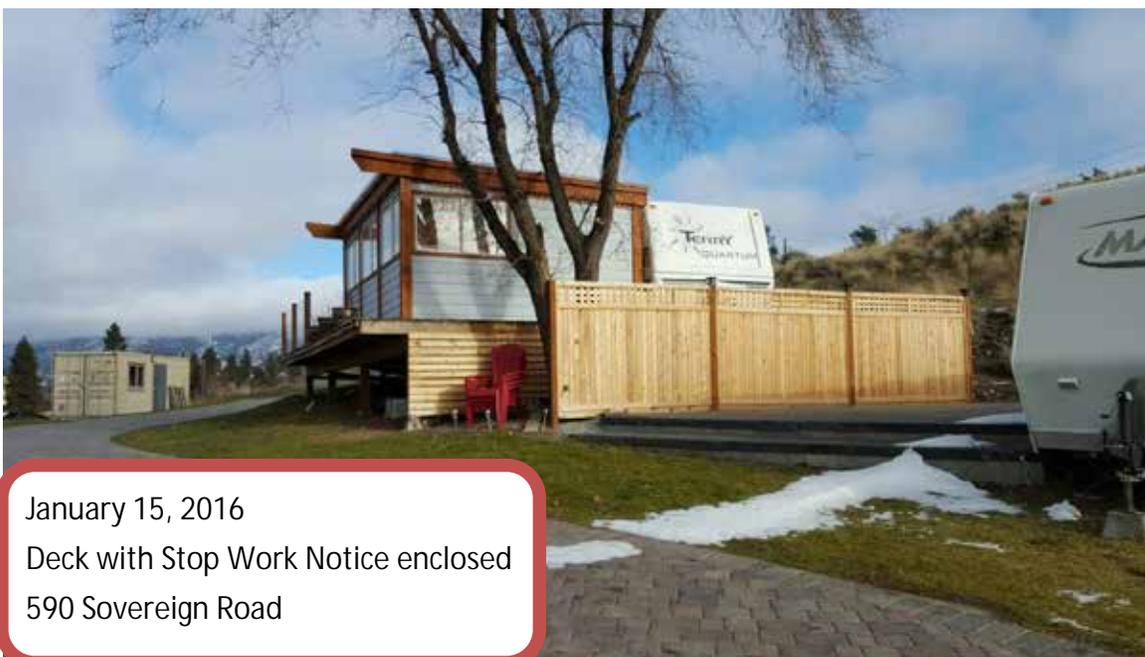
B. Dollevoet, Development Services Manager



[https://portal.rdos.bc.ca/departments/officeofthecao/BoardReport/Enforcement Sunny Bay.docx](https://portal.rdos.bc.ca/departments/officeofthecao/BoardReport/Enforcement%20Sunny%20Bay.docx)



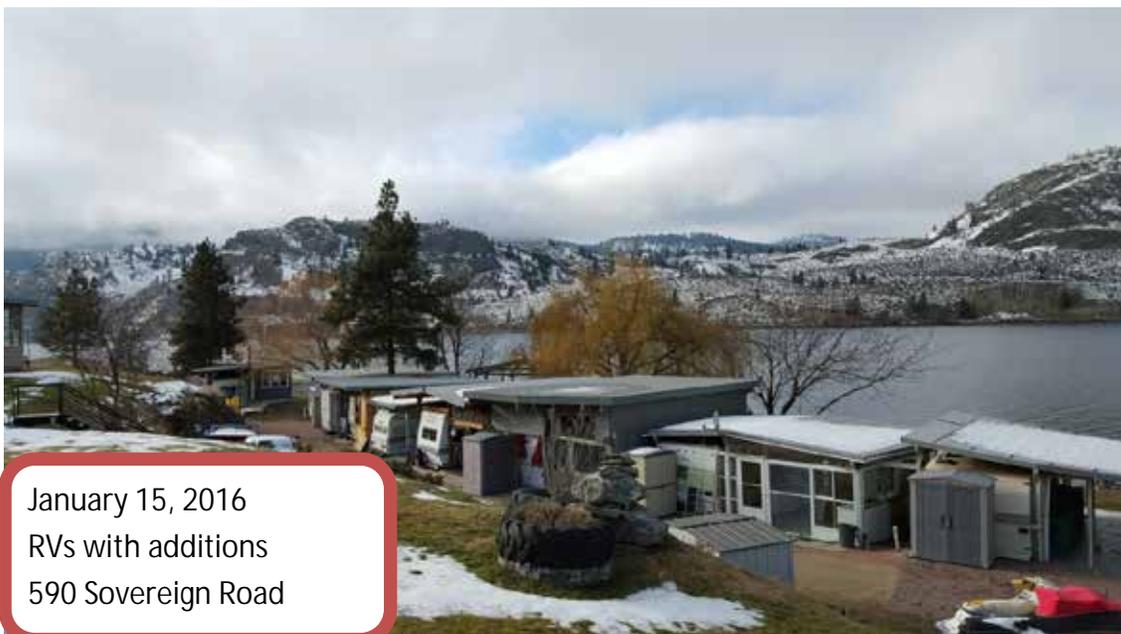
May 1, 2014  
Stop Work Notice placed  
590 Sovereign Road



January 15, 2016  
Deck with Stop Work Notice enclosed  
590 Sovereign Road

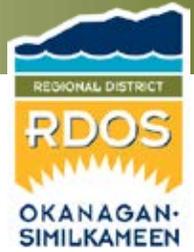


January 15, 2016  
Extension to dwelling being constructed in Riparian Area  
590 Sovereign Road



January 15, 2016  
RVs with additions  
590 Sovereign Road

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Early Termination of a Land Use Contract – Electoral Area “C”

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## Administrative Recommendation:

**THAT Bylaw No. 2452.18, 2017, Electoral Area “C” Official Community Plan Amendment Bylaw and Bylaw No. 2453.31, 2017, Electoral Area “C” Zoning Amendment Bylaw be read a third time.**

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Purpose: To replace Land Use Contract No. LU-4-C-77 with an Administrative and Institutional (AI) Zone.

Owners: Living Way Christian Centre      Agent: Not applicable      Folio: C-05192.020

Civic: 8127 River Road      Legal: Lot 2, Plan KAP35036, District Lot 2450S, SDYD

OCP: Small Holdings (SH)      Proposed OCP: Administrative, Cultural and Institutional (AI)

Zone: (Land Use Contract)      Proposed Zoning: Administrative and Institutional Site Specific (AIs)

---

## Proposed Development:

Administration is proposing that the Regional District Board terminate Land Use Contract No. LU-4-C-77 (being Bylaw No. 393) from the the property at 8127 River Road (being Lot 2, Plan KAP35036, District Lot 2450S, SDYD) and to designate and zone the property under the Electoral Area “C” Official Community Plan (OCP) and Zoning Bylaws.

Specifically, it is being proposed to introduce the following land use designation

- Administrative, Cultural and Institutional (AI) designation under the Electoral Area “C” Official Community Plan Bylaw No. 2452, 2008; and
- Administrative and Institutional Site Specific (AIs) Zone under the Electoral Area “C” Zoning Bylaw No. 2453, 2008.

The purpose of the proposed site specific regulation is to ensure the proposed new AI Zone closely approximates the provisions of LUC No. LU-4-C-77 (see Attachment No. 2).

## Site Context:

The subject property is approximately 2.03 ha in area and is situated on the south side of River Road, approximately 370 metres north of its intersection with Highway 97 and is understood to be comprised of a church and accessory (detached) dwelling unit.

The surrounding pattern of development is generally characterised by agricultural properties in the Agricultural Land Reserve (ALR) to the west and Osoyoos Indian Band (OIB) lands – including the Band’s industrial park – to the east.

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**Background:**

At its meeting of September 19, 2017, the Electoral Area "C" Advisory Planning Commission (APC) was scheduled to consider the proposed amendments but failed to achieve a quorum.

A Public Information Meeting was held ahead of the APC meeting on September 19, 2017, and was attended by approximately 22 members of the public (8 of whom were attending for this proposal, and the remaining 14 for a separate rezoning application).

At its meeting of October 5, 2017, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of November 2, 2017.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the proposal is situated within 800 metres of a controlled area (i.e. Highway 3A).

**Analysis:**

Administration considers that the principal challenge associated with the termination of a Land Use Contract is going to be the transition of a parcel into the zoning bylaw, given its use under the provisions of the LUC may be completely incongruous with available zonings.

In resolving this, two options are seen to be available and these include:

1. recreating the provisions of the LUC in the form of a new zone; or
2. applying an existing zone, which *may* result in the use of the land becoming lawfully non-conforming use under section 528 of the *Local Government Act*.

In this instance, Administration believes this question can best be resolved through the introduction of a site specific Administrative and Institutional (AI) Zone that generally recreates the same regulations as currently contained within LUC No. LU-4-C-77.

The intent of the AI designation and zoning is to accommodate "public, non-profit or utility uses" such as schools, recreation facilities, community centres, fire halls, libraries, post offices, and churches.

**Alternative:**

THAT the Board of Directors rescind first and second reading of Amendment Bylaw Nos. 2452.18 & 2453.31, 2017, and abandon the bylaws.

**Respectfully submitted:**

C. Garrish, Planning Supervisor

**Endorsed by:**

B. Dollevoet, Development Services Manager

Attachments: No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2452.18, 2017**

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**A Bylaw to amend the Electoral Area "C"  
Official Community Plan Bylaw No. 2452, 2008**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "C" Oliver Rural Official Community Plan Amendment Bylaw No. 2452.18, 2017."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended by changing land use designation on the land described as Lot 2, Plan KAP35036, District Lot 2450S, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Small Holdings (SH) to Administrative, Cultural and Institutional (AI).

READ A FIRST AND SECOND TIME this 5<sup>th</sup> day of October, 2017.

PUBLIC HEARING held on this 2<sup>nd</sup> day of November, 2017.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this this \_\_\_\_ day of \_\_\_\_\_, 2017.

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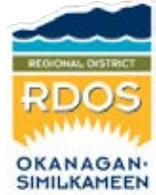
Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

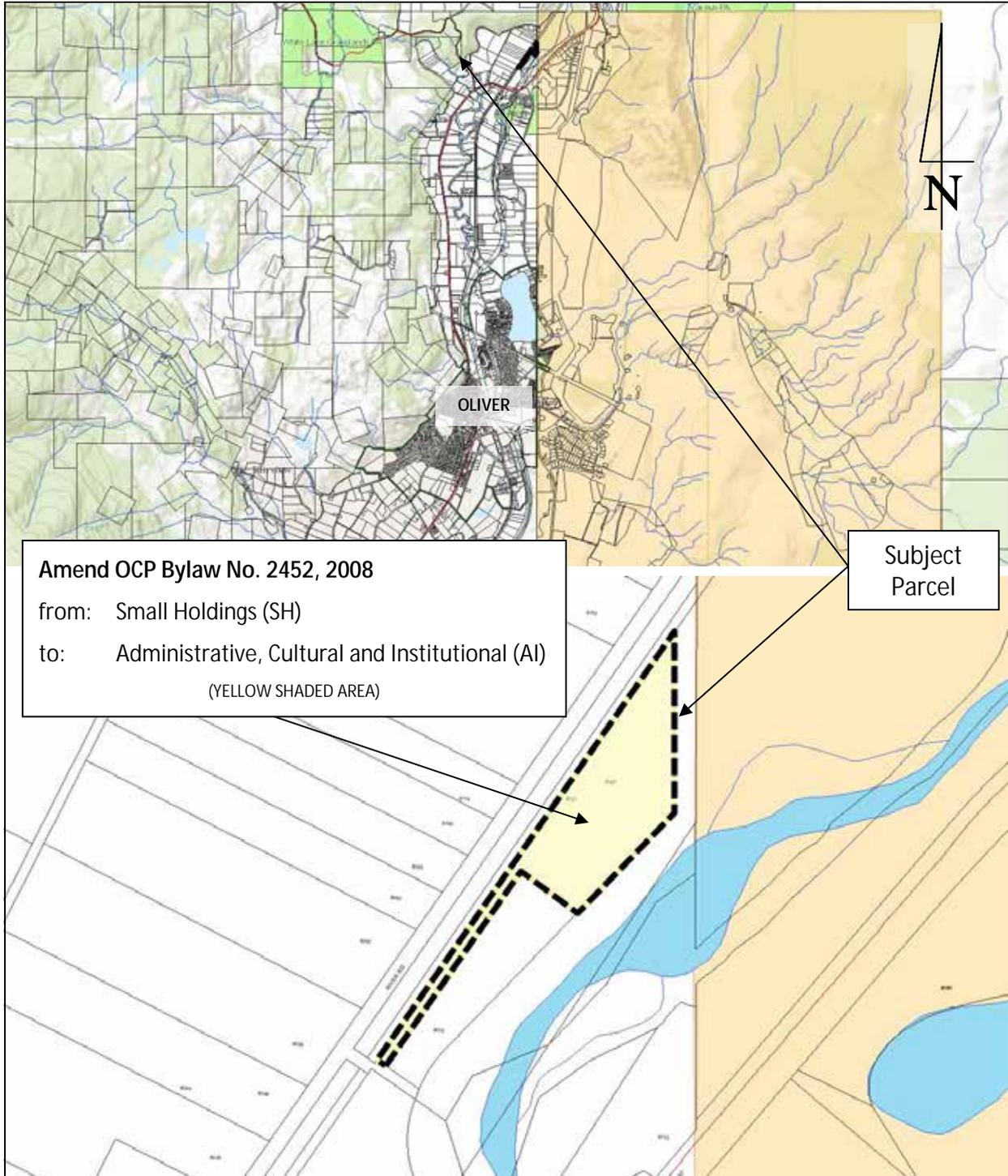
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2452.18, 2017

File No. C2017.095-ZONE

## Schedule 'A'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2453.31, 2017**

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**A Bylaw to terminate Land Use Contract No. LU-4-C-77 and  
to amend the Electoral Area "C" Zoning Bylaw No. 2453, 2008**

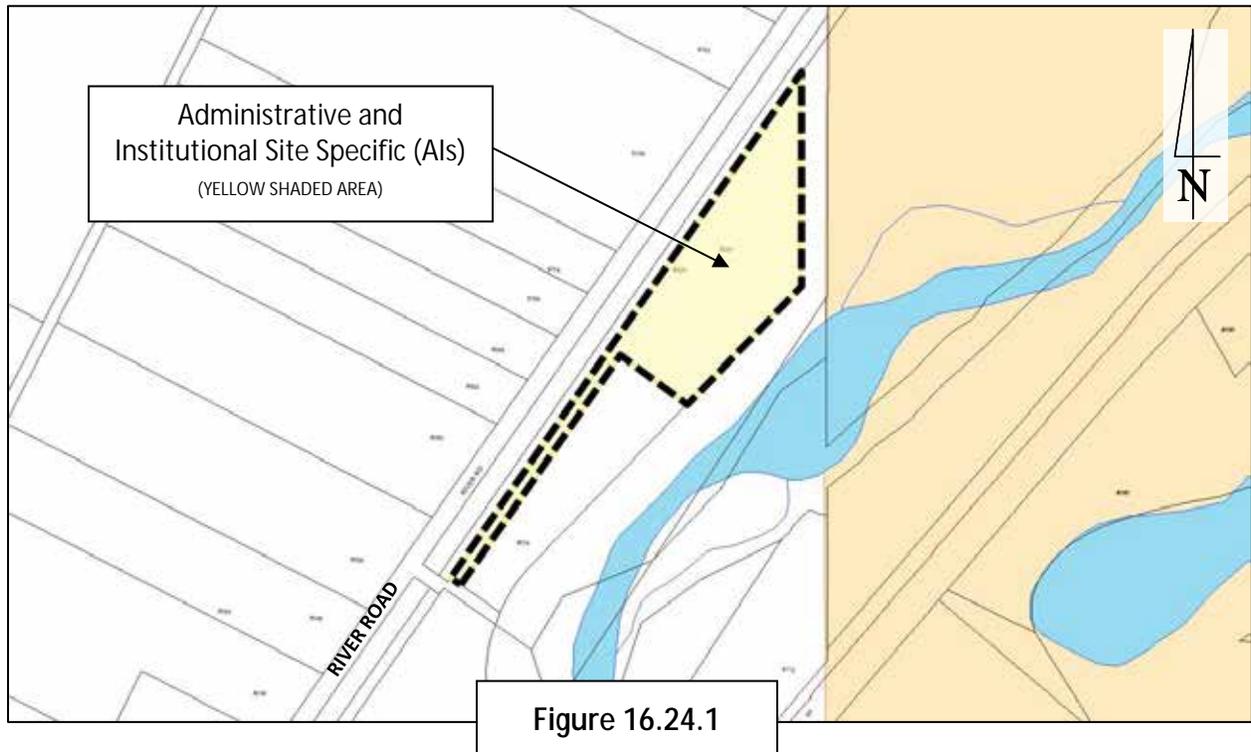
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WHEREAS pursuant to s. 548 of the *Local Government Act*, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "C" Antioch Bible Fellowship Land Use Contract LU-4-C-77 Termination and Zoning Amendment Bylaw No. 2453.31, 2017."
2. The Land Use Contract No. LU-4-C-77, registered in the Kamloops Land Title Office under charge number N43718 against title to the land described as Lot 2, Plan KAP35036, District Lot 2450S, SDYD, and shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw), is terminated.
3. The land described as Lot 2, Plan KAP35036, District Lot 2450S, SDYD, and shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw) is zoned Administrative and Institutional Site Specific (AIs) in Regional District Okanagan-Similkameen, Electoral Area "C" Zoning Bylaw No. 2453, 2008 and the Zoning Map, being Schedule '2' of the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended accordingly.
4. The Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by:
  - i) amending section following 16.24.1 under Section 16.42 (Site Specific Administrative and Institutional (AI) Provisions) with the following:
    - .1 in the case of land described as Lot 2, Plan KAP35036, District Lot 2450S, SDYD, and shown shaded yellow on Figure 16.24.1:
      - a) the following principal uses and no others shall be permitted on the land:

- i) churches;
  - ii) educational facility for a maximum of 65 students; and
  - iii) single detached dwelling.
- b) the following accessory uses and no others shall be permitted on the land:
- i) agriculture, subject to Section 7.23;
  - ii) home occupations, subject to Section 7.17; and
  - iii) accessory buildings and structures, subject to Section 7.13.
- c) despite Section 15.1.3, the minimum parcel size shall be 2.0 ha.
- d) the maximum number of dwellings permitted per parcel shall be one (1) principal dwelling unit.
- e) despite Section 9.6 (Off-Street Parking and Loading), 40 off-street parking stall shall be provided on the site for a church use.



5. This Bylaw shall come into force on the day that is one year and one day after the date this Bylaw is adopted.

READ A FIRST AND SECOND TIME this 5<sup>th</sup> day of October, 2017.

PUBLIC HEARING held on this 2<sup>nd</sup> day of November, 2017.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "C" Antioch Bible Fellowship Land Use Contract LU-4-C-77 Termination and Zoning Amendment Bylaw No. 2453.31, 2017" as read a Third time by the Regional Board on this \_\_\_ day of \_\_\_, 2017.

Dated at Penticton, BC this \_\_ day of \_\_\_, 2017.

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

Approved pursuant to section 52(3)(a) of the *Transportation Act* this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Approved pursuant to Section 546(4) of the *Local Government Act* this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

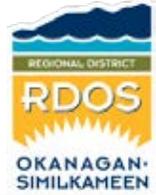
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

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

# Regional District of Okanagan-Similkameen

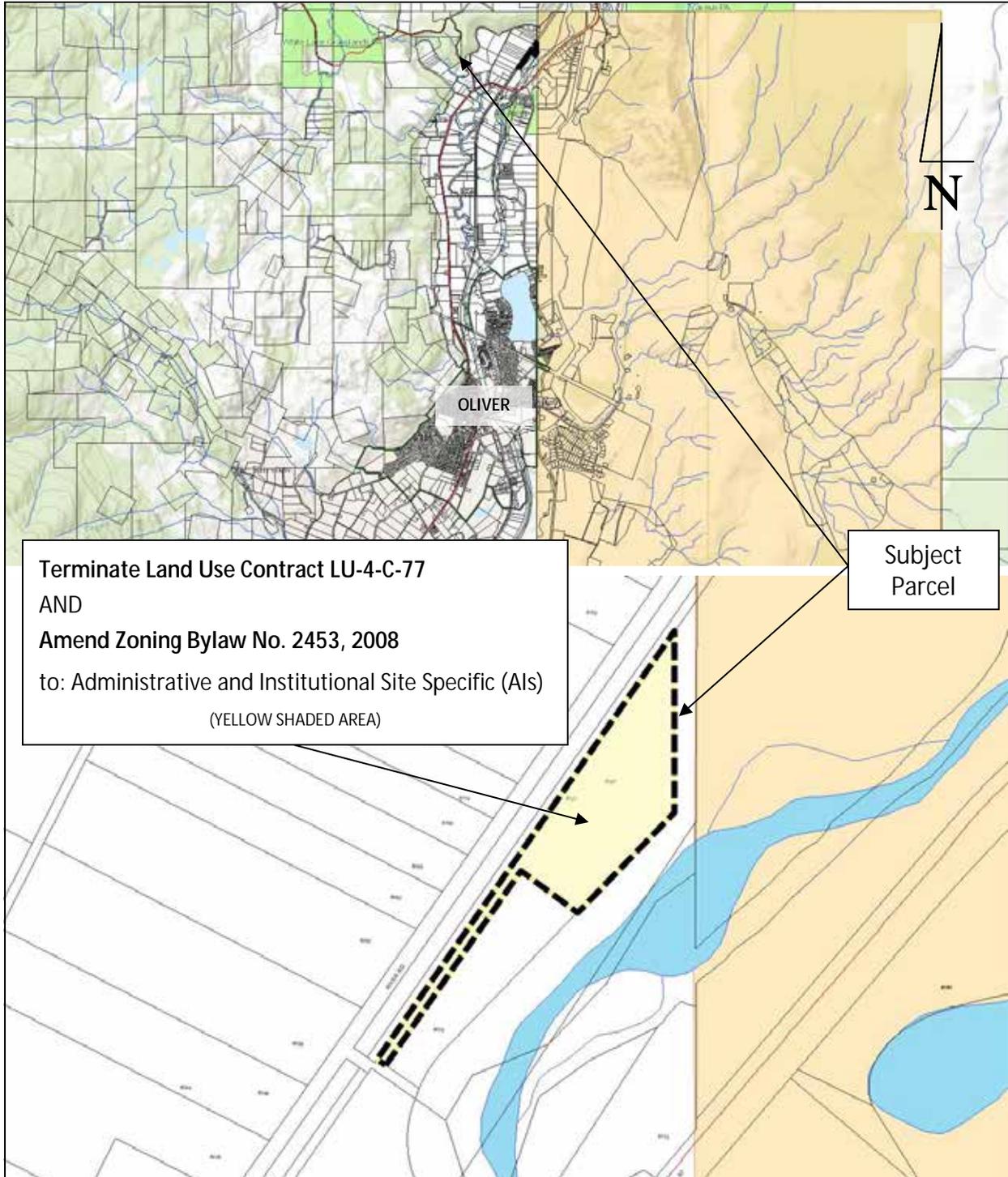
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2453.31, 2017

File No. C2017.095-ZONE

## Schedule 'A'





DEVELOPMENT APPROVALS  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: C2017.095-ZONE -  
LU4-C077  
eDAS File #: 2017-05230  
September 11, 2017

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

Attention: Lauri Feindell

**Re: Proposed Text Amendment Bylaw 2453.31, 2017 for:  
Lot A, District Lot 2450S, SDYD, Plan KAP35036  
8127 River Road, Oliver, BC**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act* and not pursuant to Section 546(4), as this bylaw proposal is an Early Termination.

Could you kindly affix a space for the Ministry to sign pursuant to Section 52(3)(a).

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.  
Yours truly,

Rob Bitte  
District Development Technician

Local District Address

## Lauri Feindell

---

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** September 21, 2017 10:19 AM  
**To:** Planning  
**Cc:** Lauri Feindell  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

Hello RDOS planners,

Apologies for the late response.

Thank you for your referral C2017.095-ZONE, regarding 8127 River Road in Oliver, PID 002910039, L 2 DL 2450S SIMILKAMEEN DIVISION YALE DISTRICT PL 35036. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling for the area indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Prior to any land alterations (*e.g.*, addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

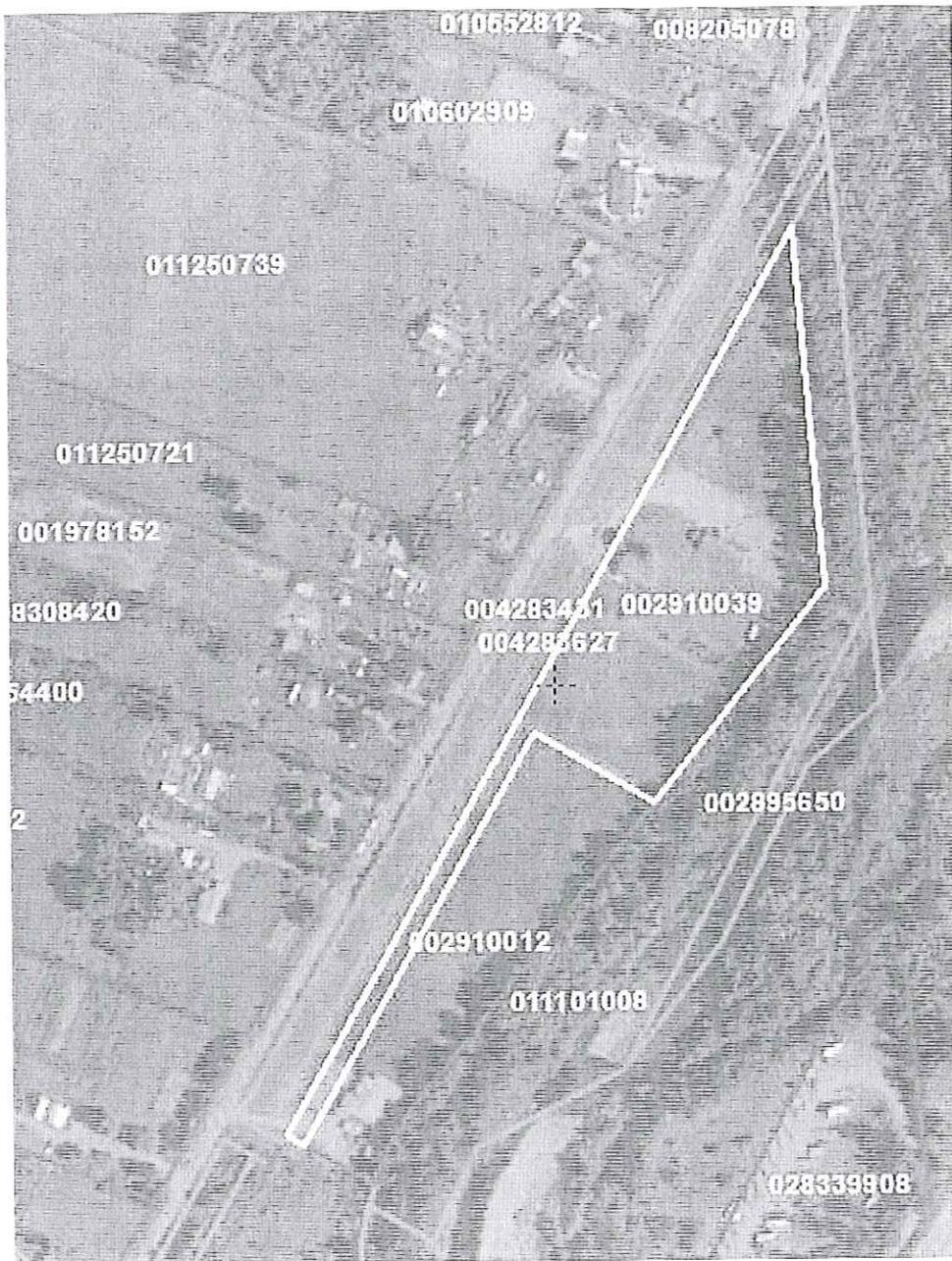
If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334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

Please review the screenshot of the property below (outlined in yellow) in relation to the archaeological potential (brown/orange areas). If this does not represent the property listed in the data request please contact me.

Kind regards,

Diana





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

Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3  
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

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**From:** Lauri Feindell [mailto:lfeindell@rdos.bc.ca]  
**Sent:** Friday, August 18, 2017 2:58 PM  
**To:** HBE@interiorhealth.ca; 'fbclands@fortisbc.com'; mbjerkan@sd53.bc.ca; Pellett, Tony ALC:EX; Referral Apps REG8  
FLNR:EX; Cooper, Diana FLNR:EX  
**Cc:** Christopher Garrish  
**Subject:** Bylaw Referral C2017.095-ZONE

Re: Bylaw Referral  
Legal: Lot A, Plan KAp35036, DL2450S, SDYD



**From:** Himmat Sarkaria  
**To:** [Christopher Garrish](#)  
**Subject:** C2017.095-ZONE  
**Date:** September 11, 2017 6:48:34 PM

---

Hello Mr. Garrish,

I have received the letter in regards to the "Early Termination" of Land Use Contract No. LU-4-C-77 - 8127 River Road. My family owns the property at 8102 Highway 97. I or any of my family member cannot attend the meeting on September 19 but we would like to convey that we don't have any objections to the proposed amendment.

Kind Regards,  
Himmat Sarkaria





September 11, 2017

File: 58000-20/2017084  
Your File: C2017.095-ZONE

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

Attention: Christopher Garrish, Planning Supervisor, [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Re: Bylaw Referral (C2017.095-Zone) Lot A, Plan KAp35036, DL2450S, SDYD, 8127 River Road, Oliver, B.C. Bylaw # 2452.18 & 2453.31

The Ecosystems Section of the Ministry of Forests, Lands, and Natural Resource Operations (FLNR) has reviewed the above noted referral and believes that our interests are unaffected by the proposal providing;

- The area in question continues to be subject to an Environmentally Sensitive Development Permit Area designation under the AL zoning.

If we are not correct in this assumption please contact the undersigned at [Brian.Robertson@gov.bc.ca](mailto:Brian.Robertson@gov.bc.ca) or 250-558-1721 as soon as possible as this may cause us to alter our response.

Sincerely,

Brian Robertson  
Ecosystem Officer

BR/cl



## Lauri Feindell

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** September 1, 2017 1:53 PM  
**To:** Planning  
**Subject:** River Rd, 8127 Oliver (C2017.095-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along River Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

**FortisBC Overhead Design Requirements**  
<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**  
<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

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.**  
**Supervisor | Property Services | FortisBC Inc.**

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



## Lauri Feindell

---

**To:** Pellett, Tony ALC:EX  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

**From:** Pellett, Tony ALC:EX [mailto:Tony.Pellett@gov.bc.ca]  
**Sent:** August 18, 2017 3:28 PM  
**To:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Cc:** Christopher Garrish <cgarrish@rdos.bc.ca>  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

The interests of the Provincial Agricultural Land Commission are unaffected by the proposed Bylaw, given that the land in question is not within the ALR and no evidence has been submitted to suggest any conflict with agricultural operations on the west side of River Road.

*K.A. Pellett*

Tony Pellett RPP, MCIP, Regional Planner  
Provincial Agricultural Land Commission  
133 - 4940 Canada Way  
BURNABY BC V5G 4K6  
604 660-7019 FAX 660-7033  
web site: [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)



## Lauri Feindell

---

**From:** Janine Dougall  
**Sent:** August 21, 2017 9:36 AM  
**To:** Cameron Baughen; Lauri Feindell; Maureen Hayter  
**Cc:** Christopher Garrish  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

Further to Cam's email, there does not seem to be a Liquid Waste Management Plan for Area C.



**Janine Dougall** • Public Works Manager  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4103 • tf. 1.877.610.3737 • f. 250.492.0063  
[www.rdos.bc.ca](http://www.rdos.bc.ca) • [jdougall@rdos.bc.ca](mailto:jdougall@rdos.bc.ca)  
[FACEBOOK](#) • [YOUTUBE](#) • Sign up for [REGIONAL CONNECTIONS](#)

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**From:** Cameron Baughen  
**Sent:** August 21, 2017 8:58 AM  
**To:** Lauri Feindell <lfeindell@rdos.bc.ca>; Janine Dougall <jdougall@rdos.bc.ca>; Maureen Hayter <mhayter@rdos.bc.ca>  
**Cc:** Christopher Garrish <cgarrish@rdos.bc.ca>  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

This amendment would have no effect on the Solid Waste Management Plan or vice versa. A Liquid Waste Management Plan may exist for Area C but I'm not aware of one.

Cameron Baughen, RDOS Solid Waste Management Coordinator  
101 Martin Street, Penticton BC  
p. 250.490.4103 • tf. 1.877.610.3737



## Lauri Feindell

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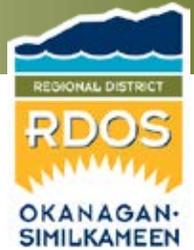
**From:** Maureen Hayter  
**Sent:** August 21, 2017 9:10 AM  
**To:** Cameron Baughen; Lauri Feindell; Janine Dougall  
**Cc:** Christopher Garrish  
**Subject:** RE: Bylaw Referral C2017.095-ZONE

I cannot see any concerns from a financial cost perspective.

*Maureen Hayter*  
Finance Manager



# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Agricultural Land Commission Referral (Subdivision) – Electoral Area “C”

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## Administrative Recommendation:

**THAT the RDOS Board “authorize” the application to undertake a two lot subdivision at 8856 Highway 97 in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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Purpose: To facilitate the subdivision of the subject property into two (2) new parcels of approximately 11.725 ha (Lot 1) and 13.655 ha (Lot 2).

Owner: McIntyre Bluff Ranch Ltd.    Agent: George Kennedy    Folio: C-07170.000    Civic: 8856 Highway 97

Legal: Plan KAP1982B, District Lot 3473, SDYD, except (1) PL 311 (2) PCL A (Plan A324) (3) PCL R34 (Plan A429) (4) PCL R32 (Plan A544) & PCL R33 (Plan A544) (5) PT 15 acres more or less shown on PL DD3810 (6) PT 5.05 acres shown on PL A868 (7) Plans KAP74855 & KAP86377.

OCP: part Agriculture (AG) & Resource Area (RA)    Zone: part Agriculture One (AG1) & Resource Area (RA)

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## Proposed Development:

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

Specifically, the applicant is seeking to subdivide the subject property, which is approximately 25.38 hectares (ha) in area, into two (2) new parcels of approximately 11.725 ha (Lot 1) and approximately 13.655 ha (Lot 2).

In support of this proposal, the applicant has stated that *“the purpose is to enable each of the two Kennedy families to have title to their own farm land. Individual ownership will provide each family the incentive to increase agricultural productivity from their field ...*

*“The proposal will divide one large field into two sizeable fields each capable of supporting a farm business and a farm family. Both fields will be large enough that they will not limit the range of crops that can be grown efficiently ...*

*“The proposal supports agriculture in the short run by giving the two Kennedy families the incentive to manage and invest in their alfalfa fields in a more productive way. It supports agriculture in the long run by giving the two families the incentive and managerial flexibility to move into higher value crops, such as intensive horticulture.”*

## Statutory Requirements:

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application

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together with [its] comments and recommendations", unless Section 25(3) applies wherein the Board has the ability to refuse to "authorise" an application.

In this instance, Section 25(3) is seen to apply as the property "is zoned by bylaw to permit [an] agricultural or farm use" and "requires, in order to proceed, an amendment to a .... zoning bylaw".

If ALC permission to subdivide were granted, a zoning amendment would be necessary, as proposed Lot 2 (12.7 ha) would fail to meet the 20.0 ha minimum parcel size requirement of the RA zone.

#### **Site Context:**

The subject property is approximately 25.38 ha in area and is located on the east side of the Okanagan River Channel and the west side of Highway 97, approximately 600 m south of Vaseux Lake. The property is split-zoned AG1 and RA, with the RA portion being only approximately 4500 m<sup>2</sup>.

The property is seen to contain a single detached dwelling and outbuildings. The applicant has stated that the agriculture currently taking place on the property is specifically "alfalfa forage production". The surrounding pattern of development is generally characterised by similar agricultural uses and resource area.

#### **Background:**

The property was originally created by a plan of subdivision deposited with the province on May 3, 1924, with the boundaries adjusted a number of times over the intervening decades. Available Regional District records indicate the issuance of two building permits for "cabins" in 1975 and 1979, respectively.

At its meeting of April 9, 2007, the Electoral Area "C" Advisory Planning Commission (APC) considered an ALC referral to subdivide an approximately 11.5 ha parcel from the subject property situated on the east side of the former Canadian Pacific Railway right-of-way (see Attachment No. 4). A motion to support the proposed subdivision was defeated (4-3), and was subsequently forwarded to the ALC.

At a meeting of June 14, 2007, the ALC approved the subdivision, with a principal consideration appearing to be the ability of subdivision to facilitate (secure) water rights to the proposed new 11.5 ha parcel as this would assist with its long-term agricultural use.

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw, the subject property is partially designated as Agriculture (AG) and Resource Area (RA), is subject to a "Protection of Farming Area" (wherein subdivision of land requires a development permit), and is also identified as containing an "Important Ecosystem Area".

Under the Electoral Area "C" Zoning Bylaw, the subject parcel is split-zoned part Agriculture One (AG1), which stipulates a minimum parcel size of 4.0 ha and part Resource Area (RA), which stipulates a minimum parcel size of 20.0 ha.

In terms of servicing for this site, should subdivision be approved, any on servicing will need to meet the RDOS Subdivision and Servicing Bylaw No. 2000.

#### **Analysis:**

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of agricultural land and that the OCP generally seeks to discourage this type of subdivision by supporting the consolidation of legal parcels that support more

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efficient agricultural operations and encourage the protection of agricultural lands and maximizing productive farm activity.

Administration is concerned that the principle agricultural rationale put forward in support of this subdivision, which is the creation of smaller parcels, runs counter to the direction provided by the OCP.

Moreover, Administration notes that the ALC has been consistent in its support for larger parcel sizes on ranching and grazing lands — such as the subject property — in the South Okanagan and Similkameen. For instance, the Commission recommended a 42.0 ha parcel size be applied to the AG3 Zone in Electoral Area “H” and has more recently suggested applying a 60.0 ha minimum parcel size to the AG3 Zone in Area “D-1”.

In this context, the creation of a 11.725 ha and 13.655 ha lot may impede the agricultural opportunities available in the long-term and that this property has more agricultural potential as single unit.

Administration understands that this proposal is related to family estate settlement issues, but that these are generally not considered to represent a valid strategic land use rationale (as personal matters could be used to justify all manner of development proposals otherwise not supported by the Regional District’s land use bylaws).

That said, Administration is also cognizant of the fact that the proposal is consistent with the OCP policy that “larger” agricultural operations occur on parcels not less than 10.0 ha in area (Section 6.3.12) and is further consistent with the 4.0 ha minimum parcel size under the AG1 Zone.

It is for this reason only that Administration is recommending that the proposal be authorised to proceed to the ALC.

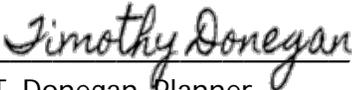
Should this proposal be “authorised” and ALC approval obtained, Administration considers that an zoning amendment bylaw would be required in order to facilitate the subdivision of the proposed Lot 2 as it is currently split-zoned Resource Area, which stipulates a 20.0 ha parcel size.

As an aside, Administration notes that this application has highlighted that not all agriculturally designated lands in Electoral Area “C” constitute vineyards and orchards. Accordingly, consideration should be given at the time of the next OCP & Zoning Bylaw Review to the introduction of the Agriculture Three (AG3) Zone as is applied to ranching, grazing and other extensive crop lands found in Electoral Areas D-1”, “F” and “H”.

**Alternative:**

1. THAT the RDOS Board “not authorise” the application to undertake a two lot subdivision at 8856 Highway 9 in Electoral Area “C” to proceed to the Agricultural Land Commission.
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “C” Advisory Planning Commission (APC).

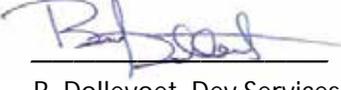
**Respectfully submitted**

  
T. Donegan, Planner

**Endorsed by:**

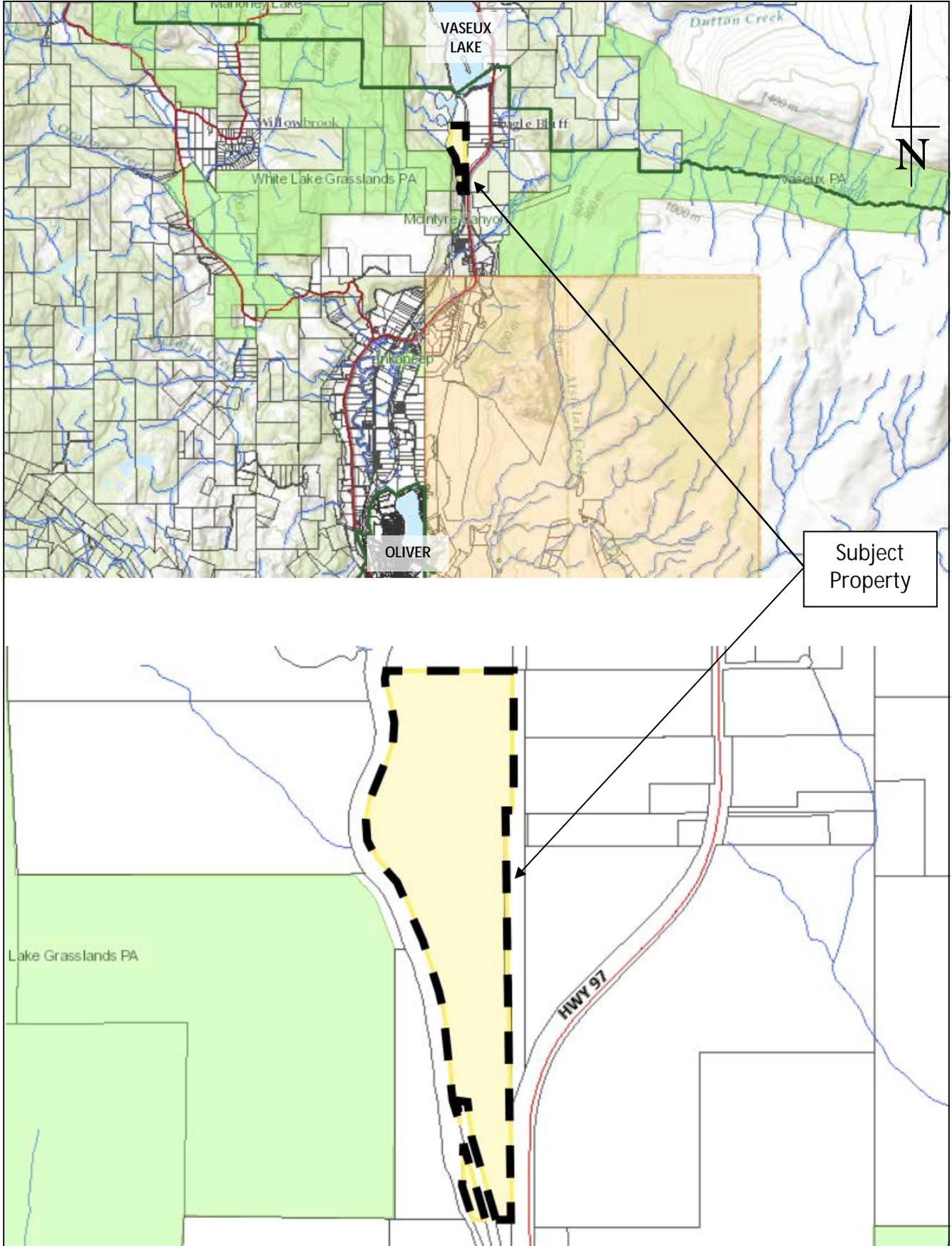
  
C. Garrish, Planning Supervisor

**Endorsed by:**

  
B. Dollevoet, Dev Services Manager

- 
- Attachments: No. 1 – Context Maps  
No. 2 – Applicant’s Subdivision Plan  
No. 3 – Aerial Photo (2007)  
No. 4 – Zoning Map  
No. 5 – 2007 Subdivision Approval (ALC)

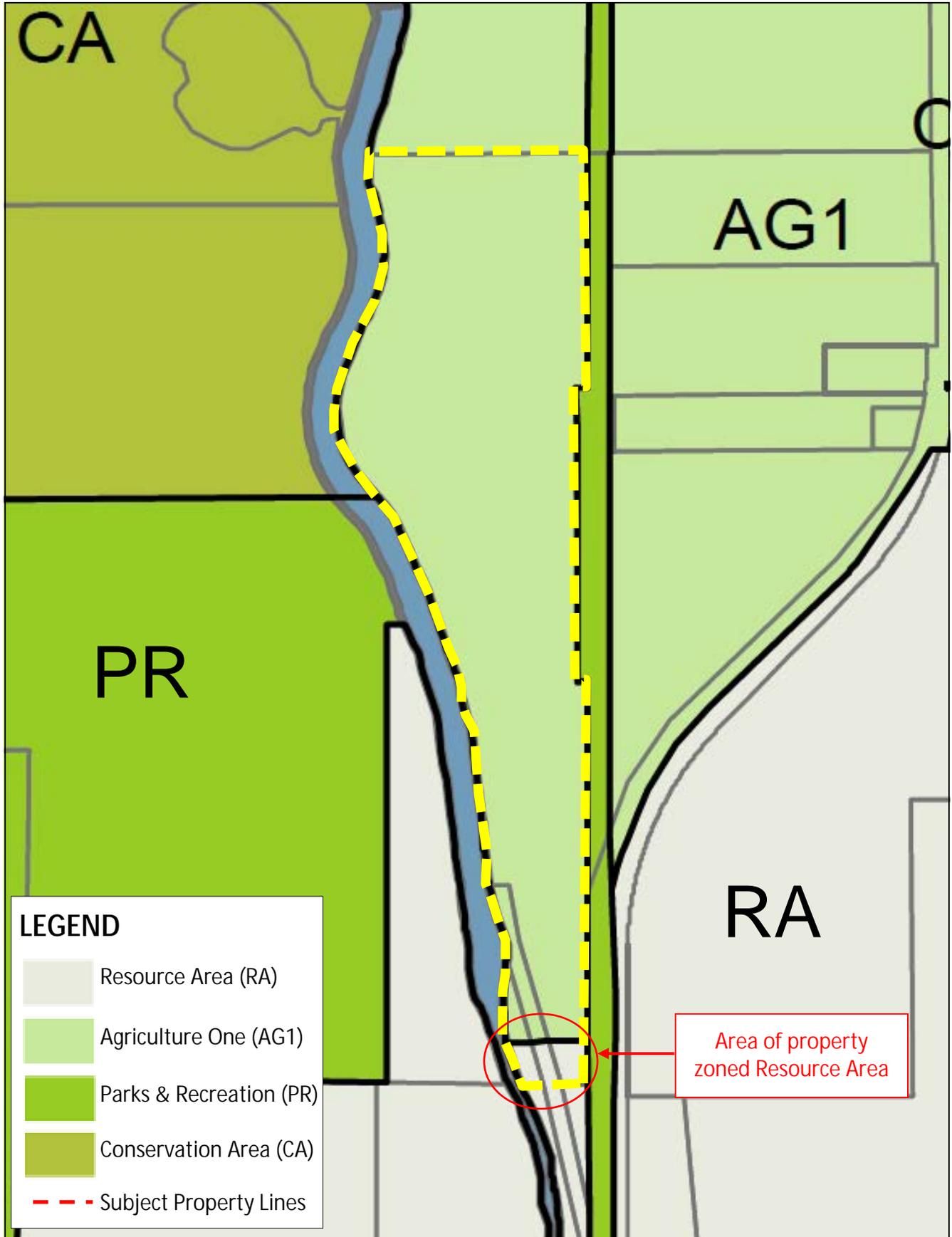
Attachment No. 1 – Context Maps



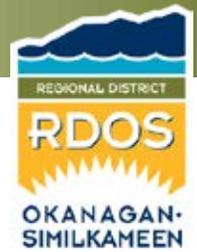


Attachment No. 3 – Aerial Photo (2007)









**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Review and Update of the Electoral Area "G" Zoning Bylaw

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## **Administrative Recommendation:**

**THAT** Regional District of Okanagan-Similkameen, Electoral Area "G" Zoning Bylaw No. 2781, 2017, be read a first and second time and proceed to a public hearing;

**AND THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017;

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

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## **Purpose:**

Administration is proposing that the Regional District Board initiate an update of the Electoral Area "G" Zoning Bylaw, as it has not been the subject of such a review since its adoption in 1977.

The impetus for this review has arisen from a recent rezoning to allow for an "accessory dwelling" on a property which highlighted the out-of-date nature of the bylaw. The intent of the proposed new Electoral Area "G" Zoning Bylaw No. 2781 is to modernize the bylaw, but still keep the same regulations and use restrictions provided in the current bylaw.

The current bylaw only applies to 41 parcels, and the replacement Electoral Area "G" Zoning Bylaw will apply to these same parcels (i.e. no new parcel are being zoned as part of this process).

## **Background:**

The first zoning bylaw applied to Electoral Area "G" was Zoning Bylaw No. 325, 1977, which was adopted by the Regional District Board at its meeting of March 24, 1977.

According to local media reports from the period, the purpose of this bylaw was to control building in the Apex Mountain Resort area, which was (then) in Electoral Area "G" and it sought to accomplish this through the introduction of a "Resort Cottage (RC-1) District" so that "development will not destroy the rural character or amenities of the area".

The scope of Bylaw 325 was subsequently expanded to three additional parts of Electoral Area "G", being Grand Oro Road (1977), Liddicoat Road (1980) and River Road / Copperhead Road (2005), while the Apex area was transferred to Electoral Area "D" in 1981 due to this electoral area having building inspection services.

In 2008, the Regional District undertook a Repeal and Re-enactment (R&R) of all of its land use bylaws in order to address an administrative deficiency. While this resulted in the replacement of Zoning

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Bylaw No. 325, 1977, with the current Electoral Area "G" Zoning Bylaw No. 2462, 2008, neither of these bylaws have been the subject of a comprehensive review in 40 years.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments will affect land situated within 800 metres of a controlled area (i.e. Highway 3).

**Public Process:**

At its meeting of August 16, 2017, the Electoral Area "G" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed review of Zoning Bylaw No. 2462, 2008, is supported (and are included as a separate item on the Board Agenda).

On September 15, 2017, Administration sent letters to all property owners in Electoral Area "G" whose lands are currently zoned under the Electoral Area "G" Zoning Bylaw No. 2463, 2008, advising of the proposed update and providing a feedback form for comments to be provided on.

Of the 41 feedback forms sent to affected property owners, five (5) have been returned with (two) 2 in support and three (3) opposed to the proposed update.

To date, agency comments have been received from the Agricultural Land Commission (ALC), Ministry of Transportation and Infrastructure (MoTI), Fortis, and the Ministry of Forests, Lands and Natural Resource Operations (Ecosystem Section) and these are included as a separate item on the Board Agenda.

**Analysis:**

Administration is concerned that many of the provisions contained within the Electoral Area "G" Zoning Bylaw have been in place for between 30 to 40 years and have not been the subject of a comprehensive review.

This is seen to present challenges in that the language found in the bylaw is outdated, may not reflect directions adopted by the Regional District in other Electoral Areas thereby creating inequalities between zoned parcels in Electoral Area "G" and other parts of the Regional District, and presents challenges to any proposed amendments.

For these reasons, Administrations favours a repeal and replacement of the current zoning bylaw with a new bylaw.

Importantly, Administration is not proposing to adversely impact any permitted uses and densities and believes that the review will result in potentially greater development opportunities on zoned parcels (i.e. through the possible introduction of secondary suites and accessory dwellings as permitted uses).

In addition, Administration is not proposing applying zoning to any additional parcels from what is currently zoned under the existing bylaw.

It is also proposed to simplify a number of regulations, such as parking, floodplain and the use regulations under each zone while also deleting redundant regulations such as "cluster development", compliance with *Agricultural Land Commission Act*, "mobile homes" and the Resort Cottage Zone.

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For reference purposes, a summary comparison of the current RA Zone vs. proposed LH1 Zone and current SH Zone vs. proposed SH3 Zone is provided at Attachment Nos. 1 & 2.

**Alternative:**

- .1 Status Quo
- .2 THAT the Electoral Area "G" Zoning Bylaw No. 2781, 2017 be rescinded

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



B. Dollevoet, Development Services Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Summary Comparison of RA Zone vs. Proposed LH1 Zone

No. 3 – Summary Comparison of SH Zone vs. Proposed SH3 Zone

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a **p**, prior to the Board considering first reading of Amendment Bylaw No. 2781:

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

Attachment No. 2 – Summary Comparison of RA Zone vs. Proposed LH1 Zone

CURRENT RA ZONE	PROPOSED LH1 ZONE															
<p><b>Permitted Uses:</b>                      agriculture;                      processing and packing of agricultural produce;                      forestry;                      single-family dwellings, factory built unit homes and mobile homes;                      home occupations;                      open-land recreational and institutional uses;                      public service or utility buildings and structures;                      accessory buildings and structures.</p>	<p><b>Permitted Uses:</b>  <u>Principal Uses:</u>                      agriculture;                      equestrian centres;                      single detached dwelling or mobile home;                      veterinary establishments;  <u>Accessory Uses:</u>                      accessory dwelling or mobile home;                      bed and breakfast operation;                      home industries;                      home occupations;                      kennels;                      retail sales of farm and off-farm products;                      secondary suites;                      accessory buildings and structures.</p>															
<p><b>Minimum Parcel Size:*</b>                      4.0 ha</p>	<p><b>Minimum Parcel Size:</b>                      4.0 ha</p>															
<p><b>Minimum Parcel Width:</b>                      100.0 m or 10% of the perimeter, whichever is greater</p>	<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>															
<p><b>Maximum Number of Dwellings Per Parcel:</b>                      one (1) principal dwelling unit; or                      where a parcel exceeds 8 ha in area, one (1) additional dwelling unit shall be permitted for each 4 ha of parcel area in excess of 8 ha.</p>	<p><b>Maximum Number of Dwellings Per Parcel:</b>                      one (1) principle dwelling;                      the number of secondary suites, accessory dwellings or mobile homes permitted per parcel as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>PARCEL AREA</th> <th>MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES</th> <th>MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL</th> </tr> </thead> <tbody> <tr> <td>Less than 8.0 ha</td> <td>1</td> <td>90 m<sup>2</sup></td> </tr> <tr> <td>8.0 ha to 11.9 ha</td> <td>2</td> <td>180 m<sup>2</sup></td> </tr> <tr> <td>12.0 ha to 15.9 ha</td> <td>3</td> <td>270 m<sup>2</sup></td> </tr> <tr> <td>Greater than 16.0 ha</td> <td>4</td> <td>360 m<sup>2</sup></td> </tr> </tbody> </table>	PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL	Less than 8.0 ha	1	90 m <sup>2</sup>	8.0 ha to 11.9 ha	2	180 m <sup>2</sup>	12.0 ha to 15.9 ha	3	270 m <sup>2</sup>	Greater than 16.0 ha	4	360 m <sup>2</sup>
PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL														
Less than 8.0 ha	1	90 m <sup>2</sup>														
8.0 ha to 11.9 ha	2	180 m <sup>2</sup>														
12.0 ha to 15.9 ha	3	270 m <sup>2</sup>														
Greater than 16.0 ha	4	360 m <sup>2</sup>														
<p><b>Minimum Setbacks:*</b>                      Principal buildings:                      i) Front parcel line: 9.0 metres                      ii) Rear parcel line: 9.0 metres                      iii) Exterior side parcel line: 4.5 metres                      iv) Interior side parcel line: 4.5 metres</p>	<p><b>Minimum Setbacks:*</b>                      Buildings and structures:                      i) Front parcel line: 7.5 metres                      ii) Rear parcel line: 7.5 metres                      iii) Exterior side parcel line: 4.5 metres                      iv) Interior side parcel line: 4.5 metres</p>															
<p><b>Maximum Height:</b>                      10.5 metres (principal)                      18.0 metres (accessory)</p>	<p><b>Maximum Height:</b>                      10.0 metres</p>															
<p><b>Maximum Parcel Coverage:</b>                      20%</p>	<p><b>Maximum Parcel Coverage:</b>                      35%</p>															

\* additional provisions are contained in current zoning bylaw and/or draft zoning bylaw.

Attachment No. 3 – Summary Comparison of SH Zone vs. Proposed SH3 Zone

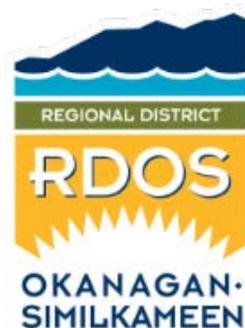
CURRENT SH ZONE	PROPOSED SH3 ZONE
<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      agriculture;                      single family dwelling;  <u>Secondary uses:</u>                      bed and breakfast operation;                      home occupations;                      secondary suites;                      accessory buildings and structures.</p>	<p><b>Permitted Uses:</b>  <u>Principal Uses:</u>                      agriculture;                      single detached dwelling;  <u>Accessory Uses:</u>                      bed and breakfast operation;                      home occupations;                      secondary suites;                      accessory buildings and structures.</p>
<p><b>Minimum Parcel Size:</b>                      0.7 ha</p>	<p><b>Minimum Parcel Size:</b>                      1.0 ha</p>
<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>	<p><b>Minimum Parcel Width:</b>                      Not less than 25% of the parcel depth</p>
<p><b>Maximum Number of Dwellings Per Parcel:</b>                      one (1) principal dwelling; and                      one (1) secondary suite.</p>	<p><b>Maximum Number of Dwellings Per Parcel:</b>                      one (1) principal dwelling; and                      one (1) secondary suite.</p>
<p><b>Minimum Setbacks:</b>                      Principal buildings:                      Front parcel line: 7.5 metres                      Rear parcel line: 7.5 metres                      Exterior side parcel line: 4.5 metres                      Interior side parcel line: 4.5 metres                      Accessory buildings and structures:                      Front parcel line: 7.5 metres                      Rear parcel line: 4.5 metres                      Interior side parcel line: 4.5 metres                      Exterior side parcel line: 4.5 metres</p>	<p><b>Minimum Setbacks:</b>                      Buildings and structures:                      Front parcel line: 7.5 metres                      Rear parcel line: 7.5 metres                      Exterior side parcel line: 4.5 metres                      Interior side parcel line: 4.5 metres                      Accessory buildings and structures:                      Front parcel line: 7.5 metres                      Rear parcel line: 4.5 metres                      Interior side parcel line: 4.5 metres                      Exterior side parcel line: 4.5 metres</p>
<p><b>Maximum Height:</b>                      10.0 metres</p>	<p><b>Maximum Height:</b>                      10.0 metres</p>
<p><b>Maximum Parcel Coverage:</b>                      20%</p>	<p><b>Maximum Parcel Coverage:</b>                      20%</p>
<p><b>Minimum Building Width:</b>  <i>Not applicable</i></p>	<p><b>Minimum Building Width:</b>                      Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.</p>

# AREA "G" RURAL KEREMEOS



Zoning Bylaw No. 2781, 2017 – Regional District of Okanagan-Similkameen

# ZONING BYLAW





**Regional District of Okanagan-Similkameen  
Electoral Area “G” Zoning Bylaw No. 2781, 2017**

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**Regional District of Okanagan-Similkameen**  
**Electoral Area "G" Zoning Bylaw No. 2781, 2017**

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A Bylaw to divide part of the Regional District within  
Electoral Area "G" into zones and regulate within the zones:

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1. the use of land, buildings and structures,
2. the density of the use of land, buildings and structures,
3. the siting, size and dimensions of:
  - a) buildings and structures, and
  - b) uses that are permitted on the land,
4. the shape, dimensions and area, including the establishment of maximum and minimum sizes of all parcels of land that may be created by subdivision,
5. the provision of off-street parking and loading spaces,
6. the provision of screening or landscaping,
7. floodplain regulations, and
8. other matters under provincial empowering enactments.

The Regional Board of the Regional District of Okanagan-Similkameen ENACTS as follows:

# 1.0 TITLE AND APPLICATION

---

- 1.1 This Bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen, Electoral Area “G” Zoning Bylaw No. 2781, 2017”.
- 1.2 This Bylaw applies to all lands, including the surface of water and all uses, buildings and structures located within that portion of Electoral Area “G” of the Regional District of Okanagan-Similkameen as shown by map reference on Schedule 2, which is attached to and forms part of this Bylaw.

This Bylaw includes:

Schedule ‘1’ — Electoral Area “G” Zoning Text

Schedule ‘2’ — Electoral Area “G” Zoning Map

Schedule ‘3’ — Similkameen River Provincial Floodplain Maps

# 2.0 TRANSITION

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2.1 Electoral Area "G" Zoning Bylaw No. 2462, 2008, as amended is repealed.

READ A FIRST AND SECOND TIME on the \_\_\_\_ day of \_\_\_\_\_, 2017.

PUBLIC HEARING held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by the Minister of Transportation and Infrastructure, the \_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Chief Administrative Officer

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## **SCHEDULE '1'**

**Regional District of Okanagan-Similkameen  
Electoral Area "G" Zoning Bylaw No. 2781, 2017**

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## 3.0 ADMINISTRATION

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### 3.1 Applicability

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "G", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

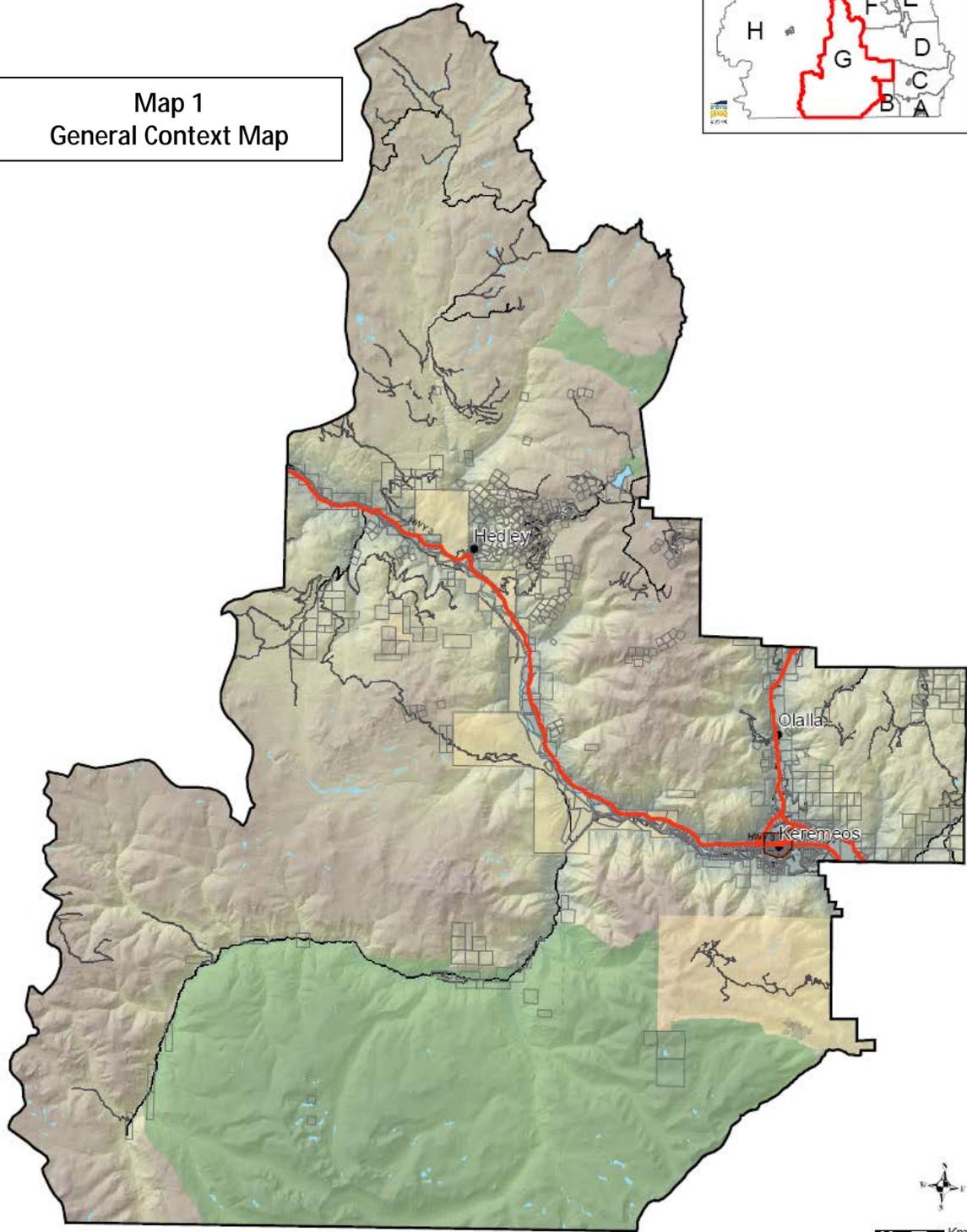
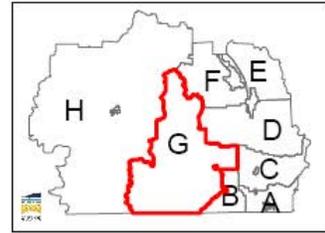
- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

# Electoral Area G

Map 1  
General Context Map



## 4.0 DEFINITIONS

---

In this Bylaw:

### A

**“accessory use”** means a use which is subordinate, customarily incidental, and exclusively devoted to a principal use in existence on the same parcel;

**“accessory building or structure”** means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building;

**“accessory dwelling”** means a dwelling unit which is permitted as an accessory use in conjunction with a principal use and is not located within a building containing a single detached dwelling unit. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

**“agriculture”** means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, but excludes processing and retail sales of farm products. Agriculture includes producing and rearing animals and range grazing of horses, cattle, sheep, and other livestock and includes apiculture and aquaculture;

**“apiculture”** means the keeping and raising in apiaries of honey bees for honey production, crop pollination, and bee stock production;

**“aquaculture”** means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in human made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water;

### B

**“bed and breakfast operation”** means an occupation conducted within a principal dwelling unit, by the residents of the dwelling unit, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations;

**“brewery, cidery, distillery or meadery”** means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume that is licensed under the *Liquor Control and Licensing Act* to produce beer, cider, spirits or mead;

**“building”** means any structure consisting of a roof supported by walls or columns used or intended to be used for sheltering, accommodating or enclosing people, animals, goods, chattels or equipment;

## C

**“community care and/or residential care facility”** means a facility licensed by the Provincial government as a community care facility or residential care facility or like establishments not licensed Provincially;

**“community hall”** means a building or part of a building designed for, or intended to be used by the public for such purposes as civic meetings, educational meetings, political meetings, recreational activities or social activities and may include banquet facilities;

**“cooking facility”** means a food preparation area which has a sink and an appliance for the heating or cooking of food;

**“crawl space”** means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;

## D

**“designated flood”** means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate watercourse flow data available;

**“derelict vehicle”** includes a vehicle, except a farm vehicle, that is not displaying a current licence, pursuant to Provincial regulations, and which is not enclosed within a garage or carport;

**“designated flood level”** means an observed or calculated water level attained by a designated flood, which is used in the calculation of the flood construction level;

**“development”** means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;

**“dwelling unit”** means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking facilities and which is designed to be used for living and sleeping purposes;

## E

**“equestrian centre”** means the use of riding arenas, stables, training tracks and other structures that accommodate the activity of riding horses, and in which horses are sheltered and fed;

## F

**“family”** means one or more persons related by marriage, blood, common law, adoption or foster parenthood, and not more than five (5) unrelated persons sharing one dwelling unit typical of a single-family unit or other similar basic social unit;

**“farm building”** means a building or part thereof which is associated with and located on land devoted to the practice of agriculture, and used essentially for the housing of equipment or livestock, or the production, storage, processing, marketing and selling of agricultural and horticultural produce or feeds;

**“farm operation”** means a farm operation as defined by the Province under the *Farm Practices Protection (Right to Farm) Act*;

**“farm products”** means commodities or goods that are produced from a farm use;

**“farm use”** means an occupation or use of land for agricultural purposes, including farming of land, plants and animals and any other similar activity designated as farm use by Provincial regulation, and includes a farm operation;

**“feed lot”** means any building, structure, compound or other enclosure, or an outdoor, non-grazing area where more than fifty (50) livestock are confined by fences, other structures or topography, including paddocks, corrals, exercise yards, and holding areas, but not including a seasonal feeding area used to feed livestock during the winter months, and not including grazing areas;

**“fence”** means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land;

**“floodplain”** means an area of land, whether floodproofed or not, which is susceptible to flooding by a watercourse, lake or other body of water;

**“floodplain setback”** means the required minimum distance from the natural boundary, or other reference line of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and to allow for potential land erosion;

**“freeboard”** means a vertical distance added to a designated flood level used to establish a flood construction level;

## G

**“grade, finished”** means the average finished ground level at the perimeter of a building or structure, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;

**“greenhouse”** means a structure covered with translucent material, and used for the purpose of growing plants, which is of sufficient size for persons to work within the structure;

**“gross floor area”** means the total floor area of a building on a parcel measured to the outer limits of the building, excluding uncovered parking, unenclosed swimming pools, uncovered balconies, uncovered sundecks, crawl spaces and parking within a building;

## H

**“habitable area”** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

**“height”** means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;

**“highway”** includes a street, road, lane, bridge, viaduct or any other way open to public use other than a private right-of-way on private property;

**“home industry”** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, and other similar uses;

**“home occupation”** means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

**“hooked parcel”** means a parcel of which one portion is physically separated from the other portion by a highway, except a Forest Service Road, or another parcel;

## K

**“kennel”** means the care of six (6) or more dogs, cats or other domestic animals or pets whether such animals are kept commercially for board, propagation, training, sale or for personal and private enjoyment;

## L

**“lane”** means a highway that provides a second access to a parcel and is less than eight metres wide;

“**livestock**” means horses, cattle, sheep, swine, llamas, ratites, goats, farmed game and other similar animals;

## M

“**manufactured home**” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

“**minimum parcel size**” means the minimum area of a parcel of land that can be created by subdivision;

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

“**multi-dwelling unit**” means a building containing three or more dwelling units;

## N

“**natural boundary**” means the visible high watermark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, in vegetation, as well as in the nature of the soil itself;

## O

“**off-farm products**” means farm products that are not grown, reared, raised or produced on the farm from which they are being sold;

## P

“**panhandle**” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;

“**parcel**” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;

“**parcel area, useable**” means all the area of a parcel except areas that are:

- a) part of a panhandle,
- b) required as building setbacks from property lines,
- c) required as building setbacks from watercourses or geotechnical hazards such as steep or unstable slopes, and
- d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.

“**parcel coverage**” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

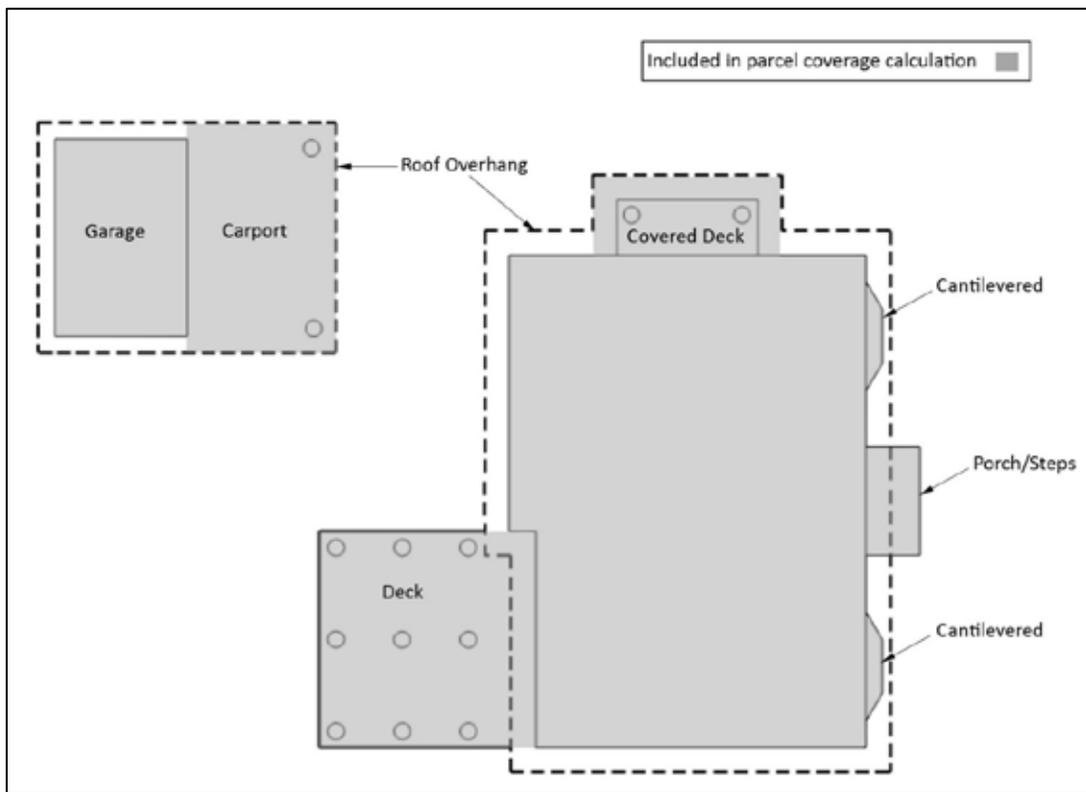


Figure 4.1: Parcel Coverage Illustration

“**parcel line, exterior side**” means any parcel line common to a highway, other than a lane, which is not a front parcel line;

“**parcel line, front**” means any parcel line common to a parcel and one highway other than a lane, provided that, where a parcel is contiguous to the intersection of two highways, the front parcel line is the shortest parcel line contiguous to one of the highways. Where a parcel is bisected by a highway, both parcel lines abutting the highway are considered to be front parcel lines;

**“parcel line, interior side”** means a parcel line between two or more parcels other than the front, rear or exterior side parcel line;

**“parcel line, rear”** means the boundary of a parcel which lies the most opposite to the front parcel line and, where the property has only three parcel lines, the rear is the junction of the two side parcel lines;

**“parcel size”** means the area of land within the boundaries of the lot but excludes the panhandle area;

**“parcel width or depth”** means the mean horizontal distance between the side parcel lines or front and rear parcel lines of any parcel;

**“parks”** means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land;

**“poultry”** means domestic fowl and pigeons including any bird in captivity but excludes ratites;

**“principal building”** means the buildings and structures on a parcel which reflect the principal permitted use of that parcel;

**“principal dwelling”** means a principal residential dwelling unit that,

- a) consists of a self-contained set of rooms located in a building,
- b) is used or intended for use as a residential premises,
- c) contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and
- d) is not a secondary suite or accessory dwelling unit.

**“principal use”** means the main purpose for which the parcel, building or structure is used;

**“processed farm products”** means farm products that have been transformed by biological or other means such as fermentation, cooking, butchering, canning, smoking or drying to increase their market value and convenience to the consumer, but does not include hot and cold food items sold for on-site consumption;

## R

**“range grazing”** means the feeding on grass or pasture of livestock;

**“ratites”** means a bird having small or rudimentary wings and no keel to the breastbone, includes ostriches, emus, and rheas;

**“recreational vehicle”** means a vehicle designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, fifth wheels, camper trailers, pick-up coaches, motorized campers, motorized homes, park model trailers and other similar vehicles, which provide temporary recreational accommodation for the traveling public;

**“residential”** means the occupancy or use of a dwelling unit for the permanent domicile of a person or persons; or the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner. This use does not include vacation rental;

**“retail sales of farm and/or off-farm products”** means retail activity which is an accessory use to a farm use and which may include the sale of goods produced on or off that farm as permitted in a given zone and which includes buildings and structures necessary for the sale and storage;

## S

**“secondary suite”** means a self-contained second dwelling unit located within a principal single detached dwelling accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal dwelling unit. A secondary suite does not include duplex housing, semi-detached housing, multiple-dwelling housing or boarding and rooming housing;

**“setback”** means the horizontal minimum permitted distance measured at right angles to the parcel line, between the parcel line and a building or structure, or, in the case of floodplain or a watercourses, distance measured from the natural boundary, top of bank or other reference identified elsewhere in this Bylaw;

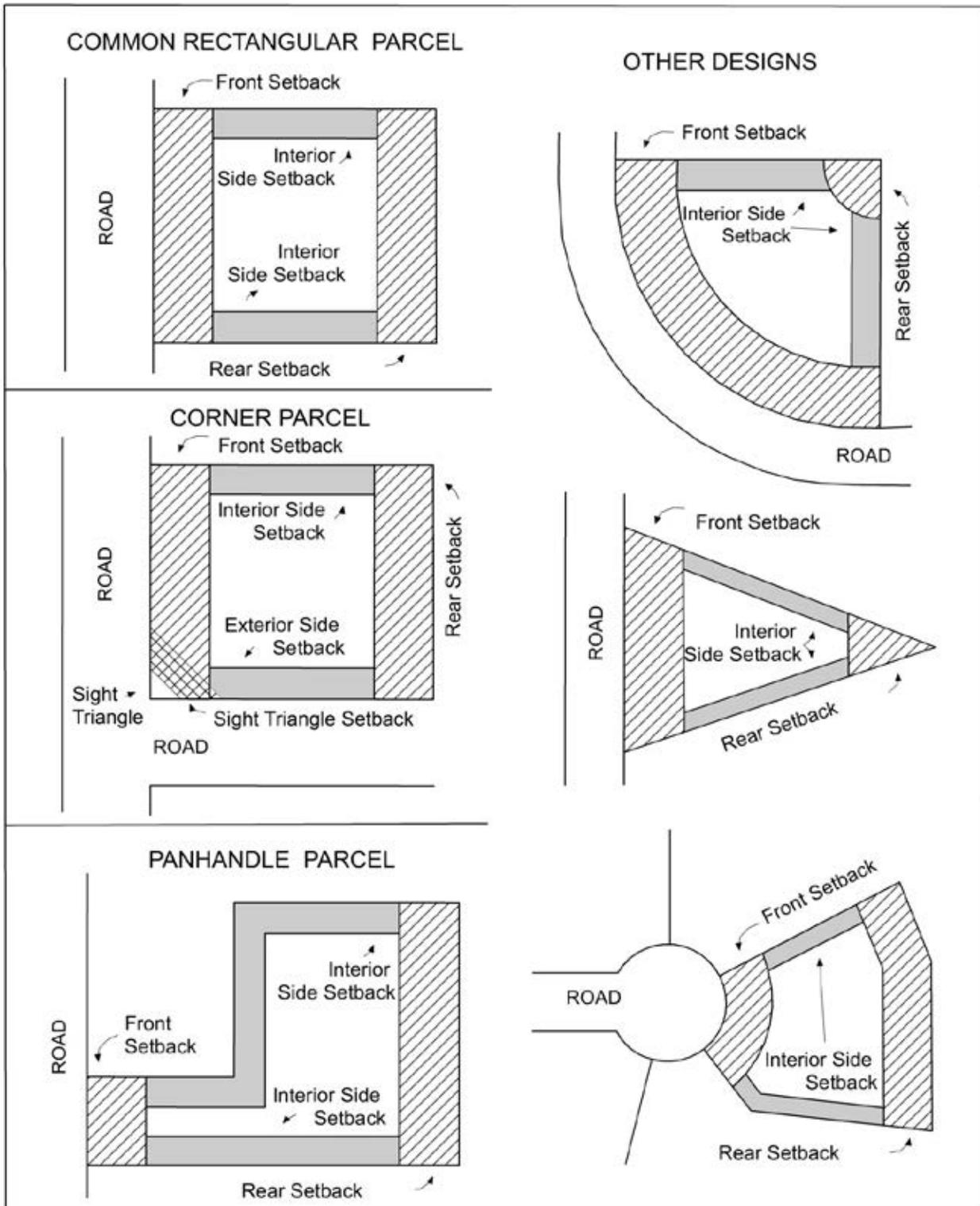
**“setback, front”** as illustrated in Figure 4.2, means the minimum required setback area between the side parcel lines extending from the front parcel line to the nearest wall or supporting member of a building or structure;

**“setback, rear”** as illustrated in Figure 4.2, means the area between the side parcel lines extending from the rear parcel line to the nearest wall or supporting member of a building or structure;

**“setback, side”** as illustrated in Figure 4.2, means the area of the parcel which extends from the front setback to the rear setback, between the side parcel line and the nearest wall or supporting member of a building or structure;

**“sight triangle”** means the area formed by a triangle in the angle formed by the right-of-way boundaries or boundaries produced and 2 points on those boundaries 4.5 metres from the point of intersection;

Figure 4.2 — Setback Areas



**“sign”** means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images;

**“single detached dwelling”** means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”;

**“small livestock”** means poultry, rabbit or other small animals similar in size and weight but does not include farmed fur bearing animals or roosters;

**“standard dykes”** means dykes built to a minimum crest elevation equal to the flood construction level, which meet standards of design and construction approved by the Province and which is maintained by an ongoing entity such as a local government body;

**“stockyard”** means a building or enclosure with pens or sheds for housing, buying, selling and auctioning livestock;

**“structure”** means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;

## U

**“utility use”** means the use of land for the establishment of utility facilities and associated appurtenances for the provision of water, sewer, electrical, natural gas, communication, fire protection and transportation; where such use is established by a local, provincial or federal government, an improvement district, a Crown corporation or by a company or person; or the use of land for such facilities where they are regulated by a government act or regulation. This definition of “utility use” specifically excludes oil or gas storage tanks; power sub-stations; sewage treatment plants; offices; or public storage or maintenance and works yards;

## V

**“veterinary establishment”** means a use conducted for the care, treatment, or hospitalization of animals, birds and fish and may include grooming facilities and sales of accessory supplies, but does not include the keeping or boarding of animals not under the care, treatment or hospitalisation;

## W

**“watercourse”** includes any of the following: a watercourse, whether it usually contains water or not; a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a watercourse;

**“winery”** means an establishment involved in the manufacture, packaging, storing and sales of grape and fruit-based wines, including a wine bar, food & beverage lounge and an eating and drinking establishment.

## 5.0 CREATION OF ZONES

---

### 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
Large Holdings One Zone	LH1
Small Holdings Three Zone	SH3

### 5.2 Definition of Zones:

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

### 5.3 Interpretation:

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

### 5.4 Permitted Uses:

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

### 5.5 Conditions of Use:

On a particular site in a specified zone created under this Bylaw, the maximum permitted site coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Section 10.0 of this Bylaw.

## 6.0 GENERAL REGULATIONS

---

### 6.1 Applicability

Except as otherwise specified in this Bylaw, Sections 6.2 to 9.4, apply to all zones established under this Bylaw.

### 6.2 Principal Building

No building for residential use is to be located on the same parcel as any other building for residential or non-residential use, except as otherwise provided for in this Bylaw.

### 6.3 Uses Permitted in Every Zone

The following uses are permitted in every zone and are not subject to the minimum parcel area of any zone:

- .1 Government controlled, held or sanctioned parks, playfields and playgrounds open to the public,
- .2 utility uses,
- .3 roads and lanes,
- .4 conservation areas,
- .5 fire halls, police stations, ambulance service uses, and similar emergency services,
- .6 facilities permitted by provincial enactment for:
  - a) day care for no more than eight (8) persons, or
  - b) residence for no more than ten (10) persons, not more than six (6) of whom are persons in care,
- .7 Provincial, municipal, and regional improvement district works for flood control.

### 6.4 Prohibited Uses of Land, Buildings and Structures

- .1 The use of a tent or recreational vehicle as a permanent residence is prohibited.
- .2 Unless otherwise specifically permitted in this Bylaw, no parcel must be used for the wrecking, salvage or storage of more than two derelict vehicles or as a salvage operation. "Derelict vehicle" includes any vehicle, except a farm vehicle, that is not displaying a current license, pursuant to Provincial regulations, and which is not enclosed within a garage or carport.

## 6.5 Projections

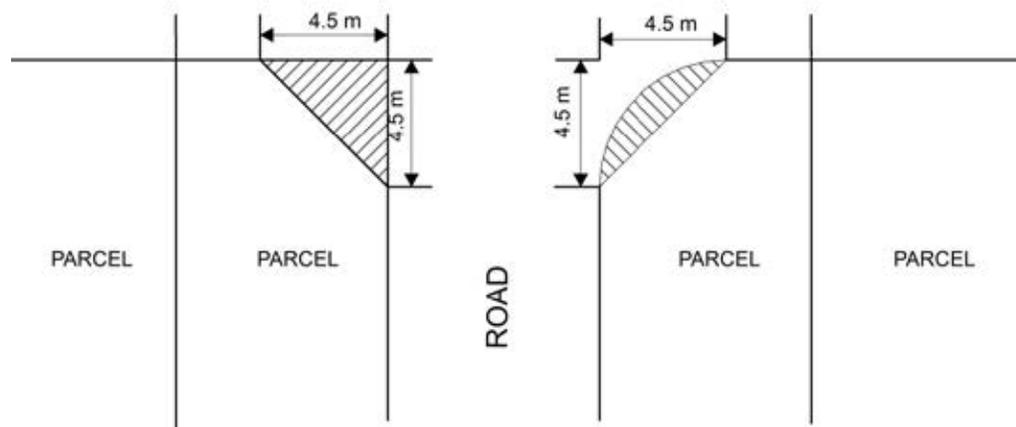
Subject to setbacks that may be more stringent provided elsewhere in this Bylaw, the following regulations apply to projections on buildings:

- .1 Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
- .2 Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
- .3 In no case shall a projection cross a parcel line.

## 6.6 Fence Heights

- .1 The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.
- .2 No fence shall exceed 1.8 metres in height except:
  - a) on a corner site contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the site at the intersection of the streets;

Figure 6.6 – Site Triangle



- b) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 2.0 metres in height, as measured from the lowest finished ground level at the bottom of the retaining wall to the top of any part of the fence; and
  - c) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh.
- .3 The use of razor wire for fencing is prohibited within all zones.

## 6.7 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building are deemed to be a portion of the principal building if they share a common roof and a common wall for a minimum length of 25% of the total perimeter dimensions of the structure.
- .2 No accessory building or structure shall be situated on a parcel unless:
  - a) a principal building has already been erected on the same lot;
  - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
  - c) the accessory building or structure does not exceed 10.0 m<sup>2</sup> in area, one storey in building height, and is limited to one (1) per parcel.

## 6.8 Accessory Dwellings

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 An accessory dwelling cannot be subdivided under the *Strata Property Act*.
- .2 Accessory dwellings or mobile homes shall not be permitted on parcels less than 1.0 ha in area unless connected to a community sanitary sewer system.

## 6.9 Secondary Suites

The following regulations apply to secondary suites where permitted as a use in this Bylaw:

- .1 A secondary suite shall be located in a converted single detached dwelling. Secondary suites are not permitted in an accessory dwelling. There shall be no external structural alterations or additions to the building, except as required to meet the British Columbia Building Code and amendments thereto.
- .2 No more than one (1) secondary suite is permitted per principal dwelling unit. No secondary suite is permitted in conjunction with a bed and breakfast operation. A bed and breakfast operation is not permitted within a secondary suite.
- .3 No secondary suite is permitted without connection to a community sanitary sewer unless the lot is at least 2,020 m<sup>2</sup> in area and meets the relevant Provincial requirements for on-site sewage disposal for the secondary suites.
- .4 The maximum floor area of a secondary suite shall meet the British Columbia Building Code and amendments thereto.
- .5 One (1) parking space per secondary suite is required in addition to those required for the principal dwelling.

- .6 Secondary suites shall comply with all relevant Regional District Bylaws and the British Columbia Building Code and amendments thereto.

## 6.10 Recreational Vehicles

- .1 Only recreational vehicles belonging to the owner or occupier of the principal single detached dwelling unit on a parcel may be stored on the same parcel.
- .2 Despite Section 6.10.1 above, one (1) recreational vehicle belonging to a guest or visitor may be located on the same parcel containing a permitted single detached dwelling. Such recreational vehicles shall only be used for the temporary accommodation of the guest or visitor for a period not exceeding a total of ninety (90) days in any one (1) calendar year.

## 6.11 Home Occupations

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

1. A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 100 m<sup>2</sup>.
2. A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
3. No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
4. No commercial vehicle, exceeding 1 tonne in vehicle weight, associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
5. Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
6. A home occupation shall not generate traffic congestion or parking demand within the District and shall not produce a public offence or nuisance of any kind.
7. A home occupation shall not involve:

- a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
- b) the boarding, breeding and keeping of animals;
- c) the salvage or repair, or motor vehicles, boat, or other machinery as a commercial venture; and
- d) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity.

## 6.12 Home Industries

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 A home industry shall not involve the salvage or storage of derelict vehicles and equipment, used building or domestic products and similar discarded materials.
- .3 A home industry shall be carried on in the principal dwelling unit or within an accessory building.
- .4 A home industry shall not occupy more than 50% of the floor area of the principal dwelling unit. The gross floor area utilized for a home industry, including storage of materials, commodities or finished products associated with the home industry shall not exceed 200 m<sup>2</sup>.
- .5 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .6 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to five (5) non-resident employees may be on the parcel.
- .7 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .8 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .9 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .10 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;

- c) manufacture of concrete products;
- d) bulk fuel or chemical storage or refining depots;
- e) animal or agriculture products processing; and
- f) the production of animal feeds.

### 6.13 Bed and Breakfast Operation

A bed and breakfast operation is permitted where listed as a permitted use, provided that:

1. it is located within one principal dwelling unit on the parcel;
2. no more than eight (8) patrons shall be accommodated within the dwelling unit;
3. no more than four (4) bedrooms shall be used for the bed and breakfast operation;
4. no cooking facilities shall be provided for within the bedrooms intended for the bed and breakfast operation;
5. no patron shall stay at the bed and breakfast operation for more than thirty (30) consecutive days with 30 days in between any subsequent stay;
6. no retail sales other than the sale of goods produced on the parcel are permitted;
7. no commercial vehicle, exceeding 1 tonne in weight, associated with or used in the conduct of the bed and breakfast operation shall be parked or otherwise located outside an unenclosed building;
8. only persons residing in the principal dwelling unit may carry on the bed and breakfast operation on the parcel occupied by the principal dwelling unit, and must be present on the property during a patron's stay; and
9. the bed and breakfast operation shall not generate traffic congestion or parking demands within the District and shall not produce a public offence or nuisance of any kind.

### 6.14 Keeping of Livestock and Honeybees

In this Bylaw, where "single detached dwelling" is a permitted use the following regulations apply:

1. the number of livestock, small livestock and honeybee hives permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF LIVESTOCK	MAXIMUM NUMBER OF SMALL LIVESTOCK	MAXIMUM NUMBER OF HONEYBEE HIVES
Less than 625 m <sup>2</sup>	0	0	0
625 m <sup>2</sup> to 2,500 m <sup>2</sup>	0	5	2

2,500 m <sup>2</sup> to 0.4 ha	0	25	Not applicable
0.4 ha to 1.0 ha	2	50	Not applicable
1.0 ha to 1.5 ha	3	75	Not applicable
1.5 ha to 2.0 ha	4	100	Not applicable

2. On parcels 2,500 m<sup>2</sup> or greater in area, keeping of honeybees shall be unlimited, and on parcels 2.0 ha or greater in area, keeping of livestock and small livestock shall be unlimited.
3. Products derived from the keeping of livestock and honeybees may be sold in accordance with Section 6.9 (Home Occupation) or Section 6.10 (Home Industry) of this bylaw, in addition to any applicable provincial regulations.
4. Honeybee hives must be located in accordance with the following:
  - a) to the rear of the principal dwelling unit; and
  - b) 7.5 metres from any parcel line, unless the underside of the hive is situated:
    - i) greater than 2.5 metres above the adjacent ground level, in which case the setback from any parcel line shall be 2.0 metres; or
    - ii) less than 2.5 meters above the adjacent ground level, in which case the setback from any parcel line shall be 2.0 metres provided the beehive is situated behind a solid fence or hedge more than 2.0 metres in height running parallel to any property line and extending at least 6.0 metres beyond the hive in both directions.

## 6.15 Kennel Facilities

A kennel is permitted where listed as a permitted use, provided that:

1. No kennel shall be permitted on a parcel less than 4.0 hectares in size; and
2. All buildings, structures and areas utilized in association with a kennel shall be sited a minimum of 30.0 metres from all parcel lines.

## 7.0 SUBDIVISION REGULATIONS

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### 7.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
- .2 the alteration of lot lines between two or more parcels where:
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the site area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .3 a subdivision approved by the Agricultural Land Commission under its homesite severance policy;
- .4 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

### 7.2 Minimum Parcel Width for Subdivision Exceptions:

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

### 7.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

### 7.4 Minimum Useable Parcel Area

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

### 7.5 Hooked Parcels:

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

## 8.0 FLOODPLAIN REGULATIONS

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### 8.1 Floodplain Designation and Flood Construction Level

- .1 The following land is designated as a floodplain:
  - a) the area shown as the 200 year floodplain for the Similkameen River on the provincial floodplain maps attached as Schedule '3' to this Bylaw;
  - b) any land not shown on the provincial floodplain maps that is less than 3.0 metres above the natural boundary of the Similkameen River;
  - c) any land that is less than 1.5 metres above the natural boundary of any other watercourse.
- .2 The flood construction level for land designated as a floodplain in section 8.1.1 is:
  - a) the 200 year flood levels shown on the provincial floodplain maps for the floodplain designated in section 8.1.1(a);
  - b) 3.0 metres above the natural boundary for the floodplain designated in section 8.1.1(b);
  - c) 1.5 metres above the natural boundary for the floodplain designated in section 8.1.1(c).

### 8.2 Siting Buildings and Structures in Floodplains

Despite any other provisions of this Bylaw, no building or structure shall be located within:

- .1 7.5 metres of the natural boundary of any lake, pond or marsh, or the top of bank where the bank is within 7.5 metres of the natural boundary of any lake, pond or marsh;
- .2 15.0 metres of the natural boundary of any other watercourse except the Similkameen River; and
- .3 30.0 metres of the natural boundary of the Similkameen River.

### 8.3 Floodplain Management Regulations

- .1 No person shall place any structural support for a habitable area or fill required to support a habitable area on land within a floodplain setback area under Section 8.2;
- .2 No person shall construct, reconstruct, move or extend a floor system or pad which supports a habitable area, such that the underside of the wooden floor system or the top of the pad or the ground surface on which it is located, is lower than the flood construction levels specified in Section 8.1 except as provided in Sections 8.3.3 and 8.3.4;

- .3 Despite Section 8.3.2, the following floodplain management regulations apply:
- a) For Dwellings Units:

Dwelling units shall be located with the underside of any wooden floor system, or the top of the pad of any habitable area, or in the case of a manufactured home the top of the pad or the ground surface on which it is located, no lower than:

    - i) 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building; or
    - ii) flood construction levels specified in Section 8.1, whichever is greater.
  - b) For Closed-Sided Livestock Buildings:

Closed-sided livestock buildings that are not behind standard dykes shall be located with the underside of any 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:

    - i) 1.0 metre above the natural ground elevation, taken at any point on the perimeter of the building; or
    - ii) the flood construction levels specified in Section 8.1, whichever is lesser.
  - c) For Industrial Buildings:

Industrial buildings, other than the main switchgear, must be located with the underside of any wooden floor system or the top of any pad of any habitable area or the ground surface on which it is located not lower than the flood construction levels specifies in Section 8.1 minus freeboard. Main electrical switchgear shall not be lower than the flood construction level.
- .4 The floodplain management regulations specified in Section 8.3.3 may be achieved by structural elevation of the habitable area, or by placing adequately compacted fill on which any habitable area is to be constructed or located, or by a combination of both structural elevation and fill.
- .5 Where fill is used to meet the floodplain management regulations specified in Sections 8.3.2 and 8.3.3, the face of the fill slope must be adequately protected against erosion from flood flows, wave action, ice and other debris hazards.
- .6 The following developments and uses are excluded from the requirements of the floodplain management regulations specified in Sections 8.3.2 and 8.3.3:
- a) renovations, except structural, to existing buildings or structures that do not involve additions thereto;
  - b) additions to buildings or structures that would increase the size of the building or structure by less than 25 percent of the floor area existing on June 17, 1982;
  - c) that portion of a building or structure to be used as a carport or garage;
  - d) farm buildings other than dwelling units and closed-sided livestock housing;

- e) closed-sided livestock housing behind standard dykes;
- f) on-loading and off-loading facilities associated with water-oriented industries and portable sawmills;
- g) unenclosed decks and balconies that do not have supports located within the floodplain.

## 9.0 VEHICLE PARKING REGULATIONS

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### 9.1 Basic Provisions

- .1 Section 9.0 of this bylaw applies only to highways not subject to Provincially controlled access regulations.

### 9.2 Location

- .1 Off-street parking and loading spaces must be located on the same parcel as the building or use they serve.

### 9.3 Off-Street Parking Space Standards

- .1 Access and cross aisles must not be less than 3.6 metres for one-way traffic and 6.6 metres for two-way traffic.
- .2 All parking areas must contain adequate provisions so that vehicles may turn around on the parcel.

### 9.4 Off-Street Vehicle Parking Requirements

Off-street parking and loading must be provided in accordance with the following requirements:

USES	REQUIRED # OF PARKING SPACES
Accessory Dwelling	1 per dwelling unit
Bed and Breakfast operation	1 per sleeping unit
Commercial retail	1 per 30.0 m <sup>2</sup> gross floor area
Secondary Suite	1 per secondary suite
Single Detached Dwelling	2 per dwelling unit
Veterinarian Establishments	4 per veterinarian

# 10.0 ZONES

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## 10.1 LARGE HOLDINGS ONE (LH1) ZONE

### 10.1.1 Permitted Uses:

Principal Uses:

- a) agriculture;
- b) equestrian centres;
- c) single detached dwelling or mobile home;
- d) veterinary establishments;

Accessory Uses:

- e) accessory dwelling or mobile home, subject to Section 6.8;
- f) bed and breakfast operation, subject to Section 6.13;
- g) home industries, subject to Section 6.12;
- h) home occupations, subject to Section 6.11;
- i) kennels, subject to Section 6.15;
- j) retail sales of farm and off-farm products;
- k) secondary suites, subject to Section 6.9;
- l) accessory buildings and structures, subject to Section 6.7.

### 10.1.2 Minimum Parcel Size:

- a) 4.0 ha

### 10.1.3 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

### 10.1.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) principal dwelling;
- b) the number of secondary suites, accessory dwellings or mobile homes permitted per parcel, and the total gross floor area of all secondary suites, accessory dwellings and mobile homes permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL
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Less than 8.0 ha	1	90 m <sup>2</sup>
8.0 ha to 11.9 ha	2	180 m <sup>2</sup>
12.0 ha to 15.9 ha	3	270 m <sup>2</sup>
Greater than 16.0 ha	4	360 m <sup>2</sup>

- c) despite Section 10.1.4(b), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as “farm” under the *Assessment Act*.

#### 10.1.5 Minimum Setbacks:

- a) Buildings and structures:
- i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 7.5 metres
  - iii) Exterior side parcel line: 4.5 metres
  - iv) Interior side parcel line: 4.5 metres
- b) despite Section 10.1.5(a), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:
- i) Front parcel line: 15.0 metres
  - ii) Rear parcel line: 15.0 metres
  - iii) Interior side parcel line: 15.0 metres
  - iv) Exterior side parcel line: 15.0 metres

#### 10.1.6 Maximum Height:

- a) No building, accessory building or structure shall exceed a height of 10.0 metres.

#### 10.1.7 Maximum Parcel Coverage:

- a) 35%

#### 10.1.8 Site Specific Large Holdings One (LH1s) Regulations:

- a) in the case of land described as Lot R, Plan KAP92023, Section 30, Township 52, SDYD, and shown shaded yellow on Figure 10.1.8(a):
- i) despite Section 10.1.4(b), the maximum floor area of an accessory dwelling on a parcel less than 8.0 ha in area shall not exceed 250.0 m<sup>2</sup>.

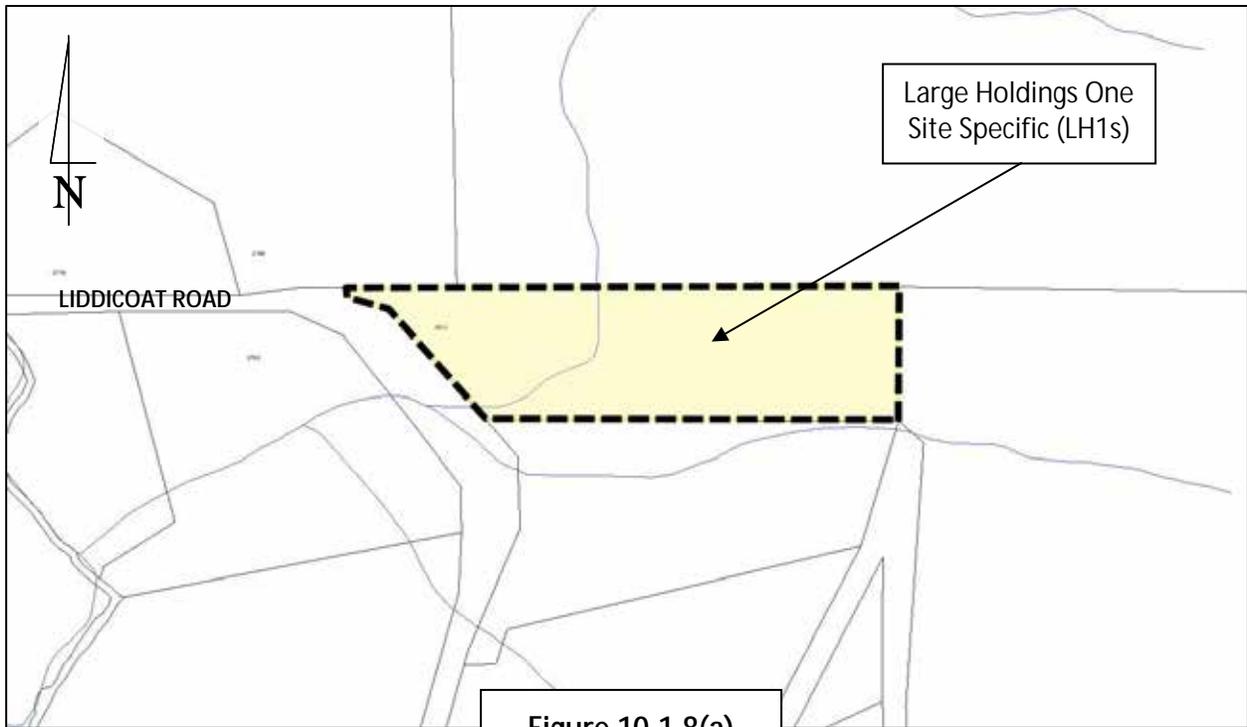


Figure 10.1.8(a)

## 10.2 SMALL HOLDINGS THREE ZONE (SH3)

### 10.2.1 Permitted Uses:

#### Principal Uses:

- a) agriculture;
- b) single detached dwelling;

#### Accessory Uses:

- c) bed and breakfast operation, subject to Section 6.13;
- d) home occupations, subject to Section 6.11;
- e) secondary suites, subject to Section 6.9;
- f) accessory buildings and structures, subject to Section 6.7.

### 10.2.2 Minimum Parcel Size:

- a) 1.0 ha

### 10.2.3 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

### 10.2.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) principal dwelling; and
- b) one (1) secondary suite.

### 10.2.5 Minimum Setbacks:

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 4.5 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres

**10.2.6 Maximum Height:**

- a) No building, accessory building or structure shall exceed a height of 10.0 metres;

**10.2.7 Maximum Parcel Coverage:**

- a) 20%

**10.2.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

**10.2.9 Site Specific Small Holdings Three (SH3s) Regulations:**

- a) Not applicable.

~ end of Schedule '1' ~

# Zoning Map

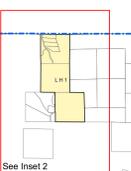
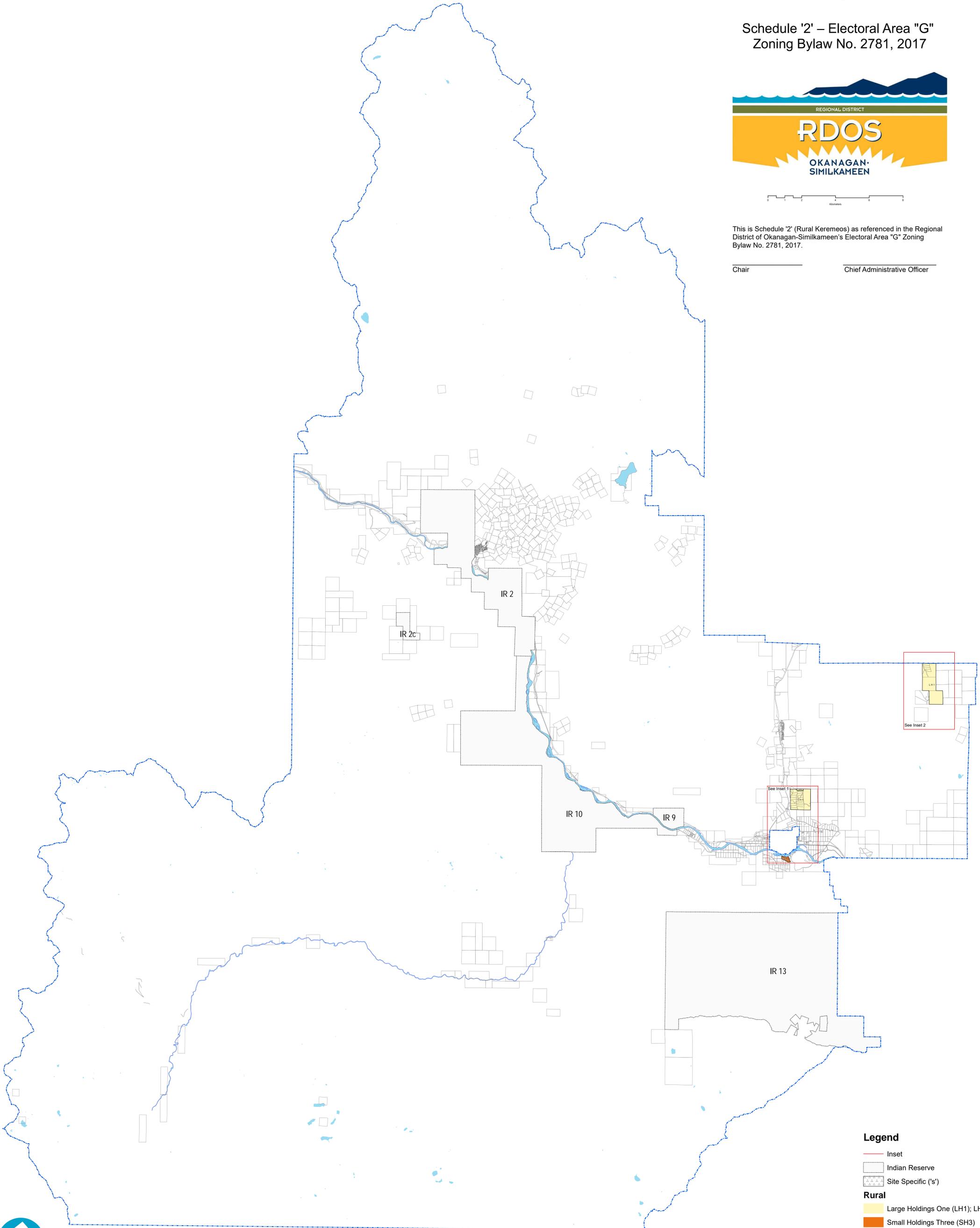
Schedule '2' – Electoral Area "G"  
Zoning Bylaw No. 2781, 2017



This is Schedule '2' (Rural Keremeos) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "G" Zoning Bylaw No. 2781, 2017.

Chair \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_



## Legend

- Inset
- Indian Reserve
- Site Specific ('s')
- Rural**
- Large Holdings One (LH1); LH1s
- Small Holdings Three (SH3)



# Zoning Map

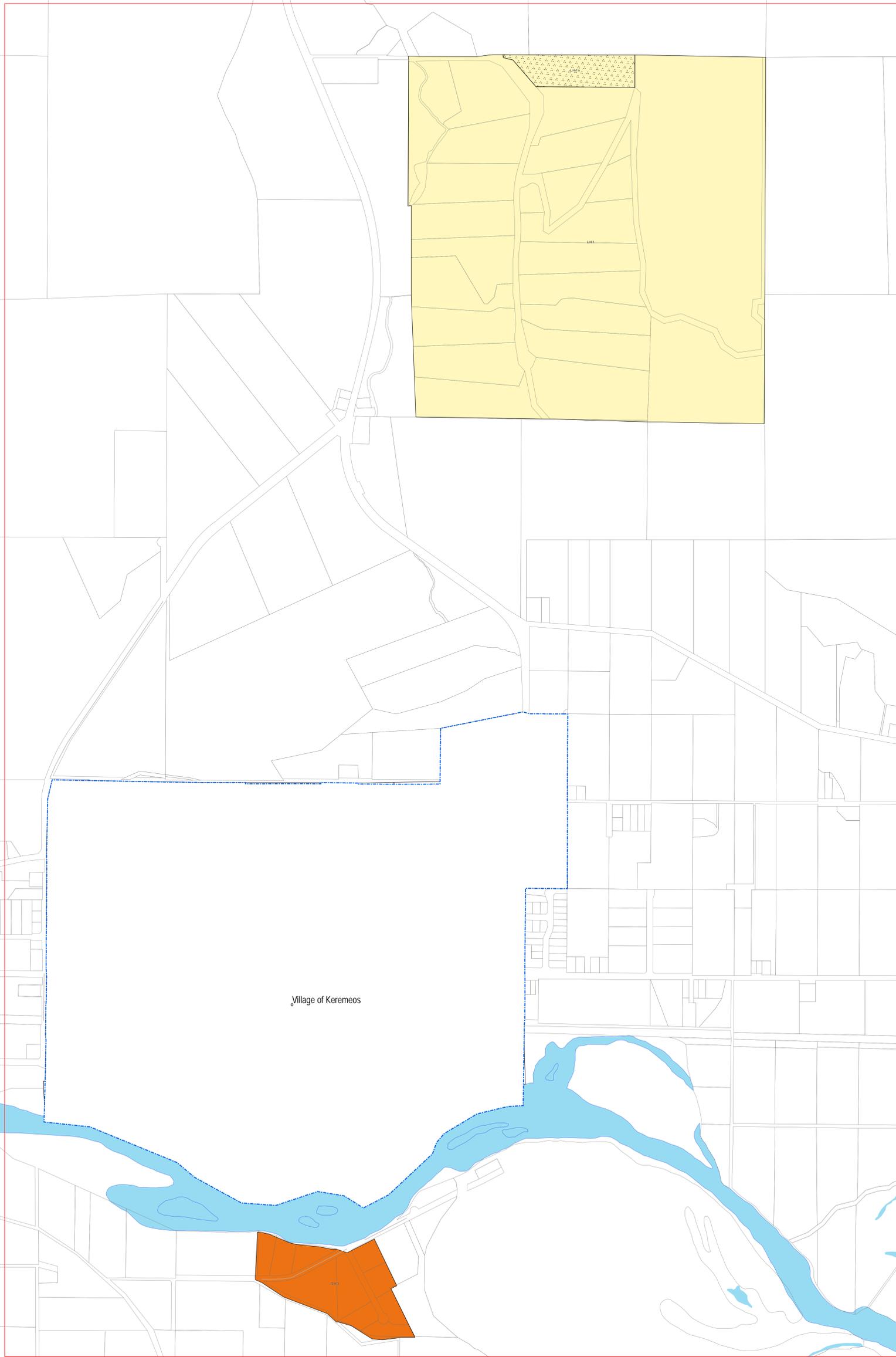
Schedule '2' – Electoral Area "G"  
Zoning Bylaw No. 2781, 2017



This is Schedule '2' (Rural Keremeos) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "G" Zoning Bylaw No. 2781, 2017.

Chair

Chief Administrative Officer



Village of Keremeos

### Legend

Inset

Site Specific ('s')

### Rural

Large Holdings One (LH1); LH1s

Small Holdings Three (SH3)



# Zoning Map

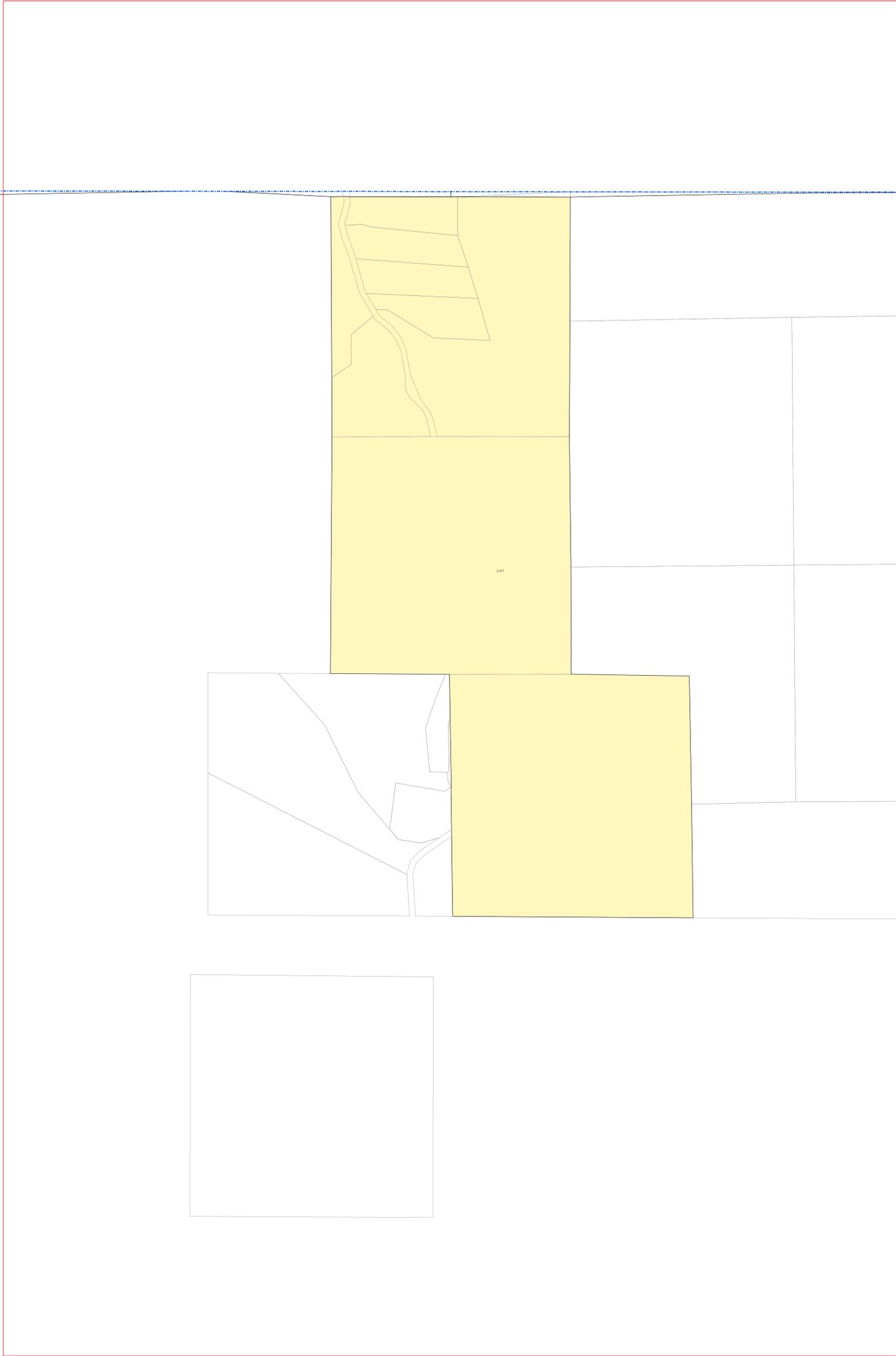
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This is Schedule '2' (Rural Keremeos) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "G" Zoning Bylaw No. 2781, 2017.

Chair \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_



## Legend

— Inset

### Rural

Large Holdings One (LH1)



# Provincial Floodplain Map

Schedule '3' – Electoral Area "G"  
Zoning Bylaw No. 2781, 2017



This is Schedule '3' (Provincial Flood Plain Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "G" Zoning Bylaw No. 2781, 2017.

Chair \_\_\_\_\_ Chief Administrative Officer \_\_\_\_\_

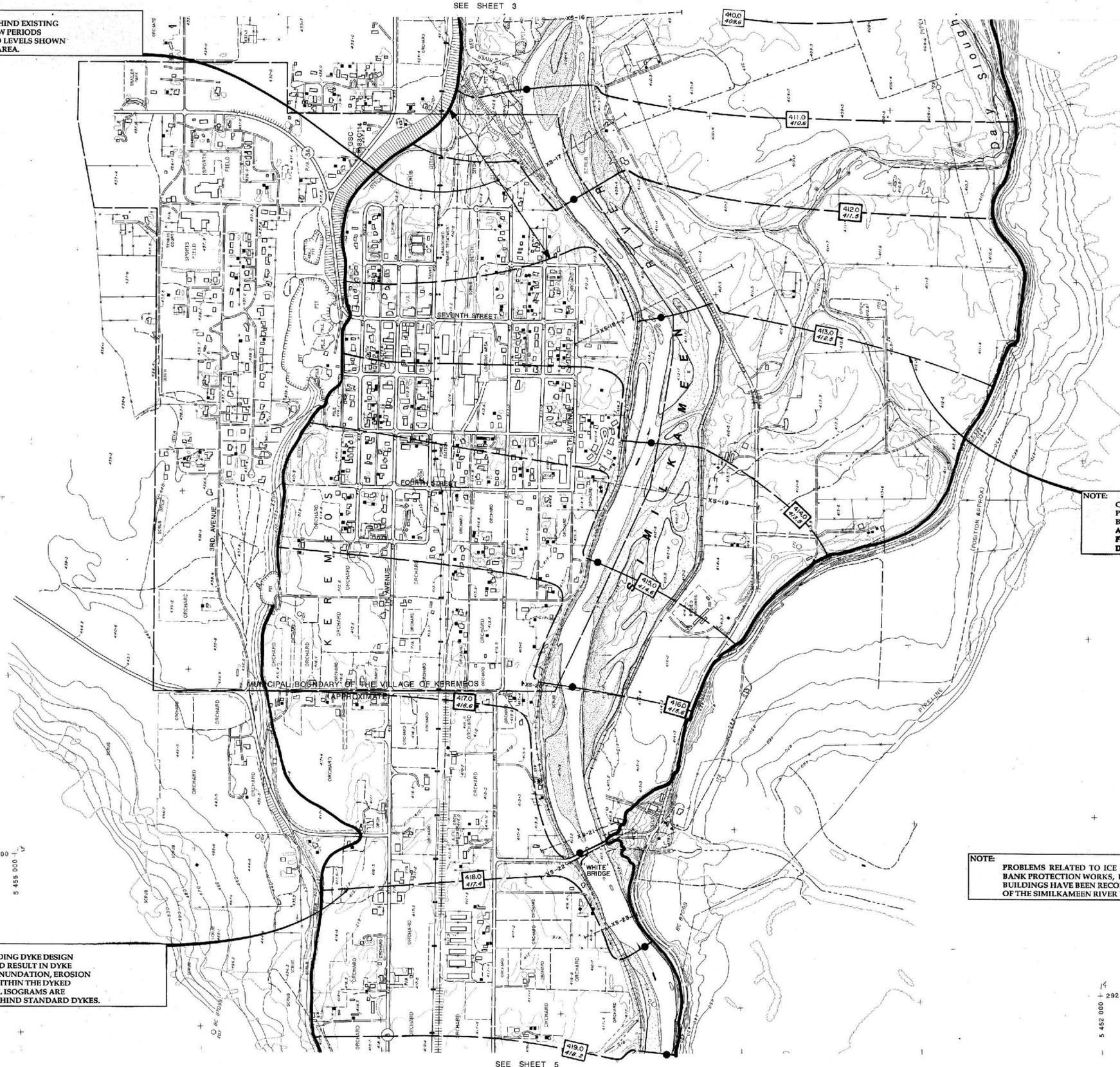
NOTE: PONDING MAY OCCUR BEHIND EXISTING DYKES DURING HIGH FLOW PERIODS RESULTING IN THE FLOOD LEVELS SHOWN TO BE EXCEEDED IN THIS AREA.

- Use and Limitations of Floodplain Maps**
- Users must note the dates of base mapping, aerial photography, river surveys and issue of mapping relevant to dates of development in the map area. Subsequent developments or changes within the floodplain or channel (natural or constructed) will affect flood levels and render site-specific map information obsolete.
  - Floodplain maps are administrative tools which depict minimum flood elevations and floodplain boundaries. Flooding may occur outside of the designated floodplain boundary.
  - Floodplain maps do not provide information on site-specific flood hazards such as, land erosion or high water velocity, sudden shifts in the channel of the watercourse, or alluvial and debris flow fan areas.
  - Other sources of water, roads, railways or other barriers can restrict water flow and affect local flood levels. As well, obstructions such as ice and debris, flooding in surrounding areas, channel deposits, groundwater or other phenomena can cause flood levels to exceed those indicated on the map. Land adjacent to a floodplain may be subject to flooding from tributary watercourses.
  - Floodplain maps do not indicate or locate legal survey boundaries. A site survey is required to reconcile property location, ground elevations, and designated flood level information.
  - The accuracy of the location of a floodplain boundary as shown on this map is limited by the base topography. It is generally assumed to be plus or minus one-half the increment of the ground contours.
  - Professional assistance and detailed engineering analysis are required to address any of the above considerations.

NOTE: CONDITIONS EXCEEDING DYKE DESIGN PARAMETERS COULD RESULT IN DYKE BREACH CAUSING INUNDATION, EROSION AND DEPOSITION WITHIN THE DYKED AREA. FLOOD LEVEL ISOGRAMS ARE SHOWN DASHED BEHIND STANDARD DYKES.

NOTE: CONDITIONS EXCEEDING DYKE DESIGN PARAMETERS COULD RESULT IN DYKE BREACH CAUSING INUNDATION, EROSION AND DEPOSITION WITHIN THE DYKED AREA. FLOOD LEVEL ISOGRAMS ARE SHOWN DASHED BEHIND DYKES.

NOTE: PROBLEMS RELATED TO ICE SUCH AS DAMAGE TO BANK PROTECTION WORKS, BRIDGES AND NEARBY BUILDINGS HAVE BEEN RECORDED IN MANY AREAS OF THE SIMILKAMEEN RIVER VALLEY.



<p><b>NOTES</b></p> <p>Produced by: British Columbia Water Management Branch, Special Projects Section, Floodplain Mapping Program</p> <p>Survey: River survey done by Survey Section, Water Management Branch, Project 9227 F052 September 1992</p> <p>Mapping: Base mapping done by Map Production Division, Survey and Resource Mapping Branch, Project 88-016, dated JANUARY 1991, NAD 83, Air Photography 1987</p> <p>a) Contour interval 1 metre and greater; spot elevations shown to 0.5 metres, with accuracy to ± 0.3 metres, except where noted.</p> <p>b) Grid origin referred to U.T.M. Projection Zone 11.</p>		<p><b>FLOODPLAIN DATA</b></p> <ol style="list-style-type: none"> <li>The floodplain areas as depicted on this map have been designated pursuant to the Canada/British Columbia "Provincial" Mapping Information Agreement or "Pact" for "Provincial" Mapping Information Agreement, dated 1985, by the Minister of the Environment for Canada and the Minister of Environment, Lands and Parks for British Columbia.</li> <li>Flooding may still occur outside of the limits in designated floodplain areas. The Ministers do not assume any liability by reason of the limits in designation or "Pact" for "Provincial" Mapping Information Agreement on this map.</li> <li>The designated flood has a statistical frequency of occurrence of once every 200 years.</li> <li>The flood levels were computed using a standard step method modelling technique, assuming open water flow conditions.</li> <li>The floodplain limits assume the absence of all dykes.</li> <li>The floodplain limits and flood levels include an allowance for freeboard.</li> <li>The floodplain limits are not defined (shown) on the ground by legal survey.</li> <li>The floodplain limits are not delineated for side streams and tributaries.</li> <li>The required setback of buildings from the natural boundaries of lakes and watercourses to allow for the passage of floodwaters and possible bank erosion is not shown. This information is available either through local municipalities or the Ministry of Environment, Lands and Parks.</li> <li>MAPS AVAILABLE FROM SURVEYS AND RESOURCE MAPPING BRANCH, MAPS B.C., MAP AND AIR PHOTO SALES, VICTORIA, B.C.</li> </ol>		<p><b>LEGEND</b></p> <p>DESIGNATED FLOODPLAIN LIMIT</p> <p>FLOOD LEVEL (Freeboard included) 200 Year Frequency</p> <p>(METRES G.S.C. DATUM)</p>		<p><b>KEY MAP</b></p>		<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>No.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	DESCRIPTION	DATE				<p><b>ISSUE OF MAPPING</b></p> <p>DATE: SEPTEMBER 30, 1995</p> <p>DRAWN: T. E.</p> <p>CHECKED: _____</p> <p>RIVER SURVEY</p> <p>DESIGNED: B. B.</p> <p>ENGINEER: R. J. Wallock</p>		<p>ENVIRONMENT CANADA / ENVIRONUMÉRIE CANADA</p> <p>BRITISH COLUMBIA MINISTRY OF ENVIRONMENT / COLOMBIE-BRITANNIQUE MINISTÈRE DE L'ENVIRONNEMENT</p> <p>CANADA BRITISH COLUMBIA FLOODPLAIN MAPPING AGREEMENT / L'ACCORD CANADA-COLOMBIE-BRITANNIQUE SUR LA CARTOGRAPHIE DES PLAINES D'INONDATION</p> <p>FILE No. 310-3687K</p> <p>N.T.S. MAP No. B2E/4</p> <p>SCALE 1:5 000</p> <p>NEGATIVE No. _____</p> <p>DRAWING No. REV. 91-23-4</p> <p>SHEET 4 of 7</p>	
No.	DESCRIPTION	DATE																	

**From:** Pellett, Tony ALC:EX  
**To:** [Christopher Garrish](mailto:Christopher.Garrish)  
**Subject:** FW: RDOS draft zoning bylaw No. 2781,2017  
**Date:** September 20, 2017 9:18:30 AM

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I have corrected a typo in yesterday's message. The typo read: "or approve more than one residence on a parcel of and" instead of "a parcel of land".

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**From:** Pellett, Tony ALC:EX  
**Sent:** Tuesday, September 19, 2017 4:13 PM  
**To:** 'planning@rdos.bc.ca'  
**Cc:** 'Christopher Garrish'  
**Subject:** RDOS draft zoning bylaw No. 2781,2017

Thank you for referring the RDOS Area "G" Zoning Bylaw to the Provincial Agricultural Land Commission (the "Commission").

On review of the bylaw it is clear that the only area of concern to the Commission is the ALR block on Grand Oro Road. The Commission will therefore restrict its comments to that part of the LARGE HOLDING (LH1) ZONE.

There is one typo in **10.1.4 a)**, which should read "one (1) principal dwelling";

**10.1.4 b)** requires an amendment in order to comply with section 3 (1)(b) of the AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION, (the REGULATION) and section 18(a) of the *Agricultural Land Commission Act*. (the ACT). That section of the REGULATION permits (i) one secondary suite in a second family dwelling, and (ii) either one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or accommodation that is constructed above an existing building on the farm and that has only a single level. In brief, section 18(a) of the ACT specifies that a local government may not permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or approve more than one residence on a parcel of land unless the additional residences are necessary for farm use.

As currently drafted, the Area "G" Zoning bylaw would allow 4 dwellings on a parcel area greater than 16.0 ha, something which is not automatically allowable in the ALR. It is suggested that section 10.1.4 of the zoning bylaw and its accompanying table be retained for lands not in the ALR, and that a new table be inserted to provide that any new establishment of residences in the ALR comply with section 3 (1)(b) of the REGULATION and section 18(a) of the *Agricultural Land Commission Act*. From Google Earth mapping it does not immediately appear that any additional residences have already been established in the ALR except for farm use. Please advise if that is basically correct.

*K.A. Pellett*

Tony Pellett RPP, MCIP, Regional Planner  
Provincial Agricultural Land Commission  
133 - 4940 Canada Way  
BURNABY BC V5G 4K6  
604 660-7019 FAX 660-7033



DEVELOPMENT APPROVALS  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: G2017.122-ZONE  
eDAS File #: 2017-05742  
Date: September 27, 2017

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

Attention: Lauri Feindell

**Re: Proposed Electoral Area "G" Zoning Bylaw 2781, 2017 for:  
Grand Oro Road, Liddicoat Road and Copperhead Road**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231

## Lauri Feindell

---

**To:** Cooper, Diana FLNR:EX  
**Subject:** RE: Bylaw Referral - G2017.122-ZONE

**From:** Cooper, Diana FLNR:EX [mailto:Diana.Cooper@gov.bc.ca]  
**Sent:** October 4, 2017 9:55 AM  
**To:** Planning <planning@rdos.bc.ca>  
**Cc:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Subject:** RE: Bylaw Referral - G2017.122-ZONE

Hello RDOS Planners,

Thank you for your referral regarding the update of the Zoning Bylaw for Electoral Area "G". The updates to the Zoning Bylaw do not directly affect the disposition of any archaeological sites that may exist within Electoral Area "G". As all archaeological sites in British Columbia are protected under the Heritage Conservation Act (HCA), any proposed development within Electoral Area "G" that could be in conflict with archaeological deposits should be referred to the Archaeology Branch.

Please let me know if you have any questions in response to this information.

Kind regards,

Diana

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

**Archaeology Branch** | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3

## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** October 10, 2017 4:49 PM  
**To:** Planning  
**Subject:** Grand Oro Rd, Liddicoat Rd, Copperhead Rd Electoral Area G RDOS (G2017.122-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along the roads accessing the affected properties and there are some properties with facilities within their boundaries. It was noticed that the front and rear yard setback was reduced for properties presently zoned RA, and will now be rezoned LH1. While the proposed setback appears adequate for FBC(E)'s standard offset, there may be scenarios where the front yard setback reduction may not be appropriate given the proximity to certain power lines. It is recommended that the proximity to power lines in the road be reviewed prior to approving development permit applications.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements  
<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification  
<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

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.**  
**Supervisor | Property Services | FortisBC Inc.**

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



October 11, 2017

File: 58000-20/2017092  
Your File: G2017.122-Zone

Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, B.C. V2A 5J9

Attention: Christopher Garrish, Planning Supervisor, [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Re: Bylaw Referral No. 2781, 2017 Area "G" Zoning Bylaw Updates

Thank you for the opportunity to participate in the above noted referral. The Ecosystems Section of the Ministry of Forests, Lands, and Natural Resource Operations (FLNR) has reviewed the referral information provided and offer the following comments.

In our review we noted that the bylaw includes a definition for Watercourse. The definition for watercourse is that which is used for the Riparian Area Regulation (RAR). This particular definition is appropriate for discussions associated with RAR however it is not as inclusive as needed if dealing with streams/waterbodies as defined within the Water Sustainability Act (WSA). We would suggest that you also include the WSA definition of a "stream" so as to improve the clarity concerning the protection of waterbodies such as springs and wetlands.

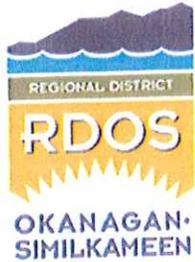
Please contact the undersigned at [Brian.Robertson@gov.bc.ca](mailto:Brian.Robertson@gov.bc.ca) or 250-558-1721 if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Robertson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Robertson  
Ecosystems Officer

BR/cl



# Feedback Form

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

TO: Regional District of Okanagan Similkameen FILE NO.: G2017.122-ZONE

FROM: Name: JAMIE GOULD  
(optional - please print)

Street Address: 2854 RIVER ROAD

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

RE: Update of the Electoral Area "G" Zoning Bylaw  
Proposed Small Holdings Three (LH3) Zone

My comments / concerns are:

- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw.
- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw, subject to the comments listed below.
- I do not support the proposed changes to the Electoral Area "G" Zoning Bylaw.

Written submissions received from this information meeting will be considered by the Regional District Board prior to consideration of Draft Electoral Area "G" Zoning Bylaw No. 2781.

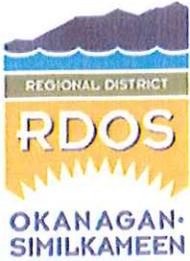
I DO NOT SUPPORT THESE AS SOME PEOPLE PURCHASED CERTAIN SIZE PROPERTIES SO THEY COULD SUB-DIVIDE UPON RETIREMENT. WITH THE LOT SIZE CHANGE THEY WILL BE UNABLE TO DO THIS.

**RECEIVED**  
Regional District

OCT - 4 2017

101 Martin Street  
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 13, 2017**



# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

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

TO: Regional District of Okanagan Similkameen **FILE NO.:** G2017.122-ZONE

FROM: Name: Waldo Fogarty  
(optional - please print)

Street Address: 106 - Copperhead Rd.

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

RE: **Update of the Electoral Area "G" Zoning Bylaw  
Proposed Small Holdings Three (LH3) Zone**

My comments / concerns are:

- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw.
- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw, subject to the comments listed below.
- I do not support the proposed changes to the Electoral Area "G" Zoning Bylaw.

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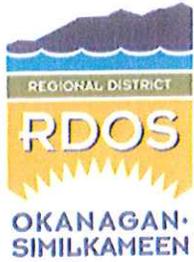
Am in favor of subdividing would  
like it to stay as is.

**RECEIVED**  
Regional District

OCT - 4 2017

101 Martin Street  
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 13, 2017**



# Feedback Form

**Regional District of Okanagan Similkameen**  
101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**RECEIVED**  
Regional District

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** G2017.122-ZONE

**FROM:** Name:

VALLIERE 101 Martin Street  
Penticton BC V2A 5J9  
(optional - please print)

Street Address:

696 GRAND ORO

Tel/Email:

2

**RE: Update of the Electoral Area "G" Zoning Bylaw  
Proposed Large Holdings One (LH1) Zone**

My comments / concerns are:

- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw.
- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw, subject to the comments listed below.
- I do not support the proposed changes to the Electoral Area "G" Zoning Bylaw.

Written submissions received from this information meeting will be considered by the Regional District Board prior to consideration of Draft Electoral Area "G" Zoning Bylaw No. 2781.

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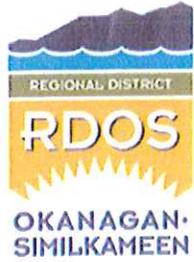
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no later than Friday **October 13, 2017**



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** G2017.122-ZONE

**FROM:** Name: Rob & Kelly Sanders  
(optional - please print)

Street Address: 2804 Liddicrest Road

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

**RE:** Update of the Electoral Area "G" Zoning Bylaw  
Proposed Large Holdings One (LH1) Zone

My comments / concerns are:

- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw.
- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw, subject to the comments listed below.
- I do not support the proposed changes to the Electoral Area "G" Zoning Bylaw.

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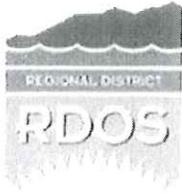
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Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 13, 2017**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

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

OKANAGAN-SIMILKAMEEN

TO: Regional District of Okanagan Similkameen FILE NO.: G2017.122-ZONE

FROM: Name: 1519569 ALBERTA LTD.  
(optional - please print)

Street Address: 780 GRAND ORN ROAD, KALEDEN

Tel/Email: C/O COREY BAROCK

RE: Update of the Electoral Area "G" Zoning Bylaw  
Proposed Large Holdings One (LH1) Zone

My comments / concerns are:

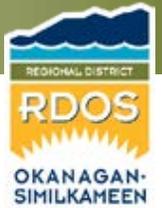
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- I do support the proposed changes to the Electoral Area "G" Zoning Bylaw, subject to the comments listed below.
- I do not support the proposed changes to the Electoral Area "G" Zoning Bylaw.

Written submissions received from this information meeting will be considered by the Regional District Board prior to consideration of Draft Electoral Area "G" Zoning Bylaw No. 2781.

PROPERTY SUBDIVISION HAS BEEN APPROVED AND THIS WOULD HAVE SIGNIFICANT NEGATIVE IMPACT ON THE PLANS FOR THIS PROPERTY. IT WILL ALSO SIGNIFICANTLY REDUCE MY PROPERTY VALUE.

Feedback Forms must be completed and returned to the Regional District no later than Friday October 13, 2017

# ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Zoning Bylaw Amendments - Electoral Areas "A", "C", "D", "E", "F" & "H"  
Retaining Walls and Building Height Review

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## **Administrative Recommendation:**

**THAT** Bylaw No. 2773, 2017, Regional District of Okanagan-Similkameen Retaining Wall and Building Height Update Amendment Bylaw be read a first and second time and proceed to a public hearing;

**AND THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017;

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

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## **Purpose:**

The purpose of Amendment Bylaw No. 2773 is generally to address consistency issues currently existing within the various Electoral Area zoning bylaws as they relate to the calculation of height and regulation of retaining walls, but to also address:

- new definitions related to "height" "retaining wall", "structure", "parcel", "parcel coverage", "parcel area, useable" and "panhandle";
- updated general regulations pertaining to Projections and Fence Heights and new regulations pertaining to Retaining Walls;
- a re-ordering of bylaw sections related to "Administration", "Basic Provisions", "Creation of Zones" and "Subdivision Regulations" in order to improve and clarify the intent of these sections across Electoral Areas.

## **Background:**

At its meeting of October 17, 2013, the Planning and Development (P&D) Committee considered an administrative report related to "[Retaining Walls and Height](#)" which recommended in favour of introducing standard definitions and regulations related to retaining walls and height (i.e. that it be measured from average finished grade) into the "Okanagan Electoral Areas Zoning Bylaws update".

The Committee resolved to defer consideration of a motion "to a future meeting", and the item remained outstanding.

At its meeting of May 4, 2017, the P&D Committee considered an updated administrative report related to retaining wall and building height definitions and resolved to direct staff to initiate Draft Amendment Bylaw No. 2773.

In that report, Administration advised that due to the technical nature of the proposed amendments, referral to external agencies as well as a select group of local firms familiar with development

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requiring the use of retaining walls (i.e. Ecora and McElhanney) instead of public open houses or consideration by the Electoral Area Advisory Planning Commissions (APCs) was recommended.

To date, agency comments have been received from Ecora Engineering & Resource Group Limited, McElhanney Consulting Services Limited, Interior Health Authority (IHA), Penticton Indian Band (PIB), Osoyoos Indian Band (OIB), Fortis BC (Electric) and the Agricultural Land Commission (ALC) and these are included as a separate item on the Board Agenda.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments affect land situated within 800 metres of a controlled area.

**Analysis:**

The absence of a consistent approach to the calculation of height and regulation of retaining walls in the various Electoral Area zoning bylaws is creating significant challenges for staff when interpreting and applying the bylaws (i.e. advising the public, completing zone checks of building permit applications, etc.) and for the public when attempting to understand and comply with the bylaws (i.e. undertaking projects in different Electoral Areas).

For this reasons, Administration strongly supports the proposed amendments contained within Amendment Bylaw No. 2773 as these will simplify the calculation of height and provide greater clarify on the regulations governing the development of retaining walls.

In response to the comments received on the proposed amendment bylaw, Administration has modified the proposed retaining wall regulations to accommodate the placement of retaining walls within a prescribed setback and site triangle at a road intersection where the subject parcel is lower than the abutting parcel or highway.

As the Board was previously advised, these changes require ancillary amendments to the maximum building height permitted in the Electoral Area "F" Zoning Bylaw to reflect the new definition and that this also has a cascading effect on setbacks for accessory structures in the Small Holdings Five Zone (which are proposed to be made consistent with the setbacks found in the SH5 zones in other Electoral Area zoning bylaws).

Administration is also supportive of the other amendments contained within the bylaw that will address further consistency issues in the Electoral Area zoning bylaws, such as:

- the layout of sections (i.e. "Administration", "Basic Provisions", "Creation of Zones" and "Subdivision Regulations");
- the inclusion of a standardised list of height exemptions (i.e. antennas, belfries, chimney stacks, flagpoles, rooftop mechanical equipment, etc.) under general regulations;
- clarifying that decks constitute a form of development that may project into a setback under general regulations; and
- new and updated subdivision regulations related to panhandles, hooked parcels and useable parcel area.

**Alternatives:**

1. Status Quo

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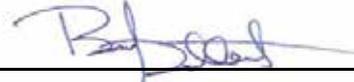
2. THAT the Board of Directors defer consideration of Amendment Bylaw No. 2773, 2017, pending the presentation of additional information.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



B. Dollevoet, Development Services Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2773, 2017**

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**A Bylaw to amend the Electoral Areas "A", "C", "D-1", "D-2", "E", "F" and "H"  
Regional District of Okanagan-Similkameen Zoning Bylaws**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Retaining Wall and Building Height Update Amendment Bylaw No. 2773, 2017."

**Electoral Area "A"**

2. The "Regional District Okanagan-Similkameen, Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) replacing Section 3.0 (Administration) in its entirety with the following:

**3.0 ADMINISTRATION**

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**3.1 Applicability**

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "A", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the

permitted uses listed in each zone, subject to the limitations contained therein.

- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

- ii) adding a definition of "crawl space" under Section 4.0 (Definitions) to read as follows:  
"crawl space" means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;
- iii) replacing the definition of "height" under Section 4.0 (Definitions) with the following:

**“height”** means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;

- iv) deleting Figure 4.1 (Building Elevations).
- v) adding a definition of “panhandle” under Section 4.0 (Definitions) to read as follows:

**“panhandle”** means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
- vi) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:

**“parcel”** means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
- vii) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:

**“parcel area, useable”** means all the area of a parcel except areas that are:

  - a) part of a panhandle;
  - b) required as building setbacks from property lines;
  - c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- viii) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following:

**“parcel coverage”** means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

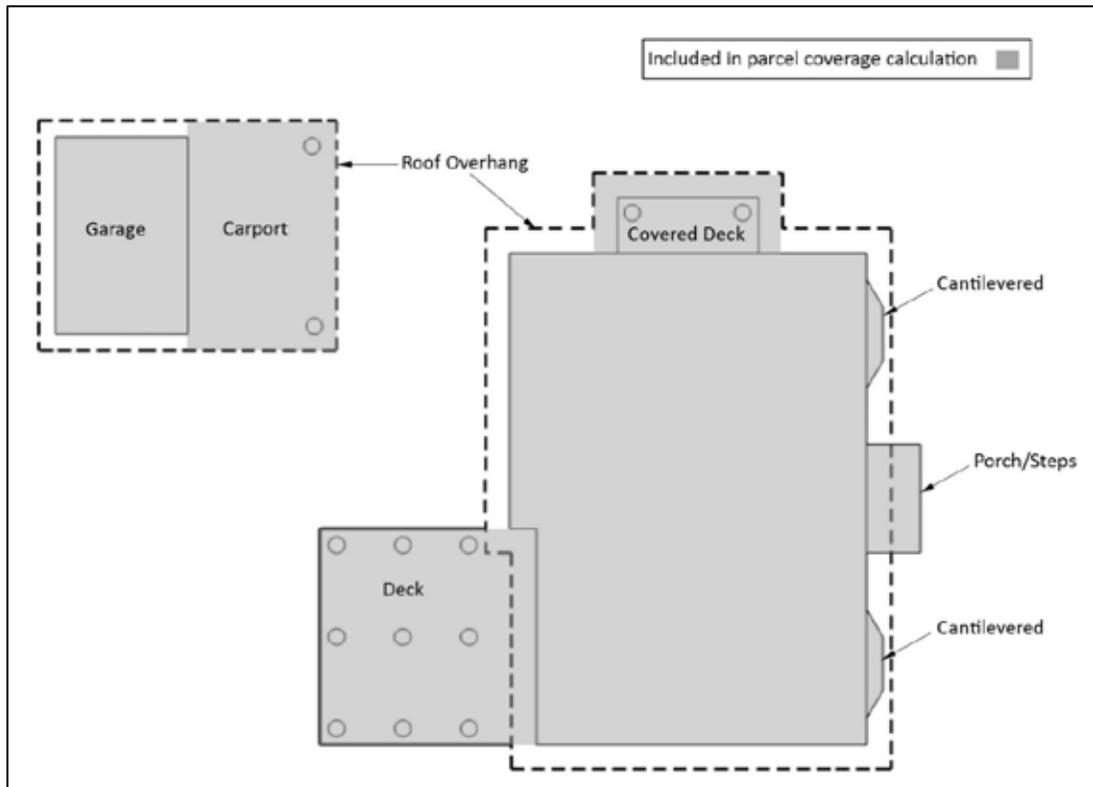


Figure 4.1: Parcel Coverage Illustration

- ix) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:

“**retaining wall**” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;

- x) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:

“**structure**” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;

- xi) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## 5.0 CREATION OF ZONES

## 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture One Zone	AG1
Agriculture Two Zone	AG2
Large Holdings One Zone	LH1
Small Holdings Two Zone	SH2
Small Holdings Three Zone	SH3
Small Holdings Four Zone	SH4
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Two Family (Duplex) Zone	RS3
<b>Medium Density Residential Zones</b>	
Residential Multiple Family Zone	RM1
<b>Commercial Zones</b>	
General Commercial Zone	C1
Tourist Commercial One Zone	CT1
<b>Industrial Zones</b>	
Industrial (Light) One Zone	I1
<b>Administrative And Open Space Zones</b>	
Administrative and Institutional Zone	AI
Parks and Recreation Zone	PR
Conservation Area Zone	CA

## 5.2 Definition of Zones:

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

## 5.3 Interpretation:

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

## 5.4 Permitted Uses:

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 16.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

## 5.5 Conditions of Use:

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 16.0 of this Bylaw.

## 5.6 Comprehensive Development Zones:

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- xii) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

# 6.0 SUBDIVISION REGULATIONS

---

## 6.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
- .2 the alteration of lot lines between two or more parcels where:
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .3 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

**6.2 Minimum Parcel Width for Subdivision Exceptions:**

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

**6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

**6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

**6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xiii) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

## 7.7 Projections

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
  - a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
  - c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback; or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
  - a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.

- xiv) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

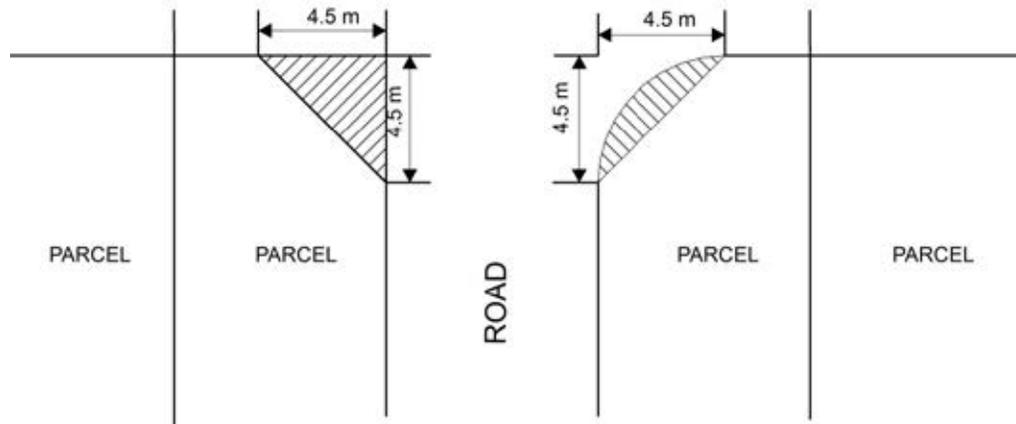
### 7.8 Fence Heights

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
  - a) in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - b) in Commercial zones abutting or across a highway from the AG1 and AG2 zones all fences may be up to 2.0 metres in height;

- c) on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

Figure 7.8 – Sight Triangle



- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;
  - e) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and
  - f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
- .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.
- xv) adding a new sub-section following sub-section 7.24 under Section 7.0 (General Regulations) to read as follows:

**7.25 Retaining Walls**

1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.

2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.25.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.25.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

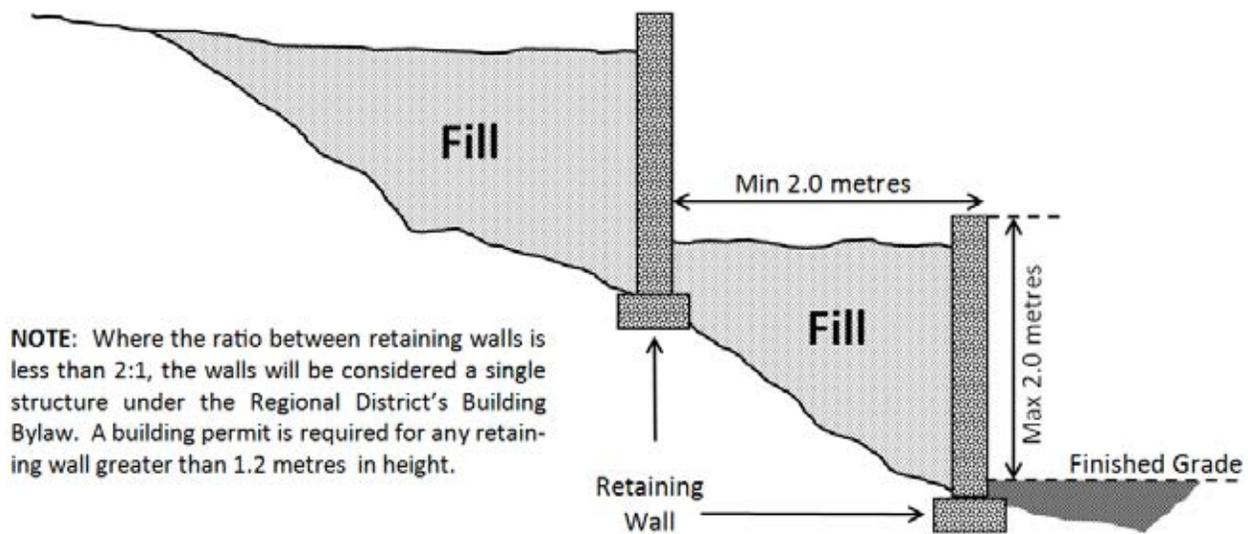


Figure 7.25.4: Retaining Wall Illustration

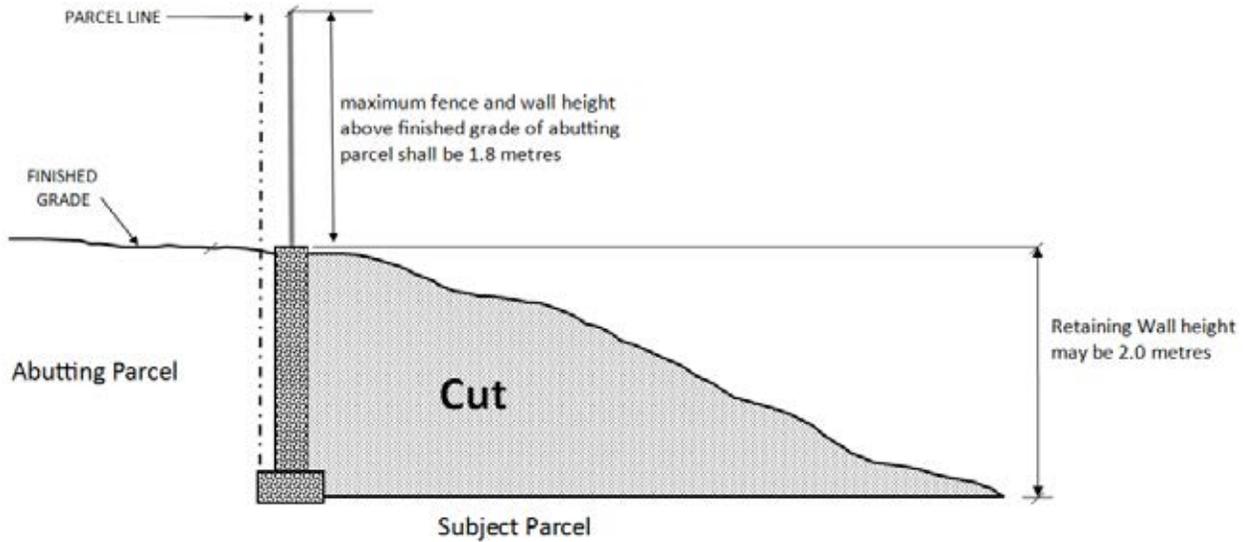


Figure 7.25.5: Retaining Wall in a Setback Illustration

### Electoral Area "C"

3. The "Regional District Okanagan-Similkameen, Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:
  - i) replacing Section 3.0 (Administration) in its entirety with the following:

## **3.0 ADMINISTRATION**

---

### **3.1 Applicability**

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "C", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.

- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

- ii) adding a definition of "crawl space" under Section 4.0 (Definitions) to read as follows:  
"crawl space" means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;
- iii) replacing the definition of "development" under Section 4.0 (Definitions) with the following:  
"development" means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;

- iv) replacing the definition of “height” under Section 4.0 (Definitions) with the following:

“**height**” means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
- v) adding a definition of “panhandle” under Section 4.0 (Definitions) to read as follows:

“**panhandle**” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
- vi) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:

“**parcel**” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
- vii) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:

“**parcel area, useable**” means all the area of a parcel except areas that are:

  - a) part of a panhandle;
  - b) required as building setbacks from property lines;
  - c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- viii) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following and renumbering all subsequent references to Figure numbers:

“**parcel coverage**” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

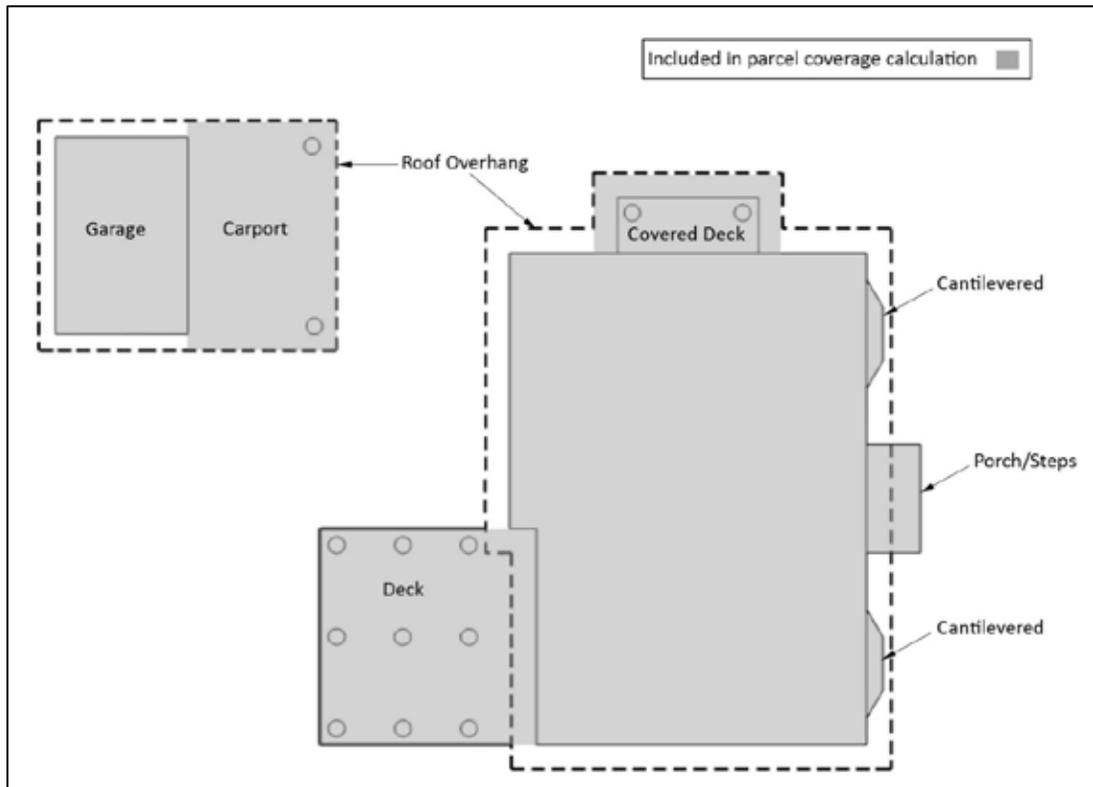


Figure 4.1: Parcel Coverage Illustration

- ix) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:  
“retaining wall” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;
- x) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:  
“structure” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;
- xi) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## 5.0 CREATION OF ZONES

### 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture One Zone	AG1
Agriculture Two Zone	AG2
Large Holdings One Zone	LH1
Small Holdings Two Zone	SH2
Small Holdings Three Zone	SH3
Small Holdings Four Zone	SH4
Small Holdings Five Zone	SH5
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Single Family Two Zone	RS2
Residential Two Family (Duplex) Zone	RS3
Residential Manufactured Home Park Zone	RSM1
Residential Manufactured Home Subdivision Zone	RSM2
<b>Medium Density Residential Zones</b>	
Residential Multiple Family Zone	RM1
Integrated Housing Zone	RM2
<b>Commercial Zones</b>	
General Commercial Zone	C1
General Commercial (Limited) Zone	C2
Neighbourhood Commercial Zone	C3
Tourist Commercial One Zone	CT1
Tourist Commercial Four (Campground) Zone	CT4
<b>Industrial Zones</b>	
Industrial (Light) One Zone	I1

Industrial (Heavy) Two Zone	I2
Industrial (Specialised) Three Zone	I3

**Administrative And Open Space Zones**

Administrative and Institutional Zone	AI
Parks and Recreation Zone	PR
Conservation Area Zone	CA

**5.2 Definition of Zones:**

- .3 The area of each zone is defined by Schedule '2'.
- .4 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

**5.3 Interpretation:**

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

**5.4 Permitted Uses:**

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 16.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

**5.5 Conditions of Use:**

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 16.0 of this Bylaw.

**5.6 Comprehensive Development Zones:**

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- xii) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

## **6.0 SUBDIVISION REGULATIONS**

---

### **6.1 Minimum Parcel Size Exceptions for Subdivision:**

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

1. the consolidation of existing parcels or the addition of closed streets to an existing parcel;
2. the alteration of lot lines between two or more parcels where:
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
3. No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

### **6.2 Minimum Parcel Width for Subdivision Exceptions:**

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

### **6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

### **6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

## **6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xiii) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

### **7.7 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
  - a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
  - c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback; or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
  - a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.

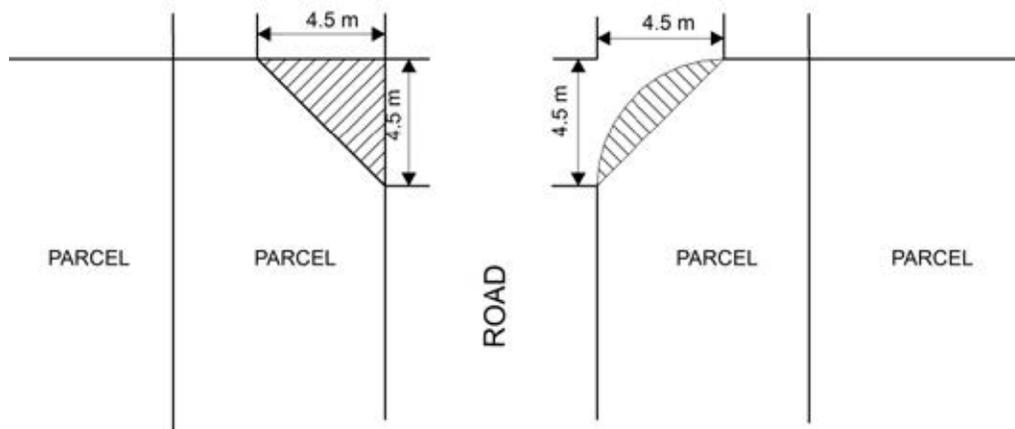
xiv) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

### **7.8 Fence Heights**

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
  - a) in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - b) in Commercial zones abutting or across a highway from the AG1 and AG2 zones all fences may be up to 2.0 metres in height;
  - c) on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

**Figure 7.8 – Sight Triangle**



- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;
  - e) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and
  - f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
- .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.

- xv) adding a new sub-section following sub-section 7.25 under Section 7.0 (General Regulations) to read as follows:

#### **7.26 Retaining Walls**

1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.26.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.26.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

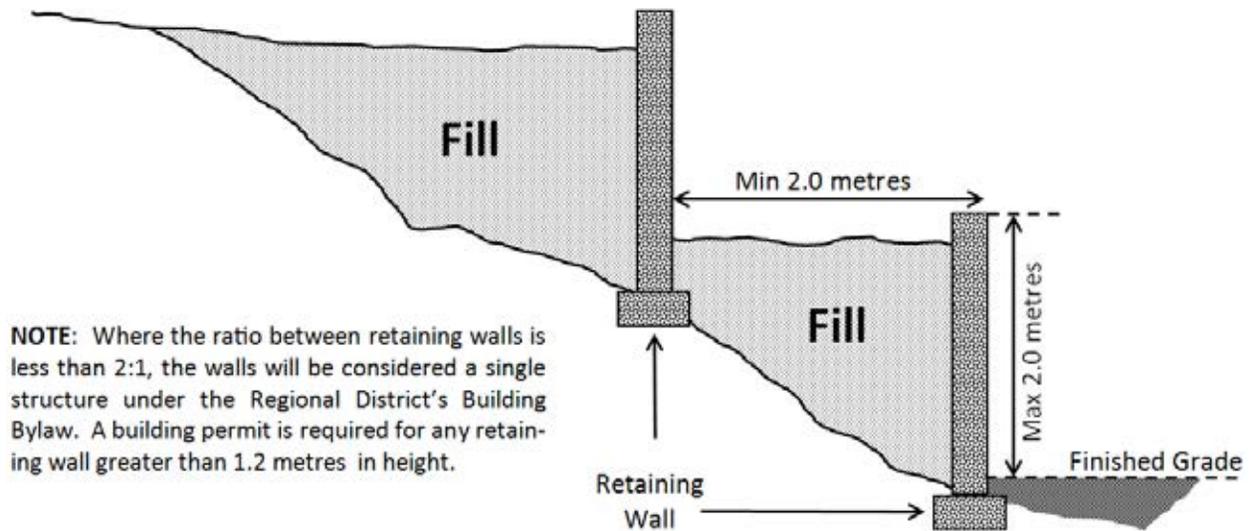


Figure 7.26.4: Retaining Wall Illustration

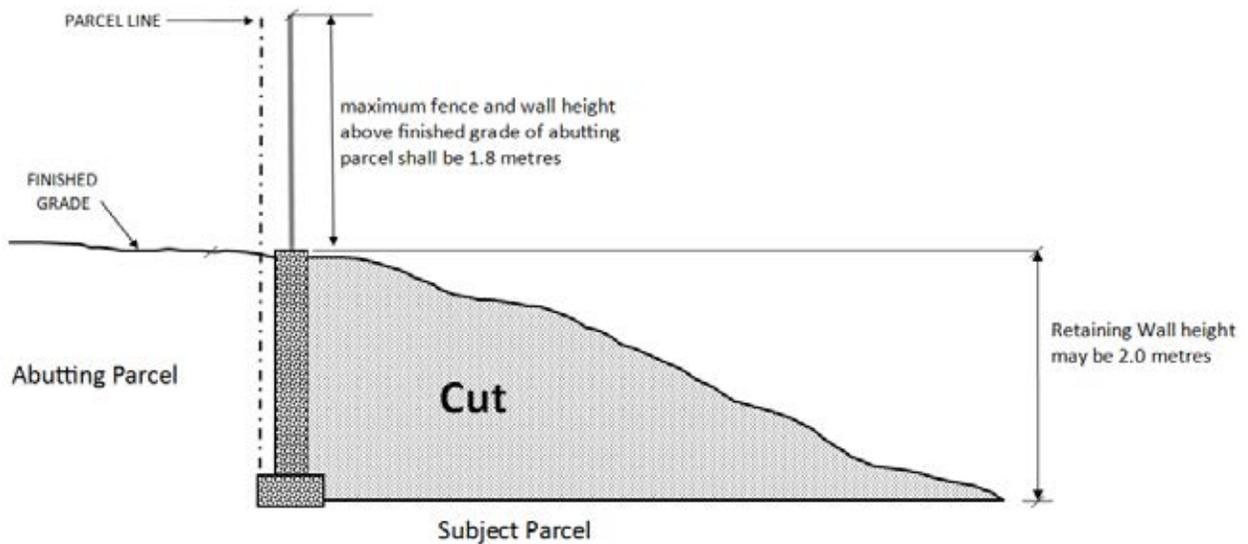


Figure 7.26.5: Retaining Wall in a Setback Illustration

Electoral Area "D-1"

4. The "Regional District Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2457, 2008" is amended by:
  - i) replacing Section 3.0 (Administration) in its entirety with the following:

## 3.0 ADMINISTRATION

### 3.1 Applicability

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "D", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### **3.2 Enforcement**

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### **3.3 Prohibitions and Penalties**

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### **3.4 Severability**

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it

is invalid will not affect the validity of the remaining portions of this Bylaw.

- ii) adding a definition of “crawl space” under Section 4.0 (Definitions) to read as follows:  
    “**crawl space**” means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;
- iii) replacing the definition of “development” under Section 4.0 (Definitions) with the following:  
    “**development**” means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;
- iv) replacing the definition of “grade” under Section 4.0 (Definitions) with the following:  
    “**grade, finished**” means the average finished grade level at the perimeter of a building or structure, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;
- v) replacing the definition of “height” under Section 4.0 (Definitions) with the following:  
    “**height**” means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
- vi) replacing the definition of “panhandle” under Section 4.0 (Definitions) with the following:  
    “**panhandle**” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
- vii) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:  
    “**parcel**” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
- viii) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:  
    “**parcel area, useable**” means all the area of a parcel except areas that are:
  - a) part of a panhandle;
  - b) required as building setbacks from property lines;

- c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- ix) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following:

**“parcel coverage”** means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

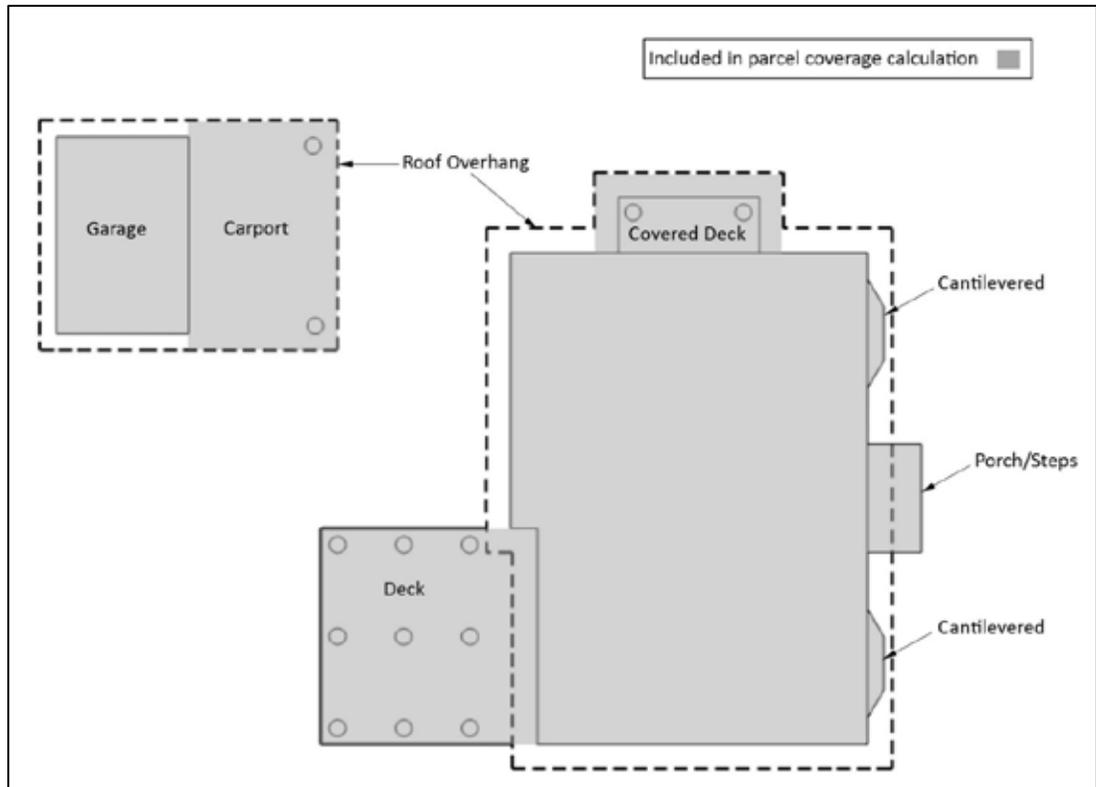


Figure 4.1: Parcel Coverage Illustration

- x) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:

**“retaining wall”** means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;

- xi) adding a definition of “structure” under Section 4.0 (Definitions) to read as follow:  
“structure” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;
- xii) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## **5.0 CREATION OF ZONES**

---

### **5.1 Zoning Districts**

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

<b>ZONING TITLE</b>	<b>ABBREVIATION</b>
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture One Zone	AG1
Agriculture Three Zone	AG3
Large Holdings One Zone	LH1
Large Holdings Two Zone	LH2
Small Holdings Two Zone	SH2
Small Holdings Three Zone	SH3
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Single Family Two Zone	RS2
Residential Apex Alpine Zone	RS4
Residential Manufactured Home Park Zone	RSM1
<b>Medium Density Residential Zones</b>	
Residential Multiple Family Zone	RM1
Residential Multiple Unit Three Zone	RM3

Mixed Use Apex Alpine Zone RMU

**Commercial Zones**

General Commercial Zone C1

Highway Commercial Zone C4

Tourist Commercial One Zone CT1

Tourist Commercial Four (Campground) Zone CT4

Tourist Commercial Size Zone CT6

**Industrial Zones**

Industrial (Light) One Zone I1

**Administrative And Open Space Zones**

Administrative and Institutional Zone AI

Parks and Recreation Zone PR

Conservation Area Zone CA

Crown Research Area Zone CRA

**5.2 Definition of Zones:**

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

**5.3 Interpretation:**

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

**5.4 Permitted Uses:**

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 16.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

### 5.5 Conditions of Use:

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 16.0 of this Bylaw.

### 5.6 Comprehensive Development Zones:

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

xiii) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

## 6.0 SUBDIVISION REGULATIONS

---

### 6.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
- .2 the alteration of lot lines between two or more parcels where:
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .3 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

### 6.2 Minimum Parcel Width for Subdivision Exceptions:

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;

- b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
- c) no more than two (2) panhandles abut each other.

**6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

**6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

**6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xiv) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

**7.7 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
  - a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
  - c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback; or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.

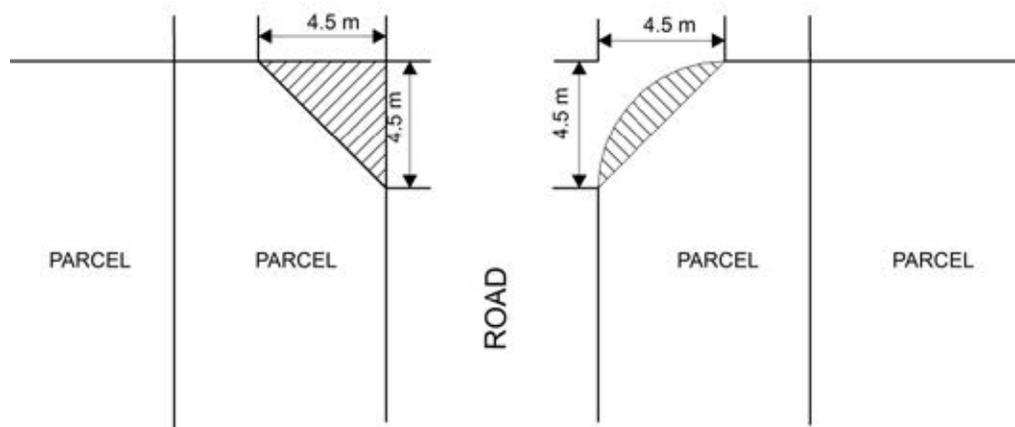
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
- a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.
- xv) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

### 7.8 Fence Heights

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
- a) in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - b) in Commercial zones abutting or across a highway from the AG1, AG2 and AG3 zones all fences may be up to 2.0 metres in height;
  - c) on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

Figure 7.8 – Sight Triangle



- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8

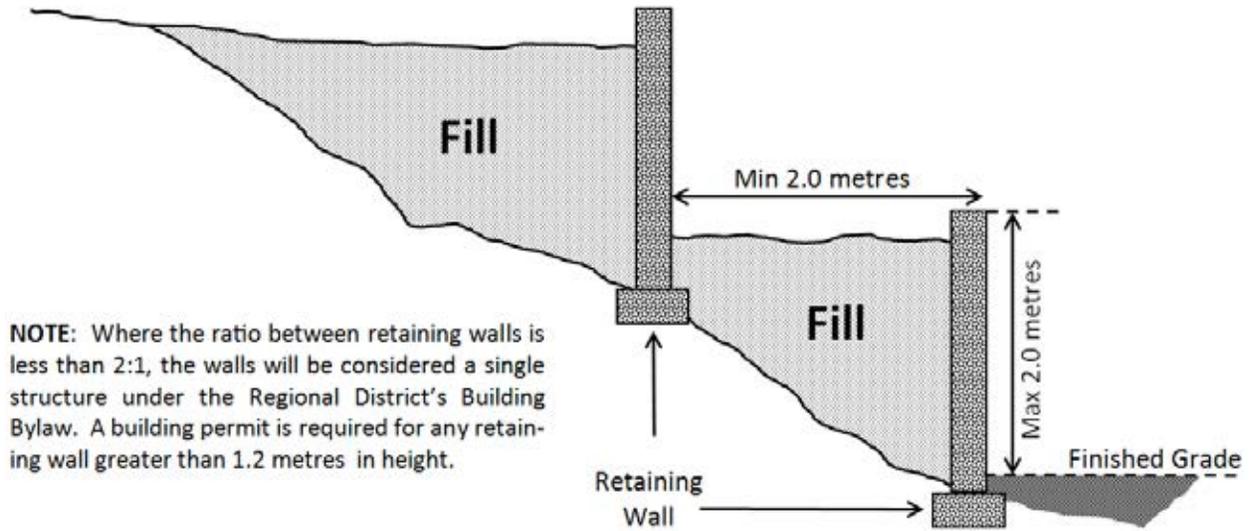
metres in height, as measured from the finished grade of the abutting higher parcel;

- e) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and
  - f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
- .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.
- xvi) adding a new sub-section following sub-section 7.28 under Section 7.0 (General Regulations) to read as follows:

**7.29 Retaining Walls**

- 1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
- 2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
- 3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
- 4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
- 5. despite sub-section 7.29.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
- 6. despite sub-section 7.29.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no

part of the retaining wall extends above the finished grade of the abutting highway.



**NOTE:** Where the ratio between retaining walls is less than 2:1, the walls will be considered a single structure under the Regional District's Building Bylaw. A building permit is required for any retaining wall greater than 1.2 metres in height.

Figure 7.29.4: Retaining Wall Illustration

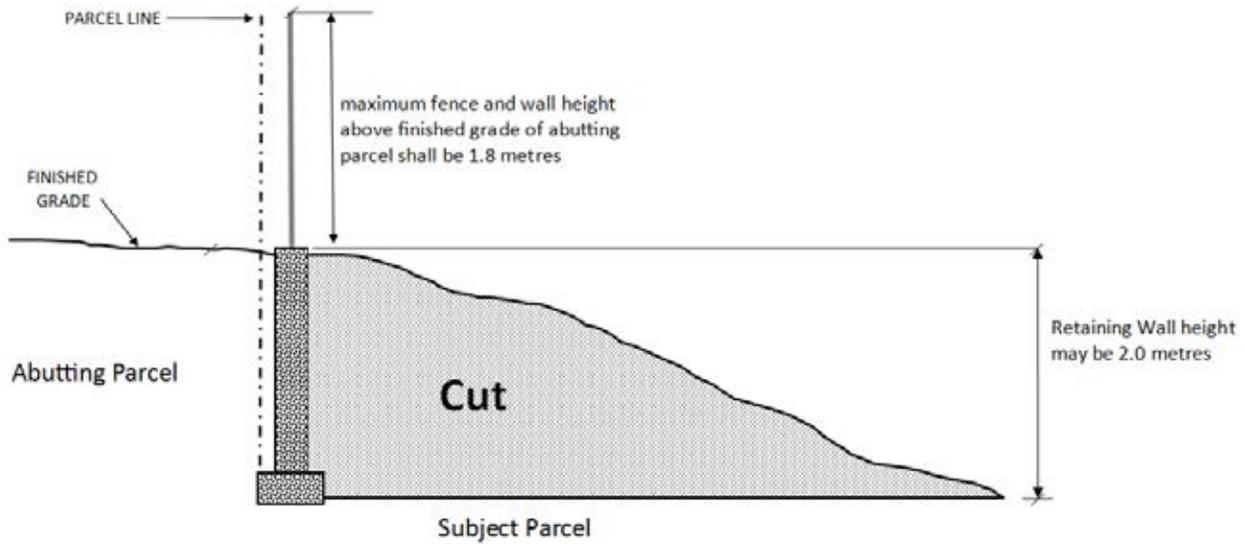


Figure 7.29.5: Retaining Wall in a Setback Illustration

Electoral Area "D-2"

5. The "Regional District Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2455, 2008" is amended by:
  - i) replacing Section 3.0 (Administration) in its entirety with the following:

## 3.0 ADMINISTRATION

---

### 3.1 Applicability

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "D", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.
- ii) adding a definition of “crawl space” under Section 4.0 (Definitions) to read as follows:  
“**crawl space**” means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;
  - iii) replacing the definition of “development” under Section 4.0 (Definitions) with the following:  
“**development**” means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;
  - iv) replacing the definition of “grade” under Section 4.0 (Definitions) with the following:  
“**grade, finished**” means the average finished grade level at the perimeter of a building or structure, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;
  - v) replacing the definition of “height” under Section 4.0 (Definitions) with the following:  
“**height**” means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
  - vi) replacing the definition of “panhandle lot” under Section 4.0 (Definitions) with the following:  
“**panhandle**” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
  - vii) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:  
“**parcel**” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
  - viii) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:  
“**parcel area, useable**” means all the area of a parcel except areas that are:

- a) part of a panhandle;
  - b) required as building setbacks from property lines;
  - c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- ix) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following:

“**parcel coverage**” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

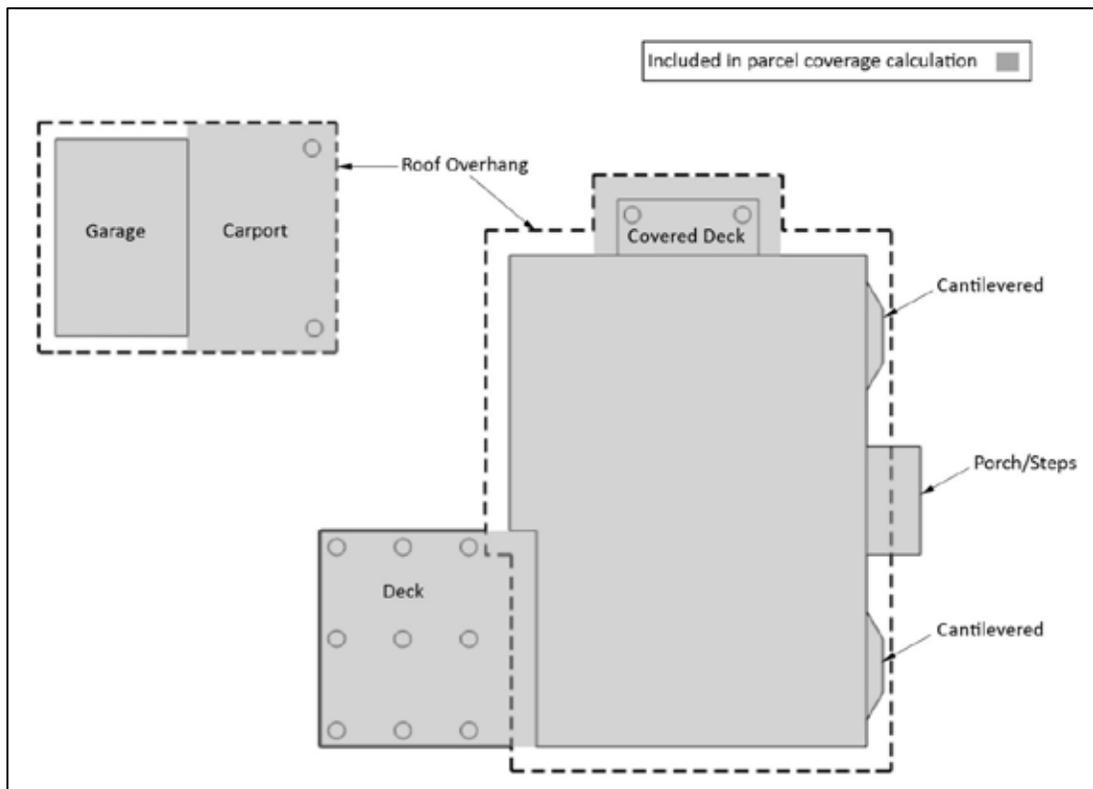


Figure 4.1: Parcel Coverage Illustration

- x) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:

“retaining wall” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;

- xii) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:

“structure” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;

- xii) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## 5.0 CREATION OF ZONES

---

### 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture One Zone	AG1
Agriculture Three Zone	AG3
Large Holdings Three Zone	LH3
Small Holdings One Zone	SH1
Small Holdings Three Zone	SH3
Small Holdings Five Zone	SH5
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Single Family Two Zone	RS2
Residential Two Family (Duplex) Zone	RS3
Residential Manufactured Home Park Zone	RSM1

### **Medium Density Residential Zones**

Residential Multiple Family Zone RM1

### **Commercial Zones**

Neighbourhood Commercial Zone C1

Okanagan Falls Town Centre Zone C4

Commercial Amusement Zone C6

Recreational Vehicle Park Zone C7

Tourist Commercial One Zone CT1

Tourist Commercial Four (Campground) Zone CT4

Service Commercial One Zone CS1

### **Industrial Zones**

Industrial (Light) One Zone I1

Industrial (Heavy) Two Zone I2

Industrial (Specialised) Three Zone I3

Industrial (Mixed) Four Zone I4

Community Waste Management Zone I5

### **Administrative and Open Space Zones**

Administrative and Institutional Zone AI

Parks and Recreation Zone PR

Conservation Area Zone CA

### **Comprehensive Development Zones**

Comprehensive Development Zone CD

## **5.2 Definition of Zones:**

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

### 5.3 Interpretation:

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

### 5.4 Permitted Uses:

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 17.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

### 5.5 Conditions of Use:

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 17.0 of this Bylaw.

### 5.6 Comprehensive Development Zones:

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

xiii) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

## 6.0 SUBDIVISION REGULATIONS

---

### 6.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;

- c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .2 the alteration of lot lines between two or more parcels where:
- .3 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

**6.2 Minimum Parcel Width for Subdivision Exceptions:**

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

**6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

**6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

**6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xiv) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

**7.7 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
  - a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;

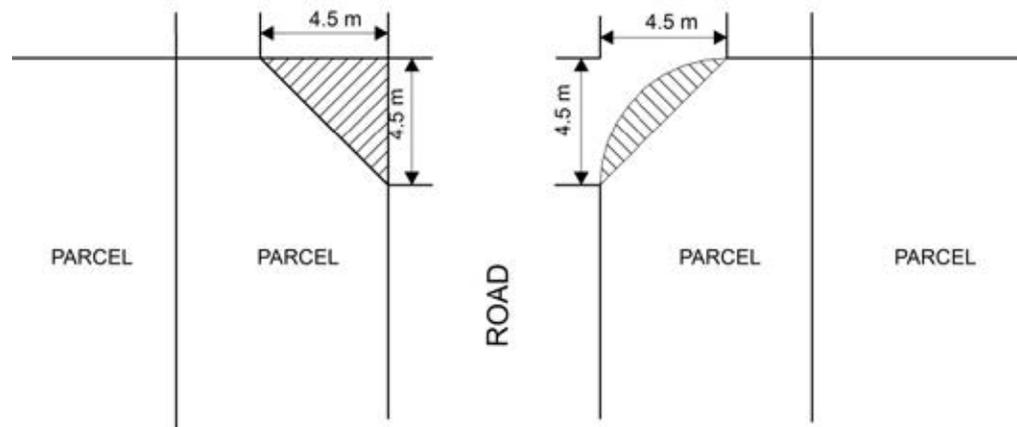
- c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback; or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
  - .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
    - a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.
- xv) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

**7.8 Fence Heights**

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
  - a) in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - b) in Commercial zones abutting or across a highway from the AG1, AG2 and AG3 zones all fences may be up to 2.0 metres in height;
  - c) on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

**Figure 7.8 – Sight Triangle**



- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;
  - e) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and
  - f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
- .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.
- xvi) adding a new sub-section following sub-section 7.24 under Section 7.0 (General Regulations) to read as follows:

#### 7.25 Retaining Walls

- 1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
- 2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
- 3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.

4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.25.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.25.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

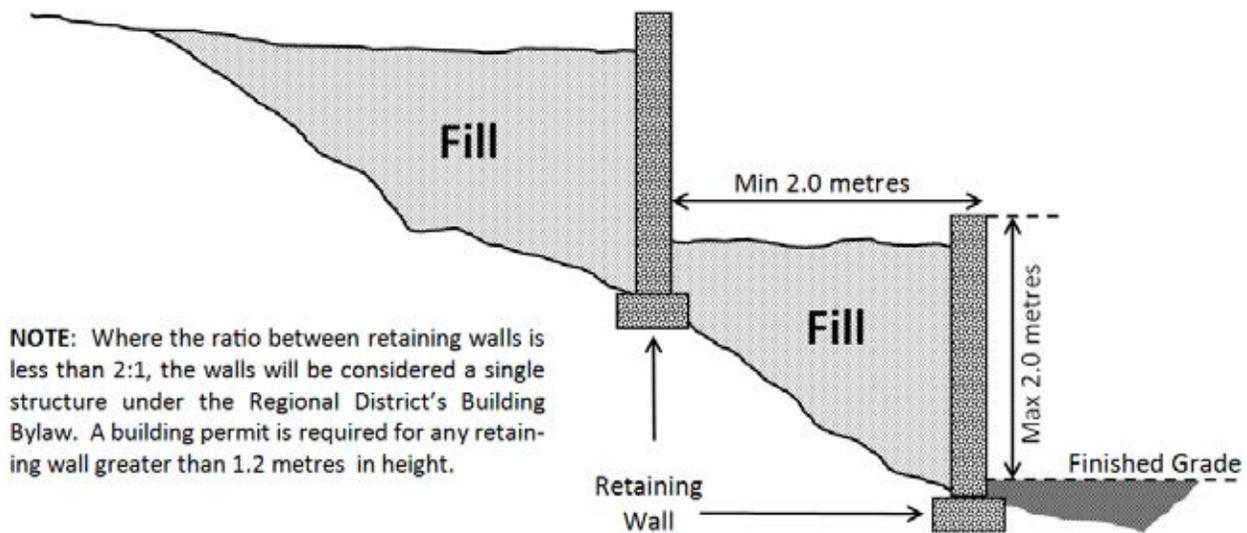


Figure 7.25.4: Retaining Wall Illustration

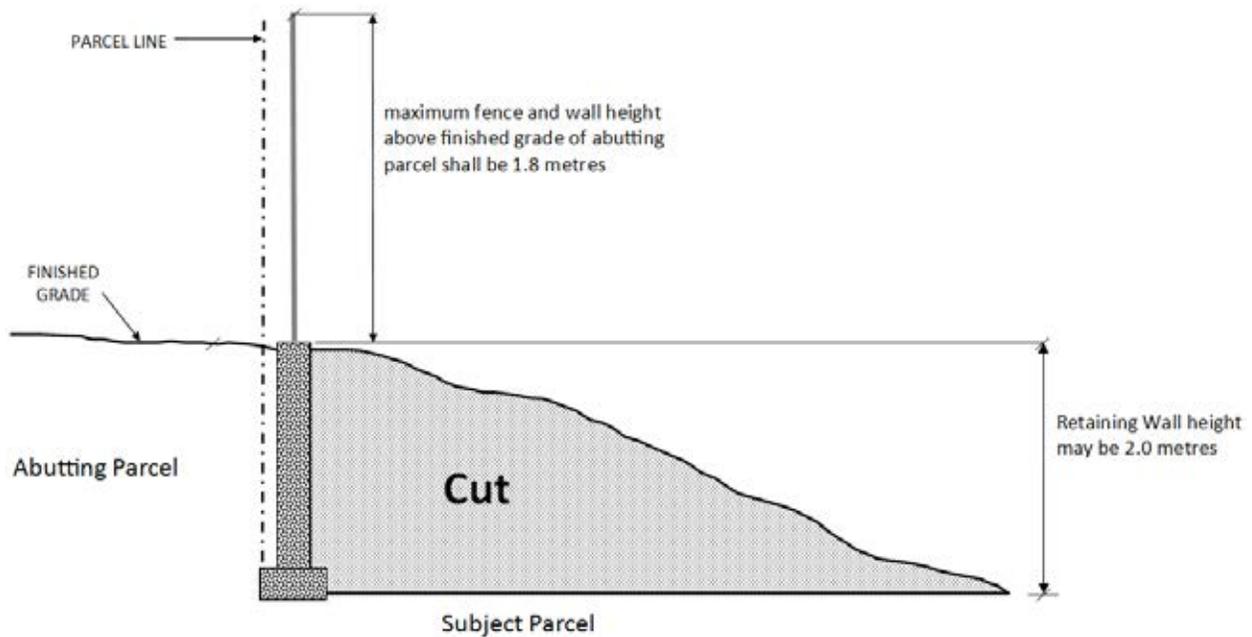


Figure 7.25.5: Retaining Wall in a Setback Illustration

## Electoral Area "E"

6. The "Regional District Okanagan-Similkameen, Electoral Area "E" Zoning Bylaw No. 2459, 2008" is amended by:
- i) replacing Section 3.0 (Administration) in its entirety with the following:

### **3.0 ADMINISTRATION**

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#### **3.1 Applicability**

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "E", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.

- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

- ii) adding a definition of "crawl space" under Section 4.0 (Definitions) to read as follows:  
"crawl space" means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;
- iii) replacing the definition of "development" under Section 4.0 (Definitions) with the following:  
"development" means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;

- iv) replacing the definition of “height” under Section 4.0 (Definitions) with the following:

“**height**” means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
- v) deleting Figure 4.1 (Building Elevations).
- vi) adding a definition of “panhandle lot” under Section 4.0 (Definitions) to read as follows:

“**panhandle**” means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
- vii) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:

“**parcel**” means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
- viii) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:

“**parcel area, useable**” means all the area of a parcel except areas that are:

  - a) part of a panhandle;
  - b) required as building setbacks from property lines;
  - c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- ix) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following:

“**parcel coverage**” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;

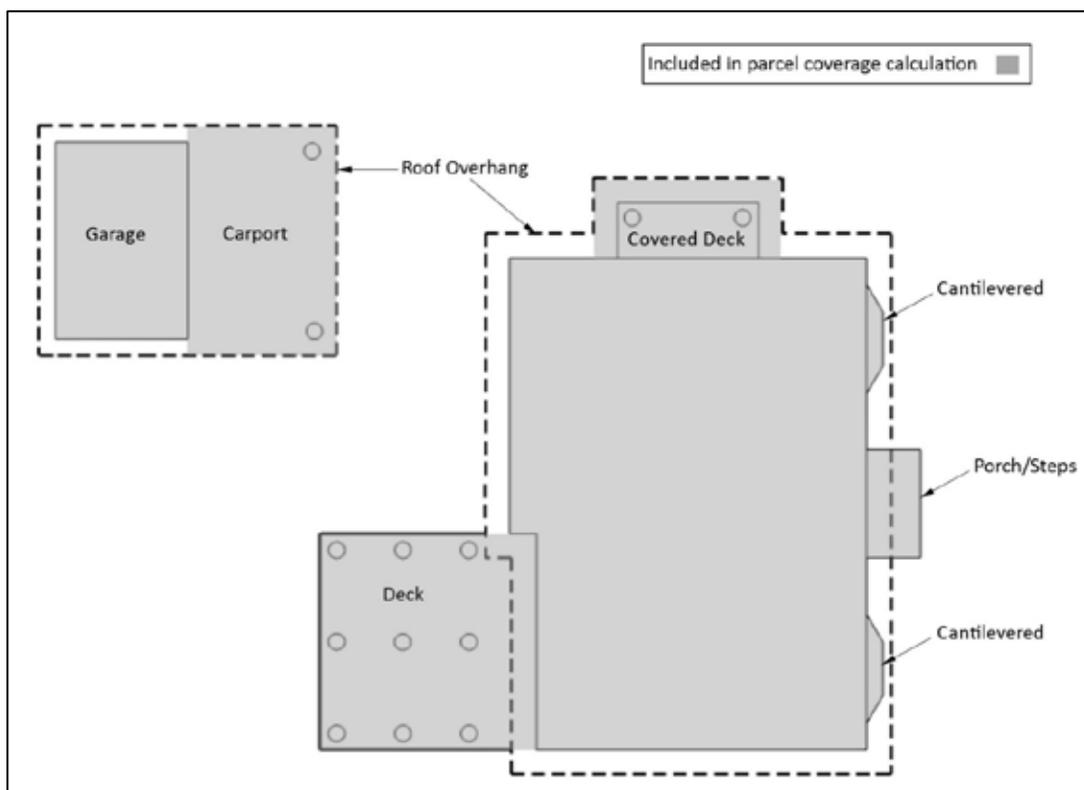


Figure 4.1: Parcel Coverage Illustration

- x) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:  

“**retaining wall**” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;
- xi) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:  

“**structure**” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;
- xii) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## 5.0 CREATION OF ZONES

## 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture One Zone	AG1
Large Holdings One Zone	LH1
Small Holdings One Zone	SH1
Small Holdings Two Zone	SH2
Small Holdings Three Zone	SH3
Small Holdings Four Zone	SH4
Small Holdings Five Zone	SH5
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Two Family (Duplex) Zone	RS3
<b>Medium Density Residential Zones</b>	
Residential Multiple Family Zone	RM1
<b>Commercial Zones</b>	
General Commercial Zone	C1
Tourist Commercial One Zone	CT1
<b>Administrative and Open Space Zones</b>	
Administrative and Institutional Zone	AI
Naramata Centre Zone	NC
Parks and Recreation Zone	PR
Conservation Area Zone	CA

## 5.2 Definition of Zones:

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

## 5.3 Interpretation:

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

## 5.4 Permitted Uses:

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 15.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

## 5.5 Conditions of Use:

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 15.0 of this Bylaw.

## 5.6 Comprehensive Development Zones:

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- xiii) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

# 6.0 SUBDIVISION REGULATIONS

---

## 6.1 Minimum Parcel Size Exceptions for Subdivision:

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .2 the alteration of lot lines between two or more parcels where:
- .3 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

**6.2 Minimum Parcel Width for Subdivision Exceptions:**

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

**6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

**6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

**6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xiv) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

**7.7 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:

- a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
- b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
- c) In Residential zones the following features may project into the required setbacks:
  - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
  - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
    - .1 1.5 metres, measured horizontally, into the front setback; or
    - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
  - a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.
- xv) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

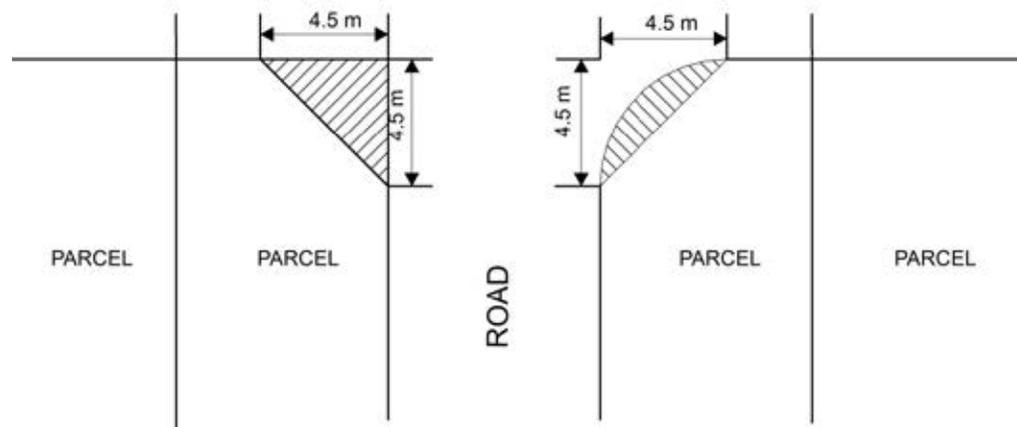
### **7.8 Fence Heights**

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
  - a) in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - b) in Commercial zones abutting or across a highway from the AG1 Zone all fences may be up to 2.0 metres in height;
  - c) on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of

intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

**Figure 7.8 – Sight Triangle**



- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;
  - e) deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and
  - f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
- .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.
- xvii) adding a new sub-section following sub-section 7.24 under Section 7.0 (General Regulations) to read as follows:

### **7.25 Retaining Walls**

- 1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
- 2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.

3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.25.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.25.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

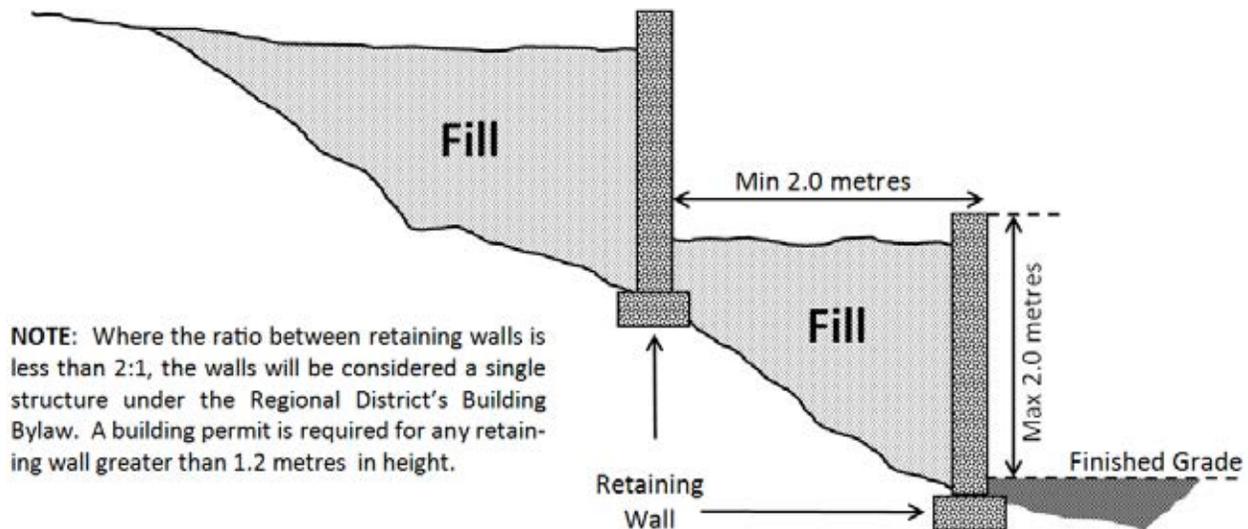


Figure 7.25.4: Retaining Wall Illustration

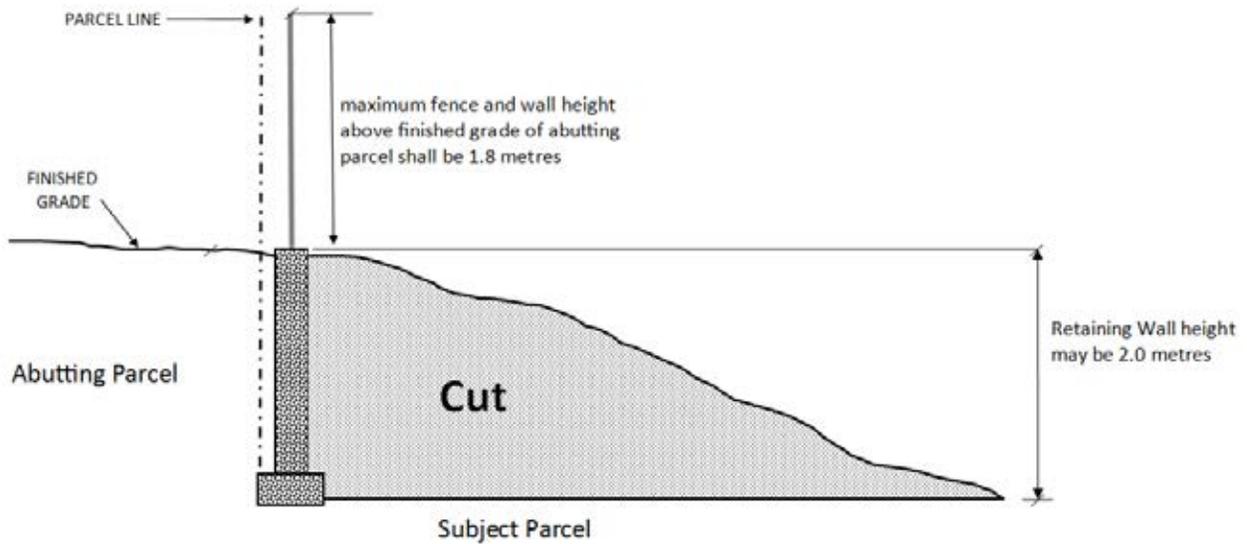


Figure 7.25.5: Retaining Wall in a Setback Illustration

## Electoral Area "F"

7. The "Regional District Okanagan-Similkameen, Electoral Area "F" Zoning Bylaw No. 2461, 2008" is amended by:

- i) replacing Section 3.0 (Administration) in its entirety with the following:

### **3.0 ADMINISTRATION**

#### **3.1 Applicability**

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "F", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### 3.2 Enforcement

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.

- ii) replacing the definition of "building grade" under Section 4.0 (Definitions) with the following:

**"grade, finished"** means the average finished grade level at the perimeter of a building or structure, excluding any localized mounds or depressions such as those for vehicle or pedestrian entrances;

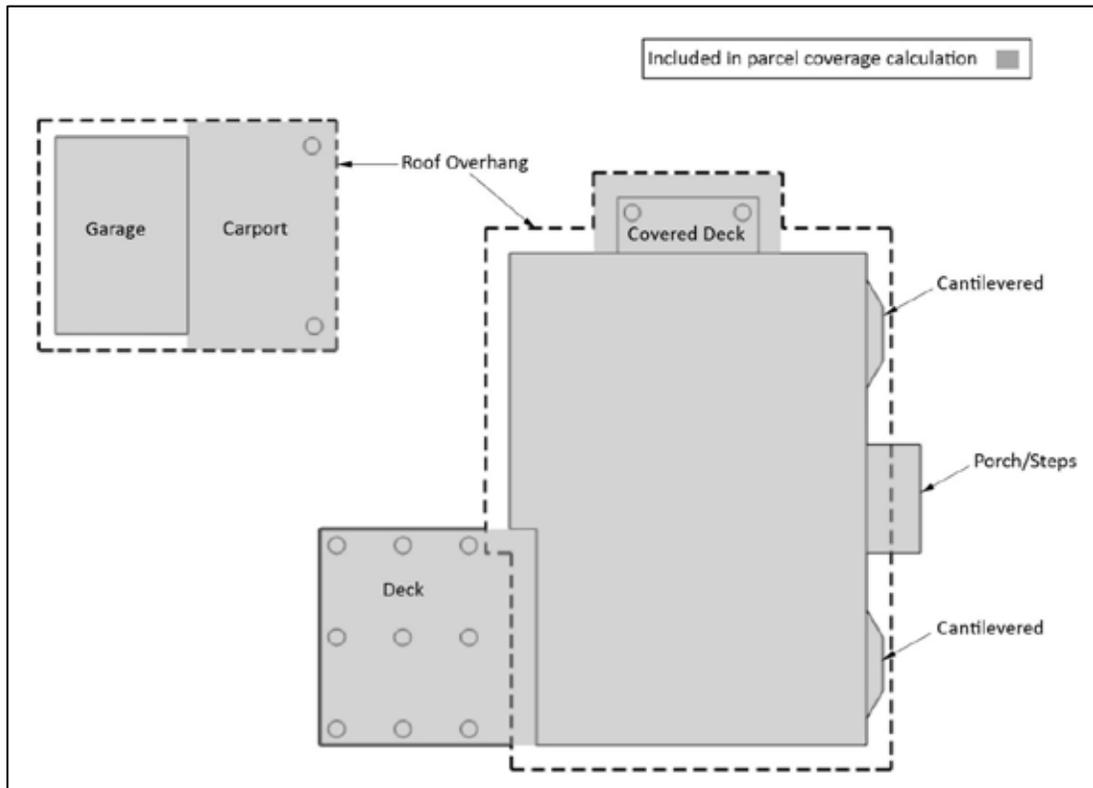
- iii) adding a definition of "crawl space" under Section 4.0 (Definitions) to read as follows:

**"crawl space"** means the space between the underside of the joists of the floor next above and the ground floor slab or ground surface where no slab exists, having a vertical clear height less than 1.5 metres;

- iv) replacing the definition of "development" under Section 4.0 (Definitions) with the following:

- “development”** means any activity carried out in the process of clearing or preparing a site or constructing or erecting structures;
- v) replacing the definition of “first storey” under Section 4.0 (Definitions) with the following:
- “first storey”** means the uppermost storey having its floor level not more than 2.0 metres above finished grade;
- vi) replacing the definition of “height” under Section 4.0 (Definitions) with the following:
- “height”** means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
- vii) deleting the definition of “natural grade” under Section 4.0 (Definitions).
- viii) adding a definition of “panhandle lot” under Section 4.0 (Definitions) to read as follows:
- “panhandle”** means any parcel with any of the building envelope situated directly behind another parcel so that its frontage is a relatively narrow strip of land which is an integral part of the parcel;
- ix) replacing the definition of “parcel” under Section 4.0 (Definitions) with the following:
- “parcel”** means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* or a legally recorded lease of license of occupation issued by the Province of British Columbia;
- x) adding a definition of “parcel area, useable” under Section 4.0 (Definitions) to read as follows:
- “parcel area, useable”** means all the area of a parcel except areas that are:
- a) part of a panhandle;
  - b) required as building setbacks from property lines;
  - c) required as building setbacks from watercourses, environmental values or geotechnical hazards as identified through a report prepared by a qualified individual; and
  - d) subject to a restrictive covenant that prohibits all use of the area subject to the covenant.
- xi) replacing the definition of “parcel coverage” under Section 4.0 (Definitions) with the following:

“**parcel coverage**” means the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot including the horizontal areas of attached decks and porches, expressed as a percentage of the lot area, and for a structure with no defined exterior wall, measured to the drip line of the roof or, in the case of decks and porches, includes the horizontal flooring area;



**Figure 4.1: Parcel Coverage Illustration**

- xii) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:

“**retaining wall**” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;

- xiii) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:

“**structure**” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;

- xiv) replacing Section 5.0 (Basic Provisions) in its entirety with the following:

## 5.0 CREATION OF ZONES

---

### 5.1 Zoning Districts

For the purposes of this Bylaw, the area of the Regional District subject to this Bylaw is hereby divided into zoning districts with the following zone designations and their abbreviations.

The headings below create categories of zones and represent all the zones under that heading.

ZONING TITLE	ABBREVIATION
<b>Rural Zones</b>	
Resource Area Zone	RA
Agriculture Two Zone	AG2
Agriculture Three Zone	AG3
Large Holdings One Zone	LH1
Small Holdings Two Zone	SH2
Small Holdings Three Zone	SH3
Small Holdings Four Zone	SH4
Small Holdings Five Zone	SH5
<b>Low Density Residential Zones</b>	
Residential Single Family One Zone	RS1
Residential Single Family Two Zone	RS2
<b>Medium Density Residential Zones</b>	
Residential Multiple Family Zone	RM1
Integrated Housing Zone	RM2
<b>Commercial Zones</b>	
Neighbourhood Commercial Zone	C3
Marina Commercial Zone	C5
Tourist Commercial One Zone	CT1
Tourist Commercial Two (Limited) Zone	CT2
Tourist Commercial Three (Limited) Zone	CT3

### **Industrial Zones**

Industrial (Light) One Zone I1

### **Administrative and Open Space Zones**

Administrative and Institutional Zone AI

Parks and Recreation Zone PR

Conservation Area Zone CA

### **Comprehensive Development Zones**

Comprehensive Development One (North Beach Estates) Zone CD1

## **5.2 Definition of Zones:**

- .1 The area of each zone is defined by Schedule '2'.
- .2 Where a zone boundary is shown on Schedule '2' as following a road allowance or a watercourse, the centre line of the road allowance or watercourse shall be the zone boundary.

## **5.3 Interpretation:**

Except as expressly provided in this Bylaw, all headings, italicized clauses and other references forming part of this Bylaw must be construed as being inserted for convenience and reference only.

## **5.4 Permitted Uses:**

In respect of each zone created under Section 5.1 of this Bylaw:

- .1 the only uses permitted are those listed in respect of each zone under the heading "Permitted Uses" in Section 10.0 to 16.0 of this Bylaw;
- .2 uses not listed in respect of a particular zone are prohibited;
- .3 the headings in respect of each zone are part of this Bylaw.

## **5.5 Conditions of Use:**

On a particular parcel in a specified zone created under this Bylaw, the maximum permitted parcel coverage, height and density and the minimum required setbacks are set out in respect of each specified zone in the provisions found in Sections 10.0 to 16.0 of this Bylaw.

## **5.6 Comprehensive Development Zones:**

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- xv) replacing Section 6.0 (Creation of Zones) in its entirety with the following:

## **6.0 SUBDIVISION REGULATIONS**

---

### **6.1 Minimum Parcel Size Exceptions for Subdivision:**

Minimum parcel size for subdivision requirements of this Bylaw do not apply to:

- .1 the consolidation of existing parcels or the addition of closed streets to an existing parcel;
- .2 the alteration of lot lines between two or more parcels where:
  - a) no additional parcels are created upon completion of the alteration;
  - b) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;
  - c) the alteration does not reduce the area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.
- .3 No existing parcel that meets the present minimum parcel size requirements of this Bylaw must, upon completion of a parcel line alteration, have a parcel size less than that required within the respective zone.

### **6.2 Minimum Parcel Width for Subdivision Exceptions:**

- .1 Despite the minimum parcel width for subdivision provisions of this Bylaw, a panhandle lot may be permitted provided that:
  - a) the minimum parcel width of the panhandle is 6.0 metres and the maximum width shall not exceed 20.0 metres;
  - b) the panhandle must not be calculated as part of the parcel area for the purpose of subdivision; and
  - c) no more than two (2) panhandles abut each other.

### **6.3 Minimum Parcel Size Requirements for Bare Land Strata Subdivisions:**

- .1 The minimum average parcel size is equal to the minimum parcel size for the designated zoning.

#### **6.4 Minimum Useable Parcel Area**

- .1 The minimum useable parcel area of each parcel shall be 200 m<sup>2</sup>.

#### **6.5 Hooked Parcels:**

- .1 A hooked parcel may be created where each portion satisfies the minimum parcel area requirements of the applicable zone.

xvi) replacing Section 7.7 (Projections) under Section 7.0 (General Regulations) with the following:

#### **7.7 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
  - a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
  - c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total length of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback;  
or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
  - a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.

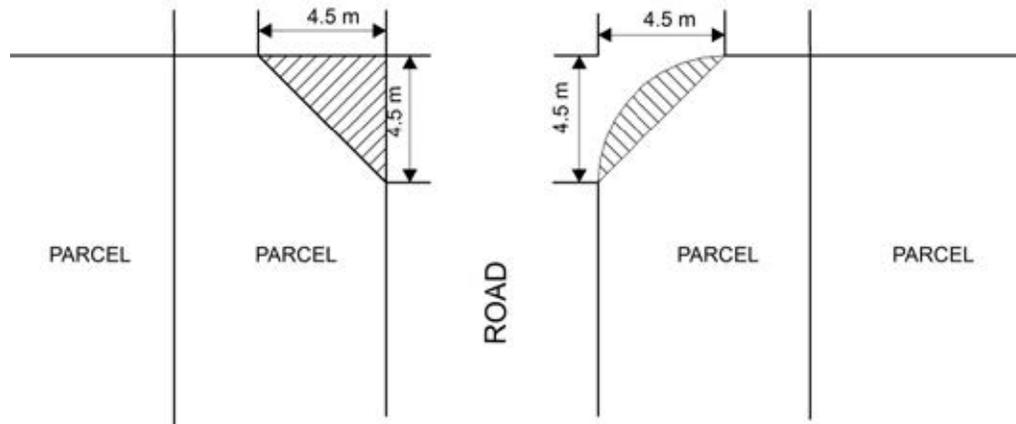
- xvii) replacing Section 7.8 (Fence Height) under Section 7.0 (General Regulations) with the following:

### 7.8 Fence Heights

The height of a fence shall be determined by measurement from the ground level, at the place on which the fence is to be located, to the top of the fence.

- .1 No fence shall exceed 1.8 metres in height to the rear of a front setback and 1.2 metres in height in the front setback except:
- in the Rural zones all fences may be up to 1.8 metres in height, and in the Industrial zones all fences may be up to 2.4 metres in height;
  - in Commercial zones abutting or across a highway from the AG3 Zone all fences may be up to 2.0 metres in height;
  - on a corner parcel contiguous to a highway intersection, no fence, hedge or other vegetation is permitted at a greater height than 1.0 metre above the established elevation of the centre point of intersecting highways, at or within a distance of 4.5 metres from the corner of the parcel at the intersection of the highway;

Figure 7.8 – Sight Triangle



- in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;
- deer fences shall not be limited in height, provided such fences are constructed of material that permits visibility, such as wire mesh; and

- f) fences for ball parks and tennis courts shall not be limited in height, provided such fences are constructed of materials that permit visibility, such as wire mesh.
  - .2 The use of barbed wire for fencing is prohibited within all Residential and Commercial zones as well as the AI Zone.
  - .3 The use of razor wire for fencing is prohibited within all zones.
- xviii) adding a new sub-section following sub-section 7.26 under Section 7.0 (General Regulations) to read as follows:

**7.27 Retaining Walls**

1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.27.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.27.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

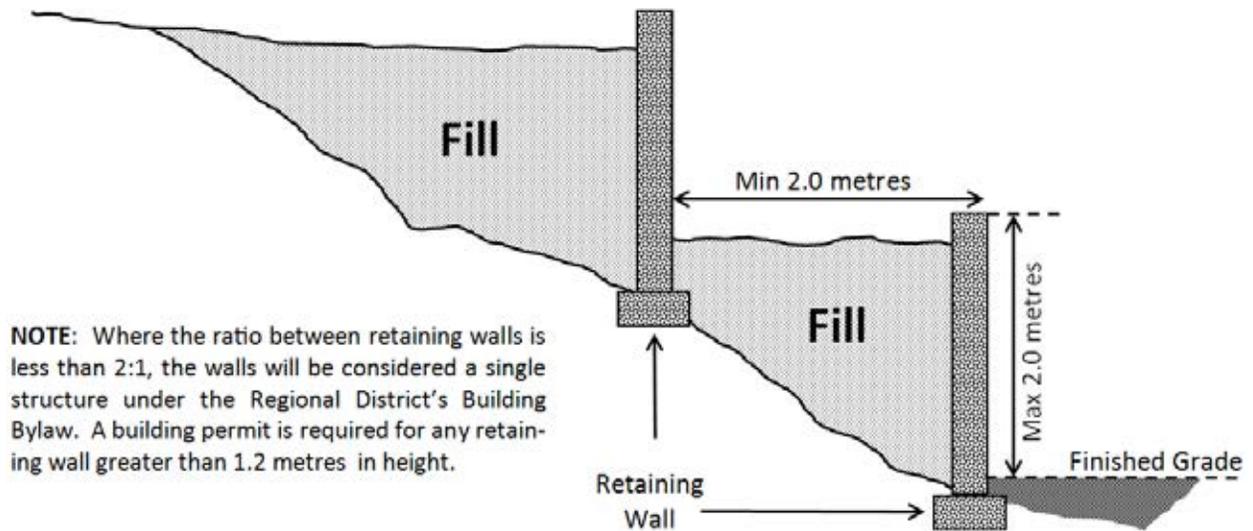


Figure 7.27.4: Retaining Wall Illustration

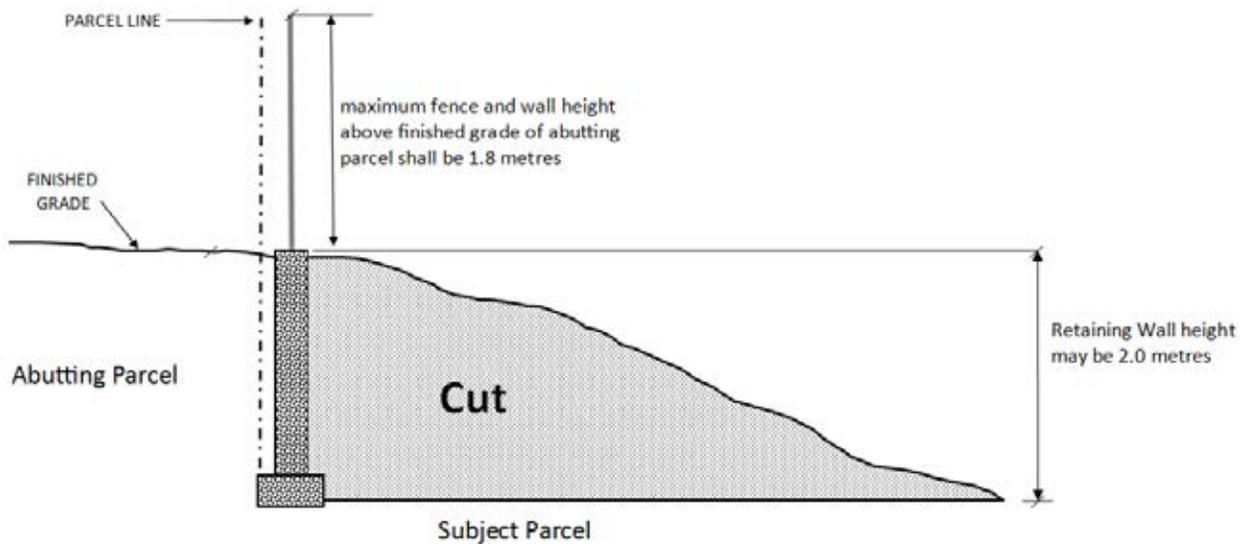


Figure 7.27.5: Retaining Wall in a Setback Illustration

xix) replacing sub-section 10.5.8 under Section 10.5 (Small Holdings Two Zone) to read as follows:

**10.5.8 Maximum Height:**

a) No building or structure shall exceed a height of 10.0 metres.

xx) replacing sub-section 10.6.8 under Section 10.6 (Small Holdings Three Zone) to read as follows:

**10.6.8 Maximum Height:**

a) No building or structure shall exceed a height of 10.0 metres.

xxi) replacing sub-section 10.7.8 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.8 Maximum Height:**

a) No building or structure shall exceed a height of 10.0 metres.

xxii) replacing sub-section 10.8.7(b) under Section 10.8 (Small Holdings Five Zone) with the following:

b) Accessory Buildings or Structures, subject to Section 7.22:

- |                                |            |
|--------------------------------|------------|
| i) Front parcel line           | 9.0 metres |
| ii) Rear parcel line           | 3.0 metres |
| iii) Interior side parcel line | 1.5 metres |
| iv) Exterior side parcel line  | 4.5 metres |

xxiii) replacing sub-section 10.8.8 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.8 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxiv) replacing sub-section 11.1.7 under Section 11.1 (Residential Single Family One Zone) with the following:

**11.1.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxv) replacing sub-section 11.2.7 under Section 11.2 (Residential Single Family Two Zone) with the following:

**11.2.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxvi) replacing sub-section 12.1.8 under Section 12.1 (Residential Multiple Family Zone) with the following:

**12.1.8 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxvii) replacing sub-section 13.1.6 under Section 13.1 (Neighbourhood Commercial Zone) with the following:

**13.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxviii) replacing sub-section 13.2.6 under Section 13.2 (Marina Commercial Zone) with the following:

**13.2.6 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

xxix) replacing sub-section 13.3.7 under Section 13.3 (Tourist Commercial One Zone) with the following:

**13.3.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 10.0 metres.

xxx) replacing sub-section 13.4.7 under Section 13.4 (Tourist Commercial Two (Limited) Zone) with the following:

**13.4.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 10.0 metres.

xxxi) replacing sub-section 13.5.7 under Section 13.5 (Tourist Commercial Three (Limited) Zone) with the following:

**13.5.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;

- b) No accessory building or structure shall exceed a height of 10.0 metres.

xxxii) replacing sub-section 14.1.6 under Section 14.1 (Industrial (Light) One Zone) with the following:

**14.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 7.0 metres.

Electoral Area "H"

- 8. The "Electoral Area "H" Zoning Bylaw No. 2498, 2012" is amended by:
  - i) replacing Section 3.0 (Administration) in its entirety with the following:

## **3.0 ADMINISTRATION**

---

### **3.1 Applicability**

- .1 This Bylaw applies to that portion of the Regional District contained within Electoral Area "H", as outlined on Schedule '2'.
- .2 Land or the surface of water must not be used, land shall not be subdivided and buildings or structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.
- .3 All uses permitted by this Bylaw include, except as otherwise specifically stated, all uses reasonably accessory and exclusively devoted to the principal uses.
- .4 Parcels created prior to adoption of this Bylaw that do not meet any minimum parcel area or dimensions may be used for any of the permitted uses listed in each zone, subject to the limitations contained therein.
- .5 Parcels shall be consolidated prior to issuance of building permit where the proposed building would otherwise straddle the parcel line.

### **3.2 Enforcement**

- .1 The Manager of Development Services, Regional District Building Inspectors, and such other officers, employees or agents designated from time to time by the Regional Board to act in the place of the Manager and Inspectors, subject to applicable enactments, are authorized at all reasonable times to enter on any property that is

subject to regulation under this Bylaw, to ascertain whether the regulations, prohibitions or requirements under this Bylaw are being observed.

### 3.3 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 3.2 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.

### 3.4 Severability

- .1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.
- ii) replacing the definition of "height" under Section 4.0 (Definitions) with the following:  
"height" means, when used in reference to a building or structure except for a retaining wall, the vertical distance from the finished grade to the highest point of the roof or structure;
  - iii) adding the following as Figure 4.1 (Parcel Coverage Illustration) under Section 4.0 (Definitions) and renumbering all subsequent Figure numbers:

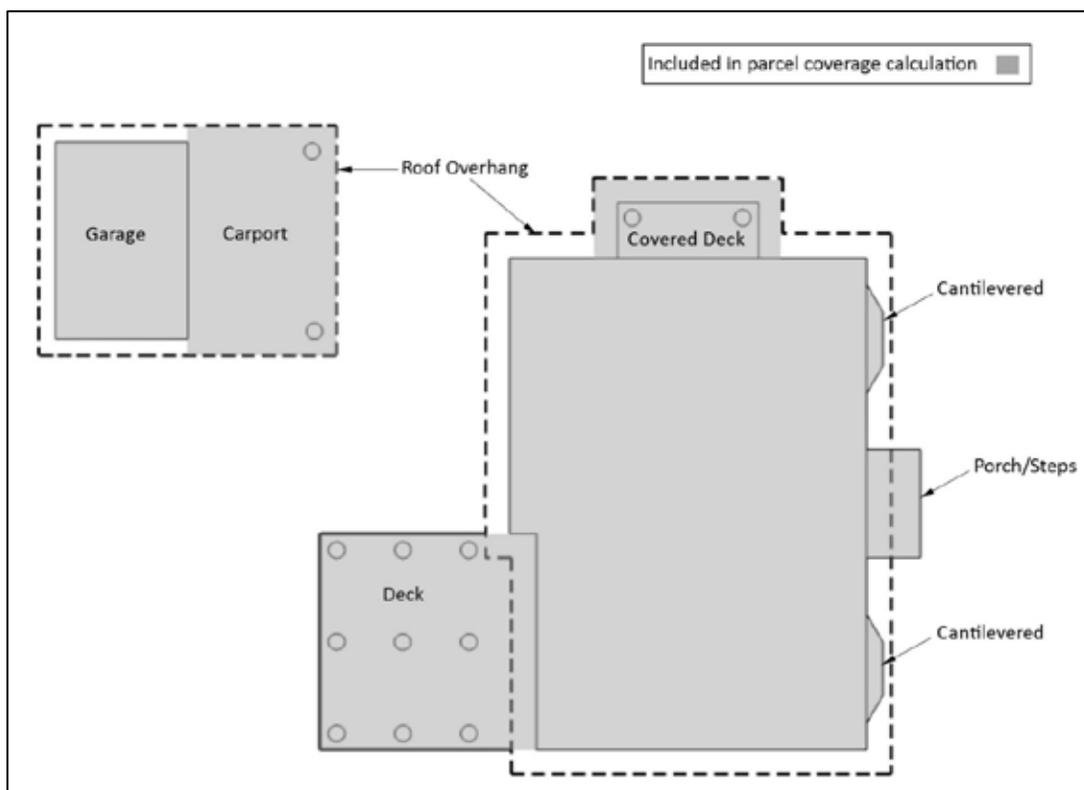


Figure 4.1: Parcel Coverage Illustration

- iv) adding a definition of “retaining wall” under Section 4.0 (Definitions) to read as follows:
 

“**retaining wall**” means a structure or series of interdependent structures greater than 1.2 metres in height constructed to hold back, stabilize or support an earthen bank;
- v) replacing the definition of “structure” under Section 4.0 (Definitions) with the following:
 

“**structure**” means any construction fixed to, supported by or sunk into land or water, and includes swimming pools, retaining walls and manufactured home spaces, but specifically excludes fences under 2.0 metres in height, landscaping, paving and signs unless otherwise noted in this bylaw;
- vi) replacing Section 5.0 (Basic Provisions) in its entirety with the following:
 

**5.0 deleted.**
- vii) adding a new section 6.7 under Section 6.0 (Creation of Zones) to read as follows:
 

**6.7 Comprehensive Development Zones:**

A Comprehensive Development (CD) Zone shall only be created where a proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of the Regional District Board, is of a unique form or nature not contemplated or reasonably regulated by another zone.

- viii) replacing Section 7.5 (Projections) under Section 7.0 (General Regulations) with the following:

**7.5 Projections**

- .1 No features shall project into a setback required by this Bylaw except the following minor projections on buildings:
- a) Gutters, eaves, sunshades, cornices, belt courses and sills may project into required setbacks to a maximum of 0.6 metres measured horizontally;
  - b) Unenclosed access ramps for physically disabled persons may project fully into required setbacks;
  - c) In Residential zones the following features may project into the required setbacks:
    - i) chimneys, bay windows or other architectural projections which do not comprise more than 25% of the total face of a wall and do not project more than 0.6 metres measured horizontally; and
    - ii) unenclosed stairwells, balconies, porches, uncovered decks or canopies, may project no more than:
      - .1 1.5 metres, measured horizontally, into the front setback; or
      - .2 2.0 metres, measured horizontally, into the rear setback.
  - d) In no case shall a projection cross a parcel line.
- .2 No features shall extend beyond a height limit required by this Bylaw except the following minor projections on buildings:
- a) antennas, belfries, chimney stacks, church spires, clearance markers, elevator shafts, flagpoles, monuments, rooftop mechanical equipment, ventilation machinery and water tanks.

- ix) adding the following as a new sub-section 7.6.1(d) under Section 7.6 (Fence Height) and renumbering all subsequent sections:

- d) in the case of a fence constructed on top of a retaining wall, the combined height of the fence and the retaining wall at the parcel line or within 1.2 metres

of the parcel line shall not exceed 1.8 metres in height, as measured from the finished grade of the abutting higher parcel;

xxxiii) adding a new sub-section following sub-section 7.27 under Section 7.0 (General Regulations) to read as follows:

**7.28 Retaining Walls**

1. the height of a retaining wall shall be determined by measurement from the lowest finished grade at the base of the retaining wall to the top of any part of the retaining wall.
2. the minimum horizontal separation between individual retaining walls on the same parcel, as measured from the outer face of each retaining wall, must not be less than the height of the lowest retaining wall.
3. retaining walls constructed closer than the height of the lowest retaining wall will collectively be considered a single retaining wall for the purposes of determining the height of a retaining wall.
4. no retaining wall shall exceed 2.0 metres in height except:
  - a) in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height; and
  - b) on a corner site contiguous to a highway intersection, no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the streets.
5. despite sub-section 7.28.4(a), a retaining wall in a required setback for a front, side or rear parcel line may be 2.0 metres in height where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting parcel or highway.
6. despite sub-section 7.28.4(b), a retaining wall is permitted within 4.5 metres of a corner site contiguous to a highway intersection where the finished grade of the subject parcel at the base of the retaining wall is lower than the finished grade of the abutting highway, and provided no part of the retaining wall extends above the finished grade of the abutting highway.

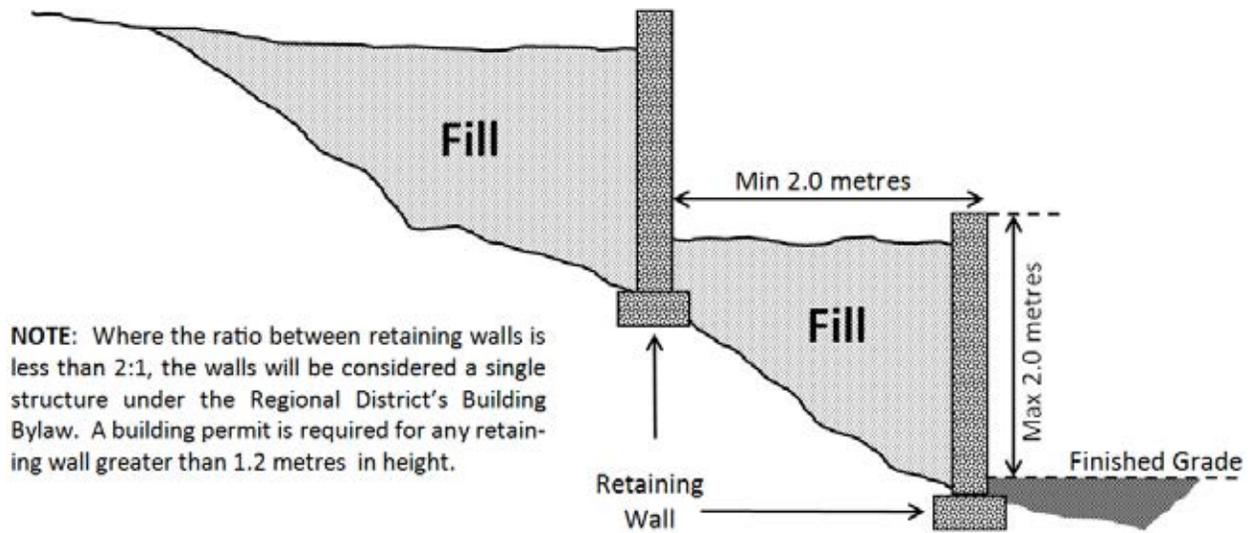


Figure 7.28.4: Retaining Wall Illustration

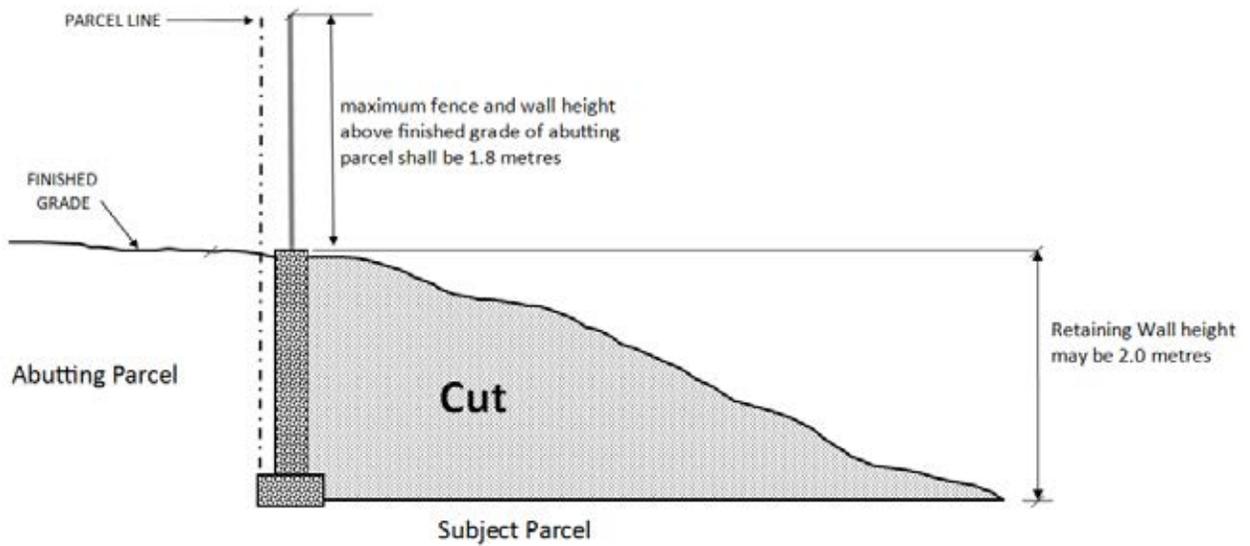


Figure 7.25.5: Retaining Wall in a Setback Illustration

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

PUBLIC HEARING HELD this \_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2017.

I hereby certify the foregoing to be a true and correct copy of the " Regional District of Okanagan-Similkameen Retaining Wall and Building Height Update Amendment Bylaw No. 2773, 2017" as read a Third time by the Regional Board on this \_\_\_\_day of \_\_\_\_, 2017.

Dated at Penticton, BC this \_\_ day of \_\_\_\_, 2017.

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

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Chief Administrative Officer

### RESPONSE SUMMARY

#### AMENDMENT BYLAW NO. 2773

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Signature: Cheryl E. Stella      Signed By: CHERIE HANNA  
Agency: KALDEN IRRIGATION DIST.      Title: Financial/Corporate Administrator  
Date: June 15/17



Your File #: X2017.017-  
ZONE  
(Retaining  
Walls)  
eDAS File #: 2017-03115  
Date: May 17, 2017

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

Attention: Lauri Feindell

Re: **Proposed Text Amendment Bylaw 2773 for:**  
**Electoral Area A, C, D, E, F and H**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 490-8200 Fax: (250) 490-2231



## OSOYOOS INDIAN BAND

---

1155, SEN\*POK\*CHIN BOULEVARD, OLIVER BC, V0H 1T8  
PHONE: (250) 498-3444 ~ FAX: (250) 498-6577

June-22-17

Referral ID: X2017.017-ZONE  
RTS #: 1037  
Date: May-15-17  
Reference#: R-77-000836

Regional District of Okanagan-Similkameen  
101 Martin ST.  
Penticton, BC V2A 5J9

**RE: 60 (sixty) day extension**

Thank you for the above application that was received on May-15-17.

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, the Osoyoos 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. 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 the Osoyoos Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

We appreciate your co-operation.

limlæmt

A handwritten signature in cursive script, appearing to read 'Yvonne Weinert'.

Yvonne Weinert  
Lands Manager  
Per:  
Chief Clarence Louie  
Osoyoos Indian Band  
cc:

**From:** Collins, Martin J ALC:EX  
**To:** [Christopher Garrish](#)  
**Subject:** Bylaw #2773  
**Date:** May 15, 2017 2:55:59 PM

---

Hi Chris

This seems to be a bylaw for setbacks, retaining walls and fences – endlessly repeated.

The ALC has no objection to the proposed bylaw.

Regards

**Martin Collins**  
Director, Policy and Planning  
Agricultural Land Commission  
#133 4940 Canada Way  
Burnaby, BC, V5G 4K6  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)  
604-660-7014

## Lauri Feindell

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** June 1, 2017 3:02 PM  
**To:** Planning  
**Subject:** RDOS Bylaws 2773 RDOS (X2017.017-ZONE)

With respect to the above noted file,

FBC(E) has no concerns with this circulation.

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

Best Regards,

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

**Nicholas Mirsky, B.Comm., AACI, P.App.**  
**Supervisor | Property Services | FortisBC Inc.**

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



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## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2773

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

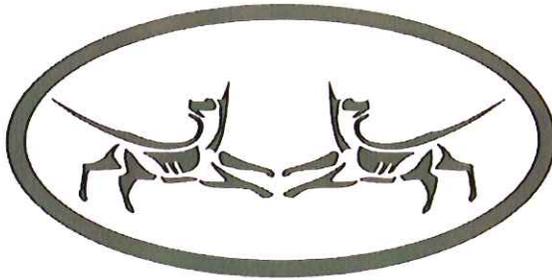
Signature: 

Agency: District of Superiorland

Date: May 26, 2017

Signed By: Dean Strachan

Title: Director Development Services



## Penticton Indian Band

Natural Resources Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Referrals@pib.ca | www.pib.ca

Telephone: 250-492-0411 Fax: 250-493-2882

May-24-17

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

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

**RTS ID:** 2403

**Referral ID:** 2017-05-15 ZON 2403

**Date:** May-15-17

**Reference ID:** BL2773 X2017.017-Zone

**Summary:** "A" (Osoyoos Rural), "C" (Oliver Rural), "D" (OK Falls, Kaleden, Apex), "E" (Naramata), "F" (West Bench) and "H" (Eastgate, Tulameen, Coalmont, Alison Lake, Missezula Lake) Zoning Bylaws.

### **ATTENTION: Christopher Garrish**

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 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.

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982

2773 Retaining Walls



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.

**Invoice Number: 769**

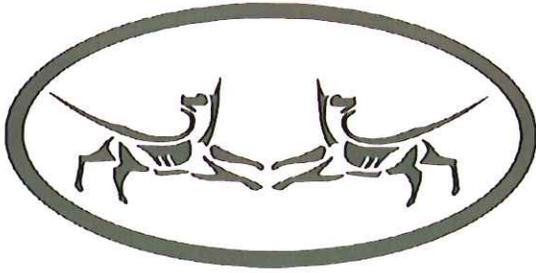
	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals 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 #2403

limlmt,

Lavonda Nelson  
Referrals Administrator  
P: 250-492-0411  
Referrals@pib.ca

RTS ID: 2403  
CC: ONA (nrmanager@syilx.org), Osoyoos Indian Band (Referrals@oib.ca), Penticton Indian Band (jpepper@pib.ca)



## Penticton Indian Band

Natural Resources Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Referrals@pib.ca | www.pib.ca

Telephone: 250-492-0411 Fax: 250-493-2882

May-24-17

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

Regional District of Okanagan Similkameen  
101 Martin Street  
PentictonBC V2A 5J9

**RTS ID: 2403**

**Date:** May-15-17

**Referral ID:** 2017-05-15 ZON 2403

**Reference ID:** BL2773 X2017.017-Zone

**Summary:** "A" (Osoyoos Rural), "C" (Oliver Rural), "D" (OK Falls, Kaleden, Apex), "E" (Naramata), "F" (West Bench) and "H" (Eastgate, Tulameen, Coalmont, Alison Lake, Missezula Lake) Zoning Bylaws.

**Attention: Christopher Garrish**

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on May-24-17. 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  
Referrals Administrator  
P: 250-492-0411  
Referrals@pib.ca

RTS ID: 2403

CC: ONA (nrmanager@syilx.org), Osoyoos Indian Band (Referrals@oib.ca), Penticton Indian Band (jpepper@pib.ca)



**Interior Health**  
Every person matters

Retaining walls

May 19, 2017

Christopher Garrish  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Dear Christopher Garrish:

**RE: File #: X2017.017-ZONE**  
**Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this development proposal.

However, should you have further concerns, please return the referral to [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca) with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Healthy Built Environment Team

**From:** Kelly Mercer  
**To:** [Christopher Garrish](#)  
**Subject:** Fwd: Re: Draft RDOS Retaining Wall Regulations (X2017.017-ZONE)  
**Date:** June 29, 2017 9:38:20 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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

**From:** "Bram Hobuti"  
**Date:** Jun 28, 2017 10:40 AM  
**Subject:** Re: Draft RDOS Retaining Wall Regulations (X2017.017-ZONE)  
**To:** "Kelly Mercer"  
**Cc:**

Hi Kelly,

I finally got around to having a read through this document.

I would only suggest they add a reference that the wall footings are to be constructed at or below the minimum frost penetration depth, otherwise, I don't see any looming issues that are present in the document. It seems to cover off all the significant design criteria.

Cheers,

**Bram Hobuti, P.Eng.**

*Structural Engineer*

**Ecora Engineering & Resource Group Ltd.**

Mobile:

Email:

Web: [www.ecora.ca](http://www.ecora.ca)

**From:** Brad Elenko [mailto:[belenko@mcelhanney.com](mailto:belenko@mcelhanney.com)]  
**Sent:** July 7, 2017 3:02 PM  
**To:** Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>  
**Subject:** RE: Retaining Wall regulations (X2017.017-ZONE)

Chris,

We have reviewed the RDOS draft regulatory changes regarding retaining walls and we offer the following comments. As I am a little unclear about the underlying reason for the legislation I have some questions and comments.

1. What is the underlying reason for not allowing retaining walls greater than 2 m in height. This can't be a health or safety matter as engineering can be provided for taller walls to ensure safety.
2. If the rationale for keeping retaining walls no taller than 2 m is aesthetics, I can appreciate that concern, but there are numerous situations where a retaining wall would not be viewed by anyone but the property owner and forcing the owner in these cases to keep retaining walls less than 2 meters will result in unutilized land and possibly a time consuming and costly DVP process to request a variance to the wall height.

Example: A person has a large sloping property and somewhere on the property the owner wishes to retain a bank or fill over a slope to better utilize his land. No one will see the retaining wall but the owner is forced to have a tiered retaining wall which costs more money than building one wall and takes more real estate. In this case, what is the point of a tiered retaining wall?

Example: This example is real as I am dealing with this at the present time. Owner has a large sloping agricultural parcel and the farmer wants to level the land for a large agricultural structure which will require a 2.5 metre retaining wall to provide the level site. The structure will completely screen the retaining wall so again what is the point of a tiered retaining wall. All this will do is add cost to the project and make some of the agricultural land unusable. Again, no visual impact, so what is the point.

3. Proposed legislation indicates that retaining walls not exceeding 1.2 metres are allowed in the front, rear, or side setback. Does this mean that you can't have a retaining wall taller than 1.2 m in the setback. What if a person has a slope in their rear yard and they would like to utilize more of their rear yard by retaining the bank? Not allowing a retaining wall greater than 1.2 m in this case could cause hardship as the owner may not be able to fully utilize the land they own. Again, if the point of the legislation is aesthetics, I can understand height restrictions on visible walls in the front and exterior side yards, but property owners shouldn't be burdened with these land consumptive and costly measures for rear or interior setbacks that would allow the property owner to utilize their land.
4. The proposed legislation suggests that no retaining wall is permitted within a distance of 4.5 metres from the corner of the site at the intersection of the street. If the adjacent property is lower than the road, the retaining wall would not be visible from the road as it would be retaining the road, in an effort to allow the property owner to better utilize their land. What would be the point in not allowing a retaining wall in this situation?

I trust these comments are helpful in providing a view of the proposed legislation through a different lens. I would be happy to further explain my points through some diagrams so you can fully appreciate my comments.

Cheers,

**Brad Elenko**, MCIP, RPP

Senior Planner

Division Manager, Engineering & Planning

**McElhanney Consulting Services Ltd.**

Suite 100 | 8305 68<sup>th</sup> Ave | Osoyoos BC V0H 1V0

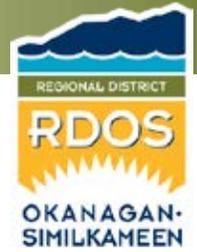
D 250 495 0499 | T 250 492 7399 | C 250 485 7387

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**McElhanney**

# ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “C” & “D-1”  
Dominion Radio Astrophysical Observatory (DRAO)

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## **Administrative Recommendation:**

**THAT** Bylaw No. 2777, 2017, Regional District of Okanagan-Similkameen Dominion Radio Astrophysical Observatory Official Community Plan and 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 November 2, 2017, 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. 2777, 2017, in conjunction with its Financial and applicable Waste Management Plans;

**AND THAT** the holding of a public hearing be scheduled for the Regional District Board meeting of December 7, 2017;

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

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## **Purpose:**

Amendment Bylaw No. 2777 seeks to amend the Electoral Area “C” Official Community Plan and Zoning Bylaws and Electoral Area “D-1” Zoning Bylaw as they relate to the Dominion Radio Astrophysical Observatory (DRAO) in order to ensure consistency of objectives, policies, regulations and mapping across those Electoral Areas to which DRAO’s Radio Frequency Interference (RFI) Area applies.

## **Background:**

At its meeting of December 15, 2016, the Regional District adopted the Electoral Area “D-1” Official Community Plan (OCP) Bylaw No. 2683, 2016.

At its meeting of June 1, 2017, the Planning and Development (P&D) Committee resolved to defer consideration of Amendment Bylaw No. 2777 to its meeting of July 20, 2017, in order to allow for consultation with DRAO on the proposed amendments.

At its meeting of July 20, 2017, the P&D Committee resolved that the Regional District proceed with Bylaw No. 2777, and that it be updated as follows:

- increase the minimum parcel size requirement for subdivision in the RFI Area from 20.0 ha to 60.0 ha;

- 
- limit the number of accessory dwellings permitted on parcels in the RFI Area to one (1); and
  - revise the general regulations pertaining to “home occupation” and “home industry” uses occurring in the RFI Area in order to exclude the repair of small engines and repair or assembly of electronic devices.

### **Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway.

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. 53 & 67 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the 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 its meeting of June 20, 2017, the Electoral Area “C” Advisory Planning Commission (APC) was scheduled to consider the proposed amendments but failed to achieve a quorum.

At its meeting of July 11, 2017, the Electoral Area “D” APC recommended to the RDOS Board that the proposed amendments be approved subject to the following:

1. that the minimum parcel size for subdivision in the RFI Area be 60 hectares;
2. that the maximum number of accessory dwellings in the RFI Area be not more than 1 (or 0); and
3. the installation and use of electrical equipment/devices that could cause RFI and suppression to reduce the emission of it to levels acceptable to the observatory be restricted as home occupations and home industry uses.

On September 25, 2017, the Regional District sent letters to all registered property owners with land in the RFI Area advising of the proposed changes to the land use bylaws and seeking feedback. Approximately 271 feedback forms were sent to affected property owners with 15 feedback forms returned (6 in favour, 9 opposed) and are included as a separate item on the Board Agenda.

Administration recommends that the proposed consideration by the APCs, the 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 consultation.

Agency comments have been received from DRAO, the Agricultural Land Commission (ALC), the Interior Health Authority (IHA), the Ministry of Forests, Lands and Natural Resource Operations (Ecosystems Section), Ministry of Transportation and Infrastructure (MoTI) and Industry Canada and these are included as a separate item on the Board Agenda.

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**Analysis:**

The Board has constantly supported the continued operation of DRAO and its protection from increased electromagnetic interference. A consistent set of policies, mapping and zoning regulations related to the operation of the Observatory should be applied to the Electoral Area "C" and "D-1" land use bylaws.

Further to the discussion at the P&D Committee at its meeting of July 20, 2017, Amendment Bylaw 2777 is also proposing the following:

- Removal of an unlawful Delegation of Board Authority: At present, the Electoral Area "D-1" Zoning Bylaw attempts to delegate to DRAO the authority of the Board to approve development under the *Local Government Act* (i.e. by restricting the use of fluorescent lights, lamp dimmers, shortwave radios or microwaves in dwellings).
- Increasing the Minimum Parcel Size for Subdivision in the RFI Area: DRAO has advised that "RFI is generated by human occupation and use of land. Thus, lower density of human activity results in lower risk of RFI". In response, the amendment bylaw is proposing to increase the minimum parcel sizes for subdivision in the RFI Area from 20.0 ha to 60.0 ha.
- Limit accessory residential dwellings in the RFI Area: DRAO has advised that they favour a restriction on the number of accessory dwellings permitted on a parcel in the RFI Area (to either one or none per parcel). In response, the amendment bylaw is proposing to limit the number of accessory dwellings (where permitted) to one.
- Limit mechanical and electronic repair uses in the RFI Area: DRAO has advised that they favour a restriction on home industry and home occupation uses from being able to undertake the "repair of small engines, and repair or assembly of electronic devices or components with a potential for RFI" due to the tendency of such uses to create interference issues.

The Board is asked to be aware that these proposed changes will not affect the Land Use Contract which applies to the St. Andrews area, which will continue to be in effect until 2024 (subject to an early termination or voluntary discharge).

**Alternative:**

- .1 Status Quo
- .2 THAT the Regional District defer consideration of the Regional District of Okanagan-Similkameen Dominion Radio Astrophysical Observatory Official Community Plan and Zoning Amendment Bylaw No. 2777, 2017, pending the submission of additional information.

**Respectfully submitted:**  
C. Garrish, Planning Supervisor**Endorsed By:**  
B. Dollevoet, Development Services Manager

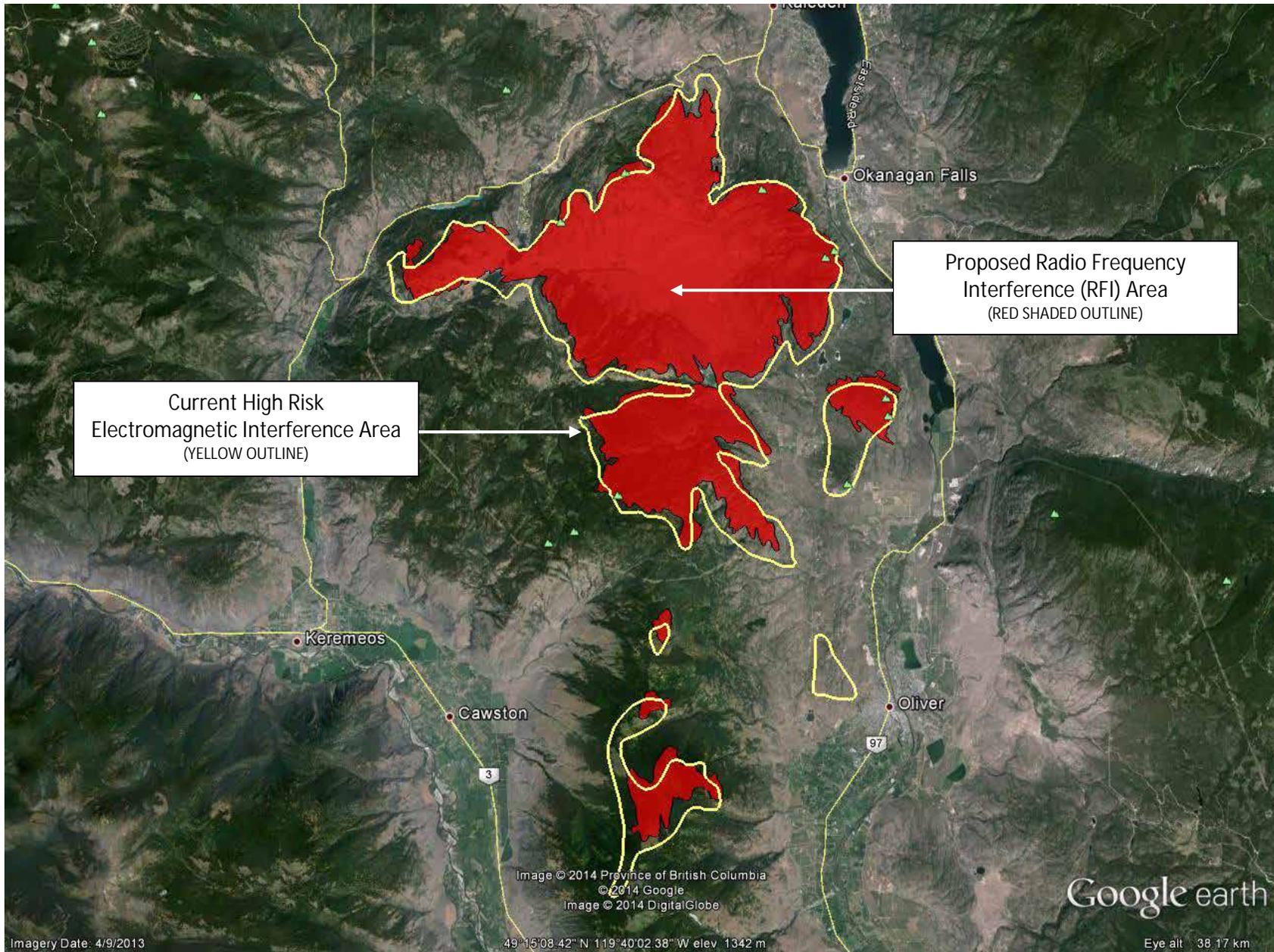
**Attachments:** No. 1 – Agency Referral List  
No. 2 – Current High Risk Electromagnetic Interference Area & Proposed Radio Frequency Interference Area

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, regarding Amendment Bylaw No. 2777, 2017:

<b>p</b>	Agricultural Land Commission (ALC)	<b>o</b>	Fortis
<b>p</b>	Interior Health Authority (IHA)	<b>o</b>	City of Penticton
<b>p</b>	Ministry of Agriculture	<b>o</b>	District of Summerland
<b>o</b>	Ministry of Energy & Mines	<b>o</b>	Town of Oliver
<b>o</b>	Ministry of Community, Sport and Cultural Development	<b>o</b>	Town of Osoyoos
<b>p</b>	Ministry of Environment	<b>o</b>	Town of Princeton
<b>p</b>	Ministry of Forest, Lands & Natural Resource Operations	<b>o</b>	Village of Keremeos
<b>o</b>	Ministry of Jobs, Tourism and Innovation	<b>p</b>	Okanagan Nation Alliance (ONA)
<b>p</b>	Ministry of Transportation and Infrastructure	<b>p</b>	Penticton Indian Band (PIB)
<b>o</b>	Integrated Land Management Bureau	<b>p</b>	Osoyoos Indian Band (OIB)
<b>p</b>	BC Parks	<b>p</b>	Upper Similkameen Indian Bands (USIB)
<b>p</b>	School District #53 (Okanagan Similkameen)	<b>p</b>	Lower Similkameen Indian Bands (LSIB)
<b>o</b>	School District #58 (Nicola Similkameen)	<b>o</b>	Environment Canada
<b>p</b>	School District #67 (Okanagan Skaha)	<b>o</b>	Fisheries and Oceans Canada
<b>o</b>	Central Okanagan Regional District	<b>o</b>	Archaeology Branch
<b>o</b>	Kootenay Boundary Regional District	<b>p</b>	Dominion Radio Astrophysical Observatory
<b>o</b>	Thompson Nicola Regional District	<b>o</b>	Canadian Wildlife Services
<b>o</b>	Fraser Valley Regional District		

Attachment No. 2 – Current High Risk Electromagnetic Interference Area & Proposed Radio Frequency Interference Area



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2777, 2017**

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**A Bylaw to amend the Electoral Area "C" & "D-1"  
Official Community Plan Bylaws and Zoning Bylaws**

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

1. This Bylaw may be cited for all purposes as the "Dominion Radio Astrophysical Observatory Official Community Plan and Zoning Amendment Bylaw No. 2777, 2017."

**Electoral Area "C"**

2. The "Oliver Rural Official Community Plan Bylaw No. 2452, 2008" is amended by:
  - i) deleting Section 11.2.4 under Section 11.0 (Administrative, Cultural and Institutional).
  - ii) deleting Section 11.3.9 under Section 11.0 (Administrative, Cultural and Institutional).
  - iii) deleting Map 3 (High Risk Electromagnetic Interference Areas) under Section 11.0 (Administrative, Cultural and Institutional).
  - iv) adding a new Section 11.4 (Dominion Radio Astrophysical Observatory) under Section 11.0 (Administrative, Cultural and Institutional) to read as follows:

**11.4 Dominion Radio Astrophysical Observatory**

The Dominion Radio Astrophysical Observatory (DRAO) is the only research facility of its kind in Canada, and provides a significant contribution to the local economy and ongoing contributions to national and international research initiatives.

The Regional District acknowledges the critical scientific and economic importance of DRAO, and recognizes its sensitivity to Radio Frequency Interference (RFI) that may result from development and human activity outside of DRAO lands (property of the National Research Council of Canada and associated land reserves established by BC for Observatory purposes) but within the designated RFI area described below.

The degree to which development may interfere with Observatory activities is, in part, a function of distance and whether the development lies within lines-of-sight of radio-telescope equipment. Schedule 'F' (Dominion Radio Astrophysical Observatory RFI Area) identifies the approximate areas that are:

- directly within the lines-of-sight of existing telescopes or potentially within the lines-of-sight of any future telescopes;
- within 61.0 metres vertically of such lines-of-sight; and
- within 2.5 km of the Observatory.

Development within the area identified in Schedule 'F' (Dominion Radio Astrophysical Observatory RFI Area) could significantly interfere with the research activities conducted at DRAO. While the impact of RFI generated by human activity within 61 metres vertically of the lines-of-sight of existing telescopes; it is nevertheless important to minimize the levels of RFI or risks of potential RFI.

The Regional District will work with DRAO with respect to any development proposed in the area identified in Schedule 'F' to avoid RFI risk.

#### **11.4.1 Objectives**

- .1 Minimize the levels of Radio Frequency Interference (RFI) on DRAO from existing development.
- .2 Prevent and/or minimize additional RFI from potential new development.

#### **11.4.2 Policies**

The Regional Board:

- .1 Generally will not support future rezoning or subdivision applications that will create additional development or intensify development within the area illustrated on Schedule 'F' (Dominion Radio Astrophysical Observatory RFI Area).
- .2 Encourages the Federal Government to purchase undeveloped lands that could present a potential significant risk of RFI wherever feasible and appropriate.
- .3 Will continue supporting and working with DRAO staff to:
  - a) help inform current and prospective residents about their properties being located within, or near, a designated RFI area as shown on Schedule 'F' (Dominion Radio Astrophysical Observatory RFI Area);
  - b) inform current and prospective owners about RFI impacts on this major scientific facility; and
  - c) educate current and prospective residents on how to prevent and minimize uses with a risk of RFI impact.

- v) adding a new Schedule 'F' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'A' (which forms part of this bylaw).
3. The "Regional District Okanagan-Similkameen Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:

- i) replacing the definition of "home industry" under Section 4.0 (Definitions) in its entirety with the following:

**"home industry"** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, and other similar uses;

- ii) replacing the definition of "home occupation" under Section 4.0 (Definitions) in its entirety with the following:

**"home occupation"** means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;

- iii) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

1. A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50.0 m<sup>2</sup>.
2. A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
3. No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;

- d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
4. No commercial vehicle, exceeding 1 tonne (1,000 kg) in vehicle weight, associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
  5. Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
  6. A home occupation shall not generate traffic congestion or parking demand within the District and shall not produce a public offence or nuisance of any kind.
  7. A home occupation shall not involve:
    - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
    - b) the boarding, breeding and keeping of animals;
    - c) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
    - d) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
    - e) the salvage, repair or assembly of electronic devices as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- iv) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.
- .2 A home industry shall not involve the salvage or storage of derelict vehicles and equipment, used building or domestic products and similar discarded materials.
- .3 A home industry shall be carried on in the principal dwelling unit or within an accessory building.
- .4 A home industry shall not occupy more than 50% of the floor area of the principal dwelling unit. The gross floor area utilized for a home industry, including storage of materials, commodities or finished products associated with the home industry shall not exceed 200 m<sup>2</sup>.

- .5 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
  - .6 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
  - .7 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
  - .8 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
  - .9 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
  - .10 A home industry shall not involve:
    - a) wrecking, salvage or storage of derelict vehicles and equipment;
    - b) salvage or storage of used building or domestic products and similar discarded materials;
    - c) manufacture of concrete products;
    - d) bulk fuel or chemical storage or refining depots;
    - e) animal or agriculture products processing;
    - f) the production of animal feeds; and
    - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- v) adding a new Section 7.26 (Astrophysical Observatory Electromagnetic Interference) under Section 7.0 (General Regulations) to read as follows:

**7.26 Dominion Radio Astrophysical Observatory Radio Frequency Interference Area**

The lands shown hatched on Schedule '3' are designated as a "Radio Frequency Interference Area" and include lands:

- a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes;
- b) within 61.0 metres of Section 7.26(a); and
- c) within 2.5 km of the astrophysical observatory facility.

- vi) replacing Section 10.1.3 (Minimum Parcel Size) under Section 10.1 (Resource Area Zone) in its entirety with the following:

**10.1.3 Minimum Parcel Size:**

- a) 20.0 ha; or
- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

- vii) adding a new sub-section 10.1.5(c) under Section 10.1 (Resource Area Zone) to read as follows:

- c) despite Sections 10.1.5(a) & (b), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).

- viii) replacing Section 10.2.3 (Minimum Parcel Size) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

**10.2.3 Minimum Parcel Size:**

- a) 4.0 ha; or
- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

- ix) adding a new sub-section 10.2.5(d) under Section 10.2 (Agriculture One Zone) to read as follows:

- d) despite Sections 10.2.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).

- x) replacing Section 10.3.3 (Minimum Parcel Size) under Section 10.3 (Agriculture Two Zone) in its entirety with the following:

**10.3.3 Minimum Parcel Size:**

- a) 10.0 ha; or
- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or

- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.
- xi) adding a new sub-section 10.3.5(d) under Section 10.3 (Agriculture Three Zone) to read as follows:
  - d) despite Sections 10.3.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- xii) replacing Section 10.4.3 (Minimum Parcel Size) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:
 

**10.4.3 Minimum Parcel Size:**

  - a) 4.0 ha; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xiii) adding a new sub-section 10.4.5(c) under Section 10.4 (Large Holdings One Zone) to read as follows:
  - d) despite Sections 10.4.5(a) & (b), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- xiv) replacing Section 15.2.3 (Minimum Parcel Size) under Section 15.2 (Parks and Recreation Zone) in its entirety with the following:
 

**15.2.3 Minimum Parcel Size:**

  - a) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xv) adding a new Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'B' (which forms part of this bylaw).

Electoral Area "D-1"

- 4. The "Electoral Area "D-1" Official Community Plan Bylaw No. 2683, 2016" is amended by:
  - i) replacing the second paragraph under Section 14.4 (Dominion Radio Astrophysical Observatory) under Section 14.0 (Administrative, Cultural and Institutional) in its entirety with the following:

The Regional District acknowledges the critical scientific and economic importance of DRAO, and recognizes its sensitivity to Radio Frequency Interference (RFI) that may result from development and human activity outside of DRAO lands (property of the National Research Council of Canada and associated land reserves established by BC for Observatory purposes) but within the designated RFI area described below.

- ii) replacing Section 14.4.2.4 (DRAO Policies) under Section 14.0 (Administrative, Cultural and Institutional) in its entirety with the following:
  - .4 Will continue supporting and working with DRAO staff to:
    - a) help inform current and prospective residents about their properties being located within, or near, a designated RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area);
    - b) inform current and prospective owners about RFI impacts on this major scientific facility; and
    - c) educate current and prospective residents on how to prevent and minimize uses with a risk of RFI impact.
  
- 5. The "Regional District Okanagan-Similkameen Electoral Area "D" Zoning Bylaw No. 2457, 2008" is amended by:
  - i) replacing the definition of "home industry" under Section 4.0 (Definitions) in its entirety with the following:

**"home industry"** means an occupation or a commercial use that is accessory to the principal residential use of the parcel and may include manufacturing, processing, fabricating, assembling, storing, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops, and other similar uses;
  
  - ii) replacing the definition of "home occupation" under Section 4.0 (Definitions) in its entirety with the following:

**"home occupation"** means an occupation or profession that is accessory to the principal residential use of a parcel and may include home offices; studios; home workshops, and other similar uses;
  
  - iii) replacing Section 7.17 (Home Occupations) under Section 7.0 (General Regulations) in its entirety with the following:

**7.17 Home Occupations**

The following regulations apply to home occupation uses where permitted as a use in this Bylaw:

    - .1 A home occupation shall not occupy more than 50% of the floor area of a principal dwelling unit or accessory building to a maximum of 50 m<sup>2</sup>.

- .2 A home occupation shall be carried out within the principal dwelling unit, or in an accessory building where permitted in the particular zone, with no external storage of materials, containers or finished products.
- .3 No retail sales shall be permitted in a home occupation, except for:
  - a) goods produced or made on the premises;
  - b) telephone or internet sales or sales where the customer does not enter the premises;
  - c) mail order sales;
  - d) direct distributors where customers do not enter the premises; and
  - e) sale of products directly related to the home occupation.
- .4 No commercial vehicle, exceeding 1 tonne (1,000 kg) in vehicle weight, associated with or used in the conduct of a home occupation shall be parked or otherwise located outside of an unenclosed building.
- .5 Only persons residing in the principal dwelling unit may carry on the home occupation located on the parcel occupied by the principal dwelling unit.
- .6 A home occupation shall not generate traffic congestion or parking demand within the District and shall not produce a public offence or nuisance of any kind.
- .7 A home occupation shall not involve:
  - a) material or products that produce inflammable or explosive vapours or gases under ordinary temperatures;
  - b) the boarding, breeding and keeping of animals;
  - c) the salvage or repair of motor vehicles, boats, or other machinery as a commercial venture;
  - d) the assembly of more than four (4) persons for any artistic, educational, religious, therapeutic or similar activity; and
  - e) the salvage, repair or assembly of electronic devices as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

xvi) replacing Section 7.18 (Home Industries) under Section 7.0 (General Regulations) in its entirety with the following:

#### **7.18 Home Industries**

The following regulations apply to home industry uses where permitted as a use in this Bylaw:

- .1 No home industry shall be permitted on a parcel less than 2.0 hectares in size.

- .2 A home industry shall not involve the salvage or storage of derelict vehicles and equipment, used building or domestic products and similar discarded materials.
- .3 A home industry shall be carried on in the principal dwelling unit or within an accessory building.
- .4 A home industry shall not occupy more than 50% of the floor area of the principal dwelling unit. The gross floor area utilized for a home industry, including storage of materials, commodities or finished products associated with the home industry shall not exceed 200 m<sup>2</sup>.
- .5 No retail sales of products other than the sale of goods produced, grown or assembled on the parcel shall be permitted.
- .6 Only persons residing in the principal dwelling unit may carry on the home industry located on the parcel, and up to two (2) non-resident employees may be on the parcel.
- .7 A home industry shall not be located on a parcel unless a principal dwelling unit already exists or is being constructed simultaneously, on the same parcel.
- .8 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced by the home industry and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area.
- .9 A home industry shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the area within which it is located.
- .10 A home industry shall not involve:
  - a) wrecking, salvage or storage of derelict vehicles and equipment;
  - b) salvage or storage of used building or domestic products and similar discarded materials;
  - c) manufacture of concrete products;
  - d) bulk fuel or chemical storage or refining depots;
  - e) animal or agriculture products processing;
  - f) the production of animal feeds; and
  - g) the salvage, repair or assembly of electronic devices, motor vehicles, boats, or other machinery as a commercial venture on lands situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- iv) replacing Section 7.27 (Astrophysical Observatory Electromagnetic Interference) under Section 7.0 (General Regulations) in its entirety with the following:

**7.27 Dominion Radio Astrophysical Observatory Radio Frequency Interference Area**

The lands shown hatched on Schedule '3' are designated as a "Radio Frequency Interference Area" and include lands:

- a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes;
- b) within 61.0 metres of Section 7.26(a); and
- c) within 2.5 km of the astrophysical observatory facility.

- v) replacing Section 10.1.3 (Minimum Parcel Size) under Section 10.1 (Resource Area Zone) in its entirety with the following:

**10.1.3 Minimum Parcel Size:**

- a) 20.0 ha; or
- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

- vi) adding a new sub-section 10.1.5(d) under Section 10.1 (Resource Area Zone) to read as follows:

- d) despite Sections 10.1.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).

- vii) replacing Section 10.2.3 (Minimum Parcel Size) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

**10.2.3 Minimum Parcel Size:**

- a) 4.0 ha; or
- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

- viii) adding a new sub-section 10.2.5(d) under Section 10.2 (Agriculture One Zone) to read as follows:

- d) despite Sections 10.2.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- ix) replacing Section 10.3.3 (Minimum Parcel Size) under Section 10.3 (Agriculture Three Zone) in its entirety with the following:
- 10.3.3 Minimum Parcel Size:**
- a) 20.0 ha; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
  - c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.
- x) adding a new sub-section 10.3.5(d) under Section 10.3 (Agriculture Three Zone) to read as follows:
- d) despite Sections 10.3.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- xi) replacing Section 10.4.3 (Minimum Parcel Size) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:
- 10.4.3 Minimum Parcel Size:**
- a) 4.0 ha; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xii) adding a new sub-section 10.4.5(d) under Section 10.4 (Large Holdings One Zone) to read as follows:
- d) despite Sections 10.4.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- xiii) replacing Section 10.5.3 (Minimum Parcel Size) under Section 10.5 (Large Holdings Two Zone) in its entirety with the following:
- 10.5.3 Minimum Parcel Size:**
- a) 8.0 ha; or

- b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xiv) adding a new sub-section 10.5.5(d) under Section 10.5 (Large Holdings Two Zone) to read as follows:
- d) despite Sections 10.5.5(b) & (c), for parcels situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw, the maximum number of all secondary suites, accessory dwellings or mobile homes shall not exceed one (1).
- xv) replacing Section 10.6.3 (Minimum Parcel Size) under Section 10.6 (Small Holdings Two Zone) in its entirety with the following:
- 10.6.3 Minimum Parcel Size:**
- a) 2.0 ha; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xvi) replacing Section 10.7.3 (Minimum Parcel Size) under Section 10.7 (Small Holdings Three Zone) in its entirety with the following:
- 10.7.3 Minimum Parcel Size:**
- a) 1.0 ha; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xvii) replacing Section 11.1.3 (Minimum Parcel Size) under Section 11.1 (Residential Single Family One Zone) in its entirety with the following:
- 11.1.3 Minimum Parcel Size:**
- a) 500 m<sup>2</sup>, subject to servicing requirements; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.
- xviii) replacing Section 11.2.3 (Minimum Parcel Size) under Section 11.2 (Residential Single Family Two Zone) in its entirety with the following:
- 11.2.3 Minimum Parcel Size:**
- a) 500 m<sup>2</sup>, subject to servicing requirements; or
  - b) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- xix) replacing Section 15.2.3 (Minimum Parcel Size) under Section 15.2 (Parks and Recreation Zone) in its entirety with the following:

**15.2.3 Minimum Parcel Size:**

- a) 60.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

- xx) replacing Section 15.4 (Crown Research Area Zone) under Section 15.0 (Administrative and Open Space) in its entirety with the following:

**15.4 CROWN RESEARCH AREA ZONE (CRA)**

**15.4.1 Permitted Uses:**

Principal uses:

- a) agriculture, subject to Sections 7.23 and 7.24;  
b) radio astrophysical observatory;

Secondary uses:

- c) single detached dwelling; and  
d) accessory buildings and structures, subject to Section 7.13.

**15.4.2 Site Specific Crown Research Area Zone (CRAs) Provisions:**

- a) see Section 16.24

**15.4.3 Minimum Parcel Size:**

- a) 60.0 ha

**15.4.4 Minimum Parcel Width:**

- a) Not less than 25% of the parcel depth.

**15.4.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) single detached dwelling.

**15.4.6 Minimum Setbacks:**

- a) Buildings and structures:
- |                                 |             |
|---------------------------------|-------------|
| i) Front parcel line:           | 15.0 metres |
| ii) Rear parcel line:           | 15.0 metres |
| iii) Interior side parcel line: | 15.0 metres |

iv) Exterior side parcel line: 15.0 metres

**15.4.7 Maximum Height:**

a) Not applicable

**15.4.8 Maximum Parcel Coverage:**

a) Not applicable

xxi) adding a new Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'C' (which forms part of this bylaw).

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2777, 2017

Project No: X2017.072-ZONE

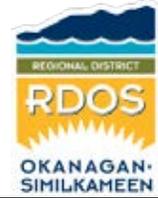
## Schedule 'A'

Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008  
Schedule 'F' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area)

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2777, 2017

Project No: X2017.072-ZONE

## Schedule 'B'

Electoral Area "C" Zoning Bylaw No. 2453, 2008  
Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area)

# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2777, 2017

Project No: X2017.072-ZONE

## Schedule 'C'

Electoral Area "D" Zoning Bylaw No. 2457, 2008  
Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area)

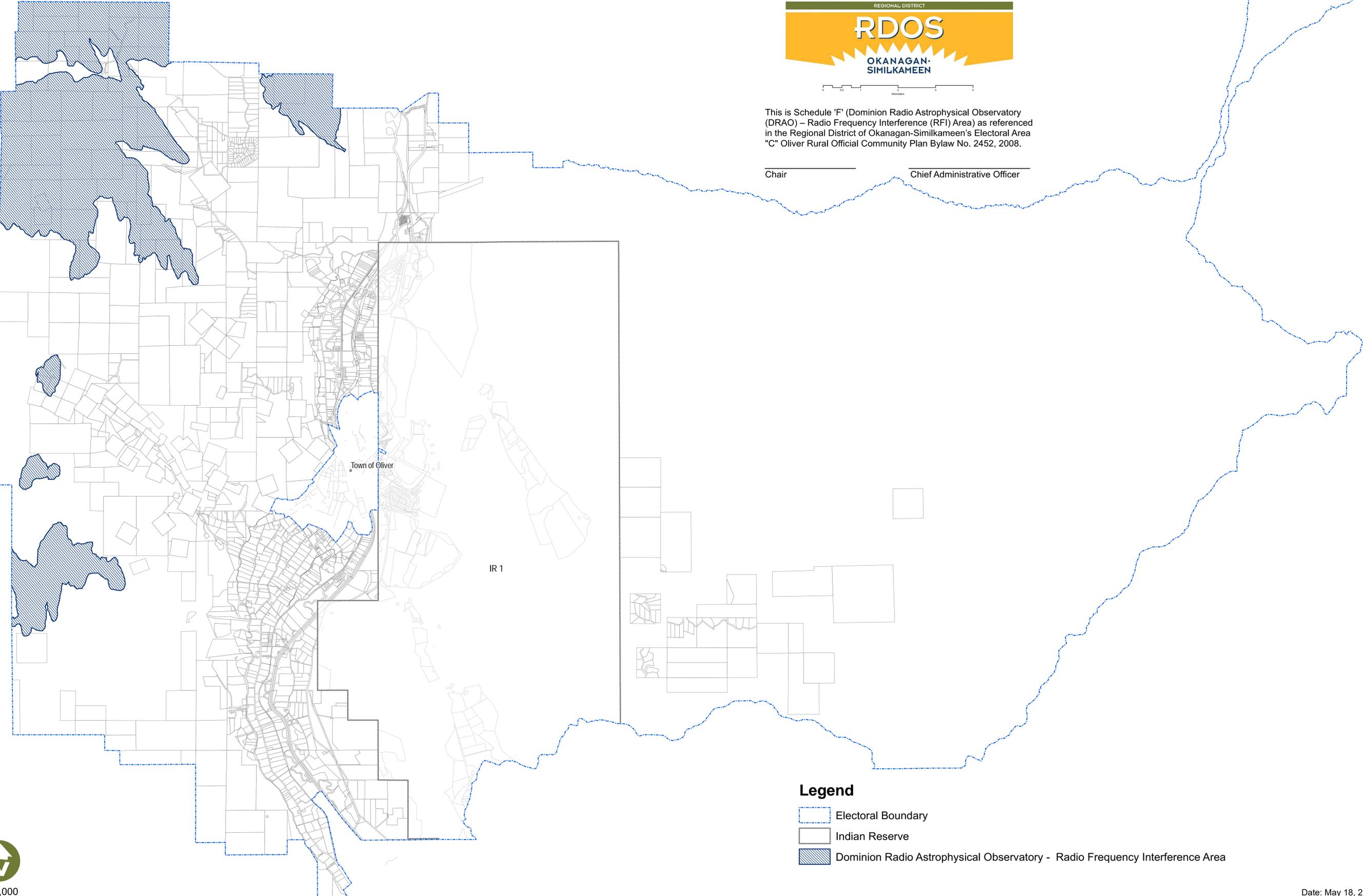
# Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area

Schedule 'F' – Oliver Rural Official Community Plan Bylaw No. 2452, 2008.



This is Schedule 'F' (Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "C" Oliver Rural Official Community Plan Bylaw No. 2452, 2008.

Chair \_\_\_\_\_ Chief Administrative Officer \_\_\_\_\_



### Legend

- Electoral Boundary
- Indian Reserve
- Dominion Radio Astrophysical Observatory - Radio Frequency Interference Area



1:35,000

Date: May 18, 2017

# Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area

Schedule '3' – Electoral Area "C"  
Zoning Bylaw No. 2453, 2008.

## Legend

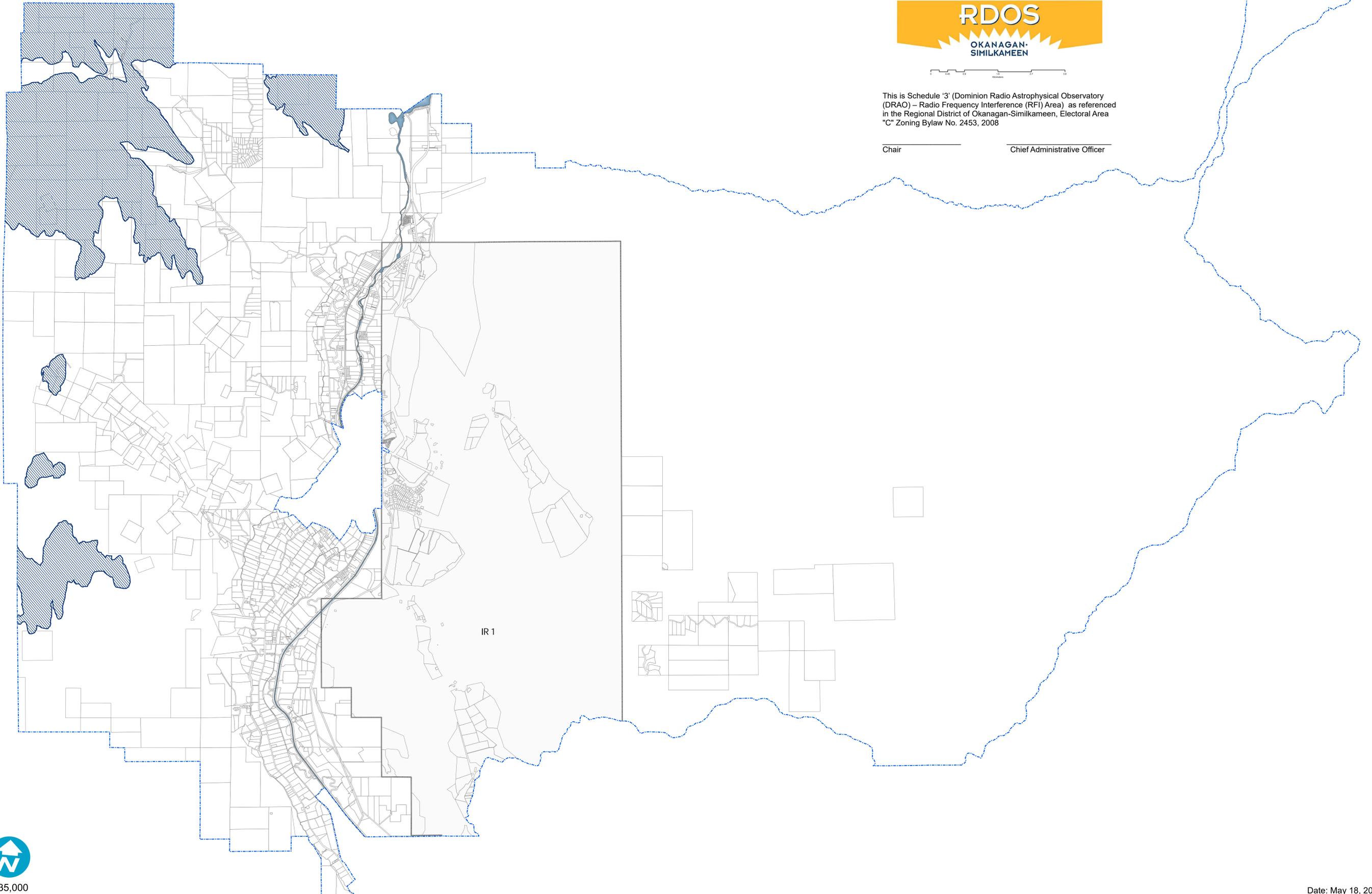
-  Dominion Radio Astrophysical Observatory - Radio Frequency Interference Area
-  Electoral Boundary
-  Indian Reserve



This is Schedule '3' (Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area) as referenced in the Regional District of Okanagan-Similkameen, Electoral Area "C" Zoning Bylaw No. 2453, 2008

Chair \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_



1:35,000

Date: May 18, 2017

# Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area

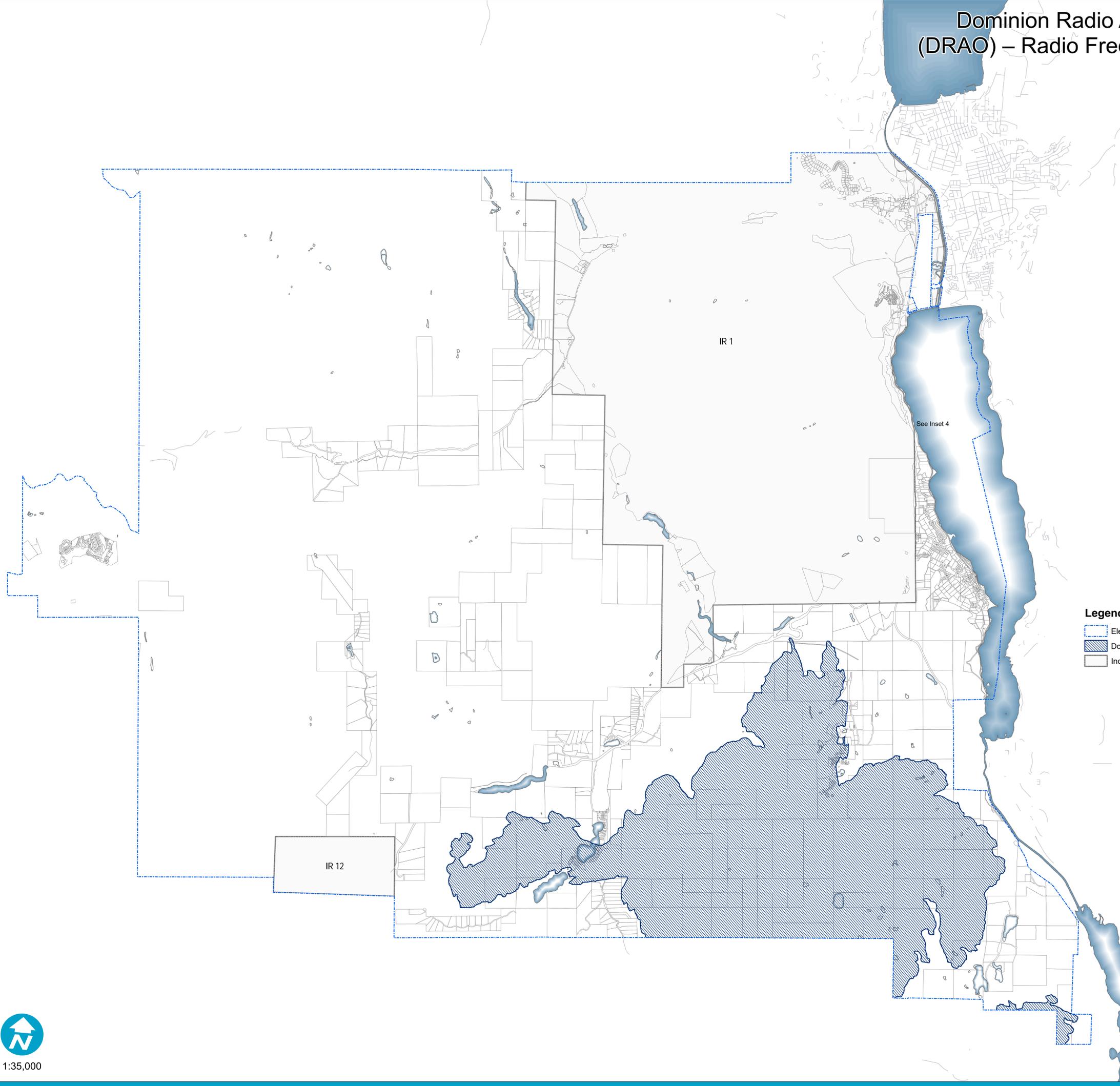
Schedule '3' – Electoral Area "D"  
Zoning Bylaw No. 2457, 2008.



This is Schedule '3' (Dominion Radio Astrophysical Observatory (DRAO) – Radio Frequency Interference (RFI) Area) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "D" Zoning Bylaw No. 2457, 2008

Chair \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_



### Legend

- Electoral Boundary
- Dominion Radio Astrophysical Observatory - Radio Frequency Interference Area
- Indian Reserve



1:35,000

**From:** Referral Apps REG8 FLNR:EX [<mailto:ReferralAppsREG8@gov.bc.ca>]

**Sent:** August 8, 2017 9:35 AM

**To:** Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>

**Subject:** RE: Re-Referral - Amendment Bylaw No. 2777 - Regulations relating to the Dominion Radio Astrophysical Observatory (X2017.072-ZONE)

Hi,

Lora Nield, Senior Ecosystems Biologist with the Ecosystems Section of the Ministry of Forest Lands and Natural Resources has reviewed the above noted referral and has "No Comment".

Thank you

Cathy Lacey  
Admin Support  
MFLNRO Penticton

## Lauri Feindell

---

**From:** Lacey, Cathy M FLNR:EX <Cathy.Lacey@gov.bc.ca>  
**Sent:** June 27, 2017 3:52 PM  
**To:** Planning  
**Cc:** Christopher Garrish  
**Subject:** Your file X2017.072-ZONE

Hi,

The Ecosystems Section Head, Grant Furness, has reviewed the above noted referral and states that Ecosystems with the Ministry of Forest Lands & Natural Resources has "No Concerns".

Cathy Lacey  
Admin Support  
MFLNRO Penticton



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

July 27, 2017

Reply to the attention of Tony Pellett  
ALC File # 46488

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

Attention: Christopher Garrish

Re: Bylaw No. 2777, 2017

This is in response to the email messages from Christopher Garrish and Lauri Feindell regarding the decision of the Okanagan-Similkameen Regional Board to amend Bylaw No. 2777 to: increase the minimum parcel size requirement for subdivision in the Radio Frequency Interference (RFI) Area to 60.0 ha;

limit the number of accessory dwellings permitted on parcels in the RFI area to one; and revise the general regulations pertaining to "home occupation" and "home industry" uses occurring in the RFI area in order to exclude the repair of small engines and repair or assembly of electronic devices.

These amendments are in the context of broader amendments to the Electoral Area "C" OCP and Zoning Bylaw, and to the Electoral Area "D-1" OCP and Zoning Bylaw.

In Electoral Area "C" the Provincial Agricultural Land Commission (the "ALC") supports the proposed increase in parcel size to 60.0 ha from 4.0 ha, 10.0 ha or 20.0 ha for parcels (other than under the ALC homesite severance policy) situated within the "Radio Frequency Interference Area".

In Electoral Area "D-1" the ALC supports the proposed increase in parcel size to 60.0 ha from 500 m<sup>2</sup>, 1.0 ha, 2.0 ha, 4.0 ha or 20.0 ha for parcels (other than under the ALC homesite severance policy) situated within the "Radio Frequency Interference Area".

The Commission strongly suggests that where a standard parcel size of 20.0 ha is currently applied to parcels within extensive farming areas, consideration be given to increasing that parcel size to 60.0 ha even where not situated within the "Radio Frequency Interference Area".

Finally, there is an apparent wording omission in the second-last paragraph of Electoral Area "C" section 11.4, which states: "While the impact of RFI generated by human activity within 61 metres vertically of the lines-of-sight of existing telescopes; it is nevertheless important to minimize the levels of RFI or risks of potential RFI."

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in blue ink that reads 'Tony Pellett'.

Tony Pellett, Regional Planner

TP/46488m3

**RECEIVED**  
Regional District

AUG - 2 2017

101 Martin Street  
Penticton BC V2A 5J9

## Lauri Feindell

---

**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** June 13, 2017 4:11 PM  
**To:** Planning  
**Subject:** Bylaw #2777

Chris

This to advise that the ALC has the following comments on Bylaw #2777.

- 1) A 20 ha minimum lot size for Proposed "Radio Frequency Interference Area" RFIA (which is largely contiguous with ALR areas) is not adequate for typical agricultural activities - dry land grazing activities - in the ALR in this area.
- 2) The ALC has refused 20 ha subdivision applications in this area
- 3) The ALC suggests that the minimum lot size for the RFIA of 60 ha, which is typical of some of the larger property sizes.

If you have any questions, please contact the undersigned

Regards

Martin Collins  
Director of Policy and Planning  
Agricultural Land Commission  
Phone: 604-660-2554  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)





June 27, 2017

File: Dominion Radio Astrophysical Observatory  
White Lake, RDOS

Christopher Garrish, Planning Supervisor  
Regional District of Okanagan-Similkameen  
101 Martin Street,  
Penticton, B.C., V2A 5J9

Dear Mr. Garrish:

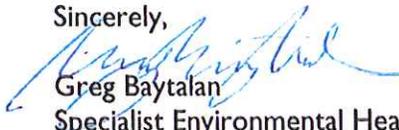
Re: Bylaw 2777 for Dominion Radio Astrophysical Observatory (DRAO), White Lake, RDOS

Thank you for sending the referral for the above-mentioned Bylaw 2777 to our Healthy Built Environment (HBE) team. Upon review of the Bylaw intentions (updated mapping, new objectives and policy statements, revised general regulations), and weblink provided, the following comments are offered.

Mapping describes a yellow boundary identified as "Current High Risk Electromagnetic Interference Area" surrounding a red-shaded "Proposed Radio Frequency Interference (RFI) Area". Described is that new subdivisions must not be less than 20 ha in area within this RFI area. Years ago while visiting the DRAO site I recall information signs educating people to avoid using equipment such as chainsaws and ATV's with ignition systems that can potentially disrupt the radio frequency interpretation work underway at DRAO. Had I not personally known of this sensitivity, I may be inclined to think that the area within the yellow boundary is of high electromagnetic frequency (EMF) risk for people. An amendment to the language to clearly identify the purpose of the yellow boundary and red-shaded areas is recommended.

Further to the above, it is my understanding that the main purpose of DRAO is to receive and decipher incoming signals rather than broadcast, but I do not know the specifics of the operations. As Industry Canada is not included on the agency referral list, I suggest that this referral be sent to Mike Amyotte, Manager Spectrum Operations, Industry Canada [Mike.Amyotte@ic.gc.ca](mailto:Mike.Amyotte@ic.gc.ca) in the Kelowna office for his input.

Sincerely,



Greg Baytalan  
Specialist Environmental Health Officer

cc. Mike Amyott, Manager Spectrum Operations, Industry Canada

Bus: (250) 469-7070 ext. 12273  
Fax: (250) 868-7760  
[Greg.Baytalan@interiorhealth.ca](mailto:Greg.Baytalan@interiorhealth.ca)  
[www.interiorhealth.ca](http://www.interiorhealth.ca)

POPULATION HEALTH  
505 Doyle Ave.  
Kelowna, BC, V1Y 0C5



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

From: Dougherty, Sean [<mailto:Sean.Dougherty@nrc-cnrc.gc.ca>]

Sent: July 19, 2017 8:30 AM

To: Christopher Garrish <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>

Cc: 'denisogorman@telus.net' <[denisogorman@telus.net](mailto:denisogorman@telus.net)>; Vincent, Morricks <[Morricks.Vincent@nrc-cnrc.gc.ca](mailto:Morricks.Vincent@nrc-cnrc.gc.ca)>

Subject: RE: Proposed OCP & Zoning Bylaw Updates related to DRAO (X2017.072-ZONE)

Hello Chris,

Thanks for your Administrative Report on Bylaw 2777 to amend Area C and D-1 bylaws in the RFI area to:

- increase minimum parcel size requirements for subdivision;
- limit accessory dwellings in the RFI area; and
- revise provisions respecting home occupation and industry uses.

DRAO is supportive as indicated in our written comments. Thank you for circulating them.

There is one point in your report that needs amplification. It is the reference to the St. Andrews Land Use Contract. You reference that the LUC remains in effect until 2024. DRAO believes it is important that the attention of the Board be explicitly drawn to the policy commitment in the recent OCP for Area D-1 (S.7.4.1) to support replacement of the LUC, appropriate designation, zoning, and other measures. These include supporting DRAO in securing an enduring legal basis for RFI protection and management.

DRAO appreciates that policy and will be seeking ongoing RDOS support as suitable legislative measures are pursued with the Province. I am prepared to address this at the meeting if required.

Thanks,

Sean Dougherty  
Director, DRAO

## DRAO COMMENTS ON DRAFT BYLAW AND ADMIN REPORT JUNE 2017

### COMMENTS: DRAFT BYLAW 2777

The following comments and suggestions regarding wording of draft Bylaw 2777, 2017 are keyed to the draft which you referred to us on June 9, 2017.

#### SECTION 2

##### S.11.4 Dominion Radio Astrophysical Observatory

- Para 1. We appreciate your noting both the nationally unique function and requirements of the Observatory.
- Para 2. The sentence could be modified to read “outside of DRAO lands (property of the National Research Council of Canada and associated land reserves established by BC for Observatory purposes) but within the designated RFI area described below”.
- Para 3. Revise text to read “the degree to which any development . . . whether such development . . . “
- Para 4. The second sentence is missing a closing statement. The third sentence statement could use either “necessary, essential or critical” rather than important.
- Para 5. DRAO supports the RDOS commitment to jointly review development proposals to avoid RFI risk.

##### S.11.4.2 Policies

1. The term “generally” continues to present concern as it is indefinite. A preferred alternative is a reference such as “Consistent with the objectives and policies respecting DRAO presented in the AREA D-1 OCP, will not support any future rezoning”, etc.
3. Will continue supporting . . . DRAO staff.
- 3 a) near a designated RFI area as shown on Schedule E.
- 3 c) minimize uses with a risk of a RFI impact

#### SECTION 3, AREA C ZONING BYLAW

- i. The replacement language for S. 7.27 is supported as is the CG5 reference to applying a 20ha minimum parcel size for subdivision to zones affected by the RFI area.
- ii. Again the references to a 20.0 minimum parcel size (ref. 10.2.3) (ref. 10.3.3) (ref.10.4.3) and (ref. 15.2.3) are supported.



## SECTION 4/AREA D ZONING BYLAW

- i. The replacement language for 7.26 proposed meets your goal of consistency with Area D-1 provisions. DRAO is supportive of this.
- ii. DRAO supports the intent of a consistent 20ha minimum parcel size within the RFI area under Sections (10.4.3) (10.5.3) (10.6.3) (10.7.3) (11.1.3) (11.2.3) and (15.2.3) as proposed.

Adding the RFI area map as a consistent Schedule for Areas C, D and D-1 is supported.

### COMMENTS: JUNE 1, 2017 ADMINISTRATIVE REPORT, REVIEW OF ZONING REGULATIONS, DRAO

#### BACKGROUND STATEMENT

This statement is a good summary assessment of the situation and proposed direction.

#### ANALYSIS

DRAO supports RDOS efforts to ensure consistency of DRAO-related policies across Electoral Areas including:

- Objective and Policy statements related to DRAO being based on those in the Area D-1 OCP;
- updated mapping; and
- revised general regulations to remove a current unlawful delegation of RDOS authority to DRAO officials.

Your reference to the overly prescriptive list of electrical equipment and devices, primarily related to residential use, which could result in radio frequency interference with the Observatory warrants special attention as noted below.

DRAO is fully supportive of the RDOS intention to pursue more substantive approaches including consideration of:

- restricting new subdivision in the RFI area to 50 or 60ha, and
- limiting residential density within the RFI area by restricting development of accessory dwellings on a parcel.

RFI is generated by human occupation and use of land. Thus, lower density of human activity results in lower risk of RFI.

Of the two options presented, (reducing accessory dwelling densities to one per parcel or no accessory dwellings) DRAO would prefer the latter as it would lower RFI risk.



DRAO would also suggest consideration, by RDOS, of similar appropriate regulatory provisions respecting those home industries and home occupations entailing repair of small engines, and repair or assembly of electronic devices or components with a potential for RFI. We would be pleased to review such provisions in collaboration with the RDOS.

Finally, we generally support the reference to the Land Use Contract (LUC) applicable to the St. Andrews area and its continuation to 2024 subject to early termination or voluntary discharge. However, in any future submission on this topic, DRAO believes that specific reference should be made to the St. Andrews LUC containing special provisions including:

- Restricting installation and use of electrical equipment/devices that could cause RFI . . . and suppression to reduce the emission of it “to levels acceptable to the Observatory”.
- An obligation of the (St. Andrews) Developer to a) alert all buyers or occupiers of land of the RFI suppression requirement, and b) remove or suppress an (RFI) interfering device.
- Construing the LUC agreement as “running with the land” and requiring it to be registered by the Regional District in the Land Registry Office.

These are all DRAO-specific conditions of development which are beyond the scope of zoning authority. However, they are within the scope of Provincial legislation, either Order or Statute, which can be tailored to meet the unique and ongoing requirements of RFI protection for DRAO.

The Area D-1 OCP (adopted December, 2016) presents RDOS support for “eventual termination of the 1973 Land Use Contract and its replacement with appropriate designation, zoning and other measures. These include including supporting DRAO in securing an enduring legal basis for RFI protection and management” (S.7.4.1). DRAO strongly endorses that policy.

It is the intention of DRAO to pursue “such other measures” to complement the OCP Objectives and Policies and the proposed updates to the Zoning Bylaws for Areas C and D-1.

DRAO appreciates the opportunity to comment and would be pleased to meet with you as necessary to assist in moving this forward.





Your File #: X2017.072-  
ZONE DRAO  
eDAS File #: 2017-03915  
Date: June 15, 2017

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

Attention: Lauri Feindell

**Re: Proposed Text Amendment Bylaw 2777, 2017 for:  
Dominion Radio Astrophysical Observatory**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 490-8200 Fax: (250) 490-2231



**From:** Amyotte, Micheal (IC)  
**To:** [Christopher Garrish](#)  
**Subject:** RE: DRAO Bylaw Referral Response - Industry Canada  
**Date:** July 17, 2017 11:54:28 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Hi Chris. Thanks for the opportunity. I just skimmed through the proposals but I believe it has to do with zoning and parcel sizes correct? We don't have any input on that.

Thanks again,

Micheal Amyotte

Manager, Spectrum Operations, Spectrum Management Operations Branch  
Innovation, Science and Economic Development Canada / Government of Canada  
[Micheal.Amyotte@canada.ca](mailto:Micheal.Amyotte@canada.ca) / Tel: 250-215-2890 / TTY: 1-866-694-8389

Gestionnaire, Opérations du spectre , Direction générale des opérations de la gestion du spectre  
Innovation, Sciences et Développement économique Canada / Gouvernement du Canada  
[Micheal.Amyotte@canada.ca](mailto:Micheal.Amyotte@canada.ca) / Tél: 250-215-2890 / ATS: 1-866-694-8389

Mike

**Lauri Feindell**

**From:** Cindy Cerne <countryk9@me.com>  
**Sent:** October 15, 2017 9:05 PM  
**To:** Planning  
**Subject:** feedback form



# Feedback Form

Regional District of Okanagan Similkameen  
101 Martin Street, Penticton, BC, V2A-5J0  
Tel. 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen      **FILE NO.:** X2017.072-ZONE

**FROM:** Name: Cindy Cerne  
(please print)

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

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

**RE:** Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, *except for:* subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

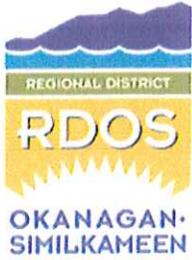
*I dont understand how animal breeding +  
boarding would affect DRAO? So No To That!*  
*I would like to see the rest of them  
in place, especially the sections  
on "junk".*  
*Thanks*

Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 20, 2017**

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(Departments → Development Services → Planning → Strategic Projects → Update of DRAO Policies, Regulations & Mapping)

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Cindy Cerne



# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: X2017.072-ZONE

FROM: Name: RAYMOND STEWART  
(please print)

Street Address: 4493 WILLOWBROOK ROAD, P.O. Box 850  
SHUSwap, BC, V2T 1T6

Tel/Email:

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

DO NOT INCREASE THE MINIMUM PARCEL SIZE FROM 20.0 ha to 60.0 ha.

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Recd OCT 20 2017



# Feedback Form

OKANAGAN-SIMILKAMEEN

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

TO: Regional District of Okanagan Similkameen FILE NO.: X2017.072-ZONE

FROM: Name: MARTIN TERRY  
(please print) 4692 HOLLYMERE PLACE  
Street Address: 320 WHITE LAKE RD / DELTA B.C. WILKITS  
Tel/Email: \_\_\_\_\_

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

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- I do not support the proposed amendments.

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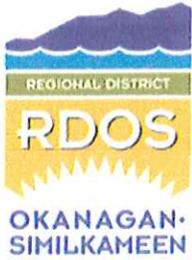
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# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2017.072-ZONE

**FROM:** Name: GALVIN DEEDMAN & BEVERLY HARLEAN  
(please print)

Street Address: 301-5775 HAMPTON PLACE, VANCOUVER, BC V6T 2G6

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

**RE:** Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
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- I do not support the proposed amendments.

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Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

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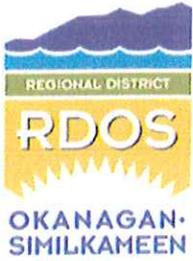
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**RECEIVED**  
Regional District  
  
OCT -5 2017  
  
101 Martin Street  
Penticton BC V2A 5J9

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no later than Friday **October 20, 2017**

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101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

001 12 2017

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: X2017.072-ZONE

FROM: Name: Patricia and Terrence Tochkiv  
(please print)

Street Address: 19582 Somerset Drive Pitt Meadows BC V3Y 2L4

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

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

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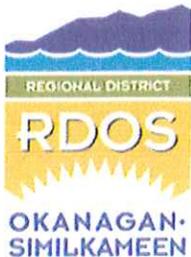
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# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2017.072-ZONE

**FROM:** Name: JAMES A MACPHEE  
(please print)

Street Address: 34763 PAKENHAM PL.

Tel/Email: MISSION B.C. V2V7A6 ET

**RE:** Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

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Regional District

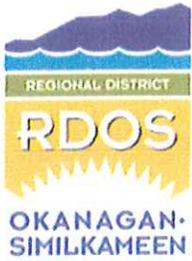
OCT 06 2017

101 Martin Street  
Penticton BC V2A 5J9

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(Departments → Development Services → Planning → Strategic Projects → Update of DRAO Policies, Regulations & Mapping)



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

OCT 19 2017

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: X2017.072-ZONE

FROM: Name: SYLVIA MAYER  
(please print)

Street Address: 119 PAR Blvd. Kaleden.

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

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

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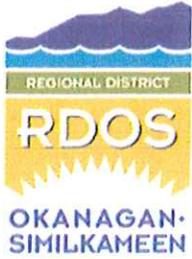
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# Feedback Form

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

RECEIVED  
Regional District

OCT 23 2017

TO: Regional District of Okanagan Similkameen

101 Martin Street  
Penticton BC V2A 5J9  
FILE NO.: X2017-072-ZONE

FROM: Name: Brad Flick  
(please print)

Street Address: 617 GRAND ORO RD

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

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

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Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

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OKANAGAN-SIMILKAMEEN

# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

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

TO: Regional District of Okanagan Similkameen

FILE NO.: X2017.072-ZONE

FROM: Name:

JEFF - NICOLE DENNIS

(please print)

Street Address:

423 EASTVIEW RD, Okanagan Similkameen

Tel/Email:



RE:

Official Community Plan and Zoning Amendment Bylaw No. 2777

Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

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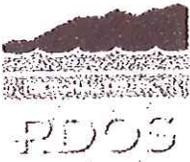


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# Feedback Form

OKANAGAN-SIMILKAMEEN

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

TO: Regional District of Okanagan Similkameen FILE NO.: X2017.072-ZONE

FROM: Name: Kaleden ST Andrews Estate LTD  
(please print)

Street Address: 1498 Koehler Rd Roberts Creek

Tel/Email:

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

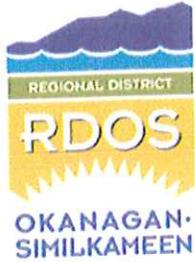
Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

I am wondering how you propose to  
compensate owners for the loss of value  
to ones property. This seems you  
are changing zoning to accommodate one  
property owner (DRAO) who built a facility  
with surrounding neighbors. They should  
purchase the property in the affected areas  
I would like to be kept informed of these

Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 20, 2017** *Changes*

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# Feedback Form

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101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

RECEIVED  
Regional District  
OCT 10 2017

TO: Regional District of Okanagan Similkameen

FILE NO.: X2017-072-ZONE  
Penticton BC V2A 5J9

FROM: Name:

KECK MELKE  
(please print)

Street Address:

101 FARMWAY DRIVE

Tel/Email:

RE:

OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENTS  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

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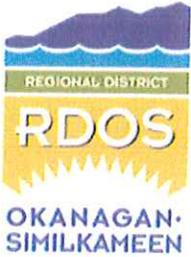
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# Feedback Form

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101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

RECEIVED  
Regional District

OCT 11 2017

TO: Regional District of Okanagan Similkameen

FILE NO.: X2017.072-ZONE

101 Martin Street  
Penticton BC V2A 5J9

FROM: Name: Dale Smith  
(please print)

Street Address: #1101 White Lake Rd.

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

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

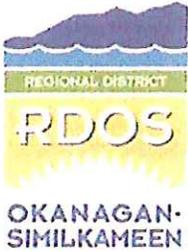
- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

We would not be happy with any  
changes to our property - zoning or plans  
of changing any regulations that  
would concern us.

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(Departments → Development Services → Planning → Strategic Projects → Update of DRAO Policies, Regulations & Mapping)



# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

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

TO: Regional District of Okanagan Similkameen FILE NO.: X2017.072-ZONE

FROM: Name: HB LAND COMPANY LTD, SHAWN BAENZIGER  
(please print)

Street Address: KELOWNA BC. V1V 2P5, 643 DENALI COURT

Tel/Email:

RE: Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

HB LAND COMPANY LTD OWNS SEVERAL CROWN GRANTED MINERAL CLAIMS IN THE FAIRVIEW AREA, ELECTORAL AREA C (OLIVER RURAL)

SOME OF THE CLAIMS WERE CROWN GRANTED IN 1894, ALL MINERAL CLAIMS INCLUDE TIMBER, SURFACE AND UNDERSURFACE RIGHTS,

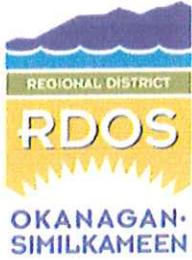
THERE MIGHT BE RENEWED INDUSTRIAL ACTIVITY IN THE AREA AND THE PROPOSED CHANGES ARE UNACCEPTABLE OWNERSHIP RESTRICTIONS AND MAY BE SUBJECT TO LEGAL CHALLENGES.

Feedback Forms must be completed and returned to the Regional District  
no later than Friday October 20, 2017

Additional information can be found at the Regional District's web site: [www.rdos.bc.ca](http://www.rdos.bc.ca)

(Departments → Development Services → Planning → Strategic Projects → Update of DRAO Policies, Regulations & Mapping)





# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2017.072-ZONE

**FROM:** Name: GORDON ZAPOROZAN  
(please print)

Street Address: 841 HILLVIEW RD. CASTLEGAR

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

**RE:** Official Community Plan and Zoning Amendment Bylaw No. 2777  
Electoral Area "C" (Oliver Rural) and Electoral Area "D-1" (Kaleden-Apex)

My comments / concerns are:

- I do support the proposed amendments.
- I do support the proposed amendments, subject to the comments listed below.
- I do not support the proposed amendments.

Written submissions will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2777.

RESTRICTS MY LAND USE A LOT !!

IF BE SO WHY NOT BUY OUT LAND

OWNER !!

NOT HAPPY WITH THIS AT ALL !!

Feedback Forms must be completed and returned to the Regional District  
no later than Friday **October 20, 2017**

Additional information can be found at the Regional District's web site: [www.rdos.bc.ca](http://www.rdos.bc.ca)  
(Departments → Development Services → Planning → Strategic Projects → Update of DRAO Policies, Regulations & Mapping)

## ADMINISTRATIVE REPORT

**TO:** Corporate Services Committee

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

**DATE:** November 2, 2017

**RE:** Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure

---

### Administrative Recommendation:

**THAT Bylaw No.2786, 2017, being a bylaw of the Regional District of Okanagan Similkameen to authorize an expenditure of \$78,496.00 from the Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw, be read a first, second and third time and be adopted.**

### Reference:

Bylaw 2653, 2014 - Regional District Okanagan Similkameen Electoral Area "H" Community Facilities Capital Reserve Fund Establishment Bylaw.

Bylaw 2782, 2017 – Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw.

### Background:

In 2009, The Regional District entered into a Community Forest Partnership with the Upper Similkameen Indian Band and the Town of Princeton, each holding a 1/3 share of the Corporation. The Electoral Area "H" Director and the CAO are the Regional District's Members on the Corporation.

In 2014, the Regional District created the Electoral Area "H" Community Facilities Capital Reserve Fund for the purpose of holding the Regional District share of the proceeds from the Corporation and to budget for expenditures for, or in respect of, capital projects within Electoral Area "H".

### Analysis:

The Tulameen Fire Department has a requirement for an exhaust extrication system for the Tulameen Fire Hall, which is estimated at \$30,000. This recommendation of the Tulameen Fire Department Audit by Mitchell & Associates will provide for safe air quality in the fire hall required to meet occupational health and safety guidelines.

In addition, 4 sets of self-contained breathing apparatus have reached their end date and require replacement at an estimated cost of \$32,000. Going forward, the plan is to replace 2 sets per year as part of the normal budgeting process.

The remaining \$10,000 requested is to provide funding necessary to hire a consultant to prepare required documentation for acquisition of land for a satellite fire hall in the community of Coalmont to improve response times. The community is contributing and fund raising towards this future project.

The China Ridge Trails Association provides a valuable service to outdoor recreation in Area H and they have identified a need for a cross country ski trail groomer and track setter, estimated at \$6,496.00. In addition to the VFCFC contribution, the association will seek funding from other sources.

After deducting the expenditures already committed in 2017, the balance in the Area H Community Facilities Reserve Fund is \$927,824.29.

**Respectfully submitted:**

*"Maureen Hayter"*

---

M. Hayter, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2786, 2017**

---

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Facilities Reserve Fund for Tulameen & District Fire Department for cost relating to an exhaust extrication system, self contained breathing apparatus' and consulting fees related to land acquisition for the Coalmont Fire Hall and to the China Ridge Trails Association for contribution towards the purchase of a cross country ski groomer and track setter.

---

**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

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

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

**1 Citation**

1.1 This Bylaw shall be cited as the "Electoral Area 'H' Community Facilities Capital Reserve Fund Expenditure Bylaw No. 2786, 2017"

2. The expenditure of \$72,000 from the Electoral Area 'H' Community Facilities Capital Reserve Fund is hereby authorized for the Tulameen & District Fire Department for the purchase of an exhaust extrication system, four self contained breathing apparatus' and for consulting fees related to land acquisition for the Coalmont Fire Hall.

And

The contribution of \$6,496.00 towards the purchase of a cross country ski groomer and track setter.

**READ A FIRST, SECOND, AND THIRD TIME** this \_\_\_ day of \_\_\_, 2017

**ADOPTED** this \_\_\_ day of \_\_\_, 2017

---

RDOS Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** 2018 Board and Committee Schedule of Meetings

---

### **Administrative Recommendation:**

**THAT the 2018 Regional District of Okanagan-Similkameen Board and Committee Schedule of Meetings, as provided in the November 2, 2017 report from the Chief Administrative Officer, be approved.**

### **Purpose:**

To establish, by resolution, a schedule for regular Board and Committee meetings for 2018 in accordance with the RDOS Procedure Bylaw.

### **Reference:**

RDOS Procedure Bylaw 2620, 2013

### **Analysis:**

The 2018 meeting schedule is before the Board for review and approval. Generally, the Board follows a schedule of convening meetings on the first and third Thursday of each month; although, on occasion, those dates have been adjusted due to conflicts with annual conventions and forums.

In 2018, one conflicts exist: the Local Government Leadership Academy Forum takes place on January 31 – February 2 and the Board is scheduled to meet on February 1. In past years, Director attendance at the LGLA has been minimal, one to two Directors at most; therefore, no changes to the existing schedule are proposed.

### **Alternatives:**

That the Board and Committee Schedule of Meetings for 2018 be adjusted to accommodate the LGLA Forum.

### **Respectfully submitted:**

*"Christy Malden"*

---

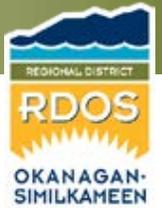
C. Malden, Manager of Legislative Services

# RDOS Board of Directors 2018 Meeting Schedule

Month	Board & Committee Day	Board & Committee Day
January	January 4	January 18
February	February 1	February 15
March	March 1	March 15
April <sup>1</sup>	April 5	April 19
May	May 3	May 17
June <sup>2</sup>	June 7	June 21
July	July 5	July 19
August	August 2	August 16
September <sup>3</sup>	September 6	September 20
October <sup>4</sup>	October 4	October 18
November	November 15 Inaugural Meeting <sup>5</sup>	
December	December 6	December 20

- Ø 2018 SILGA Convention April 24-27, 2018 – Revelstoke
- Ø 2018 FCM Convention May 31-June 3 - Halifax
- Ø 2018 UBCM Convention September 10-14 - Whistler
- Ø 2018 Local Government Elections October 20, 2018
- Ø 2018 Inaugural Board Meeting – November 15, 2018

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Electoral Area Advisory Planning Commissions — 2018 Meeting Schedule

---

## Administrative Recommendation:

**THAT the Board of Directors accept the 2018 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions.**

---

## Purpose:

The purpose of this report is to provide the Board with an overview of the meeting schedules for the various Electoral Area Advisory Planning Commissions (APCs) for 2018.

## Background:

Under Section 6.3 of the Regional District's Advisory Planning Commission (APC) Bylaw No. 2339, 2006, "a schedule of regular Commission meetings including time, date and place shall be arranged by each Commission in consultation with the Regional District and shall be forwarded to the Board at the first meeting of each new year."

## Analysis:

The APC meeting schedule contained at Attachment No. 1 to this report has been prepared on the basis of the 2017 meeting schedule for each Electoral Area APC.

## Alternatives:

1. THAT the Board of Directors not accept the 2018 Meeting Schedule for the Electoral Area Advisory Planning Commissions; or
2. THAT the Board of Directors defer consideration of the 2018 Meeting Schedule for the Electoral Area Advisory Planning Commissions to its first meeting of 2018 in order to allow for further consultation with the Commissions.

## Respectfully submitted:

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

C. Garrish, Planning Supervisor

## Endorsed by:

A handwritten signature in blue ink, appearing to read 'B. Dollevoet', is written over a horizontal line.

B. Dollevoet, Development Services Manager

Attachments: No. 1 – 2018 APC Meeting Schedule

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Attachment No. 1 – 2018 APC Meeting Schedule

AREA "A"	AREA "B"	AREA "C"	AREA "D"	AREA "E"	AREA "F"	AREA "G"	AREA "H"
January 8	N/A	January 16	January 9	January 8	January 4	January 17	January 16
February 13	N/A	February 20	February 13	February 13	February 1	February 21	February 20
March 12	N/A	March 20	March 13	March 12	March 1	March 21	March 20
April 9	N/A	April 17	April 10	April 9	April 5	April 18	April 17
May 14	N/A	May 15	May 8	May 14	May 3	May 16	May 15
June 11	N/A	June 19	June 12	June 11	June 7	June 20	June 19
July 9	N/A	July 17	July 10	July 9	July 5	July 18	July 17
August 13	N/A	August 21	August 14	August 13	August 2	August 15	August 21
September 10	N/A	September 18	September 11	September 10	September 6	September 19	September 18
October 9	N/A	October 16	October 9	October 9	October 4	October 17	October 16
November 12	N/A	November 20	November 13	November 12	November 15	November 21	November 20
December 10	N/A	December 18	December 11	December 10	December 6	December 19	December 18

Electoral Area "A": 8505 – 68<sup>th</sup> Avenue (Sonora Centre), Osoyoos, B.C. at 7:00 P.M.

Electoral Area "B": N/A

Electoral Area "C": 36003 – 79<sup>th</sup> Street (Oliver Community Centre), Oliver, B.C. at 7:00 P.M.

Electoral Area "D": 5013 – 11<sup>th</sup> Avenue (Okanagan Falls Firehall), Okanagan Falls, B.C. at 7:00 P.M.

Electoral Area "E": 3<sup>rd</sup> & Ritchie Avenue (Naramata Old Age Pensioners Hall), Naramata, B.C. at 7:30 P.M.

Electoral Area "F": 101 Martin Street (RDOS Boardroom), Penticton, B.C. at 7:00 P.M.

Electoral Area "G": 700 – 3<sup>rd</sup> Street (Keremeos Health Centre), Keremeos, B.C. at 7:30 P.M.

Electoral Area "H": 148 Old Hedley Road (Riverside Centre), Princeton, B.C. at 7:00 P.M.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** 2018 Regional District Signing Authority

---

### Administrative Recommendation:

**THAT** the Board of Directors appoint the following Directors as signing officers for the Regional District of Okanagan-Similkameen for the 2018 year:

*RDOS Board Chair:*

*RDOS Board Vice Chair:*

### Analysis:

The Board historically by resolution each year appoints the Chair and Vice-Chair as signing authorities for the Regional District.

### Respectfully submitted:

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Committee Chairs

---

**Purpose:**  
 To define the process for appointing Committee Chairs

**Reference:**  
 RDOS Policy - Terms of Reference, Select Committees

**Analysis:**  
 In 2015, as part of the Corporate Policy review, the process for appointing Chairs/Vice Chairs of select committees was defined in the 'Terms of Reference, Select Committees Board Policy'. The policy states that the Chair of the Board of Directors shall call for expressions of interest from Board members wishing to perform the duties of Chair or Vice Chair for any of the five select committees of the Board. Any expressions of interest should be received by the Chair, CAO or Manager of Legislative Services prior to **November 10, 2017**. The Chair will then make recommendation to the next Corporate Services Committee meeting, based on submissions received.

### 2017 Board/Committee Chairs

	<u>Chair</u>	<u>Vice Chair</u>
<b>RDOS Board</b>	Director Kozakevich	Director Bauer
<b>Corporate Services</b>	Director Kozakevich	Director Bauer
<b>Community Services</b>	Director Hovanes	Director Bauer
<b>Environment and Infrastructure</b>	Director Siddon	Director Pendergraft
<b>Planning and Development</b>	Director Brydon	Director Bush
<b>Protective Services</b>	Director Jakubeit	Director Schafer
<b>OSRHD Board</b>	Director Brydon	Director Sentes

Respectfully submitted:

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BOARD POLICY**

- POLICY:** TERMS OF REFERENCE-SELECT COMMITTEES
- AUTHORITY:** Board Resolution No. B281/09 dated May 21, 2009.
- AMENDED:** Board Resolution No. B374/09 dated July 16, 2009  
Board Resolution No. B292/10 dated June 17, 2010  
Board Resolution dated July 2, 2015

**POLICY STATEMENT**

The Regional District of Okanagan Similkameen promotes good decision-making through effective structure and information flow. A Select Committee system has been created to provide an opportunity for informal discussion between elected officials, administrative staff and the public on significant issues coming before the Board to assist in achieving the informed decision making model.

**PURPOSE**

1. To outline the duties of the Regional District Select Committees.
2. To establish procedures for the Select committees.
3. To establish membership for the Select committees.

**RESPONSIBILITIES**

In addition to any other duties referred to the Select Committees by the Regional District of Okanagan-Similkameen Board, the Select Committees duties are as follows:

1. Corporate Services Committee Terms of Reference
  - a. Governance
  - b. Human resources
  - c. Legislation, bylaws and policy
  - d. Litigation and risk management
  - e. Information systems and technology
  - f. Information and privacy legislation
  - g. Intergovernmental relations
  - h. Communications
  - i. Finance
  - j. Property acquisition or disposal
  - k. Fleet Services
  
2. Planning & Development Committee Terms of Reference
  - a. Official Community Plans and Land Use Bylaws
  - b. All matters related to the Sub-Regional Growth Strategy
  - c. Bylaw enforcement activities, including Building bylaw

- d. Land development related matters
- e. Climate Change
- f. matters relating to critical habitat as related to local government land and local government jurisdiction

3. Environment & Infrastructure Committee Terms of Reference

- a. capital construction and operation of waterworks and sewerage systems of the Regional District, the property and distribution and collections systems connected therewith
- b. environmental , maintenance and construction matters pertaining to all streets, roads and highways in the electoral areas and liaison with the Ministry of Transportation and Infrastructure
- c. matters pertaining to the solid waste collection service of the Regional District and the maintenance of the waste disposal grounds under the control of the Regional District
- d. air quality
- e. Water Quality & Quantity Governance
- f. street lighting and traffic signs
- g. RDOS building maintenance

4. Community Services Committee Terms of Reference

- a. Liaison with all lay recreation and parks commissions
- b. Operation and control of all public parks, trails, public recreation grounds and facilities and to recommend the establishment of such parks and recreation grounds and facilities deemed necessary to carry on a comprehensive parks and recreation program
- c. Encouraging, initiating and supervising programs which will include physical, artistic, cultural and intellectual recreation while continually striving to meet the parks and recreation needs of the District
- d. Co-operation with and encouragement of all organizations and institutions within the Regional District that are engaged in recreational or cultural pursuits or activities whether such organizations and institutions are public, private, civic, social or religious and to co-operation with provincial and national groups or organizations that support and promote parks and recreation
- e. economic development and tourism development within the Regional District
- f. Public Transit and Transportation
- g. Heritage

5. Protective Services Committee Terms of Reference

- a. Prevention and suppression of fires
- b. Matters related to Ambulance Service
- c. crime prevention
- d. Search and Rescue
- e. Emergency Planning
- f. Mitigation of Wildfire Risk

## **PROCEDURES**

The Select committees will conduct its business in accordance with the Regional District of Okanagan-Similkameen Procedure bylaw.

## **MEMBERSHIP**

The Select committees consist of all members of the Regional District of Okanagan-Similkameen Board of Directors.

## **VOTING**

All members are entitled to vote and have one vote on all recommendations to the Regional District of Okanagan-Similkameen Board.

## **APPOINTMENT OF CHAIR / VICE CHAIR**

The Chair of the Board of Directors shall call for expressions of interest from Board members wishing to act as Chair or Vice Chair of a Committee and will make recommendations at the next Corporate Services meeting.

The Chair and Vice Chair of the Board of Directors will also be the Chair and Vice Chair (respectively) of the Corporate Services Committee.

Members should consider the potential for conflict of interest when submitting their name as Chair of a specific committee.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** External Agency Appointments

---

### RDOS Appointment System

Each year the Regional District of Okanagan-Similkameen is required to make appointments to various Boards and Associations. In the past it has been the role of the Chair to make recommendations to the Board on such appointments, preferably at the start of the new year, and staff then forward notification of appointments on to the external agencies.

In the interest of transparency and to provide equal opportunity for all Directors, the Chair extends a request to all Directors to communicate their interest in serving as a Regional Board appointee to any the agencies noted below. In some cases, these are appointments to a "sub-regional" service, in which case participating Directors only would be eligible. In other "regional" services, any Board member is eligible.

If you are interested in representing the Board of Directors in one of these capacities, please forward your expression of interest to the Chair, the CAO or to the Manager of Legislative Services prior to **November 10, 2017**. All responses will be submitted to the Chair for recommendation to the Board at the November 16, 2017 meeting. If there are appointments for which no Directors have expressed an interest, the Chair will make recommendations based on best judgement.

The following is a list of external agencies to which appointments are required:

#### **Municipal Finance Authority:**

##### ***(Chair & Vice Chair)***

- Chair as representative
- Vice Chair as alternate representative

#### **Municipal Insurance Association:**

##### ***(Chair & Vice Chair)***

- Chair as representative
- Vice Chair as alternate representative

#### **Southern Interior Local Government Association (current: Director Kozakevich)**

##### ***Any Director Eligible***

- 1 Director as representative
-

**Okanagan Basin Water Board:** (current: Directors Hovanes, McKortoff, Waterman)

*Participants are Electoral Areas , A, C, D, E, F, part of G, City of Penticton, District of Summerland, Town of Osoyoos, Town of Oliver*

- 3 Directors as representatives
- 3 Directors as alternate representatives

**Okanagan Regional Library District:** (current: Director Kozakevich)

*Participants are Electoral Areas A, B,C,D,E,F,G*

- 1 Electoral Area Director as appointee
- 1 Electoral Area Director as alternate appointee

**Okanagan Kootenay Sterile Insect Release Board:** (current: Director Bush)

*Participants are Electoral Areas A, B, C, D, E, F, & G, City of Penticton, District of Summerland, Town of Osoyoos, Town of Oliver, Village of Keremeos*

- 1 Director from participating Municipality or Electoral Area
- 1 Alternate Director from participating Municipality or Electoral Area

**Southern Interior Beetle Action Coalition:** (current: Director Armitage)

*Any Director eligible*

- 1 Director as representative

**Southern Interior Municipal Employers Association:** (current: Director Kozakevich)

*Any Director Eligible*

- 1 Director from participating Municipality or Electoral Area
- 1 Alternate Director from participating Municipality or Electoral Area

**Starling Control:** (current: Director Bush)

*Any Director Eligible*

- 1 Director from participating Municipality or Electoral Area

**UBC Water Chair Advisory Committee:** (current: Director Bauer)

*Any Director Eligible*

- 1 Director from participating Municipality or Electoral Area

**Sustainable Rural Practice Communities Committee:** (current: Director McKortoff)

*Any Director Eligible*

- 1 Director from participating Municipality or Electoral Area

**Okanagan Film Commission:** (current: Director Jakubeit)

*Any Director Eligible*

- 1 Director as representative

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** November 2, 2017

**RE:** Sterile Insect Release Board – Nomination of Industry Representative

---

### **Administrative Recommendation:**

**THAT the Board of Directors confirm the nomination of Walter Makepeace as a Zone 1 representative to the Sterile Insect Release (SIR) Board.**

### **Purpose:**

To obtain support from the Board of Directors for the BC Fruit Growers' Association (BCFGA) nomination to the SIR Board.

### **Reference:**

October 10, 2017 letter from BC Fruit Growers' Association  
RDOS Bylaw No. 1101 Sterile Insect Release Extended Service Establishment Bylaw (amended)

### **Business Plan Objective:** *(Tie to current RDOS Business Plan)*

3.2 To develop an economically sustainable region

### **Background:**

As provided by Bylaw No. 1101, the BCFGAs nominates three growers for appointment to the SIR Board by the Regional District partners. Grower representatives must be nominated from each of the three program zone areas and one grower must be a certified organic grower. The nominee for Zone 1 is to be appointed by the Board of Directors of the Regional District of Okanagan-Similkameen

### **Analysis:**

The BCFGAs has nominated Walter Makepeace for the grower representative for Zone 1. Mr. Makepeace is an organic grower.

**Alternatives:**

1. THAT the Board of Directors confirm the nomination of Walter Makepeace as a Zone 1 representative to the Sterile Insect Release Board.
2. THAT the Board of Directors advise BC Fruit Growers' Association that it does not support the nominee.

**Communication Strategy:**

The SIR Board and the BC Fruit Growers' Association will be advised of the Board's decision.

**Respectfully submitted:**

*"Gillian Cramm"*

---

G. Cramm, Administrative Assistant

**Endorsed by:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services



## The British Columbia Fruit Growers' Association

880 Vaughan Avenue, Kelowna, BC V1Y 7E4  
Ph: (250) 762 – 5226 • Fax (250) 861 – 9089  
e-mail info@bcfga.com

October 10, 2017

Mark Pendergraft, Chair  
Board of Directors  
Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, BC 52A 5J9

Dear Mr. Pendergraft:

### Re: Sterile Insect Release Board – Nomination of Industry Representatives

The BC Fruit Growers' Association appreciates the inclusion of 3 growers with votes on the SIR Board. This letter is to explain the nomination/selection process and to nominate a representative for SIR Zone 1.

The process of selecting the 3 grower representatives is as follows:

1. The BCFGa nominates one each from the three program areas.
2. One of the three must be an organic grower.
3. Alternates may also be nominated and the alternate will have a vote in the same manner as the regular grower representative.

The grower representatives have a vote in general operational and policy matters, but there is a supplemental requirement for financial matters that a majority of the 5 regional district representatives is also needed.

The nomination of the growers are confirmed by Regional Districts as follows:

- Zone 1 grower representative:
  - Regional District of Okanagan Similkameen
- Zone 2 grower representative:
  - Regional District of Central Okanagan
- Zone 3 grower representative:
  - Regional District of Columbia Shuswap
  - Regional District of North Okanagan and
  - Regional District of Central Okanagan

We are advising that for the current year, the nominee from Zone 1 is an organic grower, satisfying the second requirement noted above.

The BCFGa nominee for Zone 1 for 2017 is Walter Makepeace, a prominent organic grower from Cawston, BC. Below is the nominee's contact information:

Walter Makepeace

Home:

Cell:

Cawston, BC

We request that this be expedited as an SIR Planning Session is scheduled for October 27, 2017. We would be pleased if you would consider this nomination and inform us and the SIR Board of your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Lucas". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Glen Lucas  
General Manager

cc Sterile Insect Release Program



**Regional District of Okanagan-Similkameen**

(incorporated March 4, 1966)

Voting Unit: 1,800 population

	<b>2016 Census including subsequent population changes certified by the Minister <sup>1</sup></b>	<b>Number of Directors  (voting strength/5)</b>	<b>Voting Strength  (population/ voting unit)</b>
<b>Cities:</b>			
Penticton	33,761	4	19
<b>Districts:</b>			
Summerland	11,615	2	7
<b>Towns:</b>			
Oliver	4,928	1	3
Osoyoos	5,085	1	3
Princeton	2,828	1	2
<b>Villages:</b>			
Keremeos	1,502	1	1
<b>Electoral Areas:</b>			
A	1,858	1	2
B	1,212	1	1
C	4,319	1	3
D	7,657	1	5
E	1,903	1	2
F	2,014	1	2
G	2,387	1	2
H	1,953	1	2
<b>Totals:</b>	<b>83,022</b>	<b>18</b>	<b>54</b>

Populations certified as necessary by the Minister of Municipal Affairs and Housing under sections 196 and 197 of the *Local Government Act* as per the definition in the Schedule to the Community Charter.

Effective November 1, 2017.

These population figures are to be used only in the determination of voting strength and Director representation.

1. Population includes people residing on Indian Reserves and boundary extensions to December 31, 2016.

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 2, 2017  
**RE:** Sun Valley Water Service Conversion and Continuation Bylaw

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### Administrative Recommendation:

**THAT Bylaw No. 2764, 2017 Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw be adopted.**

### Reference:

Local Government Act  
Order In Council (OIC) No. 652 – September 19, 2016  
RDOS Bylaw No. 2764 Sun Valley Water Service Conversion and Continuation bylaw – at 3<sup>rd</sup> reading

### Business Plan Objective:

Goal 2.3 To meet public needs through the provision and enhancement of key services

### History:

Sun Valley Improvement District (SVID) in Okanagan Falls was incorporated in November, 1983, its purpose to service 28 residences with domestic and irrigation water. In recent years, SVID has been challenged to retain the volunteers required to serve on their board of five trustees.

At their April 2016 Annual General Meeting, after consultation with and the support of the RDOS, the SVID initiated the process to transfer the water system to the Regional District.

The Province issued an Order in Council (No. 652) on September 19, 2016, dissolving the SVID and transferring the rights, property and assets of the SVID to the Regional District of Okanagan-Similkameen. Additionally, the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, were continued as a function of the Regional District of Okanagan-Similkameen. The Order came into effect on January 1, 2017.

Pursuant to section 45 (3), (4) and (6) of the *Local Government Act*, the Board must adopt a bylaw in respect to the service that is consistent with the Order and meets the requirements for an establishing bylaw. The bylaw must be adopted “within a reasonable time” after the order comes into effect.

**Analysis:**

The Inspector of Municipalities approved Bylaw No. 2764 Sun Valley Water Service Conversion and Continuation Bylaw on October 2, 2017. The Board may now adopt the bylaw.

**Alternatives:**

That the Board of Directors abandon Bylaw No. 2764, 2017 at this time and determine a reasonable period of time within which to adopt the required conversion and continuation bylaw in accordance with section 45 of the *Local Government Act*.

**Communication Strategy:**

The bylaw, once adopted, will be posted to the RDOS website.

**Respectfully submitted:**

*"Gillian Cramm"*

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G. Cramm, Administrative Assistant

**Endorsed by:**

*"Christy Malden"*

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Christy Malden, Manager of Legislative Services

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2764, 2017

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A bylaw to convert and continue the Sun Valley Water Service as a service of the Regional District of Okanagan-Similkameen.

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**WHEREAS** the Lieutenant Governor, by Order in Council No. 652 dated September 19, 2016, and pursuant to sections 680 and 681 of the *Local Government Act*, revoked the Letters Patent of the Sun Valley Improvement District and transferred the rights, property and assets of the Sun Valley Improvement District to the Regional District of Okanagan-Similkameen;

**AND WHEREAS** the Lieutenant Governor, by Order in Council No. 652 dated September 19, 2016, ordered that the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes, are continued as a service of the Regional District of Okanagan-Similkameen;

**AND WHEREAS** the Trustees of the Sun Valley Improvement District resolved to transfer governance of the water service to the Regional District of Okanagan-Similkameen;

**AND WHEREAS** the Regional District of Okanagan-Similkameen wishes to convert the Sun Valley Water Service to a service exercised under the authority of an service continuation bylaw;

**AND WHEREAS** consent on behalf of the participating area has been given by the Director of Electoral Area "D" pursuant to section 347 of the *Local Government Act*;

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

#### 1 CITATION

This Bylaw shall be cited as the Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw No. 2764, 2017

#### 2 SERVICE

The Sun Valley Water Service is continued for the purpose of the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes.

#### 3 SERVICE AREA

The boundaries of the Sun Valley Water Service area, shown outlined on Schedule A attached to and forming part of this bylaw, are the boundaries of the Sun Valley Improvement District immediately before it was dissolved.

**4 PARTICIPATING AREAS**

The Sun Valley Water Service is located entirely within the boundaries of Electoral Area "D".

**5 METHODS OF COST RECOVERY**

The annual costs for the Sun Valley Water Service shall be recovered pursuant to Section 378.(1)(a), (b), and (c) of the *Local Government Act* as follows:

- (a) by the requisition of money to be collected by a property value tax on the net taxable value of land and improvements within the service area, to be levied and collected in accordance with the *Local Government Act*;
- (b) by the requisition of money to be collected by a parcel tax on those properties within the service area, to be levied and collected in accordance with *the Local Government Act*;
- (c) by the imposition of fees or other charges that may be fixed by separate bylaw for the purpose of recovering those costs; or
- (d) by a combination of one or more of a, b, and c above.

**6 LIMIT**

The annual maximum amount that may be requisitioned under section 378 of the *Local Government Act* for the Sun Valley Water Service shall not exceed the greater of \$80,000 or \$5.1255 per thousand dollars of net taxable value of land and improvements in the Sun Valley Water Service Area.

**READ A FIRST, SECOND, AND THIRD TIME** this 1<sup>st</sup> day of June, 2017

**ELECTORAL AREA DIRECTOR CONSENT OBTAINED** this 6<sup>th</sup> day of July, 2017

**APPROVED** by the Inspector of Municipalities this 2<sup>nd</sup> day of October, 2017

**ADOPTED** this \_\_\_ day of \_\_\_, 20\_\_

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

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Corporate Officer