

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, September 6, 2018
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

9:00 am	-	10:15 am	Planning and Development Committee
10:15 am	-	10:30 am	Coffee Break
10:30 am	-	11:30 am	Corporate Services Committee
11:30 am	-	12:00 pm	Lunch
12:00 pm	-	2:00 pm	RDOS Board

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

September 20, 2018	RDOS Board/OSRHD Board/Committee Meetings
October 04, 2018	RDOS Board/Committee Meetings
October 18, 2018	RDOS Board/OSRHD Board/Committee Meetings
November 15, 2018	RDOS Board/OSRHD Board/Committee Meetings
December 06, 2018	RDOS Board/Committee Meetings
December 20, 2018	RDOS Board/OSRHD Board/Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, September 6, 2018

9:00 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of September 6, 2018 be adopted.

B. CANNABIS PRODUCTION IN THE AGRICULTURAL LAND RESERVE – PROVINCIAL ORDER-IN-COUNCIL NO. 380

1. ALC Information Bulletin 04 dated April 15, 2018

RECOMMENDATION 2

THAT the Board of Directors direct staff to prepare a zoning bylaw amendment for all applicable Electoral Areas to prohibit the non-farm use of Cannabis production within all zones where “agriculture” is listed.

C. LAND USE BYLAWS UPDATE – ELECTORAL AREA “I” AND *LOCAL GOVERNMENT ACT* REVISIONS

1. Bylaw No. 2770.01, 2018 - Draft

RECOMMENDATION 3

THAT the Board of Directors resolve that Regional Growth Strategy Amendment Bylaw No. 2770.01, 2018, is a minor amendment of the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017; and

THAT the Consultation Plan for Amendment Bylaw 2770.01, 2018, include:

- formal referral to the City of Penticton, District of Summerland and the Towns of Oliver & Osoyoos no less than 30 days prior to 1st reading;
 - notification in two issues of the Regional District’s bi-weekly newspaper advertisement; and
 - notification on the Regional District’s web-site and social media accounts.
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D. LIQUOR AND CANNABIS REGULATIONS BRANCH (LCRB) REFERRALS – PROCEDURES & FEES (CANNABIS)

RECOMMENDATION 4

THAT staff be directed to initiate amendments to the Development Procedures Bylaw No. 2500, 2011, and Fees and Charges Bylaw No. 2787, 2018, in order to introduce processing procedures and fees for Cannabis Retail store license referrals from the Liquor and Cannabis Regulations Branch.

E. LIQUOR AND CANNABIS REGULATIONS BRANCH (LCRB) REFERRALS – PROCEDURES & FEES (LIQUOR)

RECOMMENDATION 5

THAT staff be directed to initiate amendments to the Development Procedures Bylaw No. 2500, 2011, and Fees and Charges Bylaw No. 2787, 2018, in order to introduce processing procedures and fees for liquor licence referrals from the Liquor and Cannabis Regulations Branch.

F. ADJOURNMENT

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Cannabis Production in the Agricultural Land Reserve
Provincial Order-in-Council No. 380

Administrative Recommendation:

THAT the Board of Directors direct staff to prepare a zoning bylaw amendment for all applicable Electoral Areas to prohibit the non-farm use of Cannabis production within all zones where “agriculture” is listed.

Purpose:

The purpose of this report is to present the recent amendment to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* that occurred on July 13, 2018, as it relates to the lawful production of cannabis in the Agricultural Land Reserve (ALR) and to seek direction from the Board regarding possible amendments (if any) to the Electoral Area Zoning Bylaws.

Background:

On July 13, 2018, the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* was amended by Order-in-Council No. 380 in order to clarify that the lawful production of cannabis was considered a “farm use” if produced outdoors in a field or inside a structure that has a base consisting entirely of soil [emphasis added].

As a result of this amendment, all forms of cannabis production that are not produced “in a field or inside a structure that has a base consisting entirely of soil” are now considered to be a “non-farm use” and as requiring the “authorization” of the Regional District Board and approval of the Agricultural Land Commission (ALC).

As a result of this amendment, local governments may now restrict any aspect of cannabis production in the ALR where such production involves a structure that has a base that does not consist entirely of soil, but this must be done by bylaw.

Analysis:

Administration maintains its concern regarding the size and scale of industrial buildings that are being constructed to support the production of cannabis within the ALR, the alienation of agricultural land that is occurring to accommodate these buildings and that such structures are more appropriately located within industrial zoned areas.

For these reasons, Administration supports the introduction of zoning regulations to discourage the construction of concrete-floor cannabis production facilities within the ALR as well as in those zones in which “agriculture” is a permitted use.

Administration considers that there are a number of different forms such regulations could take, including changes to permitted uses (i.e. changes to the definition of “agriculture” and “cannabis production”).

Should the Board direct staff to initiate such regulations, the final form of these regulations will be determined through a review of best practices (i.e. those regulations being pursued by other local governments) as well as public input.

Alternatively, if the Board is of an opinion to maintain the status quo (i.e. all lawful types of cannabis production facilities being permitted in the ALR), no change to the Electoral Area zoning bylaws will be required. In this scenario, all proposals involving a cannabis production facility with a floor consisting of a material other than soil will be required to obtain the “non-farm use” approval of the ALC, and these types of applications will require “authorization” by the Regional District Board in order for it to be considered by the ALC.

Subject to the introduction of supportive policy statements to the Electoral Area OCP Bylaws, this would allow the Board to consider refusing a proposal based upon possible issues such as impact on neighbours, nuisance (light/noise), etc.

Regardless of the Board’s direction on zoning regulation, any cannabis production facility designed in accordance with the ALC’s requirements for a soil floor will be deemed a “farm use” and would not require Board “authorization” or ALC approval. Furthermore, the Regional District would be required to issue a building permit if all other regulations (i.e. site coverage, building code requirements) were satisfied.

Alternatives:

THAT the Board of Directors not direct staff to prepare zoning regulations governing the construction of cannabis production facilities in the ALR.

Respectfully submitted:



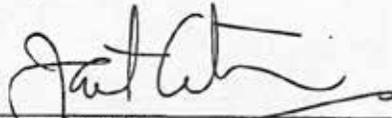
B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — Order in Council No. 380

No. 2 — ALC Information Bulletin 04: Cannabis Production in the ALR (August 15, 2018)

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

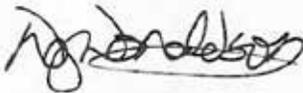
Order in Council No. 380 , Approved and Ordered July 13, 2018


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended as set out in the attached Schedule.

DEPOSITED
July 13, 2018
B.C. REG. 147/2018



Minister of Agriculture



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Agricultural Land Commission Act, S.B.C. 2002, c. 36, s. 58 (2)

Other: OIC 571/2002

R10235503

SCHEDULE

1 Section 2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended

(a) by repealing subsection (2) (p), and

(b) by adding the following subsection:

(2.5) The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure

(a) that has a base consisting entirely of soil, or

(b) that was, before the date on which this section came into force,

(i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or

(ii) under construction for the purpose referred to in subparagraph (i), if that construction

(A) was being carried out in accordance with all applicable authorizations and enactments, and

(B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.



INFORMATION BULLETIN 04 CANNABIS PRODUCTION IN THE ALR

August 15, 2018

SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg. 171/2002 (the **ALR Regulation**), in relation to cannabis production in the agricultural land reserve (**ALR**). The ALCA and ALR Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Regulation. All other applicable laws, regulations and bylaws related to cannabis production must also be complied with.

RECENT REGULATORY CHANGES

The ALR Regulation has recently been amended. The changes came into force on July 13, 2018. Section 2(2)(p) of the ALR Regulation, which designated as farm use “the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)”, has been repealed. The following has been added as **section 2(2.5)** to the ALR Regulation:

The lawful production of cannabis is designated as farm use for the purposes of the [ALCA] if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being carried out in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

Section 2(1.1) of the ALR Regulation provides:

The activities designated under [section 2 of the ALR Regulation] as farm uses for the purposes of the [ALCA] must not be prohibited

- (a) by any local government bylaw except a bylaw under section 552 of the *Local Government Act*, or
- (b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

GENERAL INTERPRETATIVE PRINCIPLES

The ALCA prohibits “non-farm use” of land in the ALR unless the owner of the land successfully makes an application to the Agricultural Land Commission for permission to undertake that use or that use is expressly permitted under section 3 of the ALR Regulation: ALCA, section 20. Sections 20(3), 25 and 34 of the ALCA and Part 10 of the ALR Regulation are among the provisions relevant to non-farm use applications.

A “non-farm use” is a “use of land other than a farm use”: ALCA, s. 1.

The form of cannabis production described in section 2(2.5) of the ALR Regulation is designated as farm use. Therefore, producing cannabis on the ALR in the manner described in section 2(2.5) of the ALR Regulation does not require a non-farm use application to the Agricultural Land Commission.

However, section 2(2.5) of the ALR Regulation does not designate as farm use:

- cannabis production that does not meet the description in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats forms of cannabis production that are not described in section 2(2.5), together with all activities associated with forms of cannabis production not described in section 2(2.5), as non-farm uses.
- non-production activities associated with the cannabis production described in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats those activities as non-farm uses except to the extent that they fall into exceptions found elsewhere in section 2 or 3 of the ALR Regulation.

PLACEMENT OF FILL IN THE ALR

Placement of fill onto land in the ALR for any reason related to cannabis production, **whether it is a form of production described in section 2(2.5) of the ALR Regulation or not**, cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission. That is, if a producer wishes to place fill on the land even for the purpose of cannabis production described in section 2(2.5) of the ALR Regulation, he or she will not be able to do so without obtaining permission from the Agricultural Land Commission through a non-farm use application.

This is because section 20(2) of the ALCA generally defines the placement of fill as a non-farm use, subject to certain exceptions. Those exceptions do not apply to cannabis production.

Though sections 2(4) and (5) of the ALR Regulation designate as farm use certain fill placement related to uses designated under sections 2(2)-(2.2) of the ALR Regulation, cannabis production is addressed in section 2(2.5), so sections 2(4) and (5) do not apply. Please consult the Agricultural Land Commission's Bylaw No. 2 – Placement of Fill in the ALR and Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities.

CANNABIS PRODUCTION IN THE ALR

Section 2(2.5) of the ALR Regulation requires that to be designated as farm use, production of cannabis must meet various requirements including that the production is "lawful". The production of cannabis is not lawful unless it is licensed by the Government of Canada (excluding exemptions for personal cultivation). As such producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.

Field Production

Lawful production of cannabis in the ALR **outdoors in a field** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission.

Soil Based Structure Production

Lawful production of cannabis in the ALR **inside a structure that has a base consisting entirely of soil** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- The base – that is, what the structure rests on – must be "entirely" of soil in order for production in it to qualify under section 2(2.5)(a) of the ALR Regulation. Production in a structure that has a base consisting partly of a material other than soil, even if the non-soil material constitutes a very small portion of the base, does not qualify under section 2(2.5)(a) of the ALR Regulation. Structures that do not have a base consisting entirely of soil are structures that have a base consisting partly or entirely of other materials, such as structures with cement footings or a cement floor.
- "Soil" means material native to the property, not material brought onto the property for the purpose of creating the base or for any other purpose. If imported onto the property, the material is "fill", the placement of which requires a non-farm use application: ALCA, section 20.

Production in Existing Structures

Lawful production of cannabis in the ALR **inside a structure that had been, before July 13, 2018, constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- Existing structures used for the lawful production of cannabis do not have to have a base made entirely of soil.

- The structure must not have been altered on or after July 13, 2018 to increase the size of its base or to change the material used as its base.
- The structure must have been built for the purpose of growing “crops”. Livestock are not crops and, as such, production of cannabis in a converted livestock barn is not designated as farm use under section 2(2.5) of the ALR Regulation.

Production in Structures that Were Under Construction

If the requirements outlined in the bullet points set out later in this paragraph are met, lawful production of cannabis **inside a structure** (even if its base is not entirely soil) **that was under construction before July 13, 2018 for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. For a structure to have been “**under construction**” before July 13, 2018, ground disturbance (such as excavation for laying foundation) must have commenced before that date; it would not be sufficient for the property owner to have made a permit application or received a permit for construction before July 13, 2018. The further requirements for lawful cannabis production to be designated under this portion of section 2(2.5) of the ALR Regulation are as follows:

- The pre-July 13, 2018 construction was being carried out in accordance with all applicable authorizations and enactments.
- The construction must continue without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry.
- The construction must not be altered on or after July 13, 2018 to increase the size of the structure’s base or to change the material used as its base.

Other Cannabis Production

Cannabis production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. Neither that production nor activities related to that production (such as the construction, maintenance or operation of a building or structure, or processing of the cannabis) can be undertaken without a successful non-farm use application to the Agricultural Land Commission.

CONSTRUCTING, OPERATING OR MAINTAINING CANNABIS PRODUCTION FACILITIES

A non-farm use application to the Agricultural Land Commission is not required in order to construct, maintain or operate a building, structure, driveway, ancillary service or utility that is **necessary for the lawful production of cannabis described in section 2(2.5) of the Regulation**: ALR Regulation, section 2(3). Note:

- Section 2(2.5)(a) of the ALR Regulation refers to lawful production of cannabis inside a structure “that has a base consisting entirely of soil”. Construction, maintenance or operation of the soil-based structure necessary for that production can be undertaken without applying to the Agricultural Land Commission.

- Section 2(2.5)(b) refers to lawful production of cannabis inside a structure that meets certain requirements addressed earlier in this information bulletin. Completion of the structure referred to in section 2(2.5)(b)(ii), and maintaining and operating either that structure or the structure referred to in section 2(2.5)(b)(i), can be undertaken without applying to the Agricultural Land Commission.
- Other than as described in section 2(2.5) of the ALR Regulation, a building or structure is unlikely to be necessary for the form of cannabis production described there, as section 2(2.5) already addresses where the production is located. Possible exceptions may be a small washroom facility or small office for a required supervisor no greater than necessary for that form of cannabis production to occur on the land.
- Though associated with the form of cannabis production described in section 2(2.5), construction, maintenance or operation (including for a conference centre) of a building, structure, driveway, ancillary service or utility that is not necessary for that production on the land, may not occur without a successful non-farm use application to the Agricultural Land Commission. Proponents of such uses should be prepared to justify in their application materials why such use, both in that nature/scale and at all, is appropriate in the ALR rather than, for example, in an industrial park outside the ALR.

Construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for a form of cannabis production that is not described in section 2(2.5) of the ALR Regulation cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

STORING, PACKING, PREPARING OR PROCESSING CANNABIS

Storing, packing, preparing or processing cannabis yielded by the form of cannabis production described in section 2(2.5) of the ALR Regulation (and construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for that storing, packing, preparing or processing) can be undertaken without a non-farm use application to the Agricultural Land Commission if at least 50% of the cannabis being stored, packed, prepared or processed is produced on the "farm" (for this purpose being one or several parcels of land or tenured areas of Crown land that are being occupied or used together for designated or other farm uses), or produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs: section 2(2)(c) of the ALR Regulation.

Storing, packing, preparing or processing cannabis yielded by a form of production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. These activities cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

LOCAL GOVERNMENT

Local governments can have an important role to play in the regulatory framework related to cannabis production.

However, local government bylaws may not prohibit the lawful production of cannabis in the ALR if it is produced as described in section 2(2.5) of the ALR Regulation.

Local governments also play a role when non-farm use applications related to cannabis production and associated activities are made to the Agricultural Land Commission. Sections 25 and 34 of the ALCA are among the relevant provisions that they should consult.

FURTHER EXPLANATORY NOTES

Also note the following:

- The word “necessary” (for a designated farm use) figures in several of the above-discussed scenarios. It is within the purview of the Agricultural Land Commission to determine whether and to what extent activities are “necessary”.
- In determining whether an activity is “necessary” to a designated farm use, the Agricultural Land Commission may consider whether the nature and size of the activity are proportionate to the designated farm use.
- If someone claims that an activity is “necessary” for a designated farm use that has not yet commenced, the Agricultural Land Commission may require satisfactory evidence that the proposed use is in fact going to occur, and that the nature and size of activity characterized as “necessary” (such as construction of a driveway) will in fact be necessary to that use.
- Except for exemptions for personal cultivation, the “lawful” production of cannabis required for section 2(2.5) of the ALR Regulation requires licensing at the federal level. As noted earlier in this information bulletin, producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.
- For the purposes of sections 2(2)(o) and 4 of the ALR Regulation, structures in which cannabis is produced are not considered to be “greenhouses”. Section 2(2.5) of the ALR Regulation does not use the term “greenhouse” for any of the structures it describes. This indicates that under the ALR Regulation the concepts were to be treated as distinct and not to be confused.

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Land Use Bylaws Update - Electoral Area "I" and *Local Government Act* Revisions

Administrative Recommendation:

THAT the Board of Directors resolve that Regional Growth Strategy Amendment Bylaw No. 2770.01, 2018, is a minor amendment of the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017;

AND THAT the Consultation Plan for Amendment Bylaw 2770.01, 2018, include:

- formal referral to the City of Penticton, District of Summerland and the Towns of Oliver & Osoyoos no less than 30 days prior to 1st reading;
 - notification in two issues of the Regional District's bi-weekly newspaper advertisement; and
 - notification on the Regional District's web-site and social media accounts.
-

Purpose:

The purpose of this report is to advise the Board of proposed amendments to a number of Regional District land use bylaws in relation to the proposed division of Electoral Area "D" into a new Electoral Area "D" and Electoral Area "I", including a proposed consultation program.

Further to this, a resolution regarding the "minor" nature of the required amendments to the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017, is also being sought.

Finally, an overview of proposed amendments to these same land use bylaws in response to a 2016 revision of the *Local Government Act* is also being provided.

Background:

On April 27, 2018, the Lieutenant Governor approved Order in Council No. 216, dividing Electoral Area "D" into two separate Electoral Areas (i.e. a new "D" & "I"), and that this will come into effect on November 15, 2018.

On January 1, 2016, a revised version of the *Local Government Act* came into effect. Under the prior version of the Act, the rules governing regional districts were spread throughout nine unrelated parts of the Act with those section separated by hundreds of other, unrelated sections. The revised Act now has specific parts for regional district rules, but which are now found under different section numbers.

Analysis:

In anticipation of the division of Electoral Area "D" into a new Electoral Area "D" and Electoral Area "I", Administration has completed a review of all current land use bylaws and identified a series of amendments that are required to reflect this new governance structure.

While these amendments primarily relate to the Electoral Area “D-1” & “D-2” Official Community Plan (OCP) and Zoning Bylaws, amendments to the Advisory Planning Commission (APC) Bylaw, Board of Variance (BoV) Bylaw, Subdivision for a Relative Bylaw, Manufactured Home Park Regulations Bylaw, South Okanagan Regional Growth Strategy (RGS) Bylaw as well as the other Electoral Area OCP & Zoning Bylaws have also been identified.

These amendments primarily involve either a textual or mapping amendment to the bylaws to include a reference to Electoral Area “I” (i.e. the Context Maps in each of the Electoral Area OCP & Zoning Bylaws requirement amendment to reflect the pending creation of Electoral Area “I”).

Administration considers these amendments to be of a very minor nature and is proposing a limited program of public consultation in relation to the proposed OCP and Zoning bylaw amendments.

Specifically, that the amendment bylaws not be considered at public information meetings or by the Electoral Area Advisory Planning Commissions (APCs) and that external agency referrals be limited to those having statutory approval (i.e. Ministry of Transportation and Infrastructure) or that are required to be consulted under the Act (i.e. School Districts, Agricultural Land Commission and local First Nations).

RGS Amendment & Consultation Plan

With regard to the proposed amendments to the RGS Bylaw, the Act allows for these to proceed in a reasonable and economical manner provided they are deemed to be “minor” by the RDOS Board.

Given the proposed amendments to the RGS Bylaw (see Attachment No. 1) only involve the inclusion of references to Electoral Area “I” and no changes to the intent or objectives of the RGS, Administration is recommending that this constitutes a minor amendment.

Should the Board support this recommendation, and in accordance with the Act, Administration is proposing a Consultation Plan in which the amendment bylaw formally be referred to the City of Penticton, District of Summerland and Towns of Oliver and Osoyoos for their reference and 30 days prior to 1st reading. Additional notification also take the form of newspaper notification (bi-weekly ad), posting to the Regional District’s web-site and social media accounts.

Importantly, the amendment bylaw must receive “an affirmative vote of all board members attending the meeting” at which 1st reading will be considered in order to continue to proceed under the regulations governing the adoption of a minor amendment.

Local Government Act Revisions

Although unrelated to the pending creation of Electoral Area “I”, Administration is proposing that the amendment of the various land use bylaws outlined above be used to address the 2016 revision of the *Local Government Act*.

This revision resulted in numerous references within the various land use bylaws adopted by the RDOS Board prior to 2016 becoming outdated. For instance, the land use planning sections of the Act were previously contained in the 800 and 900 section number blocks of the legislation, but are now found in the 400 and 500 section number blocks.

To ensure ease of use of the Regional District’s land use bylaws by the public and staff, Administration is proposing that all outdated references to *Local Government Act* sections be addressed as part of the amendments being made in relation to the division of Electoral Areas “D” & “I”.

Alternative:

THAT the Regional District Board resolve that Regional Growth Strategy Amendment Bylaw No. 2770.01, 2018, is not a minor amendment of the South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017.

Respectfully submitted:


C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — RGS Amendment Bylaw No. 2770.01 (annotated version)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2770.01, 2018

A Bylaw to amend the
South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017

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 "South Okanagan Regional Growth Strategy Minor Amendment Bylaw No. 2770.01, 2018."
2. The South Okanagan Regional Growth Strategy Bylaw No. 2770, 2017, is amended by:
 - (i) replacing the second paragraph under Part 1 (Introduction and Context) in its entirety with the following:

The South Okanagan RGS applies to the southern-most reaches of the Okanagan Valley (see map 1) and includes the municipalities of Oliver, Osoyoos, Penticton and Summerland, and Electoral Areas "A", "C", "D", "E", "F" and "I".

- (ii) replacing Map 1 (South Okanagan RGS area) in its entirety with the following:

Commented [J1]: Reference to Electoral Area "I" Area added.

Commented [CG2]: Reference to Electoral Area "D" replaced with references to new Electoral Areas "D" & "I"



(iii) replacing Map 2 (Existing Settlement Areas) in its entirety with the following:

Commented [CG3]: Reference to Electoral Area "D" replaced with references to new Electoral Areas "D" & "I"



(iv) replacing Map 3 (Designated Regional Growth Strategy Primary and Rural Growth Areas) in its entirety with the following:

Commented [CG4]: References to Electoral Area "D-1" & "D-2" replaced with references to Electoral Areas "D" & "I"



READ A FIRST TIME on the ____ day of _____, 2018.

READ A SECOND TIME on the ____ day of _____, 2018.

READ A THIRD TIME on the ____ day of _____, 2018.

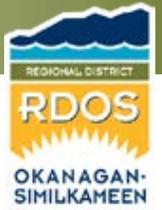
ADOPTED on the ____ day of _____, 2018.

Board Chair

Corporate Officer

DRAFT

ADMINISTRATIVE REPORT



TO: Planning and Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Liquor and Cannabis Regulations Branch (LCRB) Referrals - Procedures & Fees (Cannabis)

Administrative Recommendation:

That staff be directed to initiate amendments to the Development Procedures Bylaw No. 2500, 2011, and Fees and Charges Bylaw No. 2787, 2018, in order to introduce processing procedures and fees for Cannabis Retail store license referrals from the Liquor and Cannabis Regulations Branch.

Purpose:

The purpose of this report is to seek direction from the Regional District Board with regard to the application procedures and fees to be applied to the retail sale of cannabis in light of recent announcements regarding provincial licensing requirements.

Background:

On July 5, 2018, the provincial government released new information about cannabis retail store licensing, including:

- a status update on the provincial application portal;
- updated application requirements to help potential applicants understand how to prepare for the application process; and
- guides to help local governments and Indigenous nations understand their role in licensing cannabis retail stores.

The LCRB's *Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores* is included in Attachment No. 2 and is advising that the role of local government's will be as follows:

- when an application is received, the LCRB will notify the local government of the area where the proposed store will be located;
 - upon receipt of this notification, a local government can:
 - Ø choose not to make any recommendation in respect of the application (in which case the LCRB will not issue a licence); OR
 - Ø choose to make comments and recommendations in respect of the application.
 - if the local government chooses to make a comment and recommendation on an application to the LCRB, it must gather the views of residents by using one or more of the following methods:
 - Ø receiving written comment in response to a public notice of the application;
 - Ø conducting a public hearing in respect of the application;
 - Ø holding a referendum; or
-

∅ using another method the local government considers appropriate.

(NOTE: gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each application).

· if the local government makes a recommendation to:

∅ deny an application then the LCRB may not issue the licence; OR

∅ support an application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

At its meeting of August 16, 2018, the Planning and Development (P&D) Committee of the Board resolved to "direct staff to consider the retail sales of cannabis as a retail use permitted in any zone where retail uses are listed."

Analysis:

Administration notes that the process being established by the newly renamed Liquor and Cannabis Regulations Branch (LCRB) for the licensing of retail cannabis stores is substantially similar to that used for liquor licences — with one notable exception.

Whereas the Board has latitude under the *Liquor Control and Licensing Regulation* to consider not providing comment on a liquor application without negatively impacting the determination of that application by the LCRB — and had delegated this authority to Administration — this will not be the case with referrals for retail cannabis stores.

For instance, should the Board resolve to not provide comment on a retail cannabis application, the LCRB will deem that application to have been denied and will not issue a licence.

As the LCRB is requiring that any recommendation by the Board in support of a specific application be informed by a consultation process — i.e. in the form of written comments (similar to a DVP), a public hearing (similar to a rezoning) or a referendum — Administration is recommending that an amendment to the Development Procedures Bylaw be initiated to facilitate the ability of the Board to meet this requirement.

Specifically, that where an application involves land zoned to permit retail sales that staff seek public input in the form of written comments on an application that is notified on-line (i.e. RDOS web-site and social media accounts), local newspaper(s) (including on-line only news sites) and through the posting of a site notice on the property under application by the applicant (similar to a Temporary Use Permit).

Should the Board be of the opinion that further consultation is required based upon written feedback, the option to conduct additional consultation in the form of a public hearing will also be available.

Where, however, an application involves land not zoned to permit retail sales, it is being proposed that Administration bring forward the referral for Board direction prior to conducting any public consultation.

In these scenarios, it is envisioned that Administration not devote staff time to notifying a proposal that the Board may be of an opinion to deny. If, however, the Board felt such a proposal had merit despite the zoning it could resolve to defer consideration in order to allow for an amendment bylaw application to be processed and that the public consultation required on this application be provided to the LCRB.

Due to the level of notification being proposed, staff are recommending that the fees for a cannabis retail store referral in the Fees and Charges Bylaw be set at \$1,000.00.

For discussion purposes, draft application processing procedures are included at Attachment No. 1.

In the absence of processing procedures and related fee, the Regional District would have to cover all the costs associated with meeting the consultation requirements established by the LCRB for a licence application.

Alternatives:

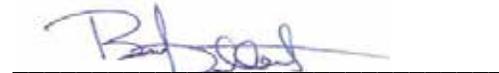
- .1 THAT the Board of Directors does not initiate changes to the Development Procedures Bylaw or Fees and Charges Bylaw.
- .2 That the Board of Directors proposes alternative changes to the Development Procedures Bylaw and Fees and Charges Bylaw in order to accommodate referrals for Cannabis retail stores from the LCRB.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — Draft Procedures for LCRB Referrals (Cannabis Retail Stores)

No. 2 — *Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores*

Attachment No. 1 – Draft Procedures for LCRB Referrals (Cannabis Retail Stores)

1. Application Requirements

1. Please review the Liquor and Cannabis Regulation Branch's (LCRB) application requirements at the provincial government's web-site (www.gov.bc.ca).

2. Processing Procedures – Cannabis Retail Store Licence

1. Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
2. The application is reviewed to determine whether it is complete and, if incomplete, the applicant will be notified of any outstanding requirements.
3. Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Development Services staff may conduct a site visit to view the property as part of the evaluation process.
4. Development Services staff will refer the application to all applicable Regional District departments for comment.
5. Where an application involves the use of land in which retail sales are not listed as a permitted use in the applicable zone, a technical report will be forwarded to the Board for consideration prior to any public notification of the application.
6. Where an application involves the use of land in which the retail sales are listed as a permitted use in the applicable zone, Development Services staff will notify the application by:
 - a) written notice mailed to property owners and tenants of land within a radius not less than 100 metres of the boundaries of the subject property;
 - b) posting of application information on the Regional District's web-site and social media accounts;
 - c) advertising in at least two (2) consecutive issues of an appropriate print newspaper and once on an internet news media site with a focus on local matters;
 - d) requiring the applicant erect a Notice of Development Sign, in accordance with requirements outlined in Section 5.3 and Schedule '1' of this bylaw, on the property under application; and
 - e) referring the application to the applicable Advisory Planning Commission (APC) for a recommendation.
7. A period of not less than 28 calendar days will be provided for written comments from the public to be submitted to the Regional District.
8. The referral comments as well as any written comments from the public will then be incorporated into a technical report to be forwarded to the Board for consideration.
9. The applicant is invited to attend the Board meeting at which the application will be considered.

-
10. The Board will consider the technical report and may:
 - a) make a recommendation to deny the application;
 - b) make a recommendation in favour of the application; or
 - c) defer making a recommendation until further public consultation occurs.
 11. Should an application be deferred to allow for additional consultation in the form of a public hearing, notice of the public hearing will be given in accordance with sub-sections 2.5(a) to (c) of this Schedule.
 12. Development Services staff will forward the Board's final recommendation to the LCRB, along with any required documentation, and the LCRB makes the final decision.
 13. Once the Board minutes have been prepared, the applicant will be notified in writing of the recommendation.



Local Governments’ Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available.

Branch name change

The Liquor Control and Licensing Branch has been renamed to the Liquor and Cannabis Regulation Branch (LCRB) to represent its new additional responsibility of licensing and monitoring the retail sale of non-medical cannabis in British Columbia.

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make a comments and recommendation on the licensee’s application to the LCRB, it must gather the views of residents

-
- if it makes a recommendation to deny the application then the LCRB may not issue the licence
 - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

What must the local government's recommendation include?

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

What if the local government does not want to provide a recommendation?

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCLB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

How long does the local government have to provide comments?

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

Can the local government recommend approval subject to certain conditions?

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

Council as defined in the Vancouver Charter:

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

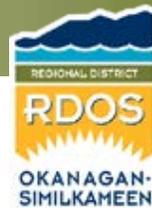
Right of reconsideration:

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

How local governments inform the LCRB of delegation:

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at cannabisregs@gov.bc.ca.

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Liquor and Cannabis Regulations Branch (LCRB) Referrals - Procedures & Fees (Liquor)

Administrative Recommendation:

That staff be directed to initiate amendments to the Development Procedures Bylaw No. 2500, 2011, and Fees and Charges Bylaw No. 2787, 2018, in order to introduce processing procedures and fees for liquor licence referrals from the Liquor and Cannabis Regulations Branch.

Purpose:

The purpose of this report is to seek direction from the Regional District Board on the replacement of the *Liquor Licensing Application Policy* with new procedures to be incorporated in the Development Procedures Bylaw No. 2500, 2011.

This discussion is related to a separate item to be considered by the Planning and Development (P&D) Committee at its meeting of September 6, 2018, regarding procedures and fees for LCRB referrals related to the retail sale of cannabis.

Background:

At its meeting of June 15, 2017, the Board resolved to adopt a new *Liquor Licensing Application Policy*, which states that "the Regional District of Okanagan-Similkameen (RDOS) will not provide comment on liquor license referral concerning an amendment to an existing license or a new license but does wish to be notified of such applications."

This new policy replaced a number of outdated policies (i.e. *Application for New Winery License Policy*, the *Rural Agency Stores – Liquor Distribution Policy* and the *Liquor Licensing Policy*) and was intended to ensure the Board's position on such applications reflected current legislation.

The Policy further transferred responsibility for administration of this policy from the Manager of Legislative Services to the Manager of Development Services and required that:

- applications be assessed for compliance against relevant land use regulations;
- the Board be provided a bi-monthly update of all applications received; and
- the Board be advised "of any controversial applications, and [the Manager of Development Services] will recommend to the Board a course of action to remedy any issues. In this event, the application shall be held until the matter is resolved."

Under the Regional District's Fees and Charges Bylaw No. 2787, 2018, there are currently no fees associated with the processing of referrals from the LCRB for liquor license applications.

Analysis:

With the benefit of over 12 months administering the *Liquor Licensing Application Policy*, Administration considers that a number of changes to the policy are warranted:

Enforcement

First, the requirement for staff to assess applications for compliance against all relevant land use regulations has raised a number of concerns, primarily in relation to enforcement (i.e. building and land use) and the extent to which bylaw contraventions identified during the assessment but unrelated to the LCRB referral should be acted upon by staff.

The range of observed infractions have included unlawfully converted structures, inadequate on-site vehicle parking, contravention of Agricultural Land Commission (ALC) policies and bylaws and septic compliance due to floor area expansions.

If it was the Board's intent that staff act on these observed infractions, Administration considers this aspect of the Policy should be strengthened to clarify this and that additional resources be made available to assist with enforcement. Administration also strongly supports the introduction of a \$300 fee to cover the staff time required to undertake the assessment of these LCRB referrals against the relevant bylaws (similar to the cost of processing a delegated development permit).

If it was not the Board's intent for staff to implement the Policy in this way, it is *strongly* recommended that this aspect of the Policy be narrowed to focus only on whether the licence is for a use that is permitted in the applicable zone. Administration considers that even this narrower work should be supported by a \$100 application fee given the time required to process a referral and the equivalency of this work with the preparation of a "Comfort Letter" (the cost of which is \$100).

Reporting

The second change that Administration considers to be warranted is in relation to the requirement to advise the Board of all applications on a "bi-monthly basis". Administration is currently providing updates to the Board as part of the Quarterly Report by Development Services, which is not technically in compliance with the Policy.

The Quarterly Report is, however, seen to be the natural venue in which to provide this information and that this would occur whether it was specified in a Board policy, or not. For this reason, Administration favours the deletion of this requirement.

Controversial Applications

Finally, it is not clear in the current Policy as to what may constitute a "controversial application", the options available to the Board to remedy a controversial application (other than conducting the public consultation required to provide comment to the LCRB but which the Policy says the Board will not do), or the ability of the Board to hold a controversial application beyond the 90 days the LCRB generally provides to local governments to respond to a referral.

Given the general intent of the *Liquor Licensing Application Policy* is for the Board to not become involved in the adjudication of liquor licences, attempting to participate in "controversial applications" appears to defeat this intent. For this reason, Administration favour the deletion of the requirement to advise of, propose remedies for and/or hold "controversial applications".

If, however, the Board wishes to maintain a say in "controversial applications" and how they are resolved, Administration recommends that the *Liquor Licensing Application Policy* be deleted in its

entirety and that individual LCRB liquor referrals begin to be brought forward for Board consideration in the same way as other land use applications (i.e. rezonings, permits and ALC referrals).

Should the Board support this option, Administration recommends the introduction of a \$500 fee with an additional fee of \$500 to be paid if the Board subsequently determines that public consultation (i.e. public hearing) is warranted on a referral.

Summary:

In summary, Administration recommends that:

- .1 the review of liquor license referrals from the LCRB be limited to compliance with permitted uses in the applicable zone;
- .2 reporting on referrals received from the LCRB be informal and occur as part of the Quarterly Report presented to the Board by the Development Services Department;
- .3 the Regional District no longer attempt to intercede in "controversial applications"; and
- .4 a fee of \$100.00 be implemented to assist with the cost of processing LCRB referrals.

For discussion purposes, draft processing procedures are included at Attachment No. 1. It is proposed that these procedures be incorporated into the Development Procedures Bylaw to ensure consistency with the proposed procedures for handling referrals from the LCRB for retail cannabis sales. Doing so would necessitate the repeal of the *Liquor Licensing Application Policy*.

Alternative:

That the Development Procedures Bylaw No. 2500, 2011, and Fees and Charges Bylaw No. 2787, 2018, not be amended to introduce processing procedures and fees for liquor licence referrals from the Liquor and Cannabis Regulations Branch and the Liquor Licensing Applications Policy be maintained.

Respectfully submitted:


C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Draft Procedures for LCRB Referrals (Liquor)
No. 2 – Liquor Licensing Applications Policy

Attachment No. 1 – Draft Procedures for LCRB Referrals (Liquor)

1. Application Requirements

1. Please review the Liquor and Cannabis Regulation Branch's (LCRB) application requirements at the provincial government's web-site (www.gov.bc.ca).

2. Processing Procedures – Liquor Licence

1. Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
2. The application is reviewed to determine whether it is complete and, if incomplete, the applicant will be notified of any outstanding requirements.
3. Development Services staff will evaluate the proposal for compliance with the permitted uses listed in the zoning applied to the property under application in the applicable Regional District zoning bylaw.
4. The authority to provide comments to the LCRB on applications is delegated to the Manager of Development Services and Development Services staff will forward a memorandum incorporating the zoning review to the Manager for their consideration.
5. The Manager of Development Services staff will endorse the application by advising that the Regional District will not be providing comment to the LCRB.
6. Once the Manager of Development Services has endorsed the application, the application will be returned to the applicant.

Attachment No. 2 – Liquor Licensing Applications Policy

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Liquor Licensing Applications

AUTHORITY: Board Resolution dated June 15, 2017.

PREAMBLE

The Liquor Control and Licensing Act (LCLA) states that a license of a prescribed class or category must not be issued unless the General Manager of the Liquor Control and Licensing Branch has provided the local government or first nation with notice of the license application. The LCLA provides local governments and first nations with the option not to comment on liquor license applications. The Regional District of Okanagan-Similkameen has decided by way of its actions, resolutions and policy to adopt such a position.

POLICY STATEMENT

The Regional District of Okanagan-Similkameen (RDOS) will not provide comment on liquor license referral concerning an amendment to an existing license or a new license but does wish to be notified of such applications.

PURPOSE

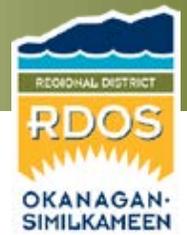
To establish a process to respond to liquor license application referrals from the Liquor Control and Licensing Branch.

RESPONSIBILITIES

Manager of Development Services is responsible to oversee the process for receiving and signing off of liquor licensing applications for the RDOS.

PROCEDURES

1. Upon receipt of a liquor licensing application, the Manager of Development Services shall refer the application to Development Services staff to confirm compliance with relevant land use regulations.
2. The Manager of Development Services will be the designated liaison with LCLB and will, on the required forms, provide confirmation that the RDOS does not wish to comment on the application. The application will then be returned to the applicant and copied to the LCLB.
3. Development Services staff will provide, on a bi-monthly basis, a report to the Board of Directors, summarizing the applications received.
4. The Manager of Development Services will advise the Board of any controversial applications, and will recommend to the Board a course of action to remedy any issues. In this event, the application shall be held until the matter is resolved.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, September 6, 2018

10:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of September 6, 2018 be adopted.

B. WEB STREAMING OF BOARD MEETINGS

RECOMMENDATION 2

THAT the Board not implement web streaming of Board meetings with the existing budget of \$5,000.

C. CLOSED SESSION

RECOMMENDATION 2

THAT in accordance with Section 90(1)(c) of the *Community Charter*, the Board close the meeting to the public on the basis of labour relations or other employee relations.

D. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Web Streaming of Board Meetings

Administrative Recommendation:

That the Board not implement web streaming of Board meetings with the existing budget of \$5,000.

Business Plan Objective:

2.1.2 By engaging our citizens in the development of our programs.

Background:

In 2017, the Board approved setup of a sound system and one microphone for the delegation table so the Board members as well as press and public can better hear presenters. A Toa wireless (infrared) sound system was set up and is working well. The plan was that the sound system could be expanded to include microphones for all Board members and eventually integrate with video to provide a web casting service for the public.

In the 2018 budget, \$5,000 was approved to set up web casting of Board meetings and administration was tasked to investigate options.

Analysis:

Streaming of Board meetings will require the following:

- Audio input of ~ 23 devices
 - One microphone for each of the 19 directors plus one for the CAO
 - One microphone for the delegation table and an additional microphone for the podium
 - Audio input from the delegation laptop
- Video camera(s)
- Software to mix and convert the video into a suitable streaming format for display on the web

By using lower end, “consumer” products, a system could be set up with the following :

- Simple wired microphones. Cost of \$135 per mic for a total cost of approximately \$3,000.
- Single wide angle camera in the corner of the room cost \$650.
- Simple software designed for basic web streaming for an approximate cost of \$550.

The total for this equipment is under the \$5,000 provided in the budget. There are concerns however with this proposal which include:

- The sound system currently set up in the Boardroom is wireless with only 3 sound inputs. The proposed system would require 23 inputs and is not compatible with our existing sound system. The existing sound system would have to be replaced.
- The proposed system would require 23 wires to run from the individual mics to the sound system near the exit door. Trenches in the concrete floor would be required to limit the tripping hazard. Also once set up, the cable network through the tables would make it much more difficult to move the Boardroom tables, limiting the types of uses for the Boardroom.
- Video recording of Board meetings is challenging because of the number of Board members and the oval layout of the meeting room. A single video camera placed in the corner of the room would mean that the public would not be able to see who is speaking and the video would only show the back of the heads for many of the directors.
- The proposed solution does not account for dedicated PC, cables, mounts, etc.
- RDOS IT staff are not Audio/Visual experts. Experts in this field would be required to set up a system like this.
- Staff time would be required at meetings to ensure everything is working properly, index the videos and prepare the video for web streaming.
- An A/V system with web casting that works well can improve transparency and public image for the RDOS. A system that does not work well or only works some the time will be:
 - Frustrating for the Board at meetings
 - Frustrating for the public trying to use the service
 - Frustrating and stressful for staff trying to make it work
 - Will look unprofessional and give the RDOS a poor public image

A more realistic budget for setting up web casting of Board Meetings with the proposed audio and video equipment:

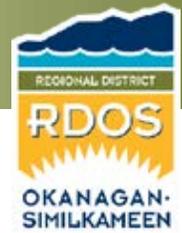
Capital Cost		
Microphones (22)	\$3,000	
Video Camera (1)	\$650	
Web streaming software	\$550	
New sound system	\$4,000	
Dedicated PC	\$1,500	
Cables/mounts/etc.	\$1,000	
Trenching in the floor (optional but would otherwise require walking over 20+ more cables)	\$22,000	
Contractor to set up system	\$2,500	
Total Capital Cost		\$35,200
Operational Cost		
Annual salary cost for staff to run system, index and make suitable for streaming on web	\$6,500	

<i>Total Operational Cost</i>		\$6,500
<i>Total Cost</i>		\$41,700

Respectfully submitted:

Tim Bouwmeester

T. Bouwmeester, Manager of Information Services



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, September 6, 2018
12:00 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of September 6, 2018 be adopted.

1. Consent Agenda – Corporate Issues

a. **Tulameen & District Fire Department Roster Appointment – Appointments**

THAT the Board of Directors appoint Lauren Quin and Gord Moffatt to the roster of the Tulameen & District Fire Department.

b. **Electoral Area “A” Advisory Planning Commission – August 13, 2018**

THAT the Minutes of the August 13, 2018 Electoral Area “A” Advisory Planning Commission meeting be received.

c. **Electoral Area “D” Advisory Planning Commission – August 14, 2018**

THAT the Minutes of the August 14, 2018 Electoral Area “D” Advisory Planning Commission meeting be received.

d. **Electoral Area “E” Advisory Planning Commission – August 13, 2018**

THAT the Minutes of the August 13, 2018 Electoral Area “E” Advisory Planning Commission meeting be received.

e. **Naramata Water Advisory Committee – March 13, 2018**

THAT the Minutes of the March 13, 2018 Naramata Water Advisory Committee meeting be received.

f. **Naramata Water Advisory Committee – May 8, 2018**

THAT the Minutes of the May 8, 2018 Naramata Water Advisory Committee meeting be received.

g. **Naramata Parks & Recreation Commission – June 25, 2018**

THAT the Minutes of the June 25, 2018 Naramata Parks & Recreation Commission meeting be received.

h. **Okanagan Falls Parks & Recreation Commission – May 10, 2018**

THAT the Minutes of the May 10, 2018 Okanagan Falls Parks & Recreation Commission meeting be received.

- i. **Okanagan Falls Parks & Recreation Commission – June 14, 2018**
THAT the Minutes of the June 14, 2018 Okanagan Falls Parks & Recreation Commission meeting be received.

 - j. **Corporate Services Committee – August 16, 2018**
THAT the Minutes of the August 16, 2018 Corporate Services Committee meeting be received.

 - k. **Planning and Development Committee – August 16, 2018**
THAT the Minutes of the August 16, 2018 Planning and Development Committee meeting be received.
- THAT the Board of Directors direct staff to consider the retail sales of cannabis as a retail use permitted in any zone where retail uses are listed.*
- l. **RDOS Regular Board Meeting – August 16, 2018**
THAT the minutes of the August 16, 2018 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. **Temporary Use Permit Application – 3628 Highway 3, Electoral Area “A”**
 - i. Permit No. A2018.071-TUP
 - ii. Responses Received

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

THAT the Board of Directors approve Temporary Use Permit No. A2018.071-TUP.

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

B. DEVELOPMENT SERVICES – Rural Land Use Matters

- 1. **Development Variance Permit Application – 110 Cabernet Drive, Electoral Area “D”**
 - a. Permit No. D2018.119-DVP

To accommodate the replacement of an existing retaining wall with a new, over-height retaining wall.

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)
THAT the Board of Directors deny Development Variance Permit No. D2018.119-DVP.

2. Enforcement of 449 Sagewood Lane “Keeping of Livestock” – Electoral Area “D-1”

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

THAT the Regional District Board set a expiry date of September 21, 2018 of when a re-submission of a rezoning application for 445 & 449 Sagewood Lane will be accepted in accordance with the Board’s previous decision of August 2, 2018 (Item B.8) of the same properties; and

THAT Administration be directed to commence injunctive action of 449 Sagewood Lane following the expiry date of September 21, 2018.

3. Official Community Plan & Zoning Bylaw Amendments – Electoral Area “E” Zone Review – 7005 Indian Rock Road (“Sunset Acres”)

- a. Bylaw No. 2458.12, 2018
- b. Bylaw No. 2459.29, 2018
 - i. Sunset Acres Comprehensive Development Zone Map
- c. Public Hearing report - July 30, 2018
- d. Public Hearing Report – August 20, 2018
- e. Responses Received

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

THAT the public hearing reports be received.

RECOMMENDATION 7 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2458.12, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw be read a third time and adopted; and

THAT Bylaw No. 2459.29, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time, as amended, and adopted.

4. Official Community Plan & Zoning Amendment Bylaws – Electoral Area “E” Naramata Village Centre and Development Permit Area Update

- a. Bylaw No. 2458.13, 2018
 - i. Form and Character Development Permit Areas
- b. Bylaw No. 2459.30, 2018
- c. Public Hearing Report – August 20, 2018
- d. Responses Received

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

THAT the public hearing report be received.

RECOMMENDATION 9 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2458.13, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw be read a third time, as amended, and adopted; and

THAT Bylaw No. 2459.30, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

5. **Zoning Bylaw Amendment – 891 & 945 Old Main Road, Electoral Area “E”**
 - a. Bylaw No. 2459.31, 2018
 - b. Public Hearing Report – August 20, 2018
 - c. Responses Received

To allow an accessory dwelling with a floor area of 140 m² on one lot and to remove the ability to have an accessory dwelling on another lot.

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)
THAT the public hearing report be received.

RECOMMENDATION 11 (Unweighted Rural Vote – 2/3 Majority)
THAT Bylaw No. 2459.31, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

C. PUBLIC WORKS

1. **Investing in Canada Infrastructure Program (ICIP) Grant Opportunities**
 - a. Investing in Canada Infrastructure Program (ICIP) Program Guide

To provide the required supporting Board resolution for the application for submission to the Investing in Canada Infrastructure Program, Green Infrastructure – Environmental Quality Program.

RECOMMENDATION 12 (Unweighted Corporate Vote – Majority)
THAT the Board of Directors support the submission of a grant application to the Investing in Canada Infrastructure Program, Green Infrastructure – Environmental Quality Program for the Sun Valley Water System Metering And Back-up Generator Project; and further,

THAT the Board of Directors commit to funding their share of eligible costs through borrowing and reserves, to be determined upon confirmation of grant approval.

D. COMMUNITY SERVICES – Rural Projects

1. **Award of Wharf Park Shoreline Rehabilitation Project**

RECOMMENDATION 13 (Weighted Corporate Vote – Majority)
THAT the Board of Directors approve the tender evaluation report and recommendations for award of the “Wharf Park Shoreline Protection” Invitation to Tender; and

THAT the Board of Directors award the “Wharf Park Shoreline Protection” project to Chute Creek Contracting up to the amount of \$176,465 exclusive of GST.

E. FINANCE**1. Loose Bay Campground Society Service Provider Agreement**

RECOMMENDATION 14 (Weighted Corporate Vote –Majority)

THAT the Board of Directors approves the Service Provider Agreement between the Loose Bay Campground Society and the Regional District of Okanagan Similkameen to manage & operate a campground in Electoral Area “C” for seasonal fruit pickers with the date as set out in the Service Provider Agreement.

2. Electoral Area “B” Community Works Gas Tax Reserve Fund Expenditure

a. Bylaw No. 2827, 2018

RECOMMENDATION 15 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw 2827, 2018, being a bylaw of the Regional District to authorize an expenditure of \$50,000 to the Similkameen Housing Services Society for the purchase & placement of fill from the Electoral Area ‘B’ Community Works Gas Tax Reserve Fund be read a first, second and third time, and be adopted.

3. Electoral Area “D” Community Works Program Reserve Expenditure

a. Bylaw No. 2826, 2018

b. Electoral Area “D” Director Letter - March 16, 2018

RECOMMENDATION 16 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2826, 2018, Electoral Area “D” Community Works Program Reserve Fund Expenditure Bylaw to allocate \$35,000 toward the Heritage Hills Park Project be read a first, second and third time and be adopted.

F. LEGISLATIVE SERVICES**1. Petition to Enter Okanagan Falls Sanitary Sewer Service Area**

a. Bylaw No. 1239.07, 2018

To bring an additional property into the Okanagan Falls Sanitary Sewer Service Area.

RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 1239.07, 2018 Okanagan Falls Sanitary Sewer Service Area Extension Bylaw be adopted.

2. Transit Service Establishment Bylaw No. 2809, 2018
 - a. Bylaw No. 2809, 2018

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)
THAT Bylaw No. 2809, 2018 Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw be adopted.

3. Declaration of State of Local Emergency Approval
-

G. CAO REPORTS

1. Verbal Update
-

H. OTHER BUSINESS

1. Chair’s Report
-

2. Directors Motions
-

3. Board Members Verbal Update
-

I. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: Chief Jody Woodford
DATE: September 6, 2018
RE: Tulameen & District Fire Department Roster Appointments

Administrative Recommendation:

THAT the Board of Directors appoint Lauren Quin and Gord Moffatt to the roster of the Tulameen & District Fire Department

Purpose:

To appoint two new members to the fire department

Reference:

Bylaw Number 1580, 1995

Background:

4. Officers and Members, as the Fire Chief deems necessary, shall be appointed by a resolution of Regional Board

Respectfully submitted:

Chief Jody Woodford

**Advisory Planning Commission Minutes
RDOS Electoral Area “A” Monday August 13, 2018
Sonora Centre, Osoyoos, BC**

Present:

Recording Secretary: Mark Mckenney

Members: Chair Peter Beckett, Vice Chair Mark McKenney, Grant Montgomery; Bill Plaskett

Representing Director Pendergraft: Denis Potter

Regrets:, Mark Pendergraft, Dwayne Svendsen, Gerald Hesketh

Representing RDOS: Kevin Taylor

Call to order: 7:15 PM

Review of Minutes of last meeting: That Bonnie Douglas was shown as a member of the APC. Ms. Douglas has left this APC. No further comments; Accepted by acclamation

Agenda item 1 - Temporary Use Permit Application

Purpose: To consider a temporary use permit for 3628 Highway 3, Osoyoos Lot 3, Plan KAP6022, District Lot 41, SDYD

OCP: Agriculture (AG)

Zoning: Agriculture One (AG1)

The report prepared by staff was reviewed by APC members.

Mr. Plaskett and Mr. McKenney commented that the proposed use of this property fits with both the RDOS objectives of agri-tourism and with the OCP which supports “the provision of paid accommodation for visitors through short-term rental”. There were no objections to approving the temporary use permit.

Motion

Made by Bill Plaskett; Seconded Grant Montgomery

THAT the APC recommends to the RDOS Board of Directors that the subject temporary use be approved.

Further discussion: None

The Motion is CARRIED unanimously.

Agenda Item from Floor:

The APC discussed that there appears to be a vacuum in by-law regulation for “short term rental” policy in the RDOS.

The APC requests staff to examine whether there are sufficient by-laws to regulate such rentals within the Region.

Meeting adjourned: 7:35 PM

Minutes

Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, August 14, 2018

Okanagan Falls Community Centre (Gymnasium)

1141 Cedar Street, Okanagan Falls, BC

Present: Tom Siddon, Director, Electoral Area “D”,
Members: Jerry Stewart, Ron Obirek, Don Allbright, Doreen Olson, Robert Handfield, Jill Adamson
Absent: Bob Hadow, Robert Pearce, Doug Lychak, Navid Chaudry
Staff: Kevin Taylor, Planning Technician
Sue Gibbons, Recording Secretary

Delegates: Langlois, Annette and Anderson, Sean, Agent

1. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

2. ADOPTION OF AGENDA

MOTION

It was Moved and Seconded that the Agenda be adopted.

CARRIED (UNANIMOUSLY)

3. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of July 10, 2018 be approved.

The Chair called for errors or omissions and there were none.

CARRIED (UNANIMOUSLY)

4. DEVELOPMENT APPLICATIONS

4.1 D06799.994 (D2018.119-DVP) – Development Variance Permit Application

Delegates: Langlois, Annette, Applicant and Anderson, Sean, Agent

Discussion

MOTION

It was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED (UNANIMOUSLY)

5. ADJOURNMENT

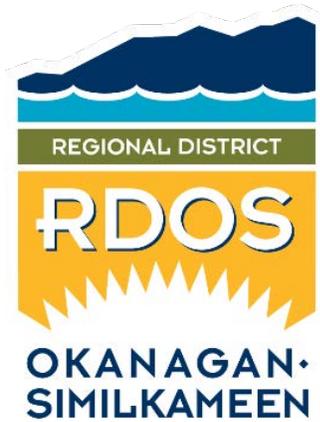
MOTION

It was Moved and Seconded that the meeting be adjourned at 7:35 pm.

CARRIED (UNANIMOUSLY)

Advisory Planning Commission Chair

Advisory Planning Commission Recording Secretary



Minutes

Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, August 13th, 2018 at 7:30 p.m.

OAP Hall, 330 - 3rd Street, Naramata, BC

Present:

Members: Bruce Clough (Chair, Electoral Area 'E' APC), Heather Fleck, Don Mancell, Brent Rowland, Tom Hoenisch

Absent: Phil Janzen

Staff: None

Guests: Karla Kozakevich (RDOS Area 'E' Director)

Recording Secretary: Heather Lemieux

Delegates: None

1. ADOPTION OF AGENDA

The meeting was called to order at 7:39 p.m. Quorum Present.

MOTION

It was Moved and Seconded that the Agenda be adopted as presented.

CARRIED (UNANIMOUSLY)

2. APPROVAL OF MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of July 9th, 2018 be approved.

CARRIED (UNANIMOUSLY)

3. OTHER

3.1 E2018.098 - CROWN - For Information Only

Discussed a large property in North Naramata, lot usage, dock permits and updating the property to a Comprehensive Development Zone.

The Area 'E' Area Planning Commission requests that the RDOS receive information on how more than one (1) dock per property was granted, (i.e. how were multiple docks permitted). The APC is not opposed to fixing the damaged dock but is opposed to adding additional docks on the property.

Bruce Clough (Chair, Electoral Area 'E' APC) recused himself from the meeting at 8:13 p.m. due to a friendship with a owner of one of the properties most affected by the proposed changes.

Don Mancell presided as Chair. Quorum present.

3.2 E2018.060-ZONE

Official Community Plan & Zoning Amendment Bylaws - Electoral Area "E"

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the proposed amendments to the Electoral Area "E" Official Community Plan (OCP) Bylaw and Zoning be approved.

CARRIED (UNANIMOUSLY)

In addition to the above Motion, the Area 'E' Area Planning Commission recommends that the RDOS notify APC members in advance about public information hearings, referrals and consultations via email.

Despite the lack of information provided, after thorough discussion and review, the Area 'E' Area Planning Commission members are in agreement that the above is a positive Zoning Amendment Bylaw for Naramata.

3.3 Date of next meeting - September 10th, 2018

4. ADJOURNMENT

MOTION

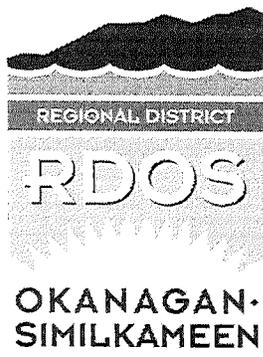
It was Moved and Seconded that the meeting be adjourned at 9:03 p.m.

CARRIED (UNANIMOUSLY)

Don Mancell, 'as Chair', of the Area 'E' Advisory Planning Commission



Advisory Planning Commission Recording Secretary / minute taker



Minutes

Naramata Water Advisory Committee

Meeting of Tuesday, March 13th, 2018 at 7:00 p.m.

RDOS Field Office, 224 Robinson Avenue, Naramata, BC

- Present:** Peter Graham (Chair), Norbert Lacis, Peter Neilans, Tim Watts, Richard Roskell
- Absent:** Alan Nixon, Eva Antonijevic
- Area 'E' Director:** Karla Kozakevich (Area 'E' RDOS Director)
- Staff:** None
- Guests:** None
- Recording Secretary:** Heather Lemieux

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m., Quorum Present

2. GUESTS

None

3. ADOPTION OF AGENDA

Added 6.c. Water System Capacity

MOTION

It was Moved and Seconded that the Agenda be adopted as amended.

CARRIED (UNANIMOUSLY)

4. APPROVAL OF THE PREVIOUS MEETING MINUTES

Minutes of January 9th, 2018 approved as presented.

MOTION

It was Moved and Seconded that the Minutes of January 9th, 2018 be approved as presented.

CARRIED (UNANIMOUSLY)

5. DIRECTORS REPORT

Karla Kozakevich (Area 'E' RDOS Director) reported on the following:

- a. **Pipe Replacement** – Paving and landscaping will commence as the temperature gets warmer.
- b. **Mill Road** – Discussed pipe replacement emergency funding potential.

6. NEW BUSINESS

- a. **Terms of Reference Update** – Final copies were distributed, the revised version will be brought to the RDOS Board for adoption.
- b. **Water System Tour** – Discussed potential dates and locations.
- c. **Water System Capacity** – Discussed housing developments, potential effects on water system, water usage and Area 'E' population growth.
- d. **Priority Pipe Replacement** – Pipe replacement list received, unsure if it is in prioritized sequence. **ACTION** – Liisa Bloomfield requested to clarify priority sequence.

7. OLD BUSINESS

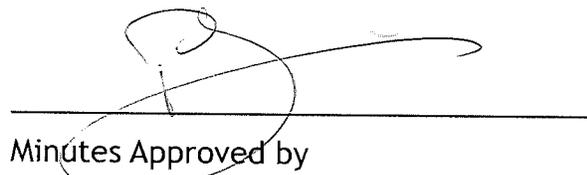
None

8. ADJOURNMENT

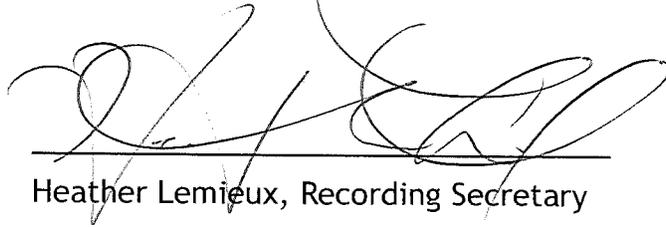
Meeting adjourned at 7:37 p.m.

NEXT MEETING

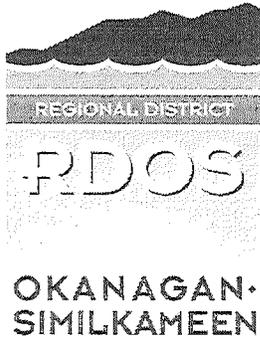
Regular Meeting – May 8th, 2018, 7:00 p.m., at the RDOS Field Office



Minutes Approved by
Naramata Water Advisory Committee Chair



Heather Lemieux, Recording Secretary



Minutes

Naramata Water Advisory Committee

Meeting of Tuesday, May 8th, 2018 at 7:00 p.m.

RDOS Field Office, 224 Robinson Avenue, Naramata, BC

Present: Peter Graham (Chair), Norbert Lacis, Peter Neilans, Richard Roskell, Alan Nixon

Absent: Tim Watts, Eva Antonijevic

Area 'E' Director: Karla Kozakevich (Area 'E' RDOS Director)

Staff: None

Guests: None

Recording Secretary: Heather Lemieux

1. **CALL TO ORDER**

The meeting was called to order at 7:13 p.m., Quorum Present

2. **GUESTS**

None

3. **ADOPTION OF AGENDA**

Meeting start time corrected to 7:00 p.m.

MOTION

It was Moved and Seconded that the Agenda be adopted as amended.

CARRIED (UNANIMOUSLY)

4. **APPROVAL OF THE PREVIOUS MEETING MINUTES**

Minutes of March 13th, 2018 approved as presented.

MOTION

It was Moved and Seconded that the Minutes of March 13th, 2018 be approved as presented.

CARRIED (UNANIMOUSLY)

5. DIRECTORS REPORT

Karla Kozakevich (Area 'E' RDOS Director) reported on the following:

- a. **Flooding** – Discusses regional flooding issues, large snow packs, water management, mitigation and future planning. Drone surveillance is being conducted.
- b. **Chute Lake Dam** – Dam owners are petitioning the RDOS to add the dam and their water licenses to the RDOS as a new service area. The dam will be replaced at the expense of the water license holders and they will be billed annually for the service and maintenance work.
- c. **Public Works Manager** – Janine Dougall, has taken a position in the Kootenay region.
- d. **Pipe Replacement Project** – Nearly complete, project signage is being removed.

6. NEW BUSINESS

- a. **Water Pump house and Treatment Plant Tour** – Discussed inspections, proactive maintenance, vibration monitoring, rotating equipment, alignment balance and heat sensing for areas producing friction.

ACTION – RDOS staff requested to conduct quarterly vibration and thermography monitoring and inspections on moving infrastructure of the water system, i.e. water pumps.

ACTION – NWAC inquiry: *Is lubrication testing being conducted on used oil for the mechanical parts on the water system?*

- b. **Terms of Reference Update** – Pending adoption by the RDOS Board.

ONGOING

- c. **Disaster Financial Assistance** – Emergency funding has been approved.

- d. **Pipe Replacement** – **ACTION** – Liisa Bloomfield requested to provide pipe replacement list in priority sequence.

ONGOING

e. **Emergency Operation Centre** – RDOS staff are being assigned to the Emergency Operation Centre (EOC). The EOC is being operated in collaboration between the RDOS, Emergency Management BC and the City of Penticton.

f. **Other Items** – Discussion:

- Turbidity levels
- Creeks
- Boil water advisories
- Potential to add another reservoir to the water system
- Water licences
- Back-up power
- Water level maintenance

7. OLD BUSINESS

None

8. ADJOURNMENT

Meeting adjourned at 7:49 p.m.

NEXT MEETING

Regular Meeting – July 10th, 2018, 7:00 p.m., at the RDOS Field Office



Minutes Approved by
Naramata Water Advisory Committee Chair



Heather Lemieux, Recording Secretary



MINUTES

Naramata Parks & Recreation Commission

Monday, June 25, 2018, 6:30 p.m.
Naramata Fire Hall

- Members Present: Dennis Smith (Chair), Lyle Resh, Adrienne Fedrigo, Maureen Balcaen, Jeff Gagnon, Richard Roskell, Jacqueline Duncan arrived @ 6:33 p.m.
- Absent: Justin Shuttleworth (RDOS Parks & Facilities Coordinator), Deb Linton (Recreation Contractor)
- Area 'E' Director Karla Kozakevich (RDOS Area 'E' Director)
- Staff & Contractors: Doug Reeve (RDOS, Projects Coordinator II) left meeting @ 8:14 p.m., Heather Lemieux (Recording Secretary)
- Guests: None
- Delegations: Jacquie Carlson (Cittaslow Society) left meeting at 7:05 p.m., Miranda Halladay (Cittaslow Society) arrived @ 6:32 p.m., left meeting at 7:05 p.m.

1. APPROVAL OF AGENDA

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for the Naramata Parks & Recreation Meeting of June 25, 2018 be adopted as presented and all presentations and reports be received.

CARRIED (UNANIMOUSLY)

2. APPROVAL OF LAST MEETING MINUTES

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the minutes for the Naramata Parks & Recreation Meeting of May 28, 2018 be adopted as presented.

CARRIED (UNANIMOUSLY)



MINUTES

Naramata Parks & Recreation Commission

Monday, June 25, 2018, 6:30 p.m.
Naramata Fire Hall

3. CORRESPONDENCE/DELEGATIONS

- 3.1. Cittaslow Society – Jacquie Carlson and Miranda Halladay – Presented the Community Sign Project, design and proposed locations. Discussed design concepts, budget, community donors and MOTi permits.
 - 3.2. Naramata Yacht Club – Beaver Removal Costs – Correspondence received from the Naramata Yacht Club. The RDOS will not contribute to beaver removal costs.
-

4. RDOS DIRECTOR REPORT – Karla Kozakevich reported on the following:

- 4.1. Age-friendly – RDOS Board Resolution has been received to support Naramata's age-friendly community application. ACTION – Adrienne Fedrigo to work on the age-friendly community application.
- 4.2. Swim Platform – A potential private donation may be received to contribute to the project.
- 4.3. Park Signage – A sign is being ordered for Spirit Park.
- 4.4. Community Signs – Discover Naramata is looking to upgrade their walking tour signs and welcome to Naramata signs.
- 4.5. Generator Wrap – More historical images been received, reviewed by NPR members. Discussed scenery, people and collages. ACTION – Karla Kozakevich to send images to the wrap designer.

5. RDOS STAFF REPORT – Doug Reeve (RDOS, Projects Coordinator II) report distributed:

- 5.1. Manitou Park – *Is a new washroom facility needed? If so, how many and what type of fixtures? Are showers and change rooms needed? Would the facility operate seasonally or year-round?* A concept plan and map was distributed. Discussed Interior Health Authority, capacities and regulations. ACTION – NPR members to confirm the number of washroom fixtures for the next NPR meeting. ACTION – NPR Members to come to the next meeting with a list of priority projects for 2019.
- 5.2. Wharf Park – The rehabilitation plan has been completed and an environmental plan is in place. The tender process is starting. Foreshore permit applications are ongoing.



MINUTES

Naramata Parks & Recreation Commission

Monday, June 25, 2018, 6:30 p.m.
Naramata Fire Hall

Discussed the orange safety fence for sinking earth, gaps and instability along the edge of the grass.

5.3. Spirit Park – New Facilities – Playground project underway. ONGOING

5.4. Tennis/Pickleball Courts – Discussed restoration, tender documents are being prepared.

6. RECREATION CONTRACTOR REPORT – Deb Linton (Recreation Coordinator Contractor) absent, report submitted.

7. COMMISSION MEMBER REPORTS

7.1. Woodwackers Report - Lyle Resh presented a verbal report. Tasks being completed are cleaning out brush on the third track and ditching. Gorman Bros. haul roads are still displacing runoff. Discussed upcoming tasks and the Provincial trails budget. Vehicle access is being deactivated at Rock Oven Park to protect the area from further damage from vehicles and erosion. Lyle suggested improvements to KVR Signage installed by the woodwackers a long time ago. ACTION – Justin Shuttleworth to look into repairs or replacements for Woodwacker signs along the KVR.

8. BUSINESS ARISING

8.1. Community Sign Project

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Naramata Parks & Recreation Commission support the Naramata CittaSlow community sign project subject to exact location.

CARRIED (UNANIMOUSLY)

8.2. Boat Storage – Discussed foreshore development permits. An agreement between the RDOS and the Naramata Watercraft Society is drafted and with the lawyer. ONGOING

8.3. Manitou Gate Replacement – Discussed reinstallation logistics. NPR would like to leave the entrance open for this season to see if there are issues with overnight parking or if this is managed well by security patrols.



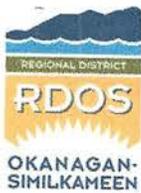
MINUTES
Naramata Parks & Recreation Commission
Monday, June 25, 2018, 6:30 p.m.
Naramata Fire Hall

9. ADJOURNMENT 8:37 p.m.

NEXT MEETING: July 23, 2018, 6:30 p.m., Naramata Fire Hall

Recreation Commission Chair

Recording Secretary



MINUTES

Okanagan Falls Parks & Recreation Commission

May 10, 2018
Okanagan Falls, Community Centre



Members Present: Alf Hartviksen (Chair), Ron Obirek, Matt Taylor

Regrets: Brian Jackson, Carole Barker

RDOS: Tom Siddon, Janet Black

Guests: Kelvin Hall, Penticton and District Search and Rescue

Recording Secretary: Janet Black

CALL TO ORDER

The meeting was called to order at 7:10 p.m.

1.0 ADOPTION OF AGENDA

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for May 10, 2018 be adopted.

CARRIED

2.0 APPROVAL OF PREVIOUS MEETING MINUTES

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the minutes for Okanagan Falls Parks and Recreation of April 12, 2018 be approved

CARRIED

3.0 BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 2019 New Horizon Grant guidelines

Discussion of possible projects: Lions Garden path – improve accessibility to the small hill on the north side (nature-scaping)

Staff to follow up with Commission re: deadline

(Update - 2018 Proposals open as of May 12th – deadline June 15th)

3.2 Lion's Park Pond – aeration. Discussion. Matt Taylor researching

3.3 Commission Member recruitment – ad in Skaha Matters – staff requested to run ad again in June edition (update: submitted May 14th) Staff will also post in Western Advertiser

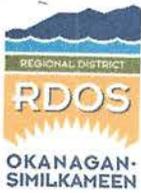
4.0 CORRESPONDENCE

4.1 April 25 - Email from Sun and Sand regarding lighting in Kenyon Park picnic area Discussion. Tabled.

5.0 COMMISSION MEMBER REPORTS

5.1 Chair – Alf Hartviksen

Requests staff turn off power to outside Kenyon House unless special event
Completed



MINUTES
Okanagan Falls Parks & Recreation Commission
May 10, 2018
Okanagan Falls, Community Centre



Action: Request security plan from Facility Coordinator (Justin)

5.2 Treasurer Report – none

5.3 Committees: Heritage Hills – Ron Obirek

- Ron summarized history of park planning and status
- Discussion – gas tax funding and other grants
- Community Association meeting Wednesday May 16th – invitation extended to Commission and Director Siddon.

6.0 RDOS STAFF REPORTS

6.1 Parks Report – Boat launch quotes were provided and briefly reviewe

6.2 Recreation Report – Janet Black

- Budget on track.
- Physical Literacy Project with Sport for Life
- Summer student hired

7.0 RDOS DIRECTOR REPORT

8.0 NEW BUSINESS ARISING

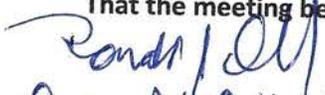
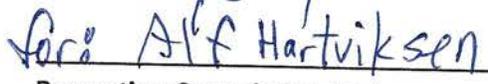
8.1 Boat dock project update (refer to 6.1) Tabled

9.0 ADJOURNMENT

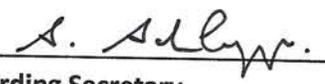
RECOMMENDATION

IT WAS MOVED

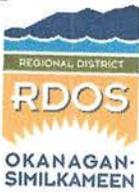
That the meeting be adjourned at 8:45 pm

Recreation Commission Chair



Recording Secretary



MINUTES
Okanagan Falls Parks & Recreation Commission
 Thursday, June 14, 2018
 Okanagan Falls, Kenyon House



- Members Present:** Brian Jackson, Carole Barker (Vice Chair), Ron Obirek
- Regrets:** Alf Hartviksen, Matt Taylor, Tom Siddon
- RDOS:** Justin Shuttleworth, Shona Schleppe
- Guests:** Kelvin Hall, Penticton and District Search and Rescue
- Recording Secretary:** Shona Schleppe

CALL TO ORDER

The meeting was called to order at 7:25 p.m. after a short walking tour of Lion’s Park, Kenyon Park, Christie Memorial and the Lamb Property.

1.0 ADOPTION OF AGENDA

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for June 14, 2018 be adopted.

CARRIED

2.0 APPROVAL OF PREVIOUS MEETING MINUTES

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the minutes for Okanagan Falls Parks and Recreation of May 10, 2018 be approved.

CARRIED

3.0 BUSINESS ARISING FROM PREVIOUS MINUTES

- 3.1 2019 New Horizon Grant guideline is June 15 –refer to update in Recreation Report.
- 3.2 Lion’s Park Pond – aeration is still of interest.
- 3.3 Commission Member recruitment – a couple possible recruits. If individuals are interested in joining the Commission he/she should submit a letter/resume to Mark Woods, Manager of Community Services.
- 3.4 Kenyon House outside power outlet has been turned off and security plan for summer will start July long weekend with two random stops per night.
- 3.5 Plan for Boat launch – quotes for boat launch approximately \$24,832. Submission for permission has been submitted and RDOS is waiting for approval from FLNRO. Staff will seek permission from FLNRO to install a temporary dock.

RECOMMENDATION

IT WAS MOVED AND SECONDED

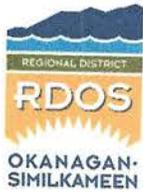
That the Parks and Recreation Commission endorse the Trademark quote to a maximum cost of \$25,000 for the dock and \$5,000 for a QEP.

CARRIED

4.0 CORRESPONDENCE

5.0 COMMISSION MEMBER REPORTS

- 5.1 Chair – no report.
- 5.2 Treasurer Report – reviewed Q1 financials.
- 5.3 Committees: Heritage Hills – Ron Obirek



MINUTES

Okanagan Falls Parks & Recreation Commission

Thursday, June 14, 2018
Okanagan Falls, Kenyon House



Contacted Fortis for funding opportunities, visited the Enokwin Centre, reflected on the detail in the LA West Park Report (completed in 2016) and highlighted the discussion from the June 7th HH Park Development meeting.

6.0 RDOS STAFF REPORTS

- 6.1 Parks Report – report from Justin.
- Tree removal of willows in Christie Memorial – budget has a tree replacement program.
 - Logs on foreshore will be contoured around the Aster's to naturalize area.
 - Spray Park switch will be installed in the next few weeks.
 - The Park Crews will soon be on a seven day coverage schedule for July/August.
 - Signage for HH Park – no motorized vehicles.
- 6.2 Recreation Report – written report provided by Janet Black.
- Summer program guide circulated.
 - New Horizon grant theme for 2018 “Vulnerable Seniors”.
 - PLAY in the Park and Regional Recreation have hosted a variety of events.

7.0 RDOS DIRECTOR REPORT

No report provided.

8.0 NEW BUSINESS ARISING

Heritage Hills Park development submission to BC Gaming – Capital Grant program.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That Okanagan Falls Parks and Recreation Commission support Heritage Hills/Lakeshore Highlands Homeowner's Association to apply for 2018 BC Gaming - Capital Project Grant for further development of the Heritage Hills Park.

CARRIED

9.0 ADJOURNMENT

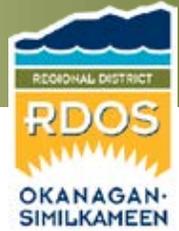
RECOMMENDATION

IT WAS MOVED

That the meeting be adjourned at 8:39 pm.

Recreation Commission Chair

Recording Secretary



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, August 16, 2018
10:25 a.m.

Minutes

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 R Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

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

MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Corporate Services Committee Meeting of August 16, 2018 be adopted. - CARRIED

B. FORTISBC INTERVENTION UPDATE – For Information Only

C. CLOSED SESSION

RECOMMENDATION 3

It was MOVED and SECONDED

THAT in accordance with Section 90(1)(c) of the *Community Charter*, the Committee close the meeting to the public on the basis of labour relations or other employee relations.
CARRIED

The meeting was closed to the public at 10:26 a.m.

The meeting was opened to the public at 11:38

D. ADJOURNMENT

By consensus, the meeting adjourned at 11:38 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, August 16, 2018
9:29 a.m.

Minutes

MEMBERS PRESENT:

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

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

MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

STAFF PRESENT:

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

B. Dollevoet, Manager of Development Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of August 16, 2018 be adopted. - **CARRIED**

B. ZONING FOR RETAIL CANNABIS STORES

To seek direction from the Regional Board regarding the retail sales of cannabis in the Electoral Area Zoning Bylaws.

RECOMMENDATION 2

It was MOVED and SECONDED

THAT staff be directed to introduce a new definition of "Retail Store, Licensed Cannabis" to the Electoral Area zoning bylaws and that this be listed as a permitted principal use in the Town and Village Centre Zones. - **DEFEATED**

Opposed: Directors Brydon, Bauer, Armitage, Boot, Mayer, Coyne, Kozakevich, Konanz, Martin, Pendergraft, Schafer, Sentes, Siddon, Waterman

It was MOVED and SECONDED

THAT the Board of Directors direct staff to consider the retail sales of cannabis as a retail use permitted in any zone where retail uses are listed. - **CARRIED**

Opposed: Director Bush

C. LIQUOR AND CANNABIS REGULATIONS BRANCH (LCRB) REFERRALS – PROCEDURES & FEES (CANNABIS)

To seek direction from the Regional District Board with regard to the application procedures and fees to be applied to the retail sale of cannabis in light of recent announcements regarding provincial licensing requirements.

Due to time constraints, this item was deferred to the next Planning and Development Committee meeting.

D. LIQUOR AND CANNABIS REGULATIONS BRANCH (LCRB) REFERRALS – PROCEDURES & FEES (LIQUOR)

To seek direction from the Regional District Board on the replacement of the Liquor Licensing Application Policy with new procedures to be incorporated in the Development Procedures Bylaw No. 2500, 2011.

Due to time constraints, this item was deferred to the next Planning and Development Committee meeting.

E. ADJOURNMENT

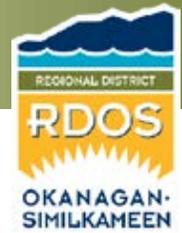
By consensus, the Planning and Development Committee meeting adjourned at 10:24 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Brydon
Planning and Development Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:47 p.m. Thursday, August 16, 2018 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

B. Newell, Chief Administrative Officer	B. Dollevoet, Manager of Development Services
C. Malden, Manager of Legislative Services	M. Woods, Manager of Community Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the [Agenda](#) for the RDOS Board Meeting of August 16, 2018 be amended by:
Adding Item B9 Building Bylaw Infraction, 172 Fish Lake Road; and
Removing Item C.5. Early Termination of a Land Use Contract – 781 Highway 97
CARRIED

1. Consent Agenda – Corporate Issues
 - a. Okanagan Falls Volunteer Fire Department - Resignation
THAT the Board of Directors accept the resignation of Clay Stevenson as a member of Okanagan Falls Volunteer Fire Department.
 - b. Tulameen Volunteer Fire Department - Appointment
THAT the Board of Directors appoint John McIntosh and Ryan Marchuk as a member of Tulameen Volunteer Fire Department.
 - c. Naramata Parks and Recreation Commission - Appointment
THAT the Board of Directors appoint Nicole Verpaelst as a member of Naramata Parks and Recreation Commission for a term ending December 31, 2019.
 - d. Electoral Area "D" Advisory Planning Commission – July 10, 2018
THAT the Minutes of the July 10, 2018 Electoral Area "D" Advisory Planning Commission be received.

- e. Electoral Area “E” Advisory Planning Commission – July 9, 2018
THAT the Minutes of the July 9, 2018 Electoral Area “E” Advisory Planning Commission be received.
- f. Electoral Area “H” Advisory Planning Commission – July 17, 2018
THAT the Minutes of the July 17, 2018 Electoral Area “H” Advisory Planning Commission be received.
- g. Corporate Services Committee – August 2, 2018
THAT the Minutes of the August 2, 2018 Corporate Services Committee be received.
- h. Environment and Infrastructure Committee – August 2, 2018
THAT the Minutes of the August 2, 2018 Environment and Infrastructure Committee be received.
- i. Planning and Development Committee – August 2, 2018
THAT the Minutes of the August 2, 2018 Planning and Development Committee be received.
- j. RDOS Regular Board Meeting – August 2, 2018
THAT the minutes of the August 2, 2018 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

- 2. Consent Agenda – Development Services
 - a. Agricultural Land Commission Referral (Non-Farm Use) – 9707 128th Avenue, Electoral Area “A”

To allow a packing and storage facility to handle a majority of its produce from off-site growers.

THAT the RDOS “authorize” the application to allow a Non-Farm Use at 9707 128th Ave, Electoral Area “A” (Lot 470, Plan KAP1949, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission.
 - b. Development Variance Permit Application – 100 Willow Avenue, Electoral Area “D”
 - i. Permit No. D2018.116-DVP

To allow for the replacement of a deck and portion of a house that need to be repaired due to rot.

THAT the Board of Directors approve Development Variance Permit No. D2018.116-DVP.

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

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

B. DEVELOPMENT SERVICES – Building Inspection**1. Building Bylaw Infraction – 1370 Bullmoose Way, Electoral Area “A”**

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

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

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 A, Plan KAP90308, District Lot 2709, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

2. Building Bylaw Infraction – 236 Ponderosa Avenue, Kaleden, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

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

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 3 Plan KAP89276 except Plan KAP90953 District Lot 105s SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333. - **CARRIED**

Director Hovanes entered the Boardroom at 12:51 p.m.

3. Building Bylaw Infraction – 149 Spruce Avenue, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 151, District Lot 103S, Plan KAP719, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

4. Building Bylaw Infraction – 285 Westview Road, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 13, Plan KAP11719, District Lot 280, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

5. Building Bylaw Infraction – 183 Jebbs Road, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 4, Plan KAP30396, District Lot 411, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT the Board of Directors direct staff to commence injunctive action.

CARRIED

6. Building Bylaw Infraction – 1166 Apex Mountain Road, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 Block D, District Lot 4063S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

7. Building Bylaw Infraction – 130 Panorama Ridge Road, Electoral Area “D”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the - (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot 20 Plan 26390 District Lot 2710 SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333. - **CARRIED**

8. Building Bylaw Infraction – 2150 Naramata Road, Electoral Area “E”

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 1, Plan KAP15814, District Lot 206, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT the Board of Directors direct staff to commence injunctive action.

CARRIED

9. [Building Bylaw Infraction](#) – 172 Fish Lake Road, Electoral Area “F”

Addendum

The Chair enquired whether the property owner was present to speak to the application; however, they were not.

RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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 3, Plan KAP32148, District Lot 3929, ODYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and

THAT injunctive action be commenced.

CARRIED

C. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Zoning Bylaw Amendment – 8312 98th Avenue, Electoral Area “A”
 - a. Bylaw No. 2451.25, 2018
 - b. Land Title Act Form - Covenant
 - c. Responses Received

To allow for the placement of a mobile home (CSA Z240) in the RS1 Zone.

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

THAT Bylaw No. 2451.25, 2018, Electoral Area “A” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of September 20, 2018;

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

CARRIED

2. Official Community Plan Bylaw No. 2790, 2018 – Electoral Area “F”
 - a. Bylaw No. 2790, 2018
 - b. Community Engagement Report – July 2018

To replace the current Electoral Area “F” Official Community Bylaw No. 2460, 2008 with an updated version.

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

THAT Bylaw No. 2790, 2018, Electoral Area “F” Okanagan Lake West/ Greater West Bench Official Community Plan, 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 August 16, 2018, 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 has considered Amendment Bylaw No. 2790, 2018, in conjunction with its Financial and applicable Waste Management Plans.

CARRIED

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

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

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

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

CARRIED

3. Zoning Bylaw Amendment – 15 Deans Road, Summerland, Electoral Area “F”
 - a. Bylaw No. 2461.11, 2018
 - b. Responses Received

The public hearing for this item will have been held Thursday, August 16, 2018 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To rezone a property to facilitate a two-lot subdivision.

RECOMMENDATION 16 (Unweighted Rural Vote – 2/3 Majority)**It was MOVED and SECONDED**

THAT Bylaw No. 2461.11, 2018, Electoral Area “F” Zoning Amendment Bylaw be read a third time and adopted.

CARRIED

4. Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “D”
 - a. Bylaw No. 2457.16, 2018
 - b. Bylaw No. 2683.01, 2018
 - c. Responses Received

To formalize the existence of a 4-plex on the subject property and to allow its use for short-term tourist accommodation purposes.

RECOMMENDATION 17 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2683.01, 2018, Electoral Area “D” Official Community Plan Amendment Bylaw and Bylaw No. 2457.16, 2018, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing; and

THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated August 16, 2018, 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 has considered Amendment Bylaw No. 2683.01, 2018, 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 September 20, 2018; and

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

CARRIED

5. Early Termination of a Land Use Contract – 781 Highway 97, Okanagan Falls, Electoral Area “D”
 - a. Bylaw No. 2455.32, 2018
 - b. Responses Received

This item was removed from the agenda.

6. Agricultural Land Commission Referral (Placement of Fill) – 760 Highway 3A, Kaleden, Electoral Area “D”

The Regional District has been advised that this application to the ALC has been withdrawn and the matter is no longer in possession of the Board.

7. Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E” & “F” Tourist Commercial Zone Review and Consolidation
 - a. Bylaw No. 2808, 2018
 - b. Responses Received
 - c. [Additional Responses Received](#)

The public hearing for this item will have been held Thursday, August 16, 2018 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the consideration of Bylaw No. 2808, 2018 be postponed until the Oct 4, 2018 Board Meeting to enable a public information meeting and a second statutory public hearing to which be delegated to the Electoral Area “D” Director

CARRIED

D. PUBLIC WORKS

1. Petition to Enter Okanagan Falls Sanitary Sewer Service Area
 - a. Bylaw No. 1239.07, 2018

To bring an additional property into the service area.

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Amendment Bylaw No. 1239.07, 2018, Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw, be read a first, second and third time.

CARRIED

E. FINANCE

1. 2018-2022 Five Year Financial Plan Amendment – Rural Projects, Electoral Area “G”

RECOMMENDATION 20 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors support a five-year Financial Plan Amendment to reallocate \$135,000 in Community Works Gas Tax Funding from Olalla Water to Area G Rural Projects, in order to support work on the Hedley Improvement District (HID) water system and other flood mitigation projects.

CARRIED

2. Community Works Program Reserve Expenditure – Electoral Area “E”
 - a. Bylaw No. 2825, 2018

RECOMMENDATION 21 (Weighted Corporate Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2825, 2018, being an expenditure bylaw of the Regional District, to withdraw funds from the Electoral Area “E” Community Works Program Reserve Fund to allocate \$60,000 toward the Naramata Spirit Park Improvement Project be read a first, second and third time and be adopted. - **CARRIED**

F. COMMUNITY SERVICES – Recreation Services

1. Award of Naramata Spirit Park Upgrades Project
 - a. Landscape Plans

Spirit Park Upgrade Project includes resurfacing of existing tennis courts and construction of new pickleball courts.

RECOMMENDATION 22 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Regional District approve the tender evaluation report and recommendations for award of the “Naramata Spirit Park Upgrades” Invitation to Tender; and

THAT the Board award the “Naramata Spirit Park Upgrades” project to Chute Creek Contracting up to the amount of \$172,244 exclusive of GST.

CARRIED

G. LEGISLATIVE SERVICES

1. [Declaration of State of Local Emergency Approval](#)

It was MOVED and SECONDED

Electoral Area “B”:

THAT the Board of Directors consent to the Declaration of a State of Local Emergency issued by the Chair on August 3, 2018 to remain in force for seven days until August 10, 2018 at midnight unless cancelled in the vicinity of Mt. Snowy Protected Area, south of the community of Cawston in the Regional District of Okanagan-Similkameen, Electoral Area B, due to the threat of wildfire that may threaten life, safety and property;

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “B” due to expire 10 August 2018, at midnight for a further seven days to 17 August 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area

surrounding Electoral Area “B” due to expire 17 August 2018, at midnight for a further seven days to 24 August 2018, at midnight.

Electoral Area “C”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 6 August 2018, at midnight for a further seven days to 13 August 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 13 August 2018, at midnight for a further seven days to 20 August 2018, at midnight.

Electoral Area “D”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “D” due to expire 7 August 2018, at midnight for a further seven days to 14 August 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “D” due to expire 14 August 2018, at midnight for a further seven days to 21 August 2018, at midnight.

Electoral Area “G”:

THAT the Board of Directors consent to the Declaration of a State of Local Emergency issued by the Chair on August 8, 2018 to remain in force for seven days until August 15, 2018 at midnight unless cancelled in the vicinity of Cathedral Lakes Provincial Park, south of the community of Keremeos in the Regional District of Okanagan-Similkameen, Electoral Area G, due to the threat of wildfire that may threaten life, safety and property;

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “G” due to expire 15 August 2018, at midnight for a further seven days to 22 August 2018, at midnight.

CARRIED

H. CAO REPORTS

1. Verbal Update

I. OTHER BUSINESS**1. Chair's Report**

2. Board Representation

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

3. Directors Motions

4. Board Members Verbal Update

J. ADJOURNMENT

By consensus, the meeting adjourned at 2:00 p.m.

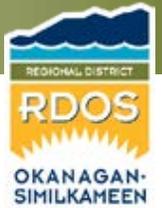
APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Temporary Use Permit Application — Electoral Area “A”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. A2018.071-TUP

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

Owners: Christopher & Beata Tolley Agent: Adam Heisler Folio: A-01172.000

Civic: 3628 Highway 3, Osoyoos Legal: Lot 3, DL 41, SDYD, Plan 6022

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

Proposal:

This application seeks approval for the operation of a short-term vacation rental use at the subject property. Rentals will be limited to 30 days or less, using three bedrooms, and be located within the single detached dwelling to operate between May 1st and October 31st as stipulated in the vacation rental temporary use policy.

Site Context:

The subject parcel is approximately 23,984 m² in area and is located on the west side of Highway 3 approximately 250 metres east of the Town of Osoyoos.

The property is seen to contain one single detached dwelling, a winery, a vineyard, and a storage building. The surrounding pattern of development is characterised by agriculture and similar residential uses.

Background:

It is not known when the subject property was created by subdivision. Available Regional District records indicate building permits were issued for a storage building (1975), single detached dwelling (1977), storage building renovations (2004), tasting room (2005), fruit stand demolition (2005), tank hall renovations (2007), and single detached dwelling renovations (2009). There is also an open building permit to convert the main floor of the single detached dwelling to a tasting room.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Agriculture One (AG1) which only allows for agricultural operations as principal commercial uses. To the extent that the zoning allows for non-agricultural commercial uses, this is generally restricted to small-scale residential uses such as “home occupations” and “bed and breakfast operations”.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, the property is designated Agriculture (AG).

The OCP Bylaw supports — in the residential designations — “the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed” and further contains a number of criteria against which the Board will consider a vacation rental TUP (at Section 8.6), including:

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

The property is also situated within the Agricultural Land Reserve (ALR) and under Section 3(1)(d) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation is permitted.

Public Process:

At its meeting of August 13, 2018, the Electoral Area “A” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use be approved, subject to “satisfactory health and safety inspection”. A health a safety inspection was satisfactorily completed in August 2018.

A Public Information Meeting was also held on August 13, 2018, prior to the APC meeting.

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.

In accordance with Section 2.3 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed on Attachment No. 1. To date, comments have been received from the Interior Health Authority (IHA) and are included as a separate item on the Agenda.

Analysis:

In assessing this proposal, Administration notes that the OCP Bylaw is silent on the operation of “vacation rental” uses in the Agricultural (AG) designation.

Nevertheless, the Plan does support property owners being able to diversify and enhance uses secondary and related to agricultural uses, including bed and breakfast operations (Section 6.3.12) and other “value added” uses such as agri-tourism provided they do not present a potential land use conflict with surrounding properties (Section 6.3.13).

In response to the criteria contained at Section 8.6 of the OCP, Administration notes that the applicant has provided a compliance statement from Registered Onsite Waste Practitioner that “the system is of sufficient size and design to the meet the health regulations.”

The property is surrounded by vineyards and the dwelling is partially screened by landscaping and vineyards. There is a sufficient area for vehicle parking.

Given the OCP Bylaw generally supports accessory commercial/residential uses related to tourist accommodation in the Agriculture (AG) designation, Administration is supportive of this proposal.

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

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

Alternative:

THAT the Board of Directors deny Temporary Use Permit No. A2018.071-TUP.

Respectfully submitted



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

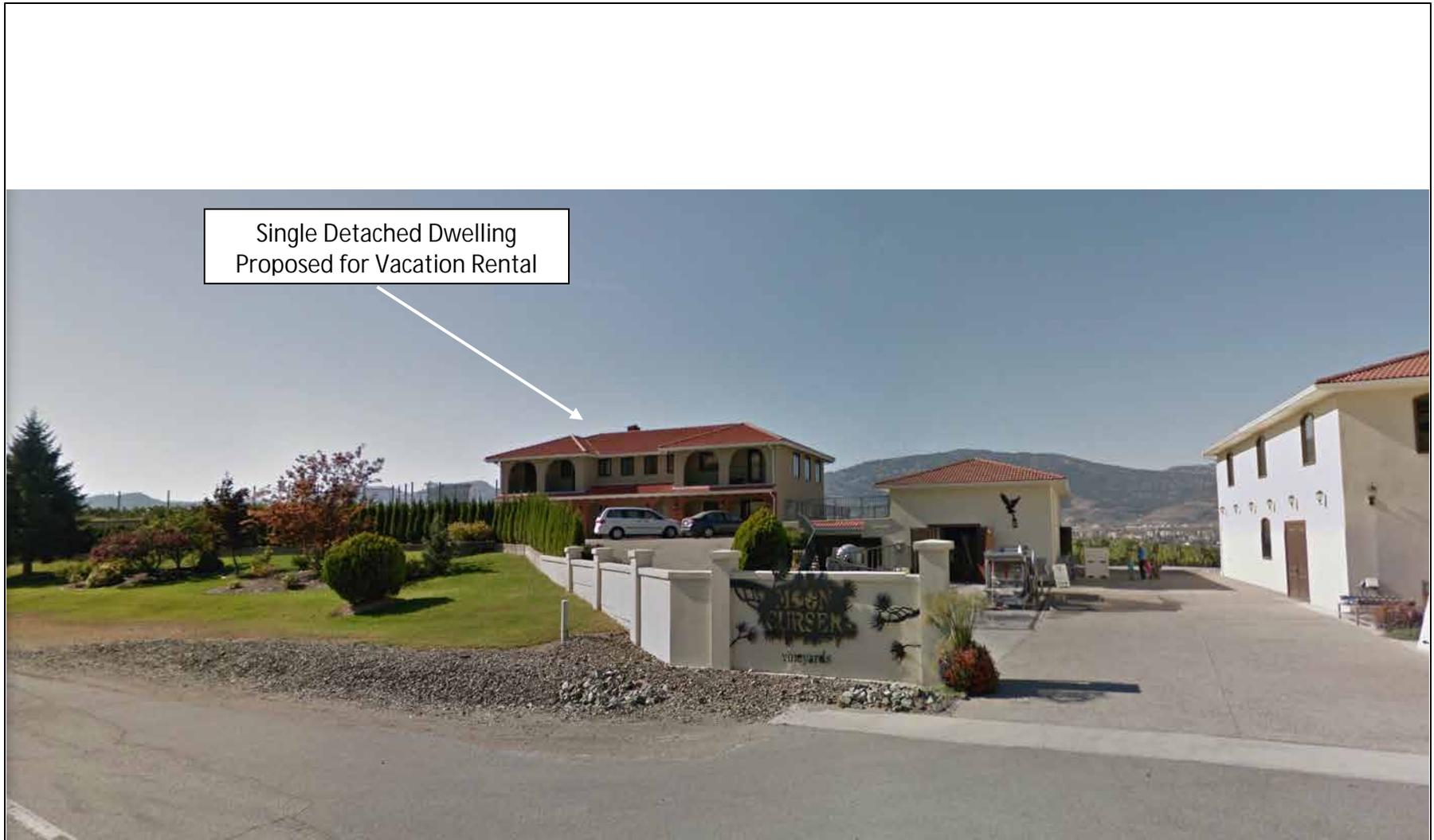
- Attachments: No. 1 – Agency Referral List
 No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board consideration of TUP No. A2018.071-TUP:

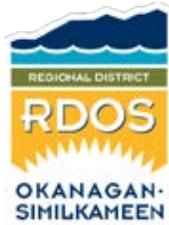
p	Agricultural Land Commission (ALC)	<input type="radio"/>	City of Penticton
p	Interior Health Authority (IHA)	<input type="radio"/>	District of Summerland
<input type="radio"/>	Ministry of Agriculture	<input type="radio"/>	Town of Oliver
<input type="radio"/>	Ministry of Community, Sport and Cultural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

Attachment No. 2 – Site Photos (Google Streetview)



Single Detached Dwelling
Proposed for Vacation Rental

View of Subject Property Looking West from Highway 3



TEMPORARY USE PERMIT

FILE NO.: A2018.071-TUP

Owners: Christopher John Tolley &
Beata Katarzyna Tolley
3628 Highway 3
Osoyoos, BC, V0H 1V6

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 3, District Lot 41, SDYD, Plan 6022

Civic Address/location: 3628 Highway 3, Osoyoos

Parcel Identifier (PID): 010-231-854 Folio: A-01172.000

TEMPORARY USE

6. In accordance with Section 17.0 of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "A" Zoning Bylaw, being the use of a residential dwelling unit

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

CONDITIONS OF TEMPORARY USE

7. The vacation rental use of the land is subject to the following conditions:
 - (a) the vacation rental use shall occur only between May 1st and October 31st;
 - (b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
 - i) the location of property lines by way of a map;
 - ii) a copy of the Regional District's Electoral Area "E" Noise Regulation and Prohibition Bylaw;
 - iii) measures to address water conservation;
 - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
 - v) instructions on the storage and management of garbage;
 - vi) instructions on septic system care; and
 - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
 - (c) the maximum number of bedrooms that may be occupied by paying guests shall be three (3);
 - (d) the number of paying guests that may be accommodated at any time shall not exceed Six (6);
 - (e) a minimum of three (3) on-site vehicle parking spaces shall be provided for paying guests, in accordance with Schedule 'B';
 - (f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted; and
 - (g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, as well as a copy of this Temporary Use Permit shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

EXPIRY OF PERMIT

10. This Permit shall expire on December 31, 2019.

Authorising resolution passed by Regional Board on ____ day of _____, 2018.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

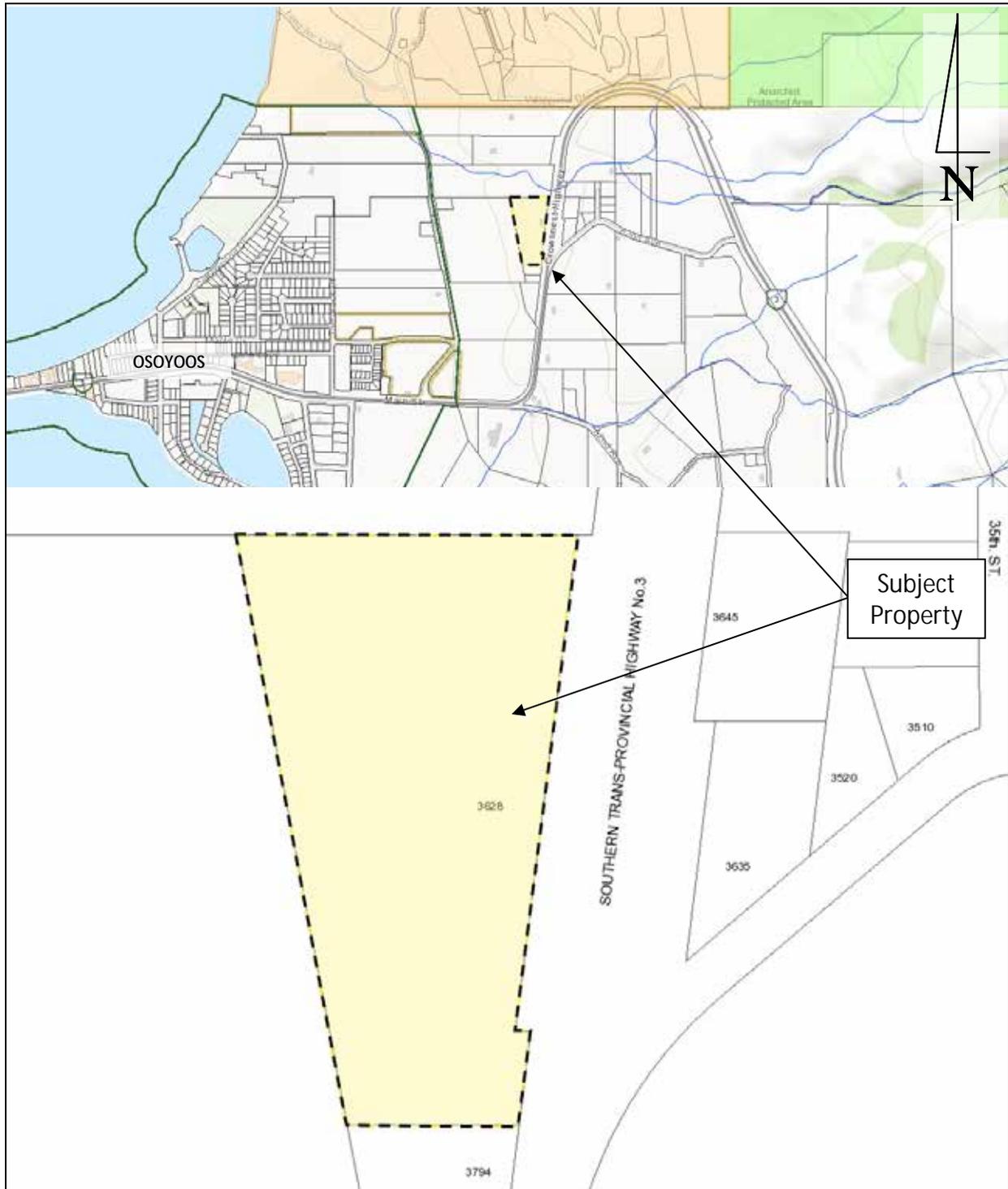
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2018.071-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

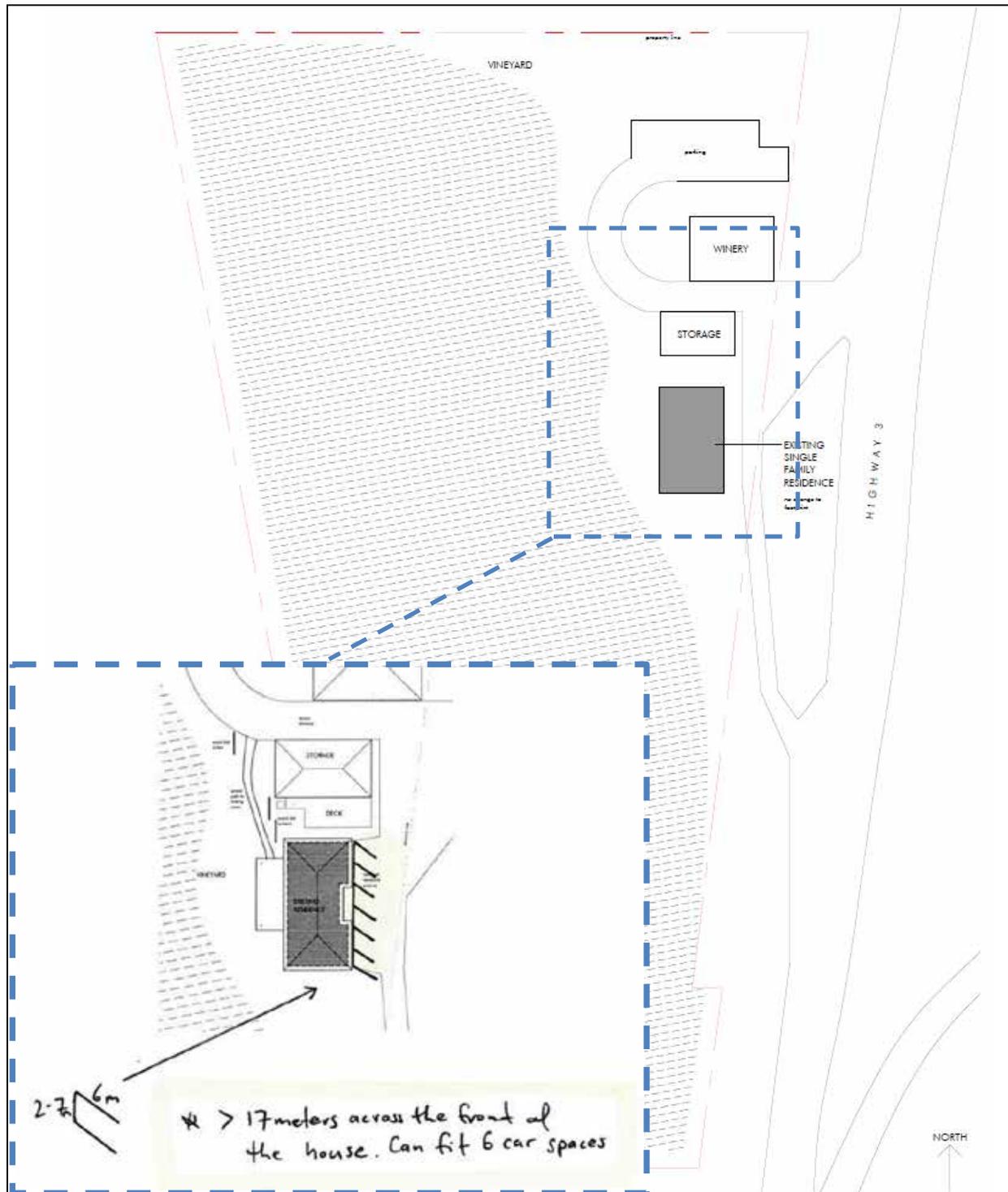
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2018.071-TUP

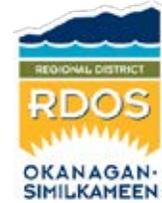
Schedule 'B'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

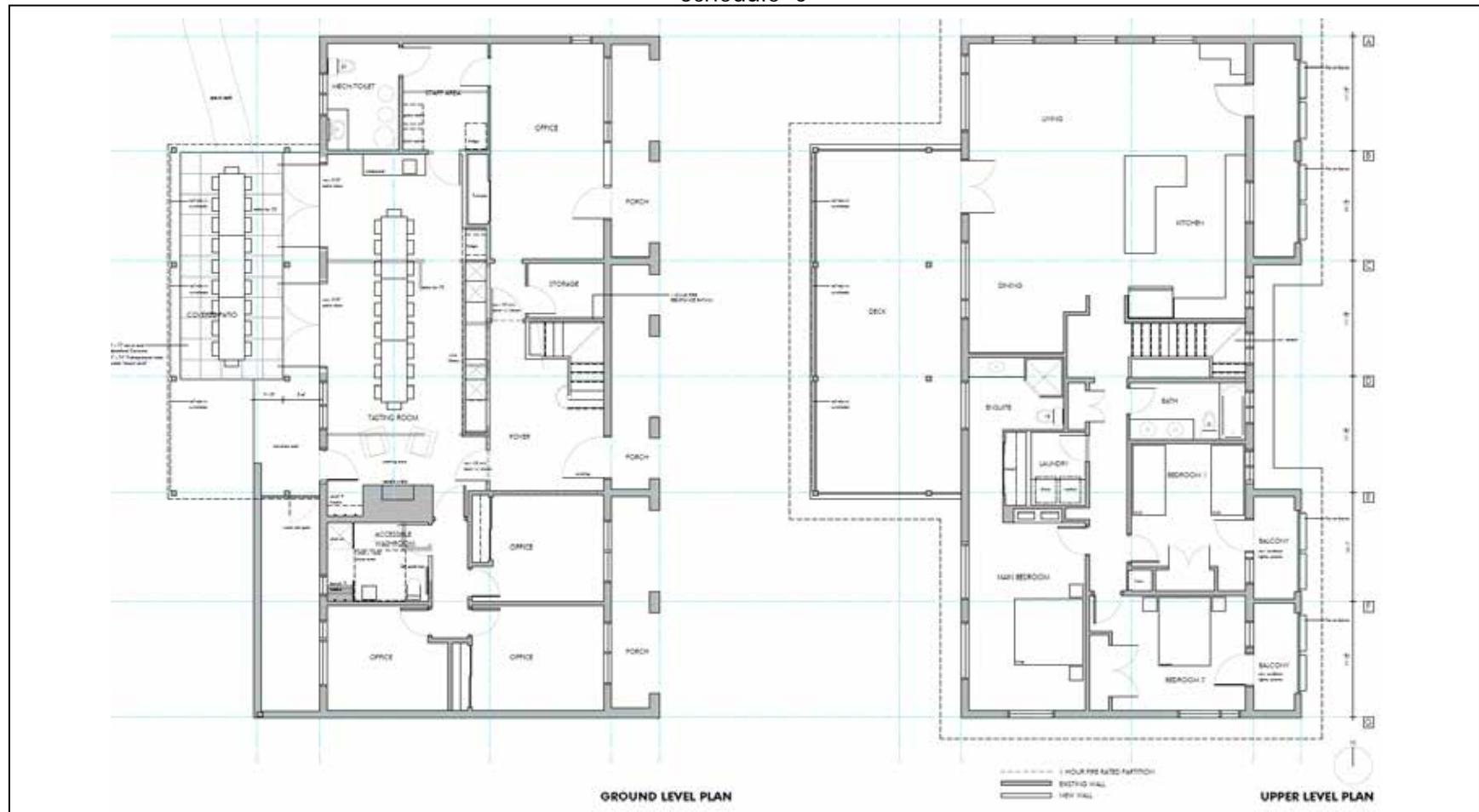
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. A2018.071-TUP

Schedule 'C'



Temporary Use Permit No. A2018.071-TUP



Interior Health
Every person matters

June 12, 2018

Emily Williamson
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9
<mailto:planning@rdos.bc.ca>

Dear Emily Williamson:

**RE: File #: A2018.071-TUP
Our interests are unaffected**

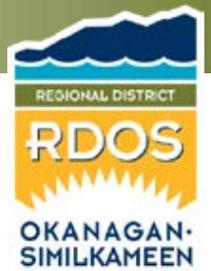
The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

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 proposal.

However, should you have further concerns, please return the referral to 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,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Development Variance Permit Application — Electoral Area “D”

Administrative Recommendation:

THAT the Board of Directors deny Development Variance Permit No. D2018.119-DVP

Purpose: To accommodate the replacement of an existing retaining wall with a new, over-height retaining wall.

Owners: Annette Langlois Agent: Sean Anderson Folio: D06799.94

Civic: 110 Cabernet Drive Legal: Lot B, DL 2710, SDYD, KAP91496

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

Variance Request: To vary the maximum height for retaining walls from 2.0 metres to 2.7 metres, and from 1.2 metres to 2.7 metres within a required setback.

Proposed Development:

This application seeks to vary the maximum height for a retaining wall from 2.0 metres to 2.7 metres, and from 1.2 metres in a required setback to 2.7 metres, as measured from lowest finished grade to the uppermost point of the wall.

The purposes of the new retaining wall is to replace an existing Allan Block retaining wall that has experienced settlement. The new retaining wall extends from the north-west corner of the existing house and appears to project approximately 1.5 metres into the required front yard setback, however this has not been confirmed by survey.

In support of the application the applicant has stated that there has been “no complaint from neighbours” since it was originally erected. Further the applicant has stated that “the new retaining wall is replacing a structure that has failed. The new design is identical to the existing one.” Staff believe that the applicant is referring to the Allan Block design of the wall rather than the layout which is changing from a half circle shape to a square off wall, which will project into the yard further than the existing structure.

Site Context:

The subject property is approximately 873 m² in area and is located at the south-west corner of the intersection of Cabernet Drive and Vintage Boulevard approximately 5.8 kilometres north of the unincorporated community of Okanagan Falls and 7 kilometres south of the City of Penticton.

This property comprises an existing single detached dwelling and is a freehold parcel that is not part of the “Vintage Views” strata subdivision.

The surrounding pattern of development is predominantly low density residential with similarly sized and zoned lots with steep slope considerations.

Background:

Under the Electoral Area "D-2" Official Community Plan (OCP) Bylaw No. 2603, 2013, the property is designated Low Density Residential (LR), and is subject to the Hillside / Steep Slope Development Permit area. Currently, this development permit is not being considered at time of building permit and is only be required at the time of subdivision.

Under the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, the property is zoned Residential Single Family One (RS1), which establishes a front parcel line setback of 7.5 metres. The Zoning Bylaw further limits the height of a retaining wall to 2.0 metres, unless the wall is to be sited within a setback in which case the maximum height is 1.2 metres.

Public Process:

At its meeting of August 14, 2018, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved. 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:

Since 2013, the Regional District has attempted to mitigate the impact of residential development on hillsides in Electoral Area "D" through the introduction of development permit area guidelines and, more recently, retaining wall regulations.

These regulations have sought to encourage retaining walls to be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods.

Further, retaining walls should be aesthetically well integrated into a hillside to enhance the desirability and marketability of hillside developments, allowing flexibility and innovation in design while recognizing the importance of preserving natural features and hillside character.

For these reasons, the use of large concrete block retaining walls in residential areas that create a negative visual impart are discouraged, whereas, surface treatments that harmonize the natural texture and colours are encouraged.

In this instance, Administration is concerned that the form, and height, of the proposed retaining walls is not consistent with this approach and that options for a succession of smaller tiered walls exist.

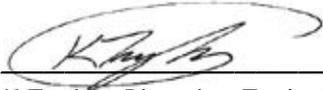
Conversely, this particular wall is associated with the form of the Single Detached Dwelling on the property and not with the hillside. The general intent behind the retaining wall regulations was to prohibit monolithic retaining walls used to artificially raise the grade of the land. This particular wall would not fall into that category as the fill being retaining is used for an extension of an outdoor living space from the second floor of the home. As the wall would be closely integrated with the home it may be less of a disturbance than a similarly sized wall on the hillside.

Administration is of the opinion that the direction set by the Regional Board in implementing the zoning changes in Bylaw No. 2773, 2017 is to limit the number of retaining walls that exceed 2.0 metres in height. As the retaining structures do not appear necessary to make construction on the lot viable; administration recommends against the proposed development variance permit.

Alternative:

THAT the Board of Directors deny Development Variance Permit No. D2018.119-DVP.

Respectfully submitted



K. Taylor, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

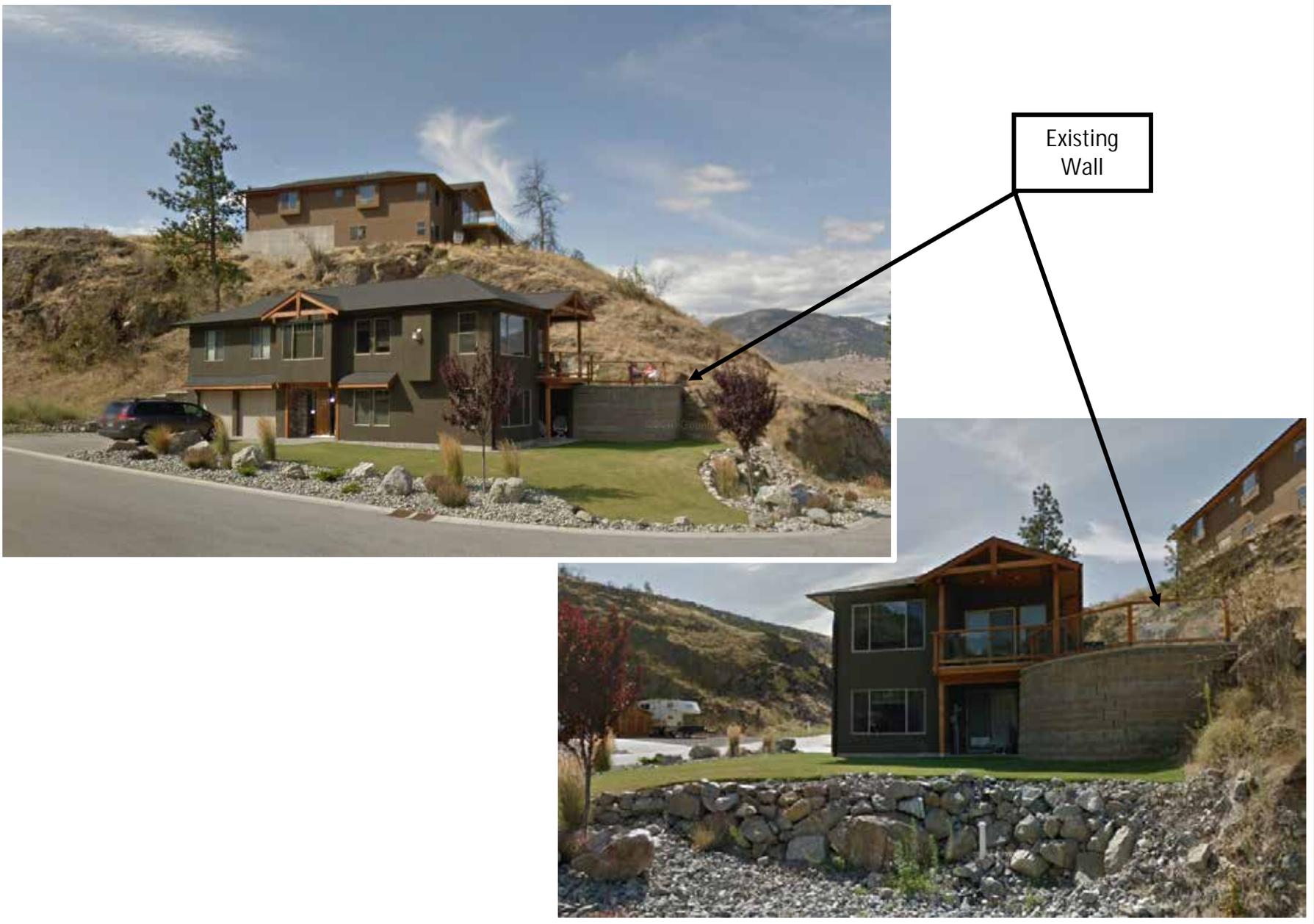
Endorsed by:

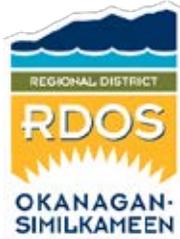


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos (Google)





Development Variance Permit

FILE NO.: D2018.119-DVP

Owner: Annette Langlois
110 Cabernet Drive
Okanagan Falls, BC V0H 1R3

GENERAL CONDITIONS

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

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A' & 'B' and 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 B, DL 2710, SDYD, KAP91496

Civic Address: 110 Cabernet Drive

Parcel Identifier (PID): 028-362-314 Folio: D6799.994

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. 2455, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The maximum height for a retaining wall, as prescribed at Section 7.27.4, is varied:
 - i) from: 2.0 metres.
 - to: 2.7 metres, as shown on Schedule 'C'; and

- b) The maximum height for a retaining wall, as prescribed at Section 7.27.4(a), is varied:
 - i) from: 1.2 metres.
 - to: 2.7 metres, as shown on Schedule 'C'; and

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:

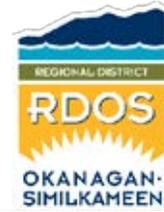
- a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.
- b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on _____, 2018.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

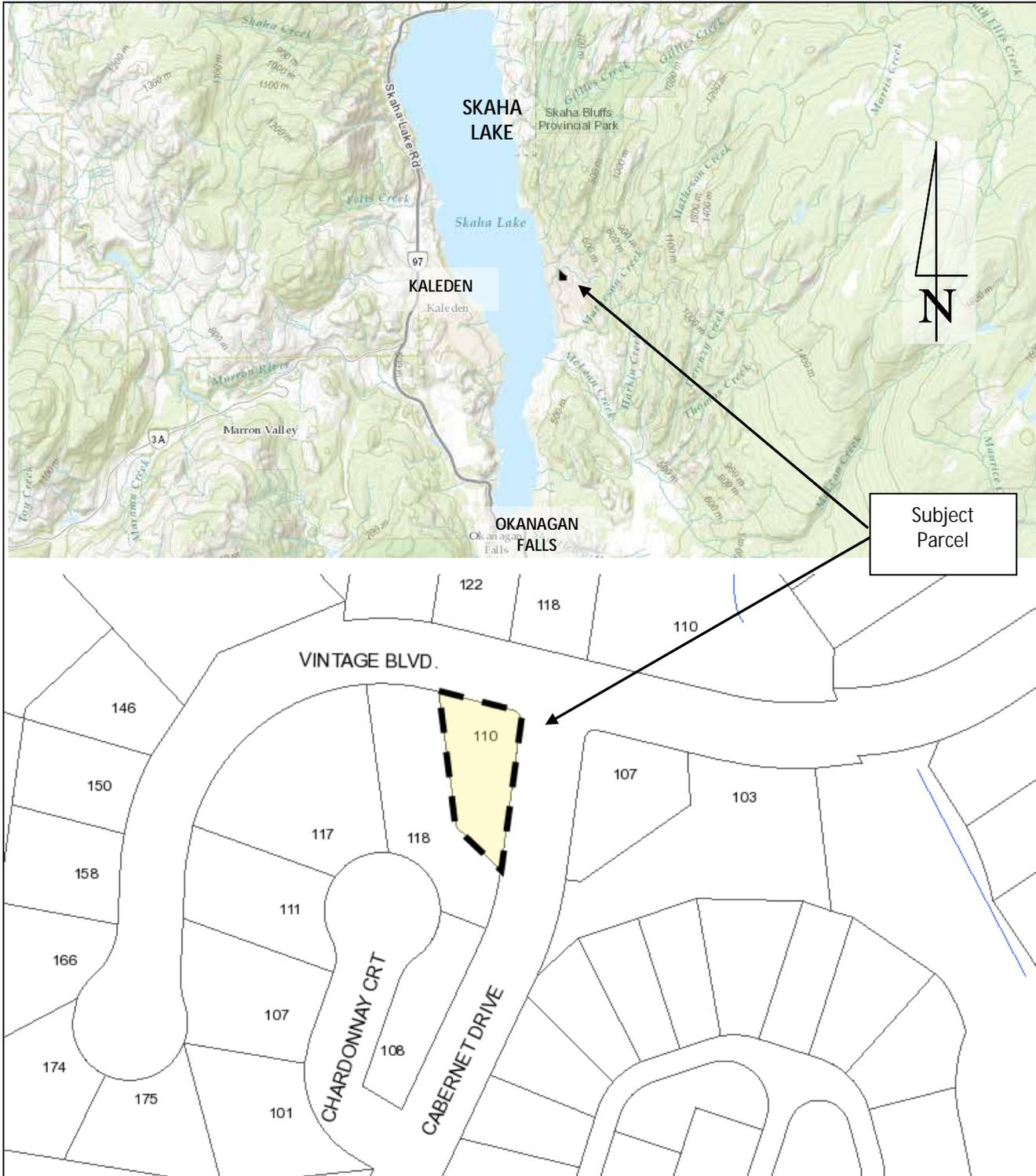
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. D2018.119-DVP

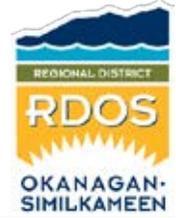
Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

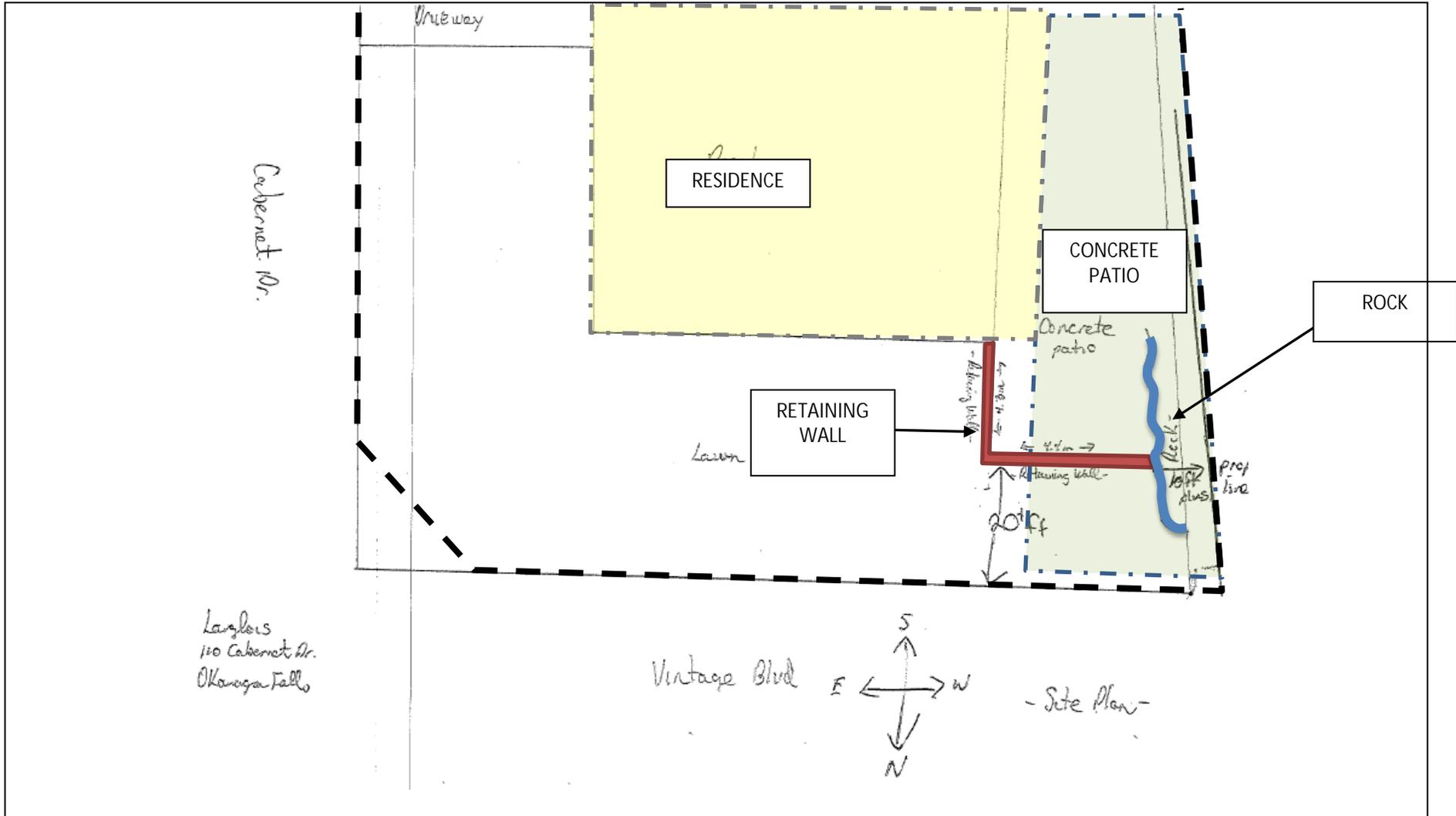
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Development Variance Permit

File No. D2018.119-DVP

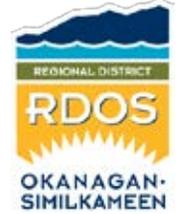
Schedule 'B'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

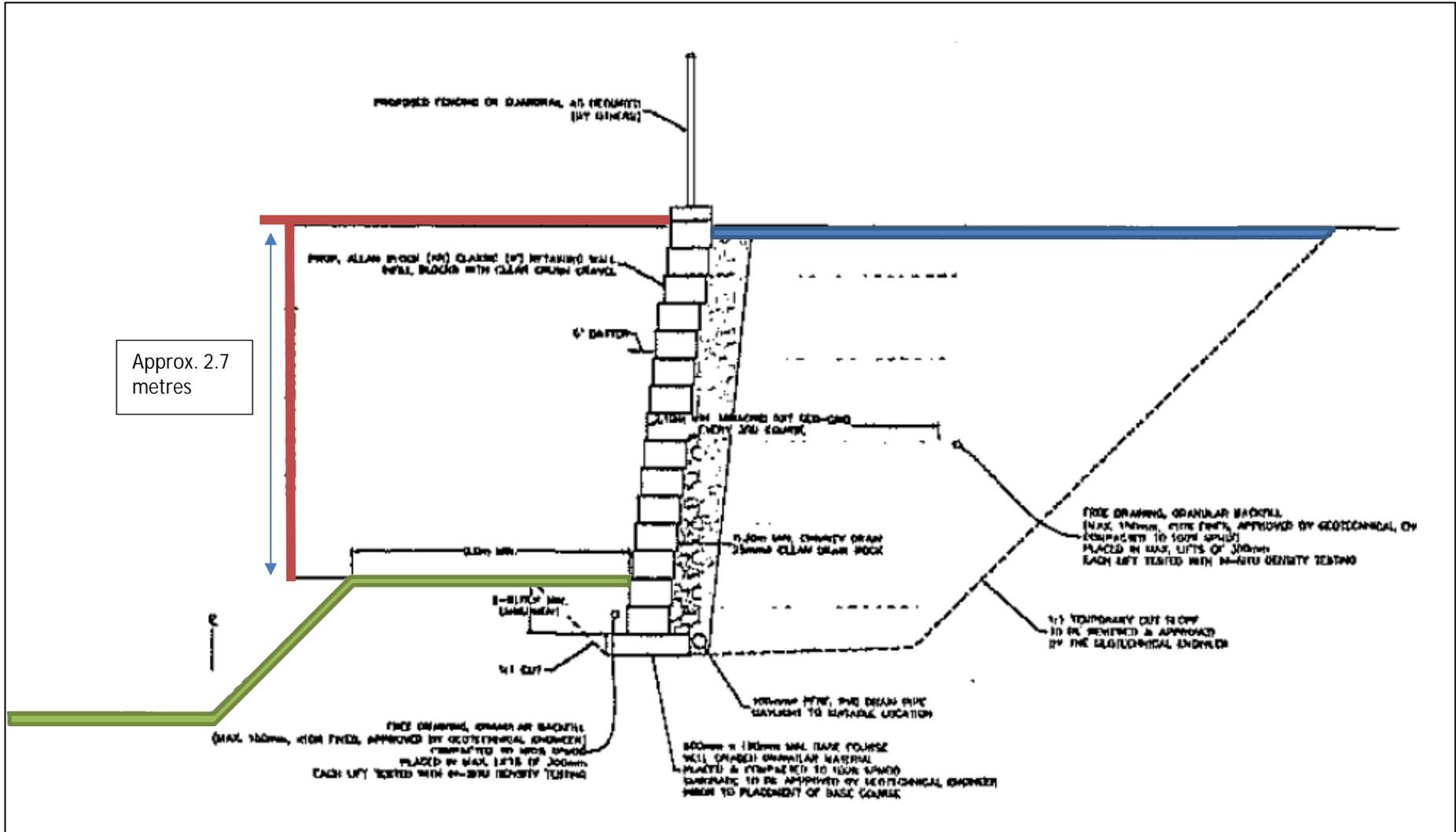
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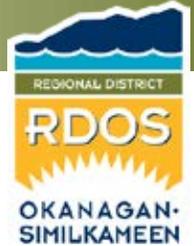
Development Variance Permit

File No. D2018.119-DVP

Schedule 'C'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Enforcement of 449 Sagewood Lane "Keeping of Livestock"— Electoral Area "D-1"

Administrative Recommendation:

THAT the Regional District Board set a expiry date of September 21, 2018 of when a re-submission of a rezoning application for 445 & 449 Sagewood Lane will be accepted in accordance with the Board's previous decision of August 2, 2018 (Item B.8) of the same properties; and

THAT Administration be directed to commence injunctive action of 449 Sagewood Lane following the expiry date of September 21, 2018.

Owners: R. Esperanza & T. Christie/D. Bews Agent: Renae Esperanza Folios: D-02473.000 / 02474.000
Civic: 445 & 449 Sagewood Lane Legal: Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD
Zone: Single Family Residential Two (RS2) Proposed Zoning: Small Holdings Five Site Specific (SH5s)

Purpose:

For the Regional Board to set a final date of when a re-submission of a rezoning application will be accepted in relation to the Board's previous decision of August 2, 2018 to vary Development Procedures Bylaw No. 2500, 2011 to allow for re-submission of a re-zoning application within 12 months of a Board decision to deny an identical proposal.

In addition, to waive the procedural requirement to host a public information meeting and Area Planning Commission meeting for this re-submission of a rezoning application. Finally, to also seek the Board's direction to pursue injunctive action of 449 Sagewood Lane following the expiry of September 21, 2018.

Furthermore, the purpose of this report is to provide the Board additional information regarding the enforcement file history of this property, which was not provided in Administration's report of August 2, 2018. This history is provided below (see Attachment No. 2: Chronology of Enforcement File – 449 Sagewood Lane).

Background:

A previous rezoning application was submitted to RDOS on September 22, 2017 following numerous enforcement actions (explained in Attachment No. 2: Chronology of enforcement file) to bring the landowner into compliance with RDOS zoning bylaw regulations.

This rezoning had sought to formalise the keeping of 1 "livestock" and up to 25 "small livestock", including one (1) rooster, on a parcel less than 2,500 m² in area and to further reduce the setbacks for a livestock structure from 15.0 metres to 2.5 metres.

At its meeting of April 19, 2018, the Board resolved to deny 1st reading of this rezoning application (Amendment Bylaw No. 2455.22).

Under Section 3.12.1 of the Regional District's Development Procedures Bylaw, when a rezoning application is refused by the Board the proposal "shall not be considered within a twelve (12) month period immediately following the date of refusal."

Section 3.12.2 of the bylaw, however, allows an applicant to "submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied" which was submitted by the owner of 449 Sagewood Lane to RDOS on June 18, 2018.

At the Board's meeting of August 2, 2018, the owner of 449 Sagewood Lane's June 17, 2018 letter was provided to the Board of Directors for consideration to vary Section 3.12.1 of the Development Procedures Bylaw of which the Board provided the following direction:

"THAT the Regional District Board vary Section 3.12.1 of the Development Procedures Bylaw No. 2500, 2011, from 12 months to 3 months in relation to a proposed re-submission of a rezoning application involving the properties at 445 & 449 Sagewood Lane (Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD)." – **Carried**

Following the Board's decision of August 2, 2018, Administration provided a letter to the landowner on August 3, 2018 requiring that he submit a new rezoning application by August 31, 2018. To date, a new rezoning application has yet to be submitted and the landowner has indicated through email correspondence that he is not willing to submit a rezoning application.

Analysis:

As Attachment No. 2: Chronology of Enforcement file – 449 Sagewood Lane indicates, the previous rezoning application and subsequent Board decision of April 19, 2018 to deny first reading of the proposed bylaw amendment was a result of significant staff time and effort to bring the property into conformance with RDOS bylaws, and a number of past bylaw enforcement complaints submitted to our office regarding the subject property.

The August 2, 2018 decision of the Board to vary Section 3.12.1 from 12 months to 3 months has resulted in the property remaining in enforcement limbo with respect to the proposed "agricultural" use of the previous rezoning application. The Board's August 2nd decision has effectively allowed the property owner the ability to re-submit his rezoning application anytime of their choosing, delaying any further enforcement action from RDOS for the current and existing land use violations that are occurring on 449 Sagewood Lane.

In the meantime, these same land use violations (i.e. "agricultural" use of the keeping of chickens, pigs, and roosters), are continuing to have a substantial neighbourhood and community impact to adjacent property owners in Twin Lakes.

As a result, Administration is of the belief that the matter be re-addressed by the Board of Directors as soon as may be possible so that enforcement action may be pursued or not (i.e. if a zoning amendment to allow the current use is adopted by the Board) in a timely fashion. As such, Administration recommends that the Board of Directors considers an additional resolution in accordance with its previous variance given on August 2, 2018 to include an expiry date of September 21, 2018 for a new application to be submitted. Administration is also recommending that given the long history of enforcement (starting in September, 2016), that if the landowner refuses to submit an

rezoning application by September 21, 2018, that the Board direct staff to proceed with injunctive action with respect to the current land use violations at 449 Sagewood Lane.

Alternatives:

1. THAT the Board of Directors not provide a expiry date to its previous decision of August 2, 2018 (Item B.8) and not proceed with injunctive action against 449 Sagewood Lane.

Respectfully submitted:



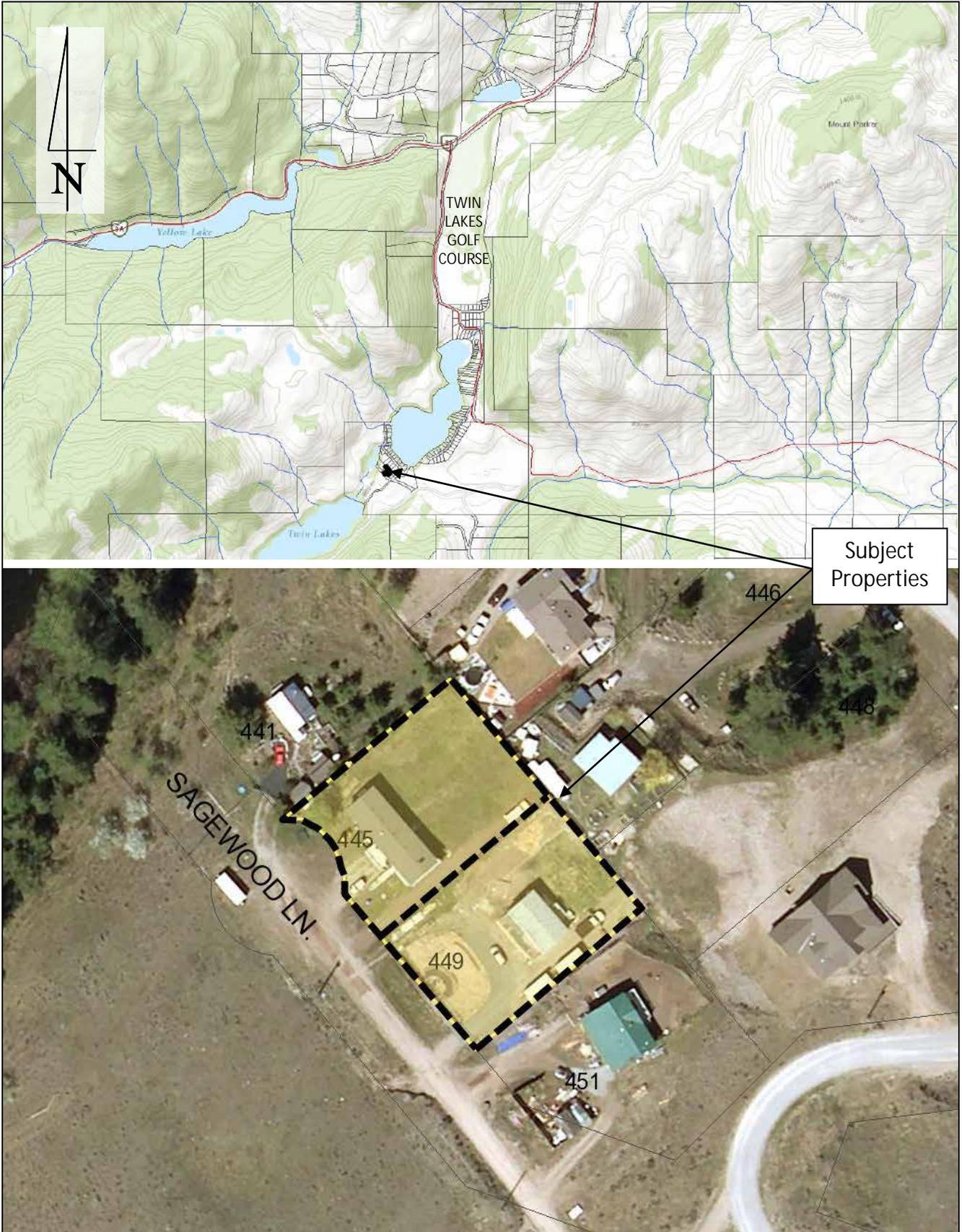
B. Dollevoet, Development Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Chronology of Enforcement File (449 Sagewood Lane)

No. 3 – Site Photos (449 Sagewood Lane)

Attachment No. 1 – Context Maps



Attachment No. 2: Chronology of Enforcement File – 449 Sagewood Lane

Administration's first record of complaint with regards to the keeping of livestock on this property was a bylaw complaint form submitted at our office on September 13, 2016. The complainant indicated the keeping of 3 pigs, 2 goats, and numerous chickens in the rear yard of 449 Sagewood lane, and of roosters crowing at 5:00 am.

At the time, the keeping of livestock was not permitted on the property as "agriculture" was not a listed use within the properties RS2 zoning (Residential Single Family Two Zone).

A number of Officer inspections occurred the Fall of 2016 which identified 6 chickens, 3 pigs, and 3 sheep in pens.

February 22, 2017 a warning letter was provided from RDOS to the landowner (Mr. Esperanza) indicating the RS2 zone does not permit agricultural uses and he was provided two options: to remove the livestock and poultry from the property, or receive Board approval to allow this use through a zoning amendment or temporary use permit. He was given the date of March 14, 2017 to respond or RDOS was to pursue further enforcement action.

On March 24, 2017 an Officer inspection occurred at the subject property indicating the agricultural use was still occurring.

On April 18, 2017 a follow-up warning letter was provided from RDOS to Mr. Esperanza indicating the re-inspection on March 24, that no planning applications have been received, and that RDOS will now start initiating \$500 fines if there is no effort to remove the animals.

Following this letter, the landowner initiated discussion with both the Planning department and Bylaw enforcement department to pursue his option of submitting a planning application. The landowner attended RDOS's offices on July 14, 2017, but was awaiting staff direction on the form of application to submit (i.e. TUP vs. rezoning).

On July 31, 2017, Administration advised Mr. Esperanza through email correspondence that a rezoning application would be required to allow the "agriculture" use on the property.

On August 8, 2017, the landowner responded back that he was in receipt of Administration's email and will be responding as soon as he has had a chance to talk to his neighbours.

On September 6, 2017, a second bylaw complaint form was submitted to RDOS regarding "50 chickens on the property, multiple roosters crowing all day, a 12 to 14 foot high perimeter fence surrounding the property".

On September 11, 2017, Administration once again emailed Mr. Esperanza and asked what the status is of submitting an application.

Mr. Esperanza responded back on September 13, 2017 that he was "still waiting to hear from a few neighbours."

On September 14, 2017, Administration provided another email correspondence to Mr. Esperanza expressing that this enforcement matter has gone on for some time, that ample time has been provided with limited effort by him to bring the property into compliance, and that therefore he had only 7 calendar days to submit an application or fines would be issued.

On September 22, 2017, Mr. Esperanza attended RDOS offices to submit a rezoning application and paid the applicable application fees.

On October 16, 2017, Administration provided another email correspondence indicating that the application submitted was unclear on what zoning was being requested, that an OCP amendment was not required, and that a revised rezoning application be submitted to reflect suggested changes to his application.

On September 25 and October 17, 2017, the Bylaw Enforcement Officer attended the subject property and noted one large pig and 30 chickens (that were visible) on the property. Also reported was the solid, split-board fence measuring 8 to 10 feet in height being constructed.

On October 23, 2017, Administration once again emailed Mr. Esperanza asking for the status of the revised rezoning application. On October 26, 2017, Mr. Esperanza emailed back indicating he would be in the RDOS offices the following day of October 27, 2017.

On November 16, 2017, Mr. Esperanza attended RDOS offices and submitted a revised rezoning application with Administration's guidance.

On November 17, 2017, RDOS received another complaint regarding loud roosters and an odour coming from the animals at 449 Sagewood lane.

At its meetings of February 13, 2018, and March 13, 2018, the Electoral Area "D" Advisory Planning Commission (APC) failed to achieve a quorum and was unable to forward a recommendation regarding this application.

Administration subsequently scheduled consideration of 1st reading for the Board's meeting of April 5, 2018, and advised the applicant of this on March 27, 2018.

The applicant subsequently advised that they would be unable to attend the April 5, 2018, meeting and requested a deferral.

Administration advised the applicant that the next available Board meeting would be April 19, 2018, and that it would be a decision of the Board as to whether their application would be deferred as the Agenda for the April 5, 2018, meeting had already been released.

At its meeting of April 5, 2018, the Regional District Board resolved to defer consideration of this application to its meeting of April 19, 2018, in order to allow the applicant to be able to attend and speak to the proposal.

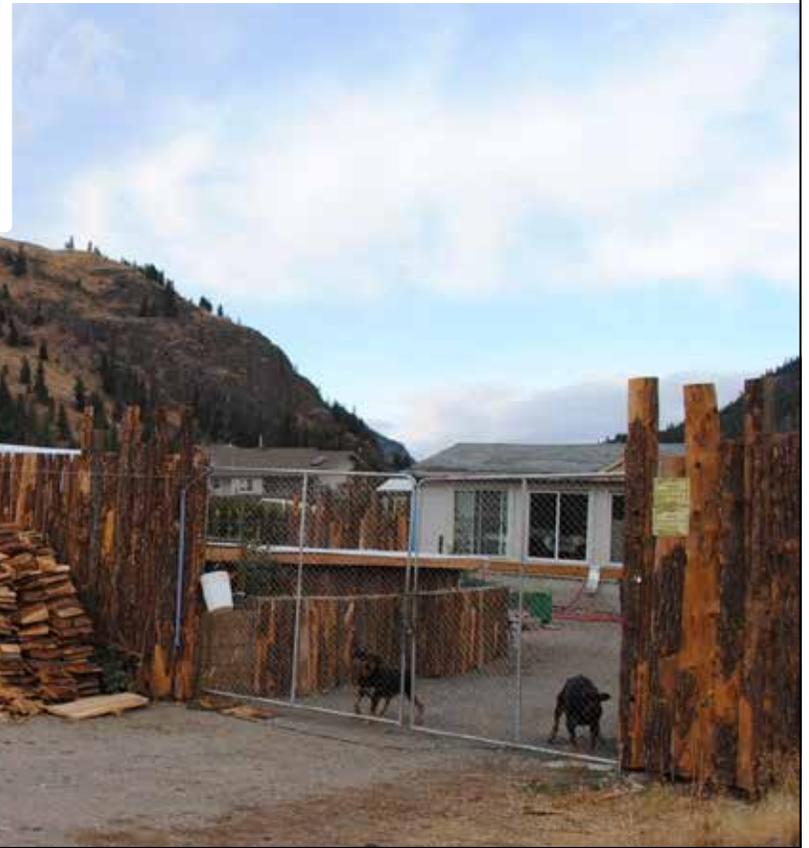
On April 13, 2018, Administration re-confirmed with the applicant by email correspondence that the application would be considered by the Board on April 19, 2018. The applicant did not respond to this correspondence.

The applicant subsequently failed to attend the meeting of April 19, 2018, and the Board resolved to deny 1st reading of Amendment Bylaw No. 2455.22.

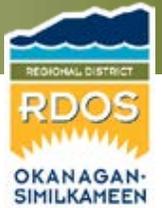
RDOS's contracted Bylaw Enforcement Officers have received numerous noise complaints regarding the roosters on the subject property starting in the Fall of 2017 and occurring on the property continually since that date. In March of 2018, Mr. Esperanza was advised that Officers would be periodically assessing the rooster noise and issuing minimum of \$150 fines per occurrence.

As of the date of writing of this report, Mr. Esperanza has been issued eight (8) tickets for violation of RDOS's Noise Bylaw, and Mr. Esperanza has indicated to our Officer that he is refusing to pay them.

Attachment No. 3 – Site Photos (449 Sagewood Lane)



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Official Community Plan & Zoning Bylaw Amendments – Electoral Area “E”
Zone Review – 7005 Indian Rock Road (“Sunset Acres”)

Administrative Recommendation:

THAT Bylaw No. 2458.12, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw be read a third time and adopted;

AND THAT Bylaw No. 2459.29, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time, as amended, and adopted.

Purpose:

The amendment bylaws propose to replace the Tourist Commercial One (CT1) Zone that applies to the property at 7005 Indian Rock Road (legally described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD) with a new “Sunset Acres Comprehensive Development” Zone in the Electoral Area “E” Zoning Bylaw No. 2459, 2008.

To facilitate this, it is being proposed to amend the designation of the property under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, from Commercial (C) to Small Holdings (SH).

Background:

On April 18, 2018, the Regional District sent letters to all registered property owners for “Sunset Acres” (approximately 13) advising of the proposed changes to the land use bylaws as well as a Question and Answer (Q&A) Session to be held on May 2, 2018.

At the Q&A Session, approximately six (6) property owners attended and Regional District staff were advised that the proposed zoning changes would be discussed at the ownership group’s annual general meeting.

One June 15, 2018, the Regional District was advised that “a unanimous resolution was passed supporting the proposed re zoning” by the ownership group at its AGM.

At its meeting of July 5, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to Chair Kozakevich.

On July 30, 2018, a public hearing was held at 3740 3rd Street, Naramata (Naramata Community Church) and was attended by approximately one (1) member of the public. The public hearing was preceded by a half-hour an informal Question and Answer (Q&A) session on the amendment bylaws that was attended by approximately two (2) members of the public.

At its meeting of August 2, 2018, the Regional District approved a Director’s Motion delegating the scheduling of a second public hearing to Director Kozakevich.

On August 20, 2018, a second public hearing was held at 3740 3rd Street, Naramata (Naramata Community Church) and was attended by approximately seven (7) members of the public. The public hearing was preceded by a half-hour an informal Question and Answer (Q&A) session on the amendment bylaws that was attended by approximately seven (7) members of the public.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 m of a controlled access highway.

Analysis:

Administration notes that, despite the tourist commercial zoning of this property and the requirement that the dwellings constructed on the site over the past 25 years only be used for the short-term accommodation of tourists, available evidence in the form of bylaw enforcement action, referrals from other government agencies as well as the assessment of the property speak to it being used primarily for residential purposes.

Following the Q&A Session with property owners on May 2nd, it is also understood that the governing bylaws used by the ownership group to regulate the use of the property limit development to residential only. For these reasons, Administration reconfirms its support for amending the zoning of the property from CT1 Zone to a new Comprehensive Development (CD) zone.

The benefits of this zoning change are seen to include the formalisation of existing residential uses, the ability for dwelling expansions or re-construction to occur without further questions about compliance with zoning and the removal of a barrier to other agency approvals (i.e. Crown approval of residential dock replacements).

The introduction of a new CD is also consistent with the approach applied by the Regional District when dealing with other “share lots” at North Beach Estates in Electoral Area “F” and “Kennedy Lake Resort” in Electoral Area “H”.

With regard to the proposed changes to Amendment Bylaw No. 2459.29 being recommended for 3rd reading, this is primarily in relation to a number of changes to the setbacks to be applied to “share lots” (i.e. generally reducing them to 1.0 metre). As well, it is also being recommended that the definitions of parcel lines in the CD2 Zone be clarified (i.e. that “exterior side share lot line” refers to Indian Rock Road). These changes are based on feedback received at the public hearing.

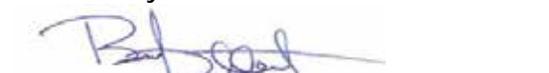
Alternatives:

THAT first and second readings of the Electoral Area “E” Official Community Plan (OCP) Amendment Bylaw No. 2458.12, and the Electoral Area “E” Zoning Amendment Bylaw No. 2459.29, be rescinded and the bylaws abandoned.

Respectfully submitted:


C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 — Site Photo

Attachment No. 1 – Site Photo (2017)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2458.12, 2018

**A Bylaw to amend the Electoral Area "E"
Official Community Plan Bylaw No. 2458, 2008**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "E" Official Community Plan Amendment Bylaw No. 2458.12, 2018."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, is amended by changing the land use designation on the land described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Commercial (C) to Small Holdings (SH).

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING held on this 30th day of July, 2018.

A SECOND PUBLIC HEARING held on this 20th day of August, 2018.

READ A THIRD TIME, this ____ day of _____, 2018.

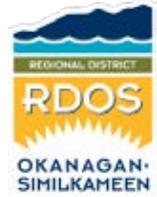
ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

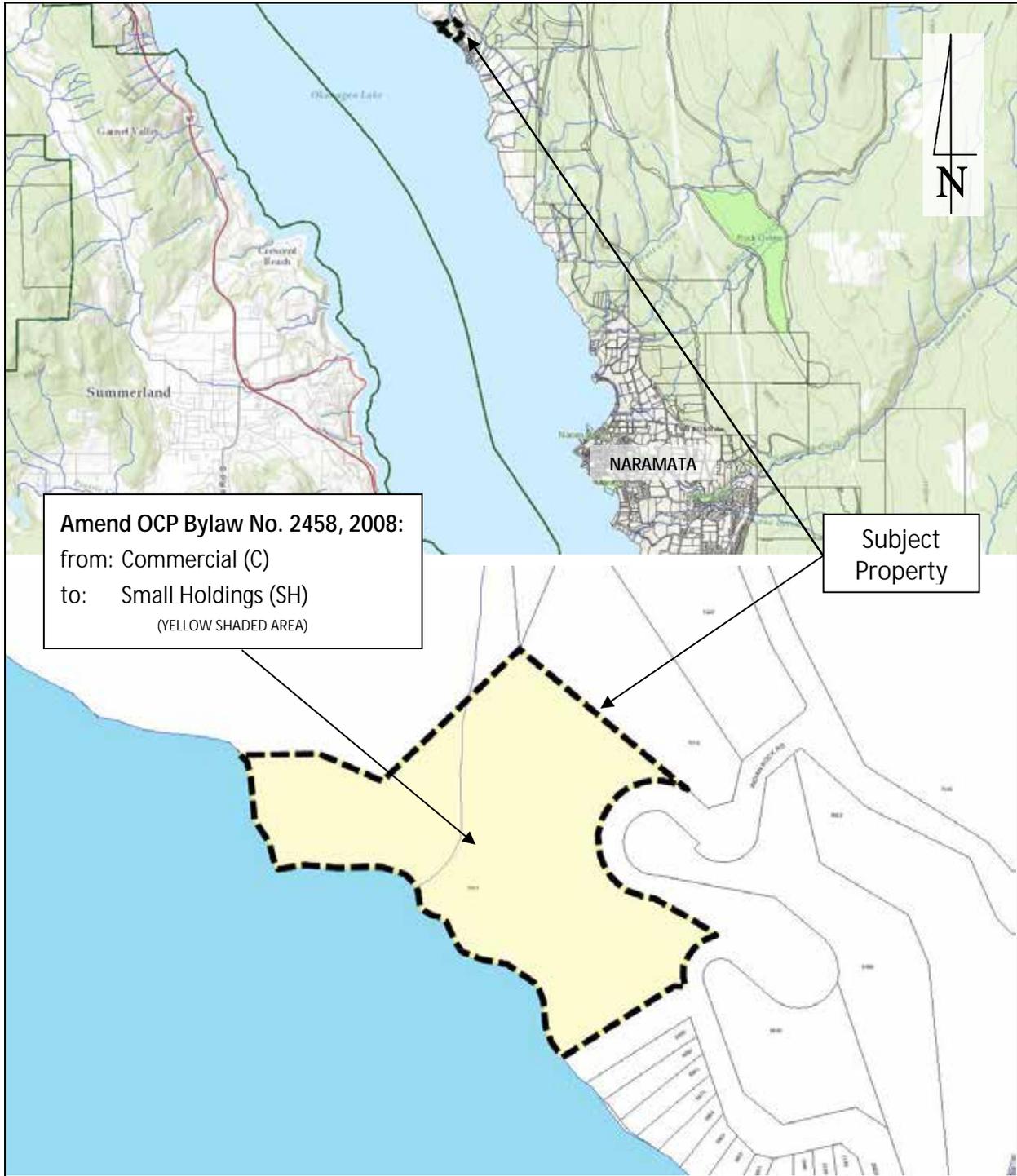
101 Martin St, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.12, 2018

Project No: E2018.058-ZONE

Schedule 'A'



Amendment Bylaw No. 2458.12, 2018
(E2018.058-ZONE)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.29, 2018

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

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "E" Zoning Amendment Bylaw No. 2459.29, 2018."
2. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) adding a new reference to "Schedule '3' Sunset Acres Comprehensive Development Zone Map" under Section 1.2.
 - ii) adding a new reference to "Comprehensive Development Zones" under Section 5.1 (Zoning Districts) to read as follows:

Comprehensive Development Zones

Sunset Acres Comprehensive Development Zone	CD2
---	-----
 - iii) replacing Section 5.4.1 under Section 5.4 (Permitted Uses) in its entirety with the following:
 - .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;
 - iv) replacing Section 5.5 (Conditions of Use) under Section 5.0 (Creation of Zones) in its entirety with the following:

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.

v) adding a new Section 16.0 (Comprehensive Development) to read as follows:

16.0 COMPREHENSIVE DEVELOPMENT

The purpose of the CD zone is to allow for the creation of comprehensive, site-specific land use regulations on specified sites within Electoral Area "E" where the circumstances are such that regulation by other zones would be inappropriate or inadequate, having regard to existing physical and environmental constraints.

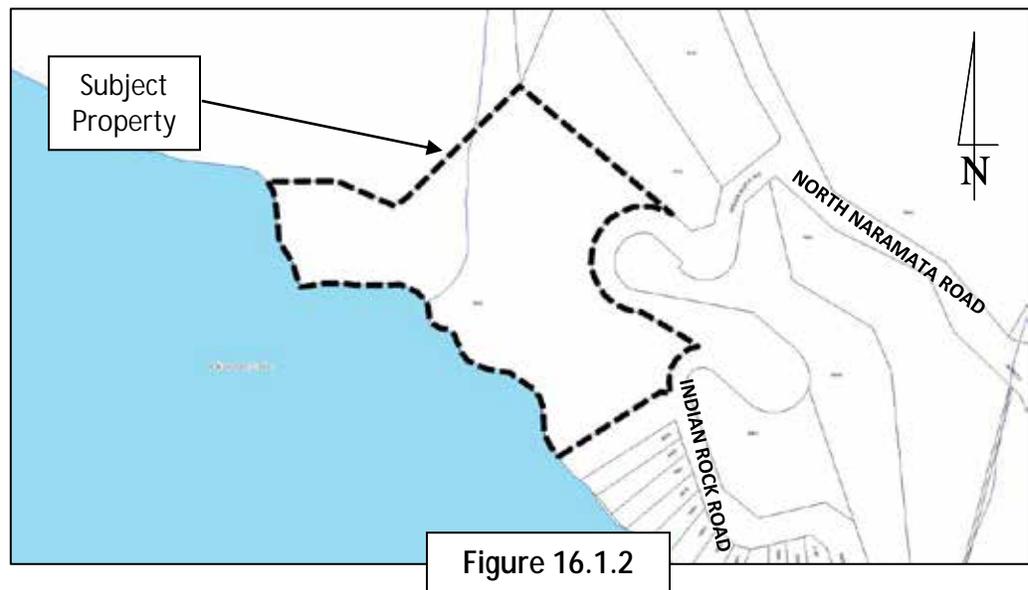
16.1 SUNSET ACRES COMPREHENSIVE DEVELOPMENT (CD2) ZONE

16.1.1 Purpose

The purpose of the Sunset Acres Comprehensive Development Zone is to create comprehensive, site-specific land use regulations for the parcel located at 7005 Indian Rock Road, which is legally described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD (PID: 023-765-640), and hereinafter referred to as the "Sunset Acres", in order to reconcile the historical land use pattern on the lands with the regulations of the Zoning Bylaw.

16.1.2 Location

The property is situated approximately 9.4 km north of the Naramata town centre near the intersection of Indian Rock Road and North Naramata Road and is bounded by Okanagan Lake to the west.



16.1.3 Parcel and Share Lot Plan

A plan that identifies the Sunset Acres “share lots” is included at Schedule ‘3’ to this Bylaw, and forms part of this Bylaw.

16.1.4 Background:

The tourist commercial zoning of the subject property dates to the introduction of the first Zoning Bylaw (No. 122) for Electoral Area “E” in 1973, the purpose of which was “to accommodate those uses which provide tourist or short-term accommodation and associated services in areas with unique scenic or locational qualities.”

Available Regional District records indicate that a geotechnical assessment of the property was completed in 1995 in order to support the development of the subject property for additional “recreational buildings” and the a number of building permits for single detached dwellings were subsequently issued between 1997 and 2017.

16.1.5 Definitions

In this CD zone:

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

“**corporation**” means the owner of the parcel;

“**common property**” means that portion of the parcel identified as “ROAD” on Schedule ‘3’ to this Bylaw;

“**exterior side share lot line**” means the boundary between a share lot and a highway;

“**front share lot line**” means the boundary of a share lot to “common property”;

“**interior side share lot line**” means the boundary between two or more share lots other than a front, rear or exterior share lot line;

“**parcel**” means the land shown outlined in a dashed black line on Schedule ‘3’ to this Bylaw;

“**professional engineer or geoscientist**” means a practicing member in good standing of the Association of Professional Engineers and Geoscientists of the Province of British Columbia;

“**rear share lot line**” means the boundary of a share lot which lies most opposite to the front share lot line;

“share lots” means the 17 surveyed portions of the parcel reserved for the exclusive use and enjoyment of a shareholder in the corporation, and shown on Schedule ‘3’ to this bylaw;

“share lot coverage” means the combined area covered by all buildings and structures on a share lot, expressed as a percentage of the total share lot area;

“Zone” means the Sunset Acres Comprehensive Development (CD2) Zone.

16.1.6 Permitted Uses for Share Lots:

Principal Uses:

- a) single detached dwelling;

Accessory Uses:

- b) bed and breakfast operation, subject to Section 7.19;
- c) home occupation, subject to Section 7.17;
- d) secondary suites, subject to Section 7.12; and
- e) accessory buildings or structures, subject to Section 7.13.

16.1.7 Permitted Uses for Common Property:

- a) service facilities and uses in connection with one or more share lots.

16.1.8 Minimum Parcel Size for Subdivision:

- a) 6.0 ha

16.1.9 Maximum Parcel Density and Share Lot Density:

- a) 17 share lots per parcel, as shown on Schedule ‘3’ to this bylaw;
- b) one (1) single detached dwelling per share lot; and
- c) one (1) secondary suite per share lot.

16.1.10 Maximum Share Lot Coverage:

- a) 35%

16.1.11 Minimum Setbacks:

- a) Buildings and Structures on a Share Lot:
 - i) Front share lot line: 1.0 metre
 - ii) Rear share lot line: 1.0 metre
 - iii) Interior side share lot line: 1.0 metre
 - iv) Exterior side share lot line: 4.5 metres
- b) Buildings and Structures on Common Property:
 - i) Front share lot line: 1.0 metre
 - ii) Rear share lot line: 1.0 metre
 - iii) Interior side share lot line: 1.0 metre
 - iv) Exterior side share lot line: 4.5 metres

16.1.12 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 5.0 metres.

16.1.13 Minimum Building Width:

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

3. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by changing the land use designation on the land described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD, and shown shaded blue on Schedule 'A', which forms part of this Bylaw, from Tourist Commercial One (CT1) to Sunset Acres Comprehensive Development (CD2).
4. adding a new Schedule '3' (Sunset Acres Comprehensive Development Zone Map) as shown on the attached Schedule 'B' (which forms part of this bylaw).

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING held on this 30th day of July, 2018.

A SECOND PUBLIC HEARING held on this 20th day of August, 2018.

READ A THIRD TIME, AS AMENDED, this ____ day of _____, 2018.

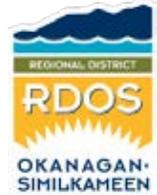
ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

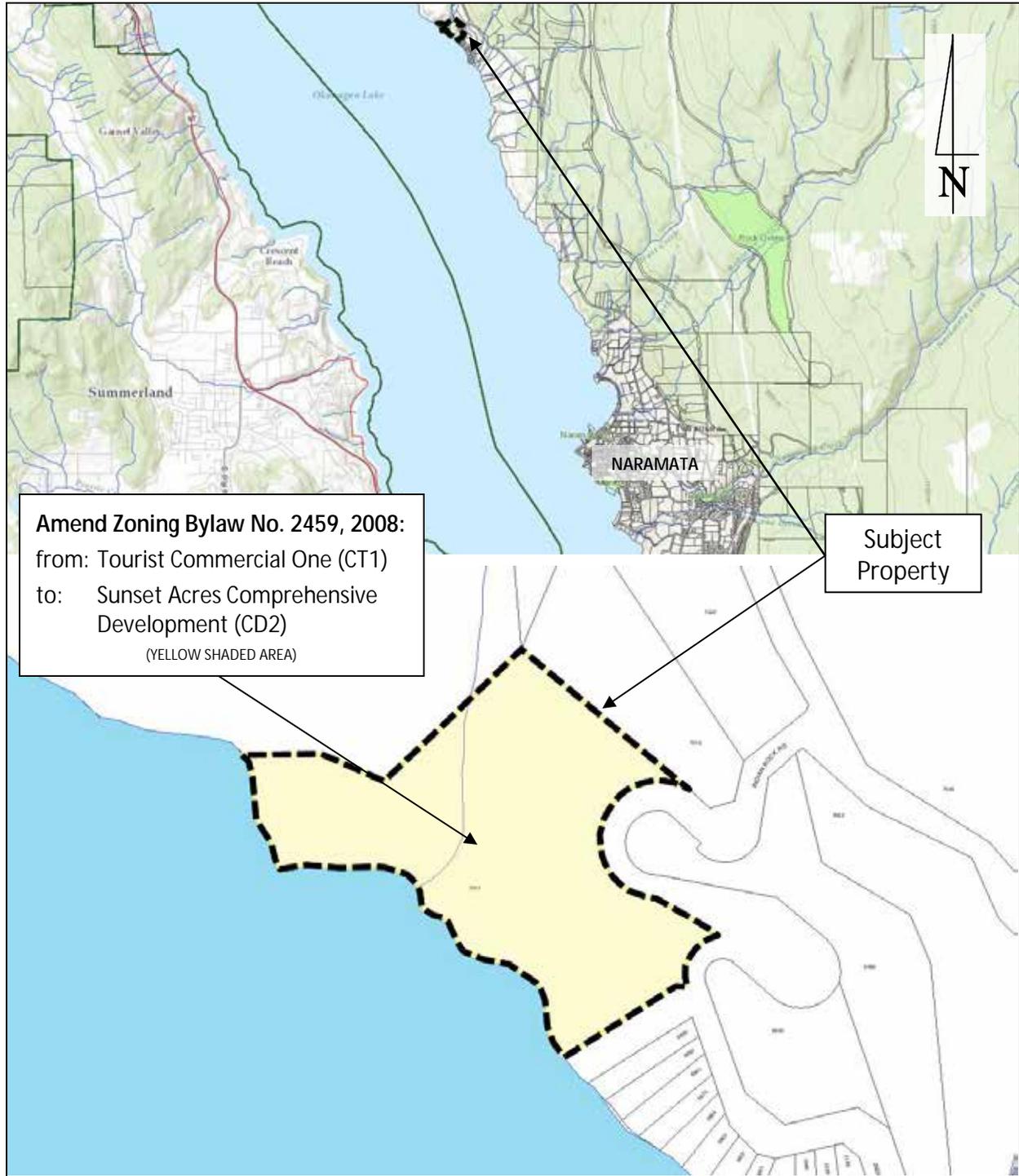
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Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.29, 2018

Project No: E2018.058-ZONE

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: info@rdos.bc.ca

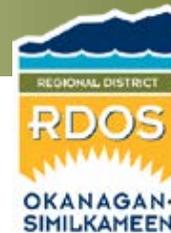


Amendment Bylaw No. 2459.29, 2018

Project No: E2018.058-ZONE

Schedule 'B'

Electoral Area "E" Zoning Bylaw No. 2459, 2008
Schedule '3' (Sunset Acres Comprehensive Development Zone Map)



TO: Regional Board of Directors

FROM: Chair, Karla Kozakevich, Electoral Area "E"

DATE: July 30, 2018

RE: Public Hearing Report - Amendment Bylaw Nos. 2458.12 & 2459.29, 2018

Purpose of the Bylaws:

The purpose of Amendment Bylaw No. 2458.12 is to amend Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, by changing the land use designation of the property at 7005 Indian Rock Road, which is legally described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD, from Commercial (C) to Small Holdings (SH).

The purpose of Amendment Bylaw 2459.29 is to amend the Electoral Area "E" Zoning Bylaw No. 2459, 2008, by:

- introducing a new Sunset Acres Comprehensive Development (CD2) Zone at Schedule '1' (Zoning Text);
- changing the land use designation of the property at 7005 Indian Rock Road from Tourist Commercial One (CT1) to CD2 at Schedule '2' (Zoning Map); and
- introducing a new Schedule '3' to be titled the "Sunset Acres Comprehensive Development Zone Map".

Public Hearing Overview:

The Public Hearing for Bylaw No. 2458.12 and 2459.29, 2018, was scheduled for Monday, July 30, 2018 at 6:30 p.m., at Naramata Community Church, 3740 3rd Street, Naramata, BC.

Members of the Regional District Board present were:

- Chair Karla Kozakevich

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor / Recording Secretary

There was one (1) member of the public present.

Chair Kozakevich called the Public Hearing to order at 6:47 p.m. at the Naramata Community Church.

The hearing convened pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw No. 2458.12 and 2459.29, 2018.

In accordance with Section 466, the time and place of the public hearing was advertised in the July 18th and 25th editions of the Penticton Western as well as in MyNaramata.com.

Copies of reports and correspondence received related to Bylaw No. 2458.12 and 2459.29, 2018, were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There were no written brief submitted at the public hearing.

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

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

Sean Carroll (7005 Indian Rock Road — “Lot 3”)

- requested that rear setbacks for all buildings and structures in the proposed CD2 Zone be reduced from 7.5 metres to 1.0 metre;
- expressed concern about the ability to adjust or consolidate the lot lines of the “share lots” in future; and
- queried if the proposed accessory structure height of 5.0 metres would be able to accommodate a recreational vehicle (RV).

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

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

Chair Kozakevich asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 6:51 p.m.

Recorded by:



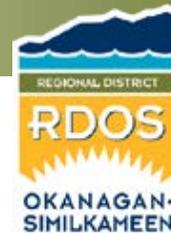
Christopher Garrish
Recording Secretary

Confirmed:



Karla Kozakevich

Karla Kozakevich
Chair



TO: Regional Board of Directors

FROM: Karla Kozakevich, RDOS Chair

DATE: August 20, 2018

RE: Public Hearing Report - Amendment Bylaw Nos. 2458.12 & 2459.29, 2018

Purpose of the Bylaws:

The purpose of Amendment Bylaw No. 2458.12 is to amend Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, by changing the land use designation of the property at 7005 Indian Rock Road, which is legally described as Lot A, Plan KAP58846, District Lot 391, 3986S & 4018S, SDYD, from Commercial (C) to Small Holdings (SH).

The purpose of Amendment Bylaw 2459.29 is to amend the Electoral Area "E" Zoning Bylaw No. 2459, 2008, by:

- introducing a new Sunset Acres Comprehensive Development (CD2) Zone at Schedule '1' (Zoning Text);
- changing the land use designation of the property at 7005 Indian Rock Road from Tourist Commercial One (CT1) to CD2 at Schedule '2' (Zoning Map); and
- introducing a new Schedule '3' to be titled the "Sunset Acres Comprehensive Development Zone Map".

Public Hearing Overview:

The Public Hearing for Bylaw No. 2458.12 and 2459.29, 2018, was scheduled for Monday, August 20, 2018 at 6:30 p.m., at Naramata Community Church, 3740 3rd Street, Naramata, BC.

Members of the Regional District Board present were:

- Chair Karla Kozakevich

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor
- Kevin Taylor, Recording Secretary

There were seven (7) member of the public present.

Chair Kozakevich called the Public Hearing to order at 6:39 p.m. at the Naramata Community Church.

The hearing convened pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw No. 2458.12 and 2459.29, 2018.

In accordance with Section 466, the time and place of the public hearing was advertised in the August 8th and 15th editions of the Penticton Western as well as in MyNaramata.com.

Copies of reports and correspondence received related to Bylaw No. 2458.12 and 2459.29, 2018, were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There were no written briefs submitted at the public hearing.

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

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

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

Sean Carroll – Lot 3 - 7005 Indian Rock Road – Spoke against the proposal for the following reasons:

- The Board should review the requirement for internal lot lines.
- Disagrees with the setback requirements for buildings from internal lot lines.

Keith Leech – Lot 13, 15 & 15 - 7005 Indian Rock Road – Spoke against the proposal for the following reasons:

- Opposed to the zoning amendment
- Believes that he invested in shares in a company that placed value on the zoning that was on the lot at that time.
- Some of the lots are used as “security” and changing the zoning may damage their value as security.
- The value of “the company” has doubled in the past 11 years.
- Feels that the zoning should be protected to protect the investment of the owners.
- Value of this property may drop significantly if the zoning is restricted.
- Do not want to see RDOS exert control over this property.

Craig Brown – Lot 1, 2, & 17 - 7005 Indian Rock Road – Spoke for the proposal for the following reasons:

- Would like to see the offset changed from 1.5 metres from the proposed 1.0 metres.
- Believes that the “lot lines” are already established and sufficient.
- Invested in this company with the expectation that these lot lines were appropriate.

-
- Prepared to live with the lot lines as shown in the proposed bylaw.

Howard Berg – Lot 7 – 7005 Indian Rock Road – Spoke for the proposal for the following reasons:

- Would like to Echo comments made by Craig Brown.
- The way that the lots are configured now are what everyone bought into.

Tyson Bull – Lot 6 – 7005 Indian Rock Road – Spoke for the proposal for the following reasons:

- In support of the proposed change.
- The value of the land comes from its present form as a residential lakeshore property.
- The current zoning is only for seasonal residential use, whereas the new zoning would allow for full time residential.
- Supports making this lot more residential and conforming.

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

Chair Kozakevich asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 6:50 p.m.

Recorded by:



Kevin Taylor
Recording Secretary

Confirmed:



Christopher Garrish
Planning Supervisor

Confirmed:

Karla Kozakevich

Karla Kozakevich
Chair

From: Bryan Wevers
To: Christopher Garrish
Cc: Howard Berge (7); Sean & Danielle Carroll (3); Karla Kozakevich
Subject: Re: Revised Sunset Acres Comprehensive Development Zone (E2018.058-ZONE)
Date: August 17, 2018 4:47:02 PM

Hi Chris

I hope you are having an excellent summer.

As I stated in my email to you on June 26, we need more time to discuss the rezoning proposal. And although we expressed interest in the proposal, I feel the email from Howard Berge dated June 15 was pre-mature since there has been some questions raised as to the procedural regularity of the company motion regarding our rezoning position. Hence, the email is not the official position of Sunset Acres Resort Ltd.

As a result, Sunset Acres Resort and its Directors have not yet decided on the matter.

Sunset Acres Directors, Sean Carroll and Howard Berge (as well as some shareholders), will be attending the meeting on Monday to further discuss the rezoning proposal.

Please call me anytime to discuss further. 604-618-1783

Sincerely
Bryan Wevers
President
Sunset Acres Resort Ltd.

From: howard berge
To: Christopher Gardsh
Cc: 

Subject: Re: Revised Sunset Acres Comprehensive Development Zone (E2018.058-ZONE)
Date: June 15, 2018 10:36:59 AM
Attachments: [Image001.png](#)
[Image002.png](#)

Our AGM was held on Victoria Day. A unanimous resolution was passed supporting the proposed re zoning as contained in the last draft prepared by District staff. I see no purpose in any further informational meetings.
Howard Berge

Sent from my iPad

RDOS
Planning Department
101 Martin Street
Penticton BC

Attention Christopher Garrish

RE: Project NO. E2018. 058 – Zone.

I am writing this letter to register my strong opposition to any changes to current zoning at this time. I have made a significant investment into this company based on the current zoning, uses, and the restrictions that are afforded to it.

Although this proposed change will affect all share holders in the company in some degree, it will have a much larger economic effect on certain shareholders. Me being one of them.

As a multi share holder this zoning changes and greatly restricts what can be obtained with my shares. Should this zoning change move forward at this time, it is my opinion that it will greatly reduce my share value. This opinion is based on changes that are being proposed in the following areas;

- Accessory uses
- Minimum parcel size
- Maximum number of dwellings per parcel
- Setbacks
- Height restrictions (accessory)

Although I can appreciate the need for the regional district to stay current on zoning and land uses, it should not be allowed to simply change zoning as a form of stream lining at stake holders expense without some form of compensation to the stake holders.

One possible solution that may allow all involved to be satisfied could be to give notice that on a certain date down the road the zoning will be changed (12-24 months). This would then allow the company and share holders to arrange any future works to be done under existing zoning but with proposed change in mind.

In any event we must work together to find a solution that is satisfactory to all stake holders. We must try to avoid what has been done in the past in the Naramata area and that is to solve these disputes through legal challenges. No matter who is proven to be right in these legal disputes it is in the end always the rate payers that are the true losers.

Keith Leach

July 25,2018

RDOS

Planning Department
101 Martin Street
Penticton, BC

Attention: Christopher Garrish

RE: Project No. E2018.058-Zone

This letter is providing comments for the Zoning Amendment for Sunset Acres at 7005 Indian Rock Road. I have the following comments;

1. The CD zoning implies that the existing parcel has a legal survey that would be accepted by the land titles office. This is not the case. The legal survey plan might contain errors that could not be relied upon for the setbacks for building permits. The only plan available for the lots is not fully legible. When the plan was placed in a CAD system it appeared that the boundaries did not "close" which means a distance or bearing might not be correctly shown on the plan.

Also the comparison chart for setbacks between the existing zoning and the new zoning is disingenuous as it is not a straight comparison. The existing zoning setbacks are for the entire parcel and the new setbacks apply to each unregistered lot line.

To eliminate this issue, why not drop the setbacks for each lot line in the CD Zoning because they cannot be verified without an extensive legal survey? Any required setbacks could be enforced by the Building Code.

2. The placement of a maximum number of dwellings allowed on the property is reducing the potential value to the owners. The lots are simply created within the company and are not part of a subdivision. The number of lots are not a fixed requirement from a geotechnical report and more building sites exist on the property.

This could be resolved by ensuring any new lot created would have to be of a certain size and leave it to the applicant to prove it possible.

3. Please confirm that the setbacks for any building or structure on common property in the new CD zoning apply only to the boundary lot lines of the entire site.

The company would like to keep its options open as much as possible for the construction of an accessory building that might contain snow clearing machinery, a fire fighting reservoir or other possible uses.

4. The accessory building height has been reduced from a possible 10 meter height to 5 meters on the zoning change. This might reduce the potential people had to have motorhome storage facilities or could possibly affect the Common property buildings. What is the reason to reduce this possible height?

Solution would be to leave the height at 10 meters.

5. The current commercial zoning allows us to provide our own garbage pick up through a commercial provider. Can you confirm that if this CD zoning is applied that we will still have this option?

As this is a CD zoning applying only specifically to the property at 7005 Indian Rock Road, I believe that these recommendations can be incorporated in your proposal.

Yours truly,

Sean Carroll, P.Eng.

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: April 18, 2018 4:52 PM
To: Planning
Cc: Lauri Feindell
Subject: RE: Bylaw Referral E2018.058-ZONE

Greetings to the Planners Extraordinaire of the Regional District of Okanagan Similkameen!

Thank you for your referral E2018.058-ZONE regarding 7005 Indian Rock Road, Naramata, PID 023765640, L A DL5 391 3986S & 4018S SIMILKAMEEN DIVISION YALE DISTRICT PL KAP58846. According to Provincial records there are no known archaeological sites recorded on the subject property. However, the waterfront location and archaeological potential modeling for the area indicate that there is a high 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) 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.

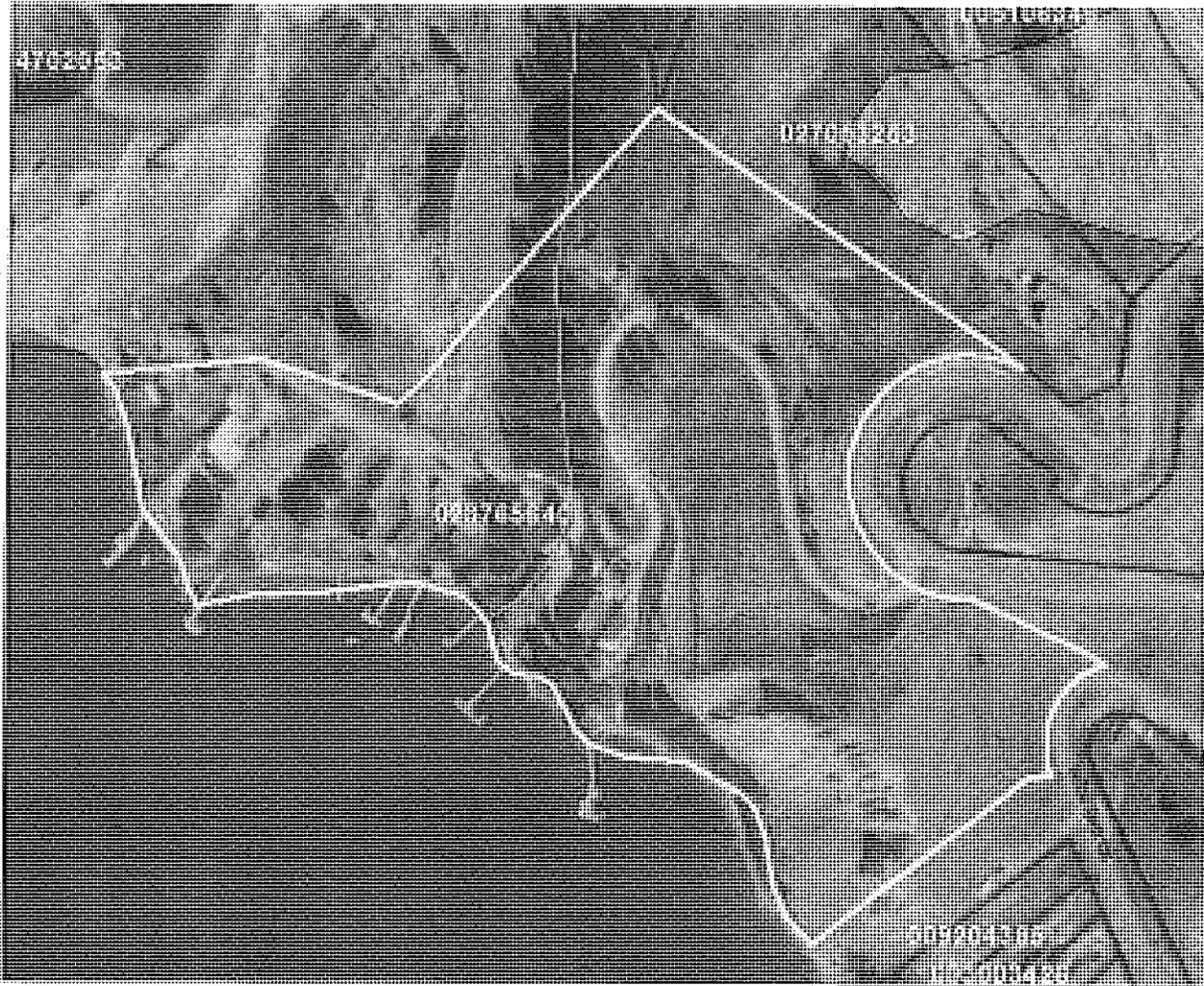
If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 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. In this case, the entire area within which the property is located has high potential for unknown/unrecorded archaeological materials, as indicated by the brown/orange colouration of the screenshot. If this does not represent the property listed in the referral please contact me.

Kind regards,



Diana



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

Archaeology Branch | Ministry of Forests, Lands, 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/>

From: Lauri Feindell [mailto:lfeindell@rdos.bc.ca]

Sent: Friday, April 13, 2018 1:51 PM

To: HBE@interiorhealth.ca; 'fbclands@fortisbc.com'; Cooper, Diana FLNR:EX; Referral Apps REG8 FLNR:EX; XT:Shongrunden, Ron FIN:IN

Cc: Christopher Garrish; Janine Dougall; Noelle Evans-MacEwan; Cameron Baughen

Subject: Bylaw Referral E2018.058-ZONE

Re: Project No. E2018.058-ZONE

Bylaw No. 2458.11 and 2459.29

7005 Indian Rock Road, Naramata

Lot A, Plan KAP58846, DL391, 3986S & 4018S, SDYD

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: April 26, 2018 3:50 PM
To: Planning
Subject: Indian Rock Rd, 7005 Naramata (E2018.058-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Indian Rock 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, SR/WA
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





April 18, 2018

File: 58000-20/2018043
Your File: E2018.058-ZONE

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

Attention: Christopher Garrish

Re: Bylaw referral to change zoning from Tourist Commercial One to a new "Sunset Acres Comprehensive Development Zone AND Commercial to Small Holdings for property at Lot A, Plan KAP58846, DL 391, 3986S & 40185, SDYD

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

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

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

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

Yours truly,

Lora Nield
A/Ecosystems Section Head

LN/cl



Lauri Feindell

Indian Rock Sunset Area

To: Cameron Baughen
Subject: RE: Bylaw Referral E2018.058-ZONE

From: Cameron Baughen
Sent: April 18, 2018 12:59 PM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: Bylaw Referral E2018.058-ZONE

Hi Lauri. This does not affect the Solid Waste Management Plan.

Cameron Baughen, RDOS Solid Waste Management Coordinator
101 Martin Street, Penticton BC
Ph 250-490-4203 TF 1-877-610-3737
cbaughen@rdos.bc.ca www.rdos.bc.ca

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact the



RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2458.11 & 2459.29

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: 

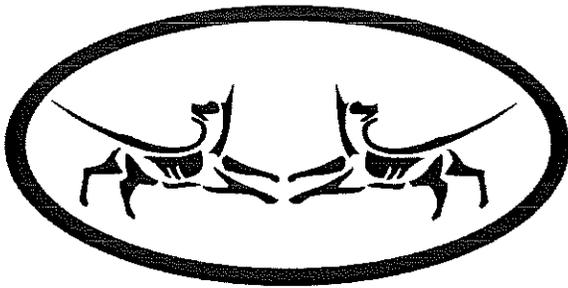
Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: May 8, 2018





Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

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

May-30-18

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

RTS ID: 3181

Referral Date: April-13-18

Referral ID: E2018.058-ZONE

Reference ID:

Summary: The Regional District is proposing that the Tourist Commercial One (CT1) zoning of the subject property be replaced with a comprehensive development zone.

Attention: Christopher Garrish

The Penticton Indian Band acknowledges receipt of your referral dated April-13-18. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

- KMZ file for area of interest
- Shape files of are of interest

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

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

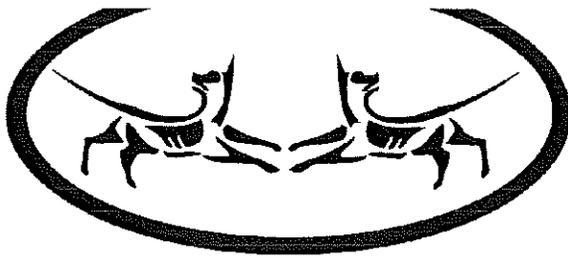
Limlëmt,

Lavonda Nelson
Referrals Administrator

RTS ID: 3181

CC:





Penticton Indian Band

Natural Resources Department
773 Westhills Drive | R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7

Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

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

May-30-18

Regional District of Okanagan Similkameen
101 Martin Street
PentictonBC V2A 5J9

RTS ID: 3181

Referral Date: April-13-18

Referral ID: E2018.058-ZONE

Reference ID:

Summary: The Regional District is proposing that the Tourist Commercial One (CT1) zoning of the subject property be replaced with a comprehensive development zone.

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on May-30-18. This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 days from the existing timeline.

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

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

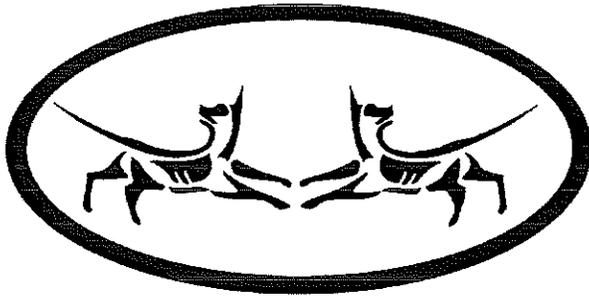
I appreciate your co-operation.

Limlæmt,
Venessa Gonzales
Referrals Administrator

RTS ID: 3181

CC:





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-30-18

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

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

RTS ID: 3181

Referral ID: E2018.058-ZONE

Referral Date: April-13-18

Reference ID:

Summary: The Regional District is proposing that the Tourist Commercial One (CT1) zoning of the subject property be replaced with a comprehensive development zone.

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.

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982





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: 1033

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technician)	\$ 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

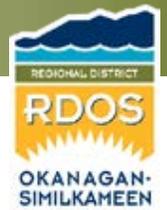
INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00
Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #3181

limlmt,

Venessa Gonzales
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3181
CC:

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Official Community Plan & Zoning Amendment Bylaws – Electoral Area “E”
Naramata Village Centre and Development Permit Area Update

Administrative Recommendation:

THAT Bylaw No. 2458.13, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw be read a third time, as amended, and adopted;

AND THAT Bylaw No. 2459.30, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

Purpose:

This report relates to the proposed creation of a Naramata Village Centre (NVC) designation and revision of the Naramata Townsite Development Permit Area found in the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, as well as the creation of a Naramata Village Centre (NVC) Zone in the Electoral Area “E” Zoning Bylaw No. 2459, 2008.

Background:

At its meeting of April 19, 2018, the Planning and Development (P&D) Committee of the Regional District Board resolved to direct staff “to initiate the Electoral Area “E” Official Community Plan (OCP) Amendment Bylaw No. 2458.13, 2018, and Electoral Area “E” Zoning Bylaw No. 2459.30, 2018.”

On April 25, 2018, the Regional District sent letters to all registered property owners of land proposed to be included in the new NVC OCP designation, zone and DP Area (approximately 20) advising of the proposed changes.

On May 9, 2018, a Question and Answer (Q&A) Session was held at the Old Age Pensioners (OAP) Hall at 330 3rd Street, Naramata, and was attended by approximately 60 members of the public.

On June 13, 2018, a separate meeting for property owners of land proposed to be included in the new NVC OCP designation, zone and DP Area was held at the OAP Hall and was attended by approximately eight (8) persons.

On July 30, 2018, a second Q&A Session was held at the Naramata Community Church at 3740 3rd Street, Naramata, and was attended by approximately 20 members of the public.

At its meeting of August 2, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to Chair Kozakevich.

At its meeting of August 13, 2018, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed amendments to the OCP and Zoning Bylaw be approved. The APC, in its minutes, further advised that “members are in agreement that the above is a positive Zoning Amendment Bylaw for Naramata.”

On August 20, 2018, a public hearing was held at 3740 3rd Street, Naramata (Naramata Community Church) and was attended by approximately twelve (12) members of the public.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 m of a controlled access highway.

Analysis:

Administration maintains its support for replacing the various commercial, tourist commercial, administrative and multi-unit residential zoning that applies to the properties generally fronting Robinson Avenue between 1st Street and 4th Street in Naramata with a new mixed-use "Village Centre" Zone.

Not only is this seen to be consistent with the direction contained in the Electoral Area "E" OCP Bylaw to have this area be "the focus of community activity and services, pivot of transportation, and a focus of commercial activity and multiple family residential use" and a "cohesive, identifiable, accessible town centre with a strong pedestrian orientation", but is further seen to support Naramata's designation as a Primary Growth Area under the Regional Growth Strategy (RGS) Bylaw.

Administration considers that the "Village Centre" Zone will accomplish this by introducing flexibility to the range of uses that will be permitted in this area (i.e. multi-unit residential) and by no longer mandating the provision of ground floor retail.

Administration further considers the proposed introduction of the Naramata Village Centre Development Permit (DP) Area to be an important component of Village Centre Zone Update and will meet a long-standing OCP policy objective that has sought to update the design guidelines of this DP Area (Section 7.3.5).

With regard to the proposed amendment of OCP Amendment Bylaw No. 2458.13, 2018, at third reading, this is in relation to the proposed deletion of references to "sidewalk" in the Naramata Village Centre DP Area guidelines and is based upon comments received at the public hearing. In place of "sidewalk", it is being proposed to make reference to "public right-of-way (road dedication)" or "ground level".

Alternative:

THAT first and second reading of the Electoral Area "E" Official Community Plan (OCP) Amendment Bylaw No. 2458.13, and the Electoral Area "E" Zoning Amendment Bylaw No. 2459.30, be rescinded and the bylaws abandoned.

Respectfully submitted:

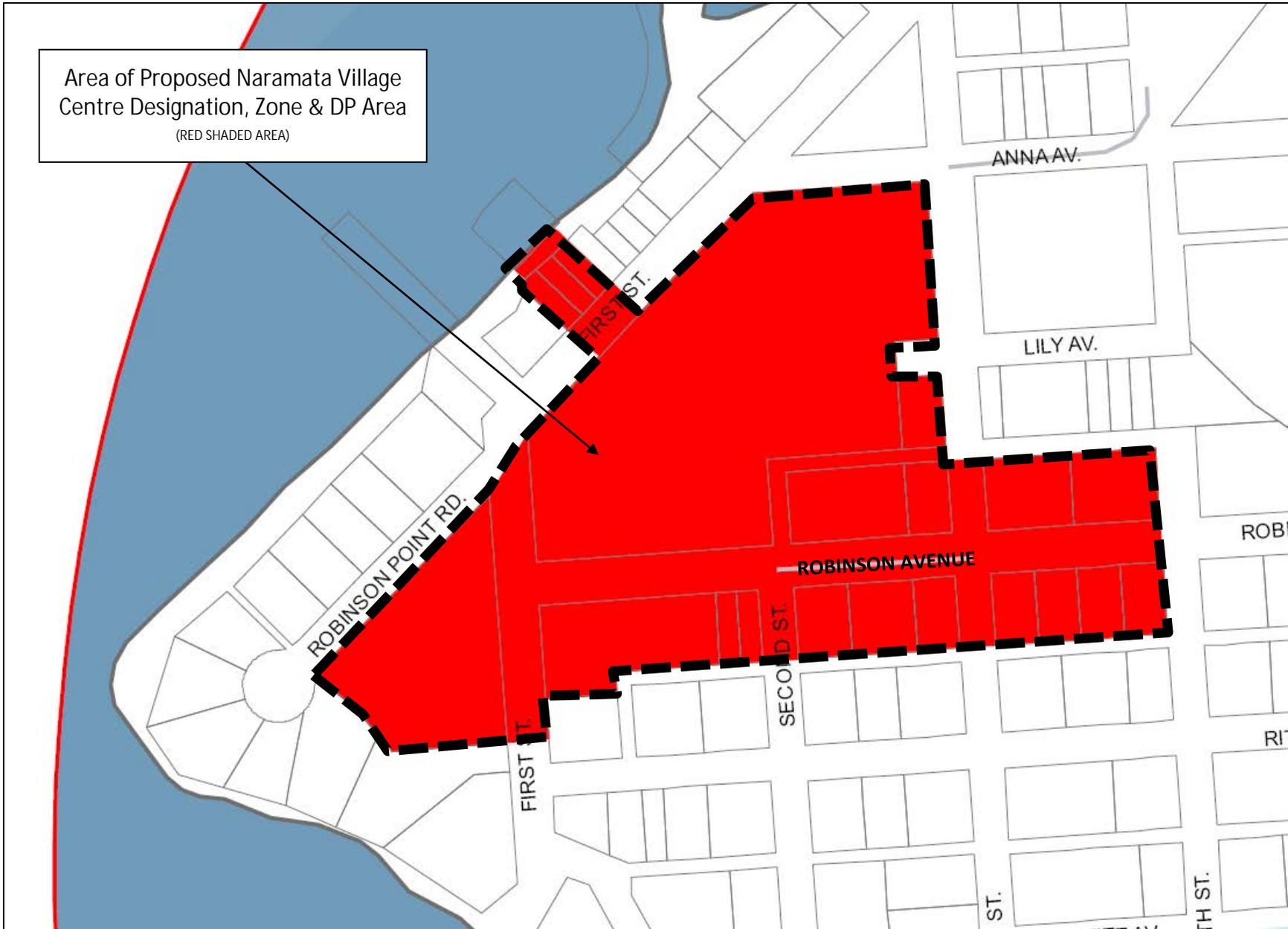

C. Garrish, Planning Supervisor

Endorsed by:


B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Area of Proposed Naramata Village Centre Designation, Zone & DP Area

Attachment No. 2 – Area of Proposed Naramata Village Centre Designation, Zone & DP Area



service and recreational area for the community. It accommodates a range of commercial and institutional uses as well as some residential uses.

The Village Centre area comprises Robinson Avenue between First Street to the west and Fourth Street to the east. The area also includes the former BC Tree Fruits packinghouse site, which has remained underutilized and predominantly vacant following the closure of the facility in 2008.

Naramata is designated as a Primary Growth Area under the South Okanagan Regional Growth Strategy Bylaw and is the only urban area in Electoral Area "E".

The Naramata Village Centre designation supports this by focusing medium density residential growth which, in turn, will promote a more compact urban form and a more complete community. It will also increase support for local businesses in the Village Centre.

To meet these objectives, the Naramata Village Centre designation includes a strong emphasis on encouraging commercial, tourist commercial, mixed-use commercial, and medium density residential development.

12.2 Objectives

1. Maintain the Naramata Village Centre area as the commercial, institutional and social core of the community.
2. Retain existing business and institutional uses, while supporting their expansion.
3. Support mixed-use, commercial/office/residential uses, including development that includes multi-family uses.
4. Encourage the inclusion of residential uses above ground floor commercial uses.
5. To ensure that developments in the Naramata Village Centre contribute to a unique sense of place and identity, and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake and improve public access to the lakefront.

12.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Naramata Village Centre (NVC) identified in Schedule 'B' (Official Community Plan Map) for pedestrian oriented, mixed-use retail, office, food and beverage, tourist commercial, and medium density residential uses.
- .2 Requires a high standard of architectural building design and landscaping for development within the Naramata Village Centre by

designating this area as the Naramata Village Centre Development Permit Area.

- .3 Encourages the continued intensification and growth of commercial activities in the Naramata Village Centre.
 - .4 Encourages the development of seniors housing, group homes and community care housing within the Naramata Village Centre.
 - .5 Supports public events in the Naramata Village Centre.
 - .6 Supports the formalisation of “Centennial Square”, being an area at the intersection of Robinson Avenue and Second Street, as a small-scale public space (i.e. civic plaza) that can be used to host community activities and as a meeting place for residents and visitors.
 - .7 Encourages the Ministry of Transportation and Infrastructure (MoTI) to support a landscaping plan for Robinson Avenue between 1st Street and 4th Street in order to replace existing trees with new, non-invasive species at close intervals and with suitable growing conditions to allow a mature canopy to develop over time.
 - .8 Supports applications to MoTI for special events permits related to parades, races, protests, fundraising events, filming and other uses that require the short-term use of a provincial road right-of-way, subject to the proponent meeting all applicable provincial requirements (i.e. Certificate of Insurance).
- iv) replacing Section 12.0 (Commercial) in its entirety with the following and renumbering all subsequent sections:

13.0 COMMERCIAL

13.1 Background

Traditional commercial development in the Plan area was generally limited to the Naramata Village Centre designation, however, a thriving service industry centred around the wineries of Naramata has supplanted this, offering visitors and locals varied eating, drinking, recreational and accommodation opportunities on agricultural lands.

The Plan will continue, however, to recognize commercial and tourist commercial developments under the same Commercial land use designation and as occurring on lands outside of the Agricultural Land Reserve (ALR).

The Plan recognizes that large scale service, industrial, and commercial development will be directed to Primary Growth Areas, such as the City of Penticton, as they are better able to function as regional service centers.

9.2 Objectives

- .1 Maintain the current level of local commercial sites to serve the existing communities and tourists, and expand services as future growth may dictate.
- .2 Direct major commercial development to Primary Growth Areas.
- .3 Support existing and new recreation and resort commercial opportunities.
- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

9.3 Policies – General Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial (C) identified in Schedule 'B' (Official Community Plan Map) for smaller-scale, neighbourhood-serving commercial activities.
- .2 Limits local commercial uses to those existing designated areas, or to areas where they may be developed in conjunction with future residential or commercial tourism developments.
- .3 Limits commercial development along Naramata Road to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Directs major office, service and general business commercial uses to Primary Growth Areas such as the City of Penticton, which have the necessary infrastructure and support services.
- .5 Encourages an attractive and safe streetscapes by including provisions for adequate off-street parking requirements, landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .6 Encourages, through responsible environmental practices, future commercial development to locate away from Okanagan Lake and other watercourses in order to reduce human impacts on the lake, and in order to maintain and improve water quality and habitat.

9.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial

services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.

- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
 - .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - c) enhance adjacent land uses or the character of the existing area;
 - d) can be accessed safely from local roads;
 - e) can be adequately serviced by emergency services, in particular fire protection;
 - f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
 - g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
 - h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.
- v) replacing Section 21.4 (Naramata Townsite Development Permit Area) in its entirety with the following:

21.4 Naramata Village Centre Development Permit Area

21.4.1 Category

The Naramata Village Centre Development Permit Area is designated for the establishment of objectives for the form and character of commercial and mixed-use commercial residential buildings, and to promote energy conservation, water conservation and the reduction of greenhouse gas emissions, pursuant to Sections 488(1)(f)(h)(i) and (j) of the *Local Government Act*.

21.4.2 Area

The areas designated within the Naramata Village Centre Development Permit Area are shown on Schedule 'E' (Form and Character Development Permit Areas Map).

21.4.3 Justification

Naramata's Town Centre is the primary commercial area and is geographically central to the community. The form and character of buildings here can have a significant impact on the overall image of the community, the pedestrian experience, and on the adjacent residential areas.

21.4.4 Objectives

The objectives of this designation are to create an environment of mixed land uses of high quality design, which will contribute to the creation of a cohesive, identifiable, accessible town centre with a strong pedestrian orientation.

It has been recognized that the following features of the village core should be respected, encouraged and enhanced:

- .1 historic character;
- .2 economic base as a commercial and occupational centre;
- .3 social, recreational, and cultural character;
- .4 natural environment and pedestrian character; and
- .5 unique built form and infrastructure.

21.4.5 Development Requiring a Permit

In the Naramata Village Centre Development Permit Area, except where exempted below a Development Permit is required for the following:

- .1 Construction of, addition to or alteration of a building or other structure

21.4.6 Guidelines

.1 Siting and Massing of Buildings

- a) Buildings must be oriented to face the street.
- b) Corner buildings must face both adjacent streets.
- c) The ground floor and second floor of a building should not be set back from the front parcel line, except where:
 - i) it is required, such as recessed building entrances;
 - ii) a setback provides space for pedestrian amenities such as small plazas or outdoor seating areas; or
 - iii) a setback provides space for a porch or patio for a ground floor residential unit.
- d) Any storey above the second floor must be articulated in a manner that reduces the appearance of the size of the building. This could include upper floor setbacks from the front and sides of the building;

awnings, pergolas, cornices, balconies, or other architectural features which visually screen the upper floors from the adjoining public right-of-way (road dedication); and/or changes in exterior materials.

.2 Pedestrian-oriented Architecture

- a) The principal entrance to a building should be accessible by persons with disabilities.
- b) Front and side entrances should be an architectural focal point for the building and should be recessed from the main façade of the building.
- c) Building entrances should be accessed directly from a public right-of-way (road dedication) without crossing any parking areas. This means that building entrances should be on the front of the building (facing the street), or on the side of the building where a pathway leads from a public right-of-way (road dedication) directly to the entrance without crossing any internal roads, driveways, or parking areas.
- d) Ground floor units, both commercial and residential, should have individual entrances from a public right-of-way (road dedication).
- e) Awnings that extend over a public right-of-way (i.e. road dedication) should be included wherever the building directly abuts the public road right-of-way.

.3 Form and Character of Buildings

- a) Building facades should be articulated in a regular pattern at least every 7.5 metres in order to reflect the historic pattern of lot and building widths along Robinson Avenue.
- b) Buildings should not present blank walls to any public road. Instead they should include a regular pattern of vertically and horizontally aligned, windows on all walls that face a public road. The ground floor window area should be at least 75% of the total wall area, and upper floor window areas should be 50-75% of the total wall area on each floor.
- c) The shape, rooflines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.

.4 Private Outdoor Spaces

- a) All residential units should have access to private or semi-private outdoor space or on balconies or roof decks.

.5 Parking

- a) Parking areas should be located to the rear or side of the building and should not be located between the building and a public road.
- b) Parking area entrances should be from a side street or rear lane wherever possible. Parking area entrances from Robinson Avenue are discouraged.
- c) Any surface parking or internal driveways or roads should be set back from the public road. This set back area should include landscaping but should not completely block the view between the public road and the parking area.
- d) Off-street surface parking should incorporate walkways as an integral element of the design in order to ensure safe separation of pedestrians and vehicles.
- e) Parking within a structure should be screened from view at ground level.

.6 Screening and Landscaping

- a) Outdoor storage areas, waste disposal containers, and heating and cooling equipment should be screened from view with fencing or landscaping.
- b) Site design should seek opportunities to incorporate a low impact approach to managing stormwater. This may include swales, bio-retention and rain gardens to reduce both peak stormwater flows and contaminant loadings.

.7 Energy and Conservation

- a) The use of solar panels and geothermal energy technology is encouraged.
- b) The construction of buildings using advanced building technologies and industry certified programs such as Leadership in Energy and Environmental Design (LEED) and BUILT GREEN® to reduce their environmental impact, lower energy consumption, and improve longevity is encouraged.

21.4.7 Exemptions

The following do not require a Development Permit:

- .1 Routine building repairs / maintenance including new roofing, residing, and window and door replacement;
- .2 Internal renovations;
- .3 Installation of canopies, awnings, or signs; and

READ A FIRST AND SECOND TIME this 2nd day of August, 2018.

PUBLIC HEARING held on this 20th day of August, 2018.

READ A THIRD TIME, AS AMENDED, this ____ day of _____, 2018.

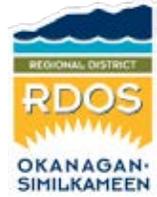
ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

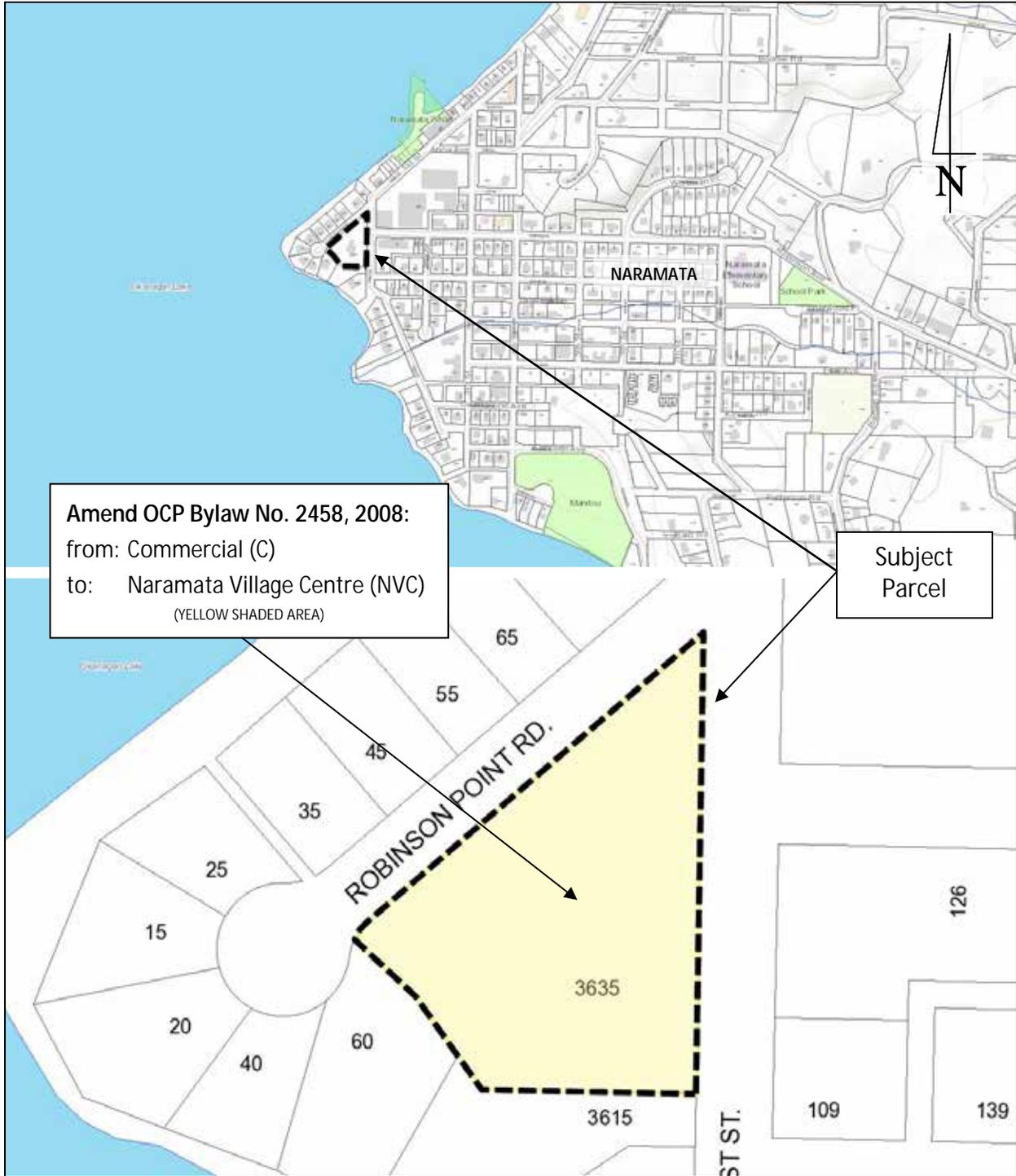
101 Martin St, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

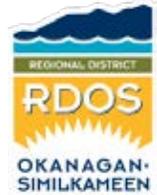
Schedule 'A'



Regional District of Okanagan-Similkameen

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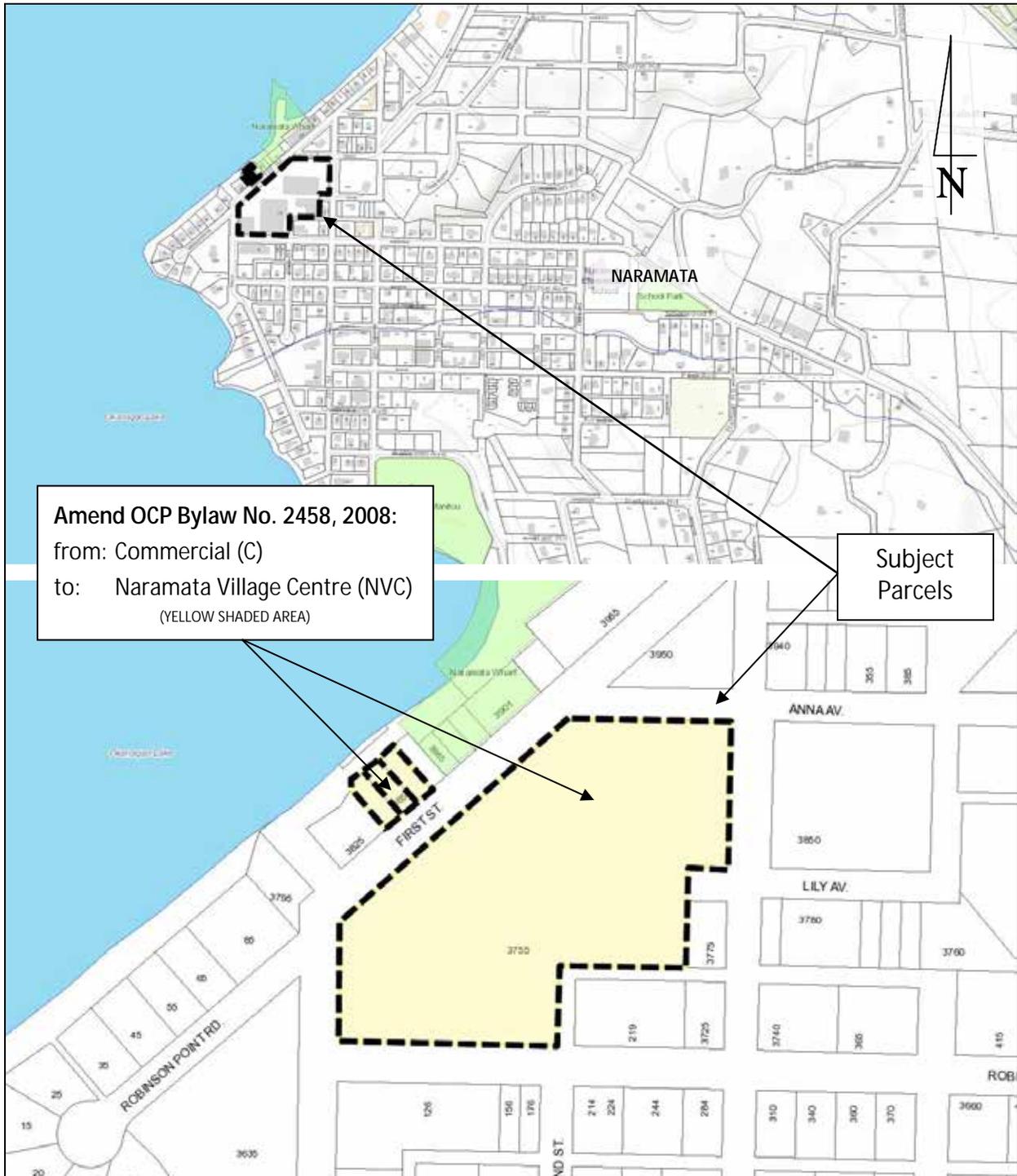
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Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

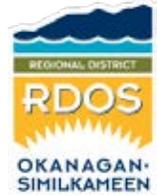
Schedule 'B'



Regional District of Okanagan-Similkameen

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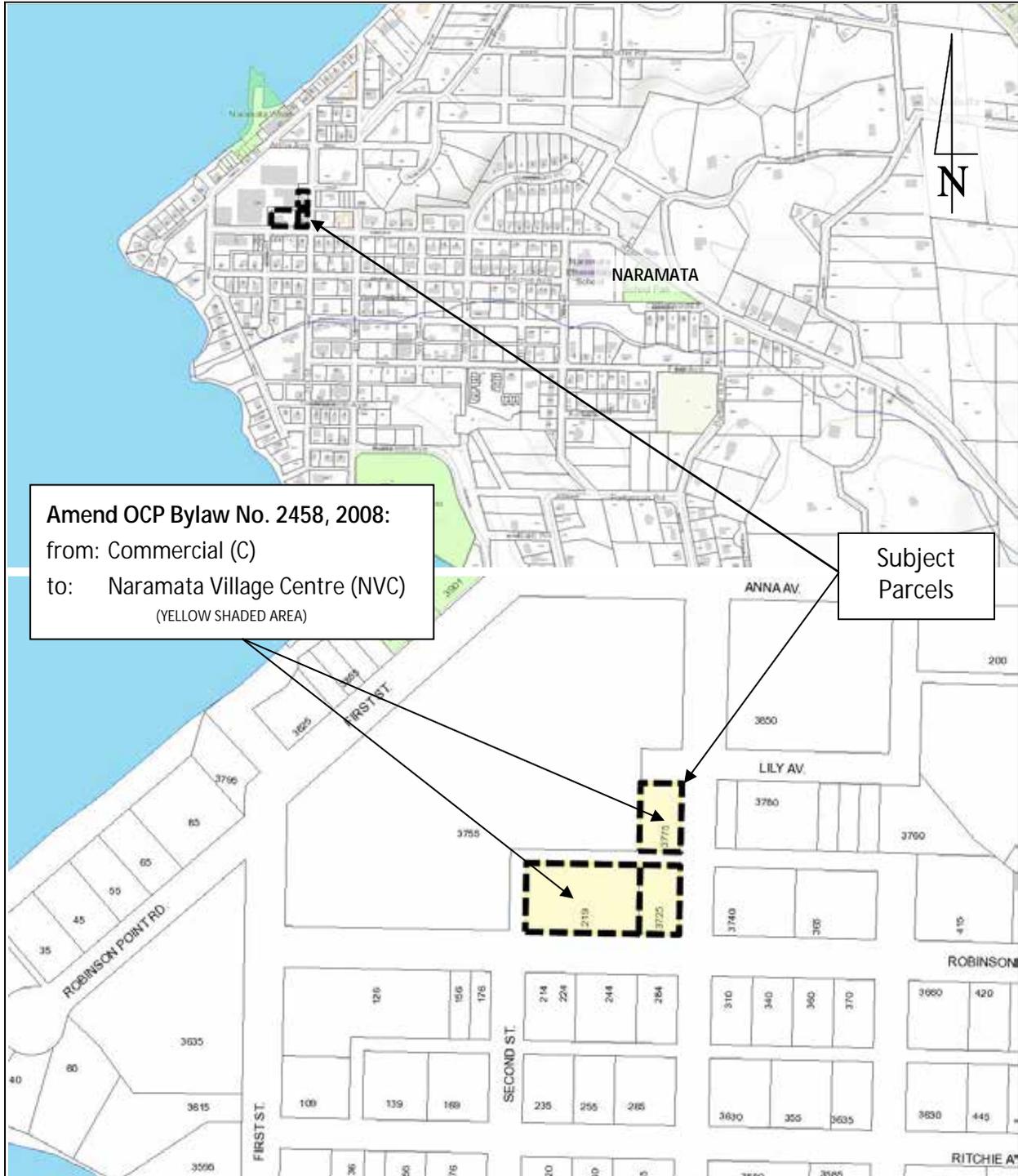
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Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

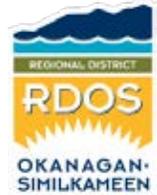
Schedule 'C'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

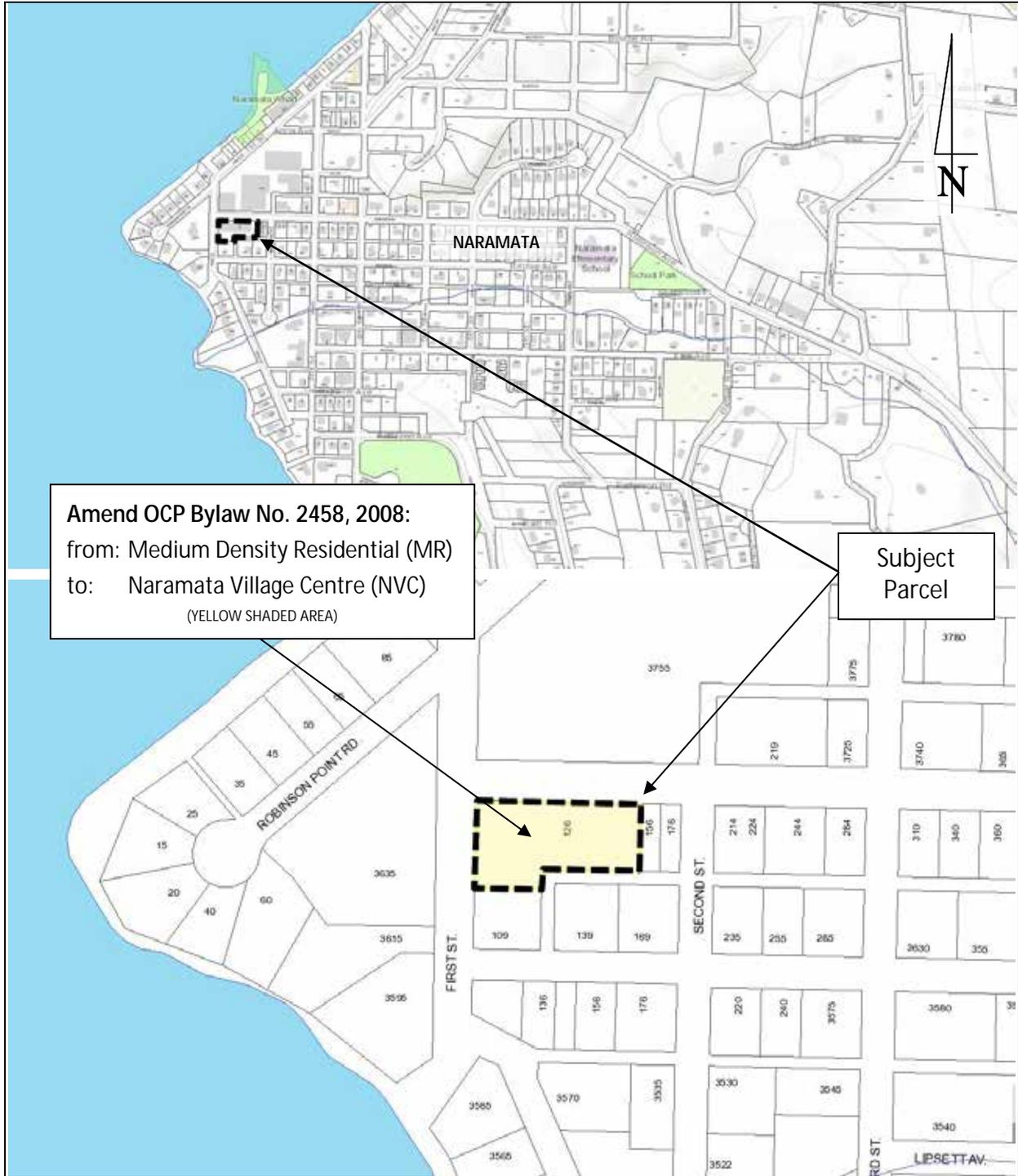
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Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

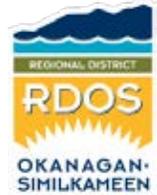
Schedule 'D'



Regional District of Okanagan-Similkameen

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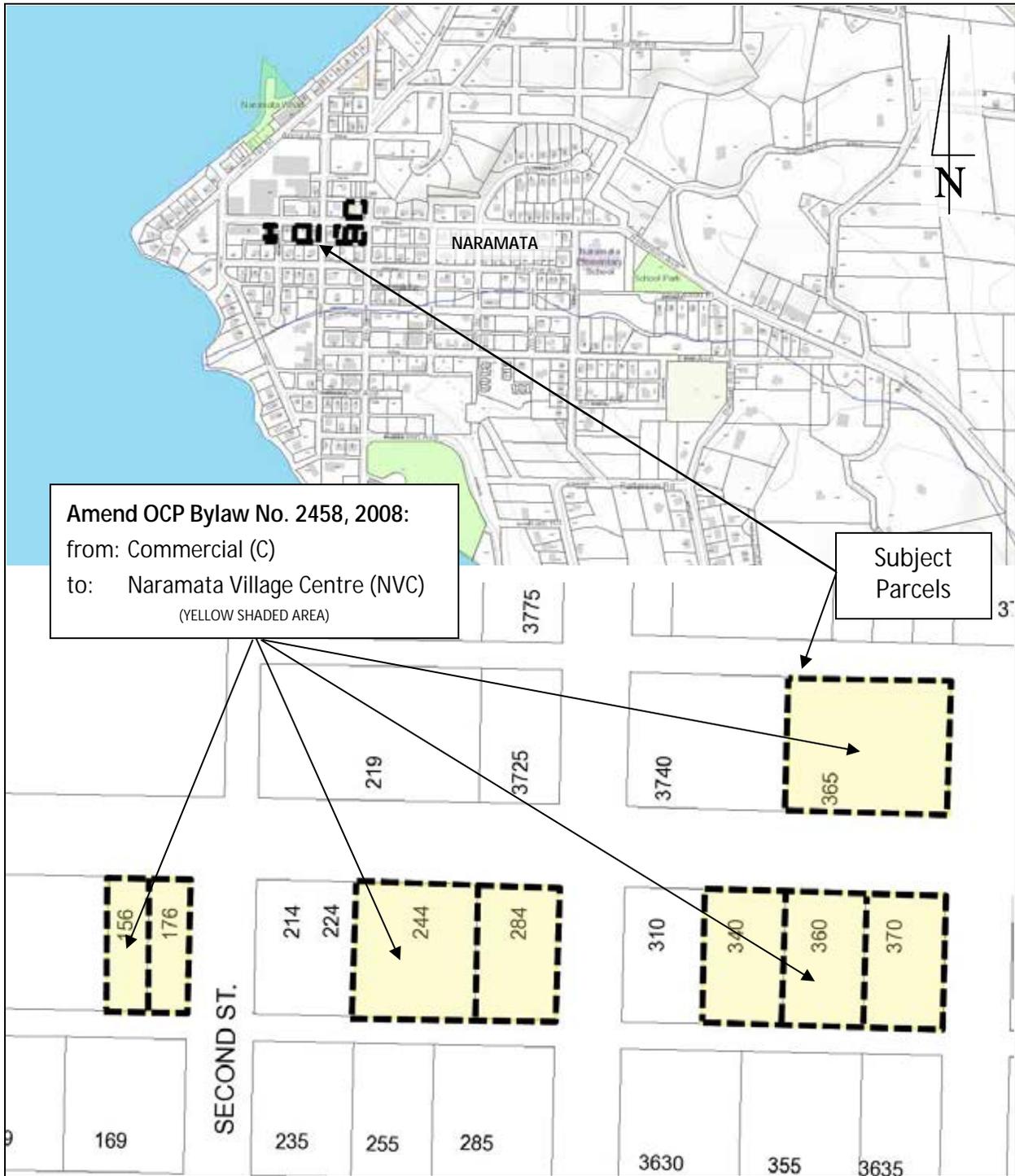
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Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

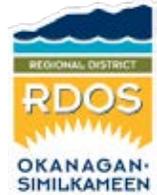
Schedule 'E'



Regional District of Okanagan-Similkameen

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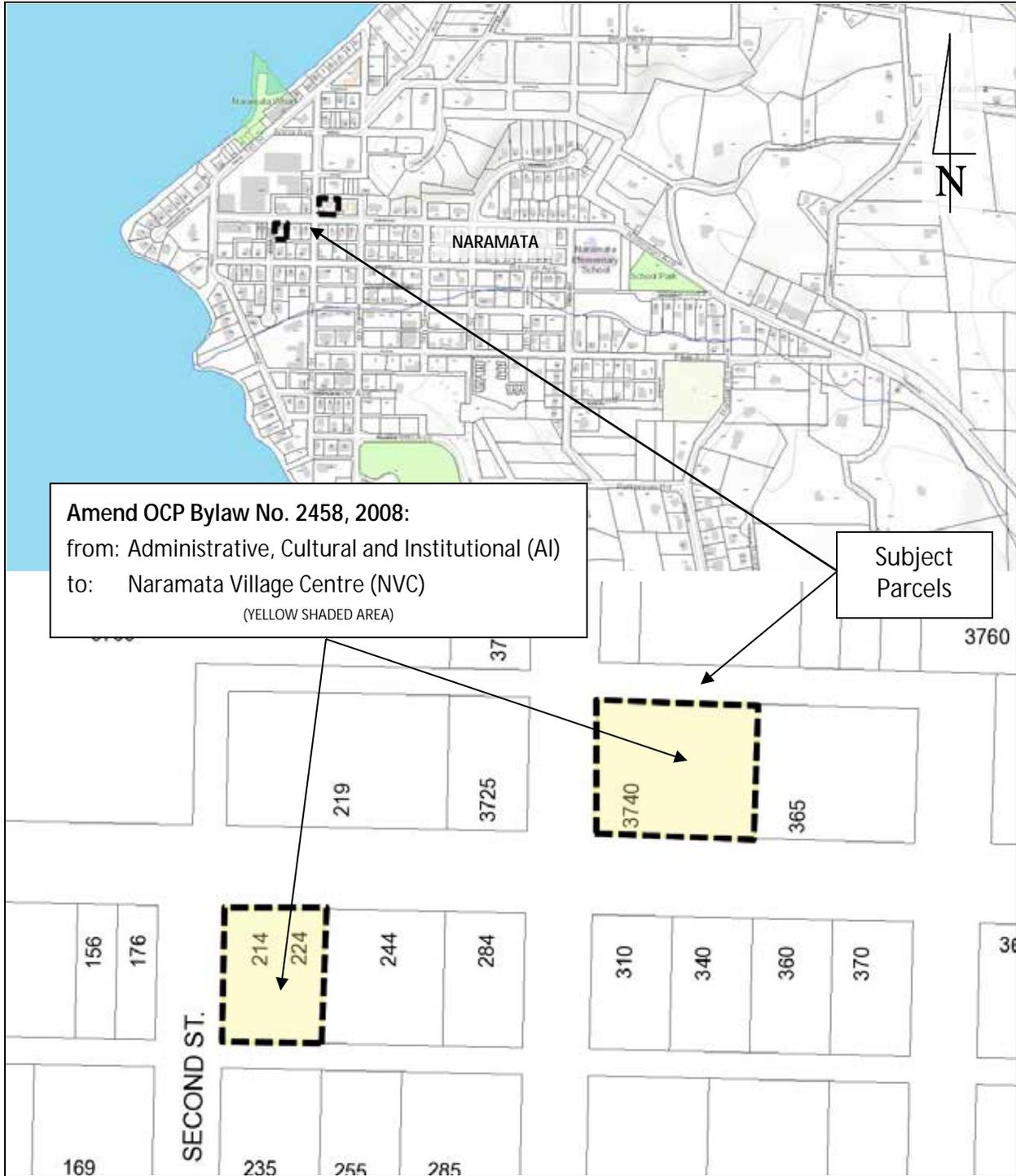
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Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

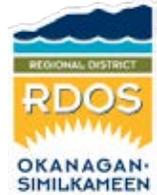
Schedule 'F'



Regional District of Okanagan-Similkameen

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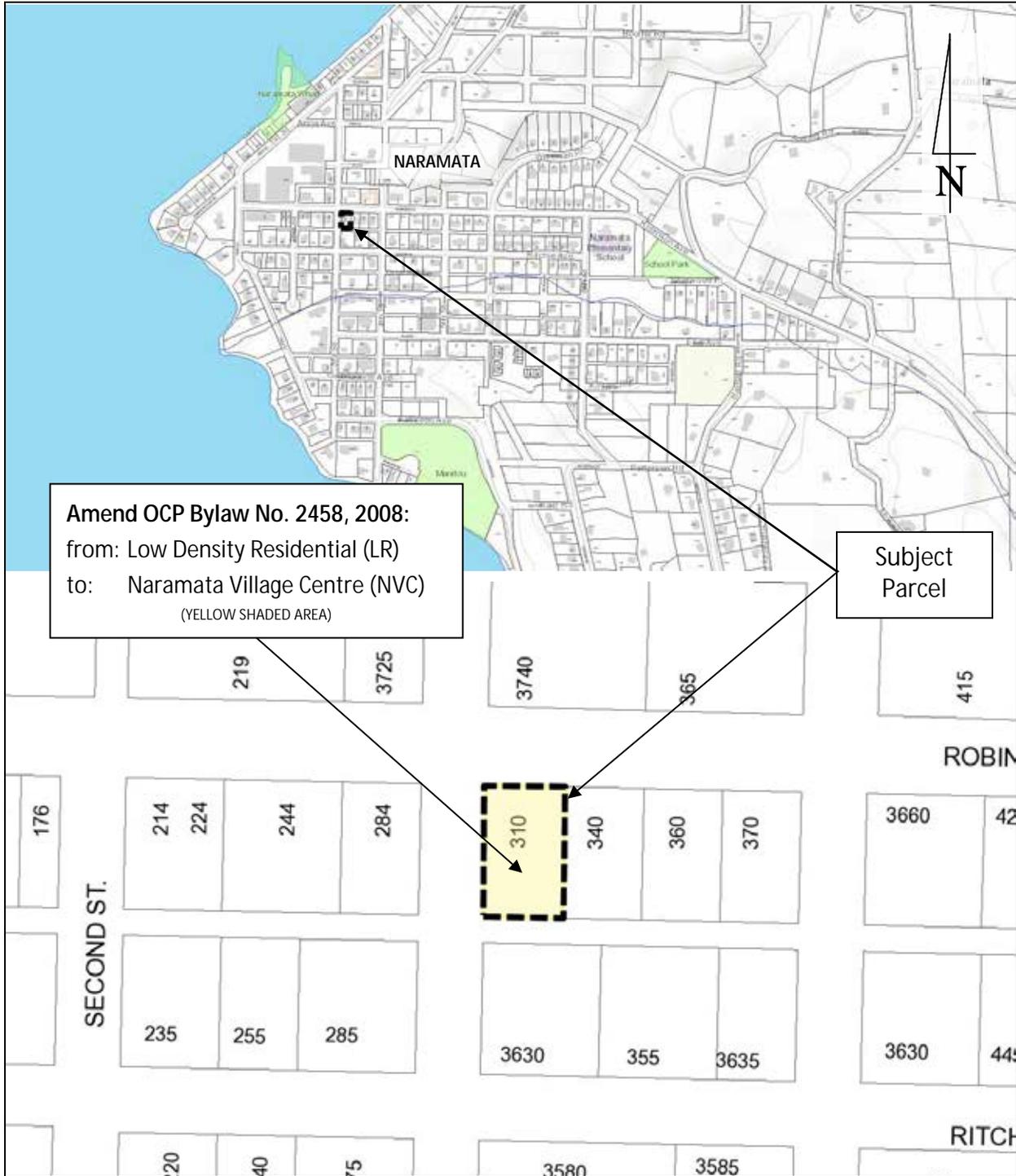
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'G'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

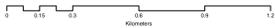
Project No: E2018.060-ZONE

Schedule 'H'

Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008
Schedule 'E' (Form and Character Development Permit Areas)

Form and Character Development Permit Areas

Schedule 'E' – Official Community Plan Bylaw No. 2458, 2008.

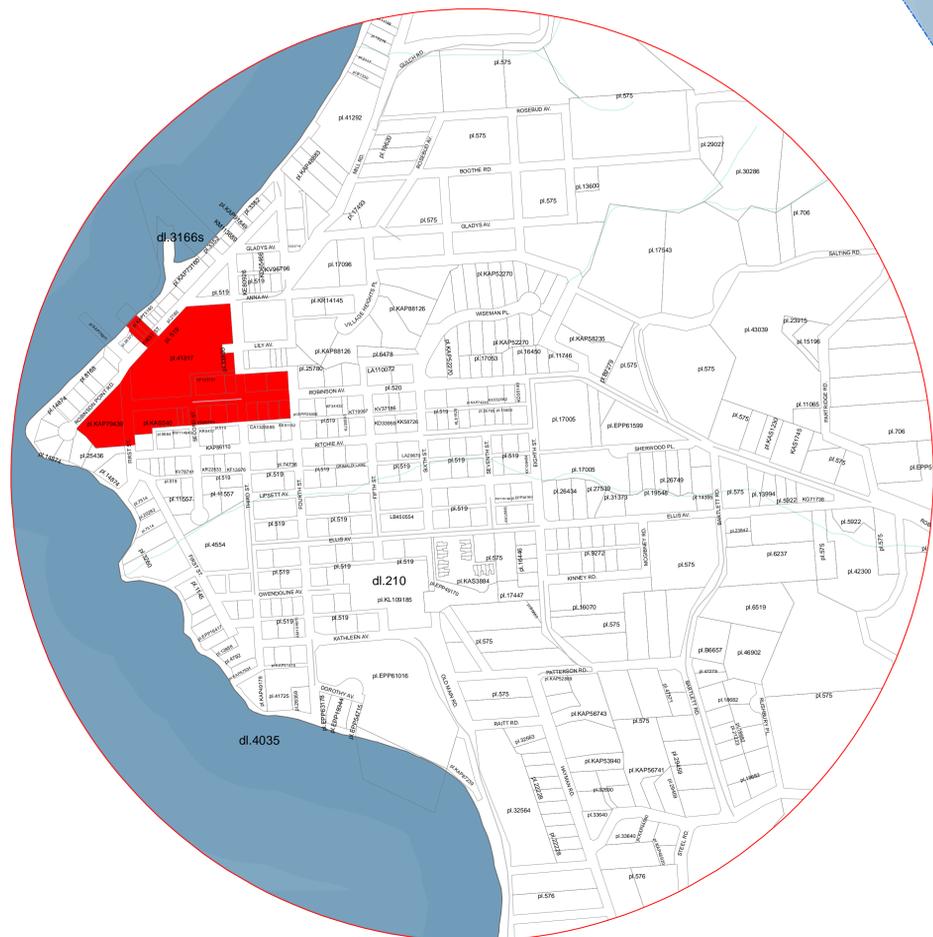


This is Schedule "E" (Form and Character Development Permit Areas) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "E" Naramata Area Official Community Plan Bylaw No. 2458, 2008

Chair _____ Chief Administrative Officer _____

Legend

-  Inset
-  Electoral Boundary
-  Naramata Village Centre Development Permit Area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.30, 2018

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

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

1. This Bylaw may be cited for all purposes as the "Naramata Town Centre Amendment Bylaw No. 2459.30, 2018."
2. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) adding a reference to "Town Centre Zones" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

Village Centre Zones

Naramata Village Centre Zone

NVC

- ii) adding a new Section 13.0 (Commercial Zones) to read as follows and renumbering all subsequent sections:

13.1 NARAMATA VILLAGE CENTRE ZONE (NVC)

13.1.1 Permitted Uses:

Principal Uses:

- a) art gallery, library, museum;
- b) brewery, cidery, distillery or winery;
- c) church;
- d) community hall;
- e) eating and drinking establishment;
- f) educational facility;

- g) indoor recreational facilities;
- h) multi-dwelling units, Subject to Section 13.1.8;
- i) offices;
- j) outdoor market;
- k) personal service establishment;
- l) retail stores, general;
- m) tourist accommodation;

Secondary Uses:

- n) accessory dwelling, subject to Sections 7.11 & 13.1.8;
- o) bed and breakfast operation, subject to Section 7.19;
- p) home occupations, subject to Section 7.17; and
- q) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific Naramata Village Centre (NVCs) Provisions:

- a) see Section 15.18.

13.1.3 Minimum Parcel Size:

- a) 500 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

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

13.1.5 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 0.0 metres
 - ii) Rear parcel line
 - .1 when adjacent a lane 6.0 metres
 - .2 when not adjacent a lane 0.0 metres
 - iii) Interior side parcel line 0.0 metres
 - iv) Exterior side parcel line
 - .1 when adjacent a lane 6.0 metres
 - .2 when not adjacent a lane 0.0 metres

NOTE: the Ministry of Transportation and Infrastructure (MoTI) requires that any building or other structure be a minimum of 4.5 metres from a

parcel line to a provincial road right-of-way. Obtaining approval from MoTI to place a building or other structure within 4.5 metres of a provincial road right-of-way is the responsibility of a property owner.

13.1.6 Maximum Height:

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.1.7 Maximum Parcel Coverage:

- a) 80%

13.1.8 Dwelling Unit Regulations:

- a) a minimum area of 10.0 m² of amenity space shall be provided per dwelling unit.
 - b) accessory dwellings are limited to a maximum of one (1) per parcel, but excluding multi-dwelling unit uses.
- iii) replacing Section 15.10.4 under Section 15.10 (Site Specific Residential Multiple Family (RM1s) Provisions) in its entirety with the following:
 - .4 *deleted.*
 - iv) replacing Section 15.11.1 under Section 15.11 (Site Specific General Commercial (C1s) Provisions) in its entirety with the following:
 - .1 *deleted.*
 - v) replacing Section 15.11.2 under Section 15.11 (Site Specific General Commercial (C1s) Provisions) in its entirety with the following:
 - .2 *deleted.*
 - i) adding a new Section 15.18 (Naramata Town Centre Site Specific (NTCs) Provisions) under Section 15.0 (Site Specific Designations) to read as follows:

15.18 Site Specific Naramata Village Centre (NVCs) Provisions:

- .1 in the case of land described as Lots 9-10, Plan KAP519, Block 4, District Lot 210, SDYD (310 Robinson Avenue), and shown shaded yellow on Figure 15.18.1:
 - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 13.1.1:
 - a) single detached dwelling.

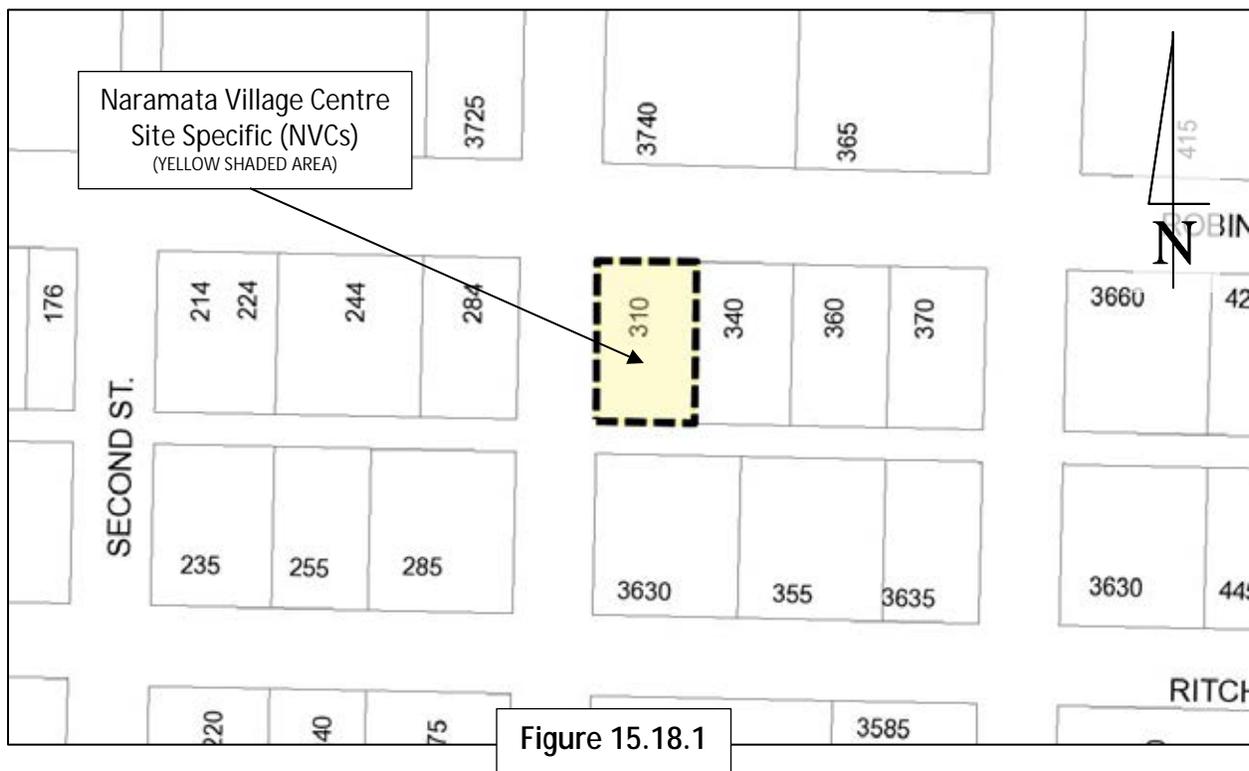


Figure 15.18.1

3. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) changing the land use designation of an approximately 3,700 m² area of the land described as Lot 1, Plan KAP79439, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Tourist Commercial One Site Specific (CT1s) to Naramata Village Centre (NVC).
 - ii) changing the land use designation of an approximately 1,250 m² area of the land described as Lot 1, Plan KAP79439, District Lot 210, SDYD, and as shown shaded purple on Schedule 'A', which forms part of this Bylaw, from Residential Single Family One (RS1) to Naramata Village Centre (NVC).
 - iii) changing the land use designation of the land described as Lot 1, Plan KAP41817, District Lot 210, SDYD; and Lots 1-3, Plan KAP73160, District Lot 210 & 4225, SDYD, and as shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from General Commercial Site Specific (C1s) to Naramata Village Centre (NVC).
 - iv) changing the land use designation of the land described as Parcel A, Plan KAP519, Block 55, District Lot 210, SDYD, Portion KF125731; Lots 1-2, Plan KAP519, District Lot 210, SDYD; and Lot A, Plan KAP33890, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from General Commercial (C1) to Naramata Village Centre (NVC).
 - v) changing the land use designation of the land described as Lots 1-12, Plan KAS540, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'D', which forms part

of this Bylaw, from Residential Multiple Family Site Specific (RM1s) to Naramata Village Centre (NVC).

- vi) changing the land use designation of the parcels shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from General Commercial (C1) to Naramata Village Centre (NVC).
- vii) changing the land use designation of the land described as Parcel A, Block 3, Plan KAS519, District Lot 210, SDYD; and Lots 5-8, Block 54, Plan KAP519, District Lot 210, SDYD and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Administrative and Institutional (AI) to Naramata Village Centre (NVC).
- viii) changing the land use designation of the land described as Lots 9-10, Plan KAP519, Block 4, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Residential Single Family One (RS1) to Naramata Village Centre Site Specific (NVCs).

READ A FIRST AND SECOND TIME this 2nd day of August, 2018.

PUBLIC HEARING held on this 20th day of August, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

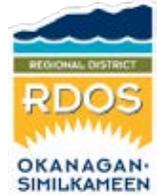
ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

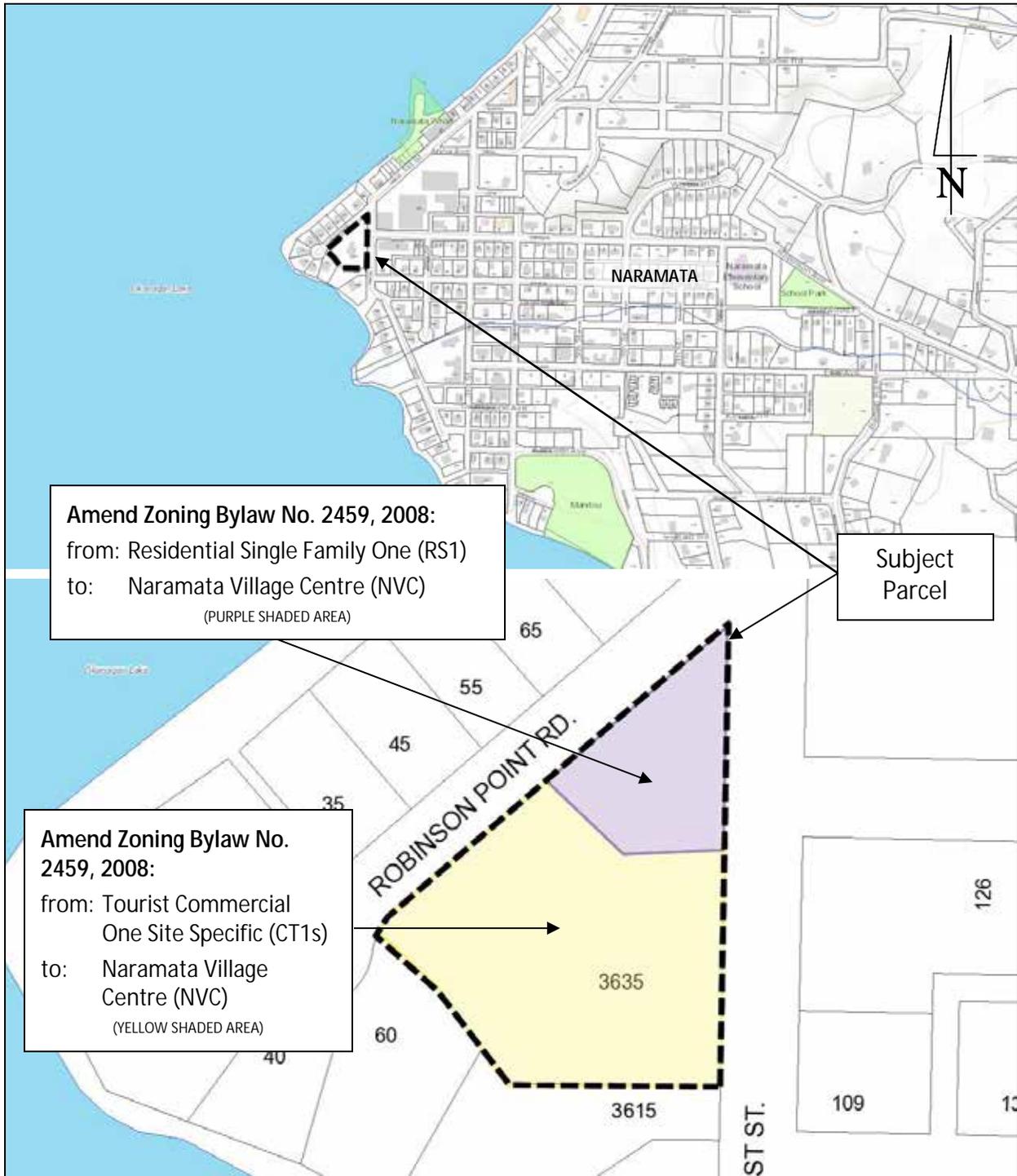
101 Martin St, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

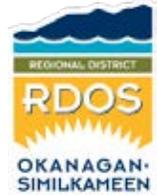
Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

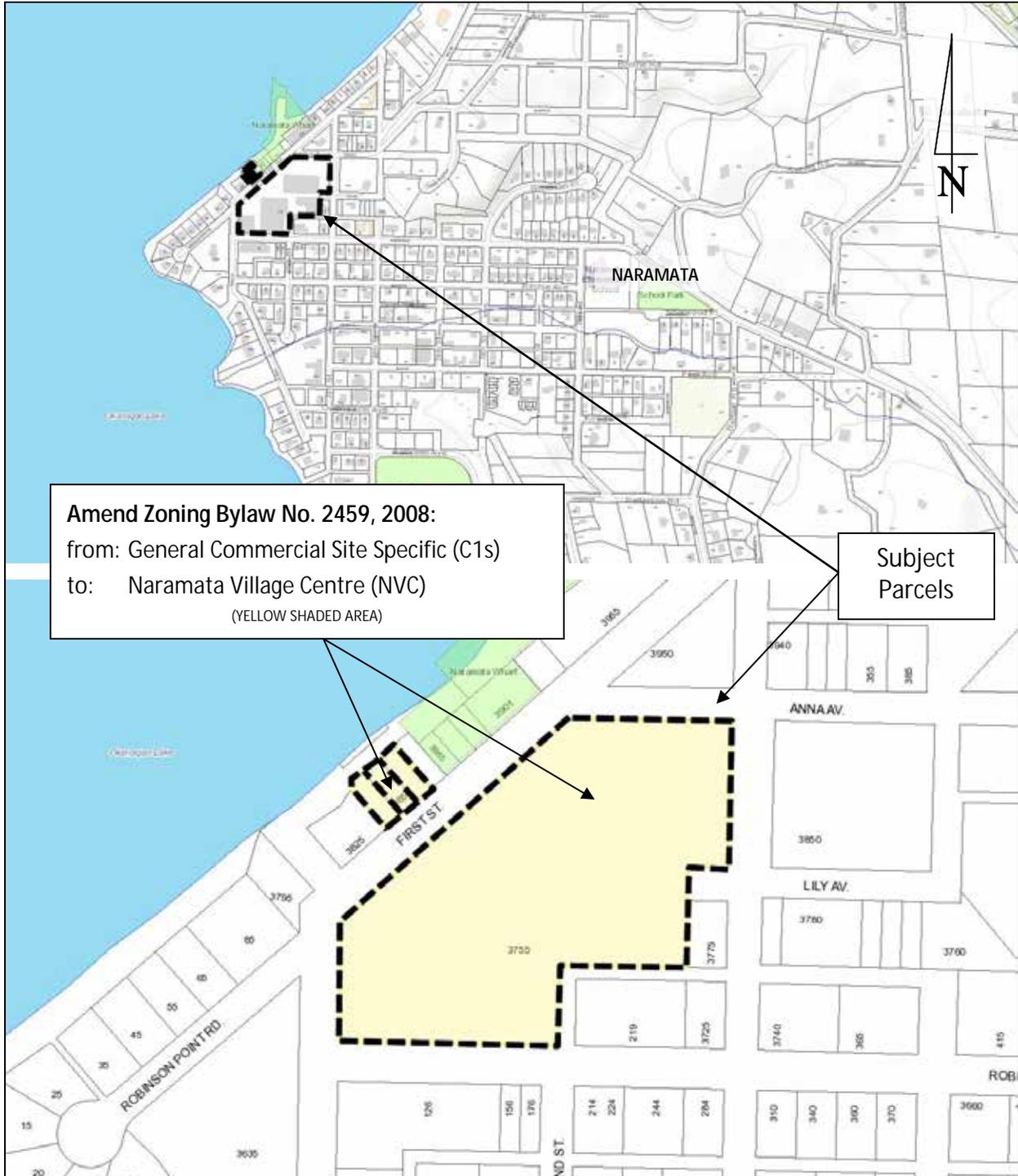
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Amendment Bylaw No. 2459.30, 2018

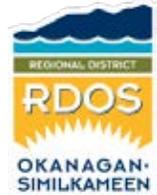
Project No: E2018.060-ZONE

Schedule 'B'



Regional District of Okanagan-Similkameen

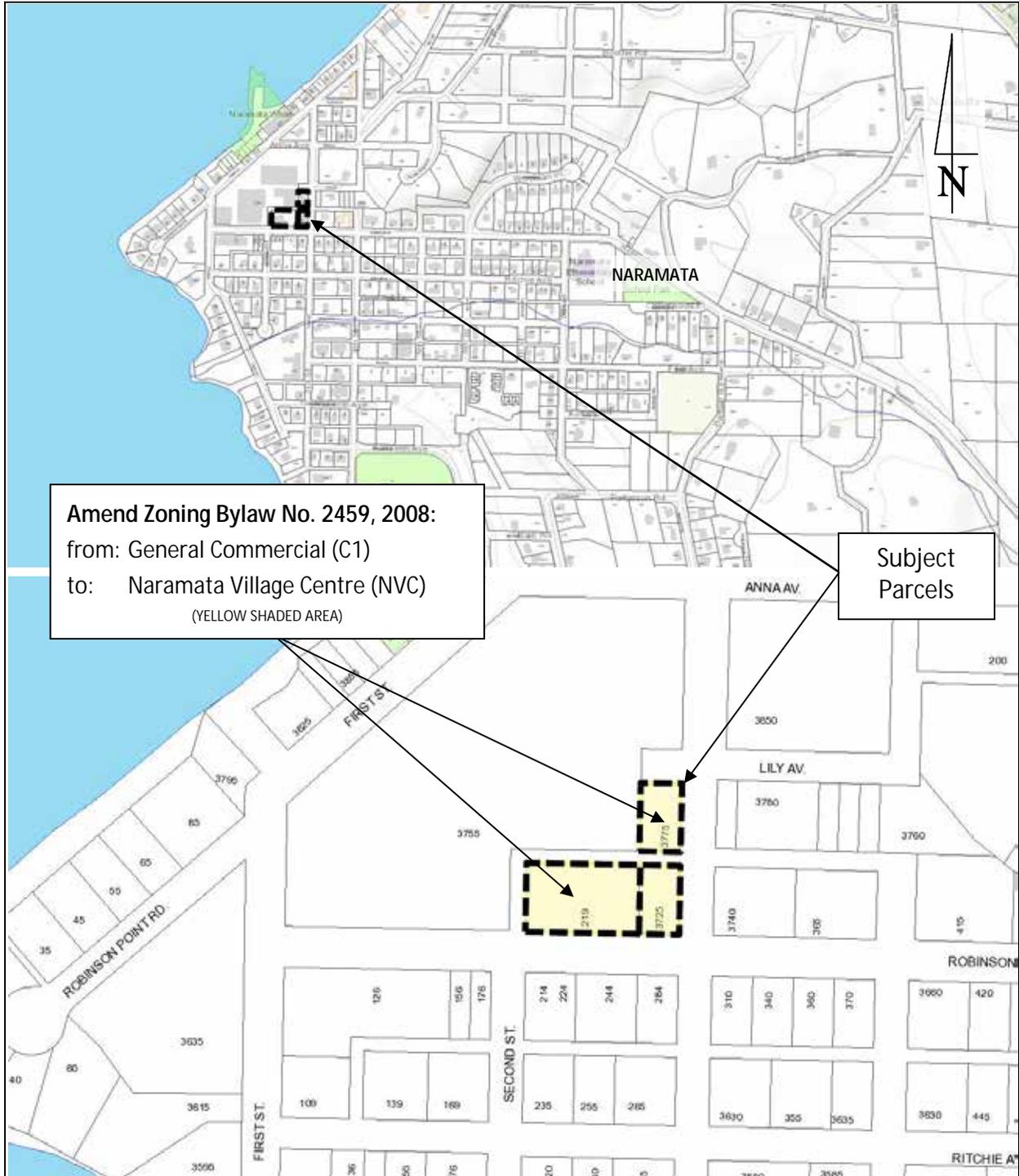
101 Martin St, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

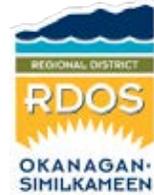
Schedule 'C'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

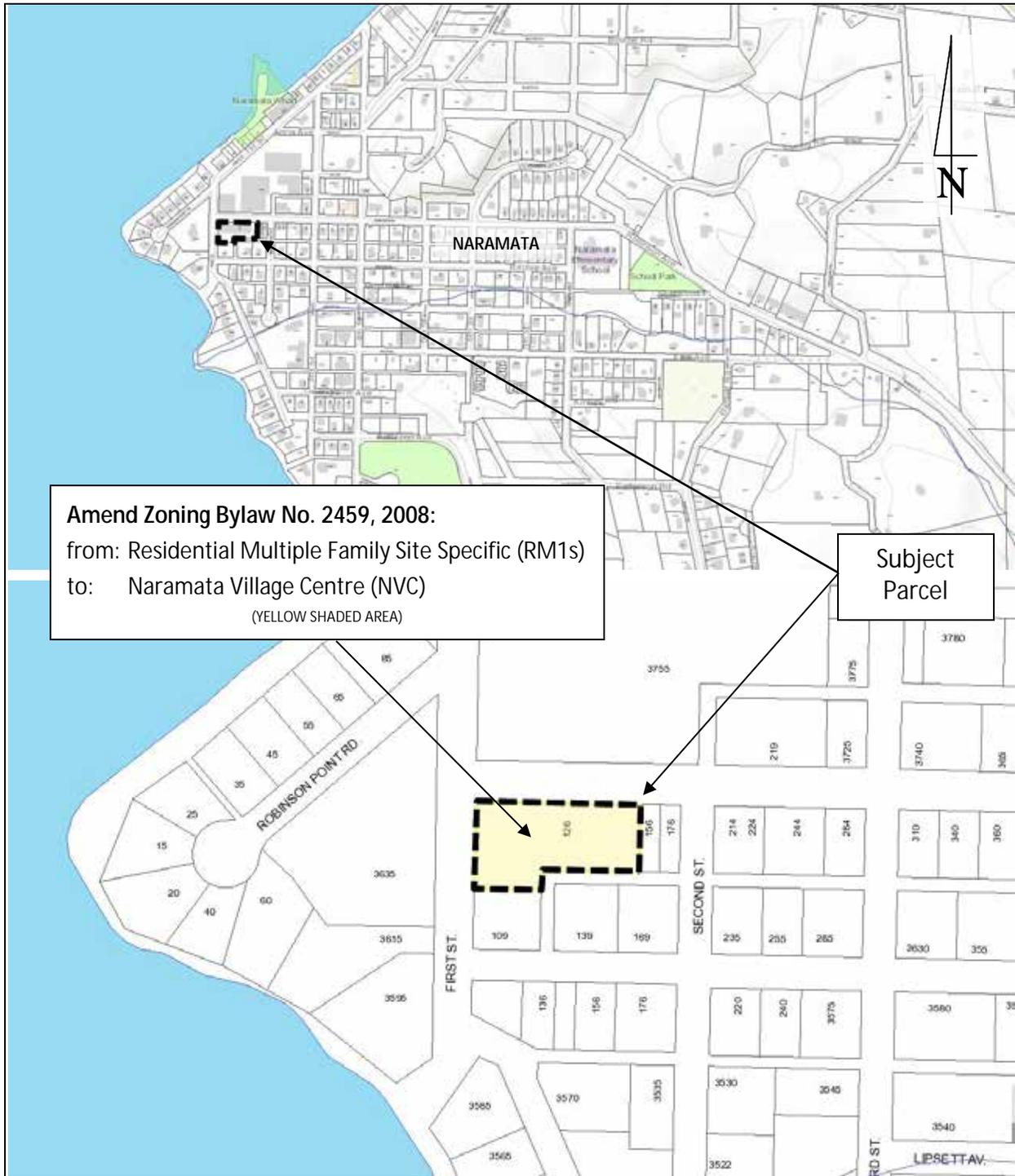
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'D'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

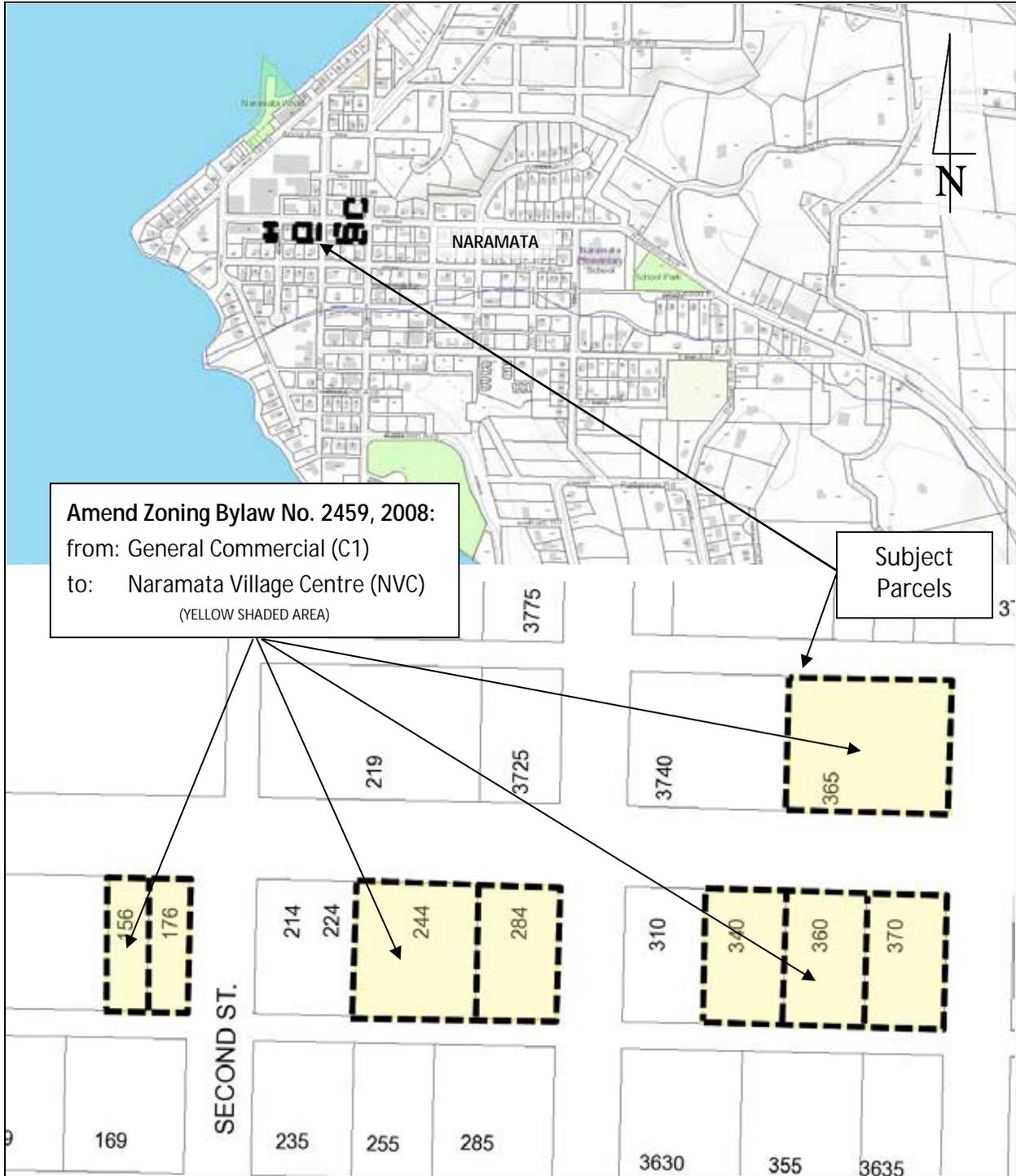
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

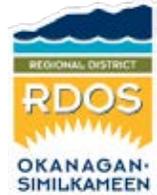
Schedule 'E'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

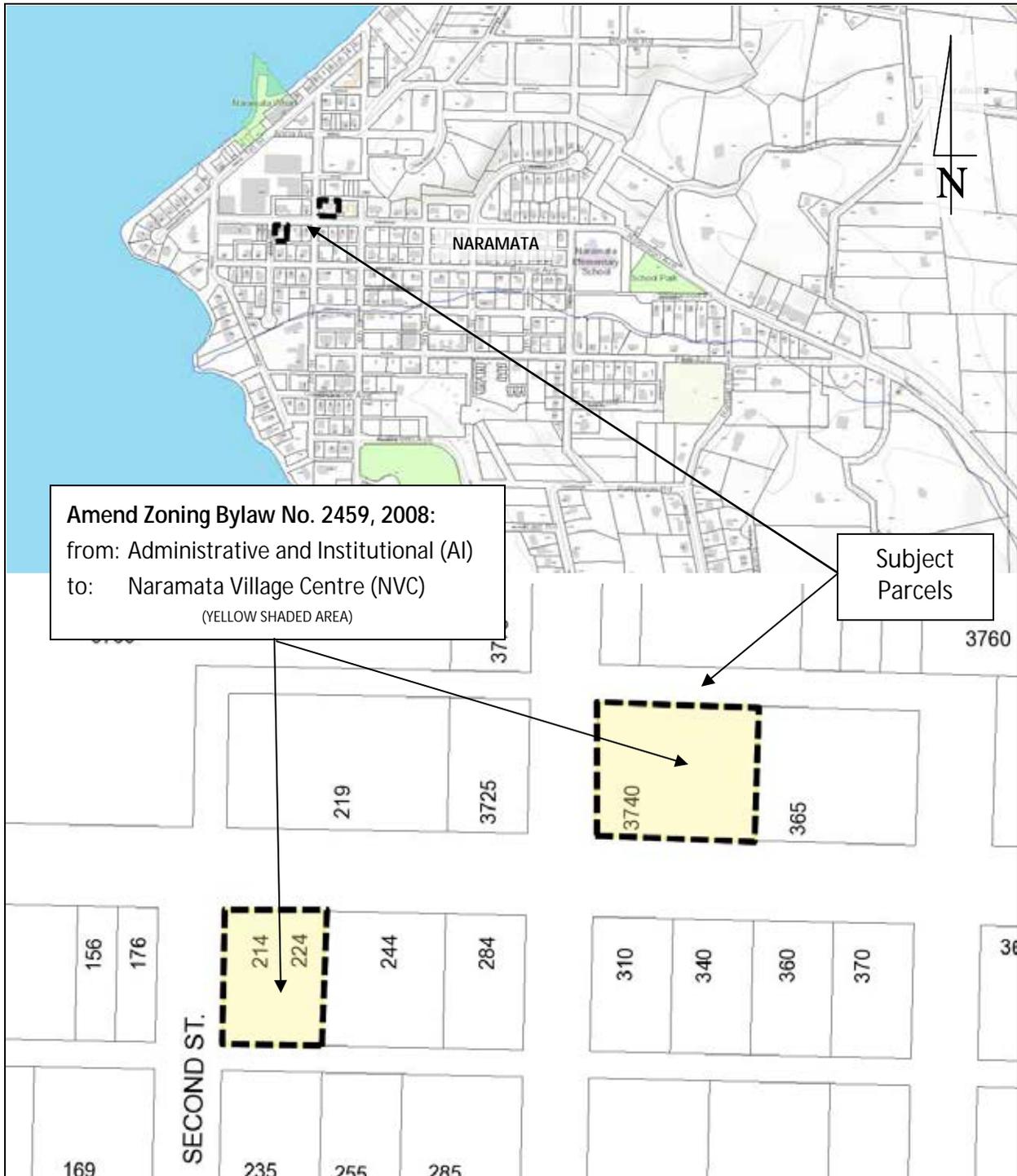
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'F'



Amend Zoning Bylaw No. 2459, 2008:
from: Administrative and Institutional (AI)
to: Naramata Village Centre (NVC)
(YELLOW SHADED AREA)

Subject
Parcels

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

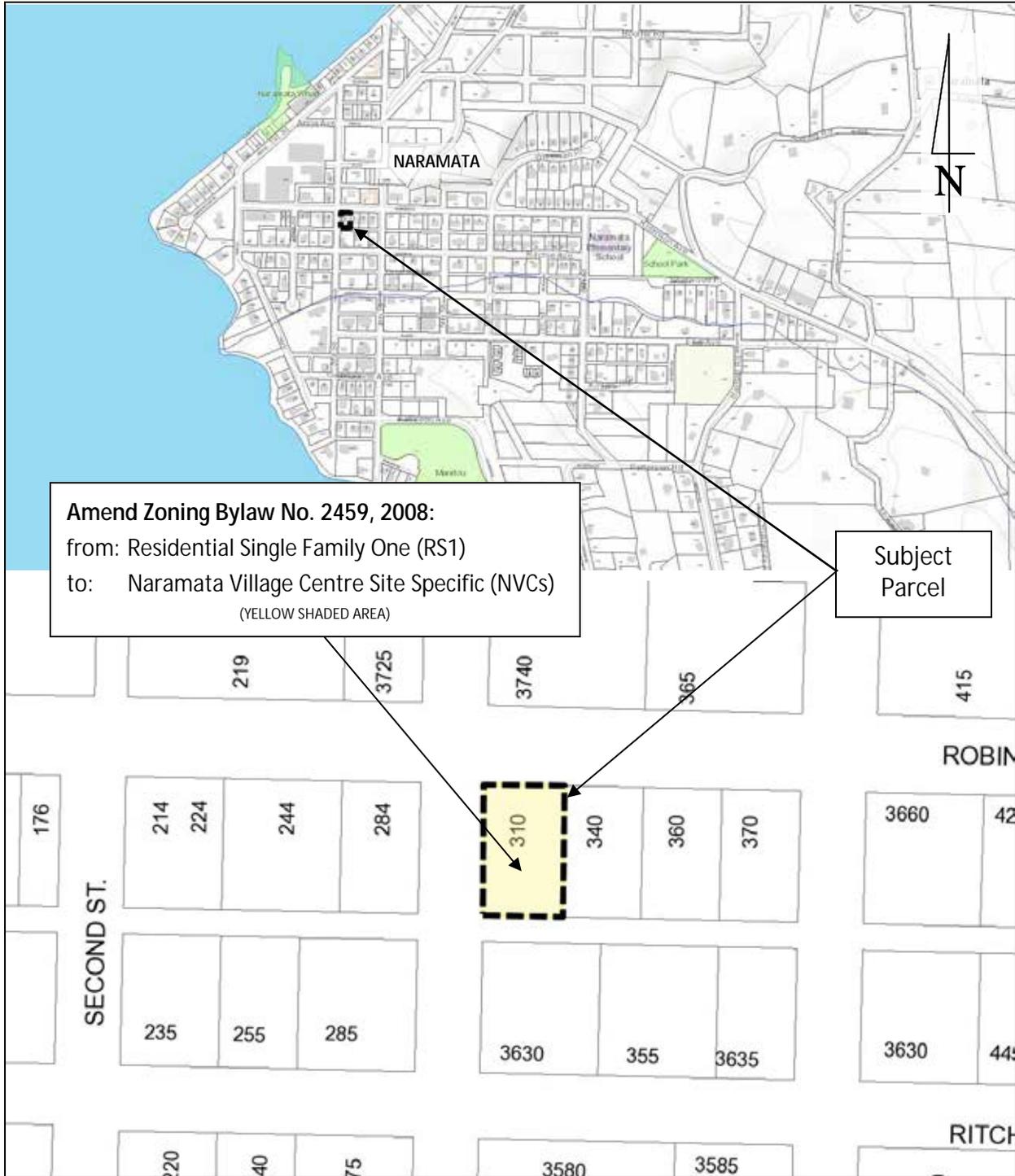
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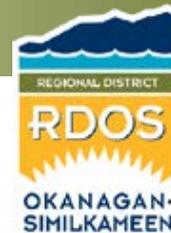


Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'G'





TO: Regional Board of Directors

FROM: Karla Kozakevich, RDOS Chair

DATE: August 20, 2018

RE: Public Hearing Report - Amendment Bylaw Nos. 2458.13 & 2459.30, 2018

Purpose of the Bylaws:

The purpose of Amendment Bylaw No. 2458.13 and 2459.30, 2018 is to create a new Naramata Village Centre (NVC) designation, Zone and Development Permit Area and to apply these to the properties generally fronting Robinson Avenue between 1st Street and 4th Street in Naramata.

Public Hearing Overview:

The Public Hearing for Bylaw No. 2458.13 and 2459.30, 2018, was scheduled for Monday, August 20, 2018 at 7:00p.m. , at Naramata Community Church, 3740 3rd Street, Naramata, BC.

Members of the Regional District Board present were:

- Chair Karla Kozakevich

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor
- Kevin Taylor, Recording Secretary

There were twelve (12) members of the public present.

Chair Kozakevich called the Public Hearing to order at 7:08 p.m. at the Naramata Community Church.

The hearing convened pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw No. 2458.13 and 2459.30, 2018.

In accordance with Section 466, the time and place of the public hearing was advertised in the August 8 and 15th editions of the Penticton Western as well as in MyNaramata.com.

Copies of reports and correspondence received related to Bylaw No. 2458.13 and 2459.30, 2018, were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There was one (1) written brief submitted at the public hearing.

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

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

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

Karen Henderson – 910 Orchard Lane – Spoke to the proposal

- . Posed some questions as to how the Development Permit area would affect existing structures, and minor alterations to existing structures at the Naramata Community Church.
 - Ø Does replacing windows trigger a DP?
 - Ø Current plans for accessible entry would not meet DP guidelines.
 - Ø Much of the DPA refers to sidewalks. What is the purpose of referencing sidewalks that do not exist?
- . Would like conditions considered regarding signage placed in the DPA.

Barbara MacDonald – 85 Robinson Point Road – Spoke to the proposal

- . Concerned about the references to sidewalks.

Adrian Fedrigo – 2844 Gammon Road – Spoke to the proposal

- . Hesitant about a 0.0 metre setback.
- . Proposal that people park in the back of a building may not promote “browsing” or “wandering” past other stores in the Village centre.
 - Ø This could have a negative impact on the overall shopping economy of the area.
- . Fire code indicates that doors must open outward. A 0.0 lot line setback would create a safety issue for pushing people into the street.
- . If buildings are permitted to the lot line it could be hard to view the entirety of the downtown area.
- . Building to the same height as the packing house, could lessen the historic value and central focus point of the area.
- . Hesitant regarding residential at the ground level. Fears that mixing residential and commercial on the ground level could be detrimental.
- . There has been interest in retail. Naramata has none right now. People would like to have retail space in Naramata. Disagrees that encouraging retail will result in empty storefronts.
- . The OCP is going to be critical to how buildings are built and what they look like.
- . Would like to see Naramata Village retain its charm.

Elizabeth Van Heerden – 3023 Steel Road – Spoke to the proposal

- Worried about some residential houses that are interspaced between the commercial properties.
- Does not want to lose long term residents who have been living in Naramata for a long time.
- Commercial properties have higher tax rates. What would the affect be on residential properties that are currently there and want to remain residential?
- Is concerned that large commercial buildings will be constructed around Single Detached dwellings.

Martin Forbes – 3794 1st Street – Spoke to the proposal

- Identified self as Power of Attorney for resident at 3794 1st street.
- Cited section 466(4)(b)(ii) of the *Local Government Act* and voiced disappointment that letters were not sent to adjacent property owners.
- Developing residential/commercial on Robinson is appropriate as long as it confirms the “village charm” or Naramata with appropriate facades etc.
- This is a residential area, in general, and in keeping with that, there should be no commercial on 1st street on the lakeside.
- Big concerns over parking. Must make sure that sufficient parking is available and adjacent to commercial and retail areas. Do not want parking to be come a nightmare for existing residents.
- If parking needs to be more remote there should be parking lots within walking distance of the downtown area, or use shuttles; which may be appropriate during busy weekends or if there are events scheduled.
- Wastewater management is a concern.
 - Ø There is only septic in the area. A complex with dozens of retail and residential units would create a large amount of wastewater. Septic will be insufficient and a wastewater treatment plant will be a necessity.
 - Ø It can take a long time to establish a treatment plant.
 - Ø Plans for the downtown area needs to include a treatment plant.
 - Ø This is a good time to consider a community wastewater treatment system run by the RDOS.

John Moorhouse – 3265 Bartlett Road – Spoke to the proposal

- Co-owner of two of the 10 residential units at 126 Robinson Avenue.
- Did not receive any notification regarding public hearing except from the newspaper.

-
- Has this proposal gone to the APC?
 - In the condominium complex, there are two units on the second floor. Will existing ground floor units be acceptable under the new zoning and DP area?

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

Chair Kozakevich asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 7:35 p.m.

Recorded by:



Kevin Taylor
Recording Secretary

Confirmed:



Christopher Garrish
Recording Secretary

Confirmed:

Karla Kozakevich

Karla Kozakevich
Chair



May 14, 2018

File: 58000-20/2018051
Your File: E2018.060-ZONE

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

Attention: Christopher Garrish

Re: Amendments to Bylaw Nos. 2458.13 and 2459.30 for area known as Robinson Ave between First Street and Fourth Street, Naramata, B.C.

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

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

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

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

Yours truly,

Lora Nield
A/Section Head for
Ecosystems Section

LN/cl



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: May 29, 2018 8:11 AM
To: Planning
Subject: Robinson Ave, First St & Fourth St Naramata (E2018.060-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities with the Naramata Town Centre along public roads and lanes servicing the affected properties. FBC(E) has concerns with the reduction in front and rear yard setbacks, plus the increased maximum building height that will allow the placement or construction of structures closer to the lot line and potentially encroach within the safe limits of approach for the existing overhead facilities within the roads and lanes.

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, SR/WA
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

FORTIS BC

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*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings, Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

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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: 1046

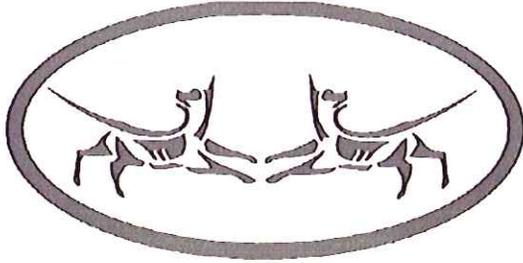
	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals 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 #3194

limlmt,

Venessa Gonzales
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3194
CC:



Penticton Indian Band
Natural Resources Department
773 Westhills Drive | R.R. #2, Site 80, Comp. 19
Penticton, British Columbia
Canada V2A 6J7
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

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

June-01-18

Regional District of Okanagan Similkameen
101 Martin Street
PentictonBC V2A 5J9

RTS ID: 3194

Referral Date: April-25-18

Referral ID: E2018.060-ZONE/ 2458.13 2459.30

Reference ID:

Summary: Regional District is proposing the creation of a "Town Centre (TC)" designation in the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on June-01-18. 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,
Venessa Gonzales
Referrals Administrator

RTS ID: 3194

CC:

Eileen Meehan & Peter Gibbenhuck

To: Regional District of Okanagan Similkameen

RE: File No. E2018.060-ZONE

Electoral Area "E" OCP Amendment Bylaw No. 2458.13 and Are "E" Zoning Amendment Bylawno. 2459.30 Naramata Town Centre Zone and Development Permit Area Update

We are on the corner of Robinson at 3725 3rd St beside the store and across from the church. I agree with your changes and this is what I have been saying and talking about for 20 years that needs to happen in the village. I bought my little granny house thinking that one day I am going to build retail on the bottom live up above. I am very excited to be part of the changes to Naramata Village.

We also own and operate a paddleboard shop Sun n' Sup in this Village from mid-April to the end of September. People thought we were absolutely nuts to do start this business in Naramata and why not Penticton. We have created an amazing business and employ 2 fulltime and 2 part time people plus giving myself a living. When you do something right be consistent and are part of the community people will support you. Shades of Linen is another example she has been there for 18 years and employees 2 besides herself. The General Store, Restaurants, motels and The Inn as well and the other small businesses that have popped up. The Naramata Bench is world renowned and has well over 35 wineries plus distilleries etc on the bench which employs a whole lot of locals and brings in most of our tourists. They are a great anchor tenant.

Naramata is unique as are all the communities in the Okanagan. We with these suggestions.

- The area owned by The Vault fronting Robinson from 2nd to 1st streets should not be one continuous row of all stores. To perhaps cluster 4 retail shops then have an opening that people can meander or walk thru that there be some access through Robinson to the middle of The Vault property then cluster 4 more etc. Having an alley way or entrance into the Vault area perhaps to create an actual village within the village. This is such a large piece, hoping they have plan for a wee bit of green space within it.
- If it is all stores with no break or access to the middle it becomes one whole wall there for quoting your ByLaw No. 2458.13 section 12.2 Objectives #5: to ensure that developments in the Town Centre contribute to a unique sense of place and identity and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake and improve access to the lakefront.
- Extra parking in the Wharf Park Area to limit cars along Robinson so people can have an enjoyable walking experience in the village to the retail areas. Closing off the part of 1st street at wharf is a great idea.



Feedback Form

RECEIVED
Regional District
MAY 15 2018

OKANAGAN-SIMILKAMEEN

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

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: E2018.060-ZONE

FROM: Name: Lauree Murrin

(please print)

Street Address: 

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and
Electoral Area "E" Zoning Amendment Bylaw No. 2459.30
Naramata Town Centre Zone and Development Permit Area Update

My comments / concerns are:

- I do support the proposed Naramata Town Centre Zone and DP Area Update.
- I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below. * I wouldn't want the maximum height to exceed 12.0 m (commercial) and I'm assuming the maximum height for residential would be the 10.0 m
- I do not support the proposed Naramata Town Centre Zone and DP Area Update.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.13 and 2459.30.

This proposal certainly seems to have merit.
The idea of having a designated town/village centre is a good one.

Something that Naramata desperately needs right now and
certainly if encouraging growth in the future, is a
proper washroom facility that is available year round.

I have worked at the Naramata store for years and the lack of decent
washroom facilities in the village, has been a major complaint
by visitors to our area. (a glorified outhouse just isn't good enough!)

Feedback Forms must be completed and returned to the Regional District
no later than Wednesday May 23, 2018

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.



Lauri Feindell

From: Terri Tatchell [REDACTED]
Sent: May 8, 2018 8:55 AM
To: Planning
Subject: Naramata Town Centre

I was very excited to hear about the plans being discussed for a new downtown core in Naramata Village. I think the proposed zoning will ensure Naramata retains its village feel while upping its appeal to both tourists and residence. The pedestrian friendly zone is perfect and more shops and cafes would bring new life to the community.

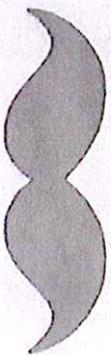
Regretfully I won't be able to make Wednesday's meeting so wanted to extend my support via email but reside at 1030 King Drive.

Thanks so much for doing this.

Best,
Terri Tatchell
[REDACTED]



Healdsburg's
Craft Cupcakes



Four Barrel Coffee



LIMIT
3
HOURS

County

From: CraigHenderson
To: [Christopher Garrish](#)
Cc: "[Karla Kozakevich](#)"; [Karla Kozakevich](#)
Subject: Naramata Town Site zone
Date: May 10, 2018 12:48:06 PM

Hi Chris and Karla:

I wanted to thank you for an engaging meeting about the Naramata Town Site designation.

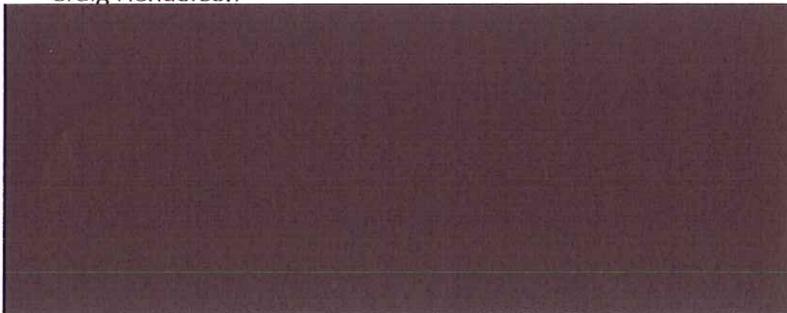
It makes a lot of sense to me in the long term to have some cohesive planning guidelines such as the Town Site proposal brings.

From 2004 to 2006, my wife and I owned the land and operated the coffeehouse at 340 Robinson, so in a small way we had a commercially zoned property and I often thought about how the street would develop in the decades ahead. (Those years were an eye opener by the way for the plight of commercial retail in Naramata. The busiest of summer days we had sales of \$1500 and were overworked! The slowest of winter days we had sales of \$150 and were heavily subsidizing the enterprise in an effort to be open year round.)

Anyway, I also support the idea of reducing the Development Permit Area to the proposed 4 ha size.

Best Regards,

Craig Henderson*



From: Rene Mehrer
To: [Christopher Garrish](#); [Karla Kozakevich](#)
Subject: Naramata Re-zoning
Date: May 19, 2018 10:16:37 AM

Hello,

I attended the presentation you gave in Naramata last week re: the rezoning of the "downtown" area of our village.

I live in the village and I STRONGLY agree with the rezoning proposal. I like the idea of having set guidelines and a plan going forward with development because we all know it's coming with the recent sale of the packing house lot, and now is the time to get out ahead of it.

I also agree with:

- Zoning for mixed use/residential with retail below and residential above, with a Grandfather Clause for current housing along Robinson Rd.
- Having cohesive guidelines regarding aesthetics, (architecture, colour schemes) on Robinson Rd.
- Setbacks on new development on Robinson RD., (perhaps to allow for parallel parking?)

I don't think they're an issue, but for the record, I disagree with having sidewalks. I believe they will arrive one day, when we inevitably install a sewer system. However, in the meantime, with the high ratio of closed businesses/dark houses/snowbirds/senior residents over the winter months most will never be cleared. I also believe they will ruin the rural look of our village.

As the Community Plan goes forward, I hope that you will take the intersection of Robinson Rd. and 2nd St into consideration when planning. This is an informal gathering spot for a few community events and possibly the "heart" of the village. Some people have begun to refer to the intersection as "Centennial Square" on MyNaramata, which I think reflects the desire to have a formal gathering place on or near Robinson Rd. within the downtown area you have proposed.

Also, as the packing house lot develops, I envision (and hope) the area on Robinson from 1st street to 2nd street will become an important hub for the community.

Thank you for your presentation and I look forward to some exciting changes in the future,

René Mehrer
Fourth Meridian Auctions



Lauri Feindell

To: Christopher Garrish
Subject: RE: Naramata town centre proposal (E2018.060-ZONE)

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

From: maureen selwood [REDACTED]
Sent: May 15, 2018 12:32 PM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Naramata town centre proposal

I wasn't able to attend meeting however have looked at material given out Re housing in the village must be consideration for affordable housing to encourage young families —a healthy community comprises old and young and permanent residents-as a footnote why does Naramata allow so many vacation rentals!!! Changes a neighbourhood - lack of social interaction and security that exists in neighbourhoods with permanent residents.

The plan shows building down north side of Robinson from 2 nd down to 1 st - I would hope this would not be one building- maybe a cluster of buildings with open spaces in between - think 1 long building would look out of place and it would be good if there were spaces with pathways that would allow people to wander in and about the village — think sidewalks etc can be considered much later- smartening up a village can be a mistake as becomes too tourist orientated - too "cute"

Considering commercial space isn't it time the RDOS gave up what could be a very attractive commercial use space - their equipment could be relocated where it is not so unsightly- Naramata has such a lot to offer both residents and visitors - let's make it work for all.

Paul Koroscil





Feedback Form

RECEIVED
Regional District

MAY 21 2018

101 Martin Street
Penticton BC V2A 5J9

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

OKANAGAN-SIMILKAMEEN

TO: Regional District of Okanagan Similkameen FILE NO.: E2018.060-ZONE

FROM: Name: PAM SUMNERLAND
(please print)

RECEIVED
Regional District

Street Address:



MAY 23 2018

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and 101 Martin Street
Electoral Area "E" Zoning Amendment Bylaw No. 2459.30 Penticton BC V2A 5J9
Naramata Town Centre Zone and Development Permit Area Update

My comments / concerns are:

- I do support the proposed Naramata Town Centre Zone and DP Area Update.
- I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below.
- I do not support the proposed Naramata Town Centre Zone and DP Area Update.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.13 and 2459.30.

I DO NOT SUPPORT THE INCREASE IN THE
INCREASE IN THE HEIGHT OF A BUILDING STRUCTURE
TO 12.0 METRES.

IN REGARDS TO MULTI DWELLING UNITS I HAVE A CONCERN THAT THESE
PROPERTIES WILL BE SWAPPED UP BY INVESTORS WITH NO INTEREST IN
NARAMATA-WE WILL HAVE MORE AIRBNBS AND ABSENT OWNERS WHO WILL
JACK UP RENT PRICES AND MAKE HOUSING NOT AFFORDABLE OR AVAILABLE
TO THOSE THAT COULD BE INTERESTED AND COMMITED COMMUNITY MEMBERS.
THIS NEEDS TO BE ADDRESSED.

Feedback Forms must be completed and returned to the Regional District
no later than Wednesday May 23, 2018

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 Marlin Street, Penticton, BC V2A 5J9, 250-492-0237.



From: Velma Bateman
To: [Christopher Garrish](mailto:Christopher.Garrish@rdos.bc.ca)
Subject: Fwd: Naramata Town Centre, Development Permit area, etc.
Date: May 19, 2018 1:55:59 PM

Hi Chris - just re-sending this in case I had sent it to the wrong address. Got this address from an article in My Naramata.
Velma Bateman

Sent from my iPad

Begin forwarded message:

From: Velma Bateman [REDACTED]
Date: May 16, 2018 at 9:20:02 AM PDT
To: planning@rdos.bc.ca
Subject: Naramata Town Centre, Development Permit area, etc.

Hi Chris - I was at the meeting in Naramata last week.

I feel very uneasy about a lot of this. When we worked on the last Official Community Plan many of us were frustrated because we were not permitted to modify the height of buildings. One can readily see the result of this on First Street (one three story building 'nestled' in with a row of one story buildings, and again on Mill Bay Road where a rather huge building comes right to the road and looms over the building next to it.

In other words, I think that there is a lot more to the look and flavour of Naramata than the small area being designated as a town centre.

I also think that basically getting rid of the current Development Permit area would be something we would regret. I am in favour of leaving it as is until such time as we can work on a new Official Community Plan. I think the community needs to have an opportunity to decide what should stay and what should go. It is more important than being just a matter of convenience or nuisance regarding permits.

I appreciated your presentation for the most part. I did think that you have far too many things on your plate! Let's not throw out the baby with the bath water.

Sincerely,
Velma Bateman

Sent from my iPad

From: Martin F
To: Planning
Cc: [Karla Kozakevich](#)
Subject: Naramata Town Centre Plan - Comments from Martin Forbes
Date: August 20, 2018 6:47:31 PM

Thank you for the opportunity to express my thoughts and concerns. Our family has owned properties in Naramata for decades and feel a strong affinity to the charm of this village.

1) Retail/Commercial on Robinson Ave:

I think that it is very important to retain the village atmosphere of Naramata. Concentrating retail, restaurants and commercial on Robinson Ave would develop a Town Centre. Appropriate facades should be built to retain the charm.

2) NO Retail/Commercial along 1st Street:

In keeping with the village theme and respecting the residential character of the surrounding areas, there should be no retail or commercial store fronts developed along Robinson Point Rd or and particularly along 1st Street up to the water treatment plant. This side of the development should be residential only.

3) Parking:

Parking is a big concern. Sufficient parking must be made adjacent to the retail/commercial areas so that it does not become a nightmare for the adjacent residents. While it may be best to encourage walking, there will be increased automobile traffic, particularly on weekends and event days. It would be wise to have a plan for parking outside of the town center within easy walking distance or provide a shuttle bus if the parking were at the school.

4) Waste Water Management

We all want to retain the lake water quality for swimming and other water sports. The size of this development means that water waste management will become an issue. It is clear that by the time the property is fully developed, a septic system would not be able to support the flow and that there would be insufficient permeable surface area for an appropriate field. This is particularly important given that our town fresh water supply is taken from the lake adjacent to the proposed Town Centre Zone.

It is clear that a waste water management treatment plant will be required, by the Municipal Waste Water Management regulation. The planning for and building this plant takes longer than the typical Development Permit application process time, and must begin soon. If the development is built in phases, the plan for waste water treatment for the entire development must be in place from the beginning.

This is an ideal time for Naramata to build a waste water treatment plant. This will benefit all existing and future homeowners and business owners. While this is apparently not part of scope of the Town Centre Zone Planning at this time, it really must be considered by Naramata in parallel, as it will become an issue at the time of the Development Permit applications.

Thank you,

Martin Forbes



From: Chris Sutherland
To: [Christopher Garrish](#)
Subject: Naramata Village Center Proposal Feedback
Date: August 20, 2018 10:47:45 AM

Hi Chris,

I have attended the last 2 meetings but am out of town for the August 20th meeting. I grew up in Naramata and have since moved back to raise my family.

I am in favor of the Village Center zoning and appreciate the thought that has gone into the form and aesthetic of future development. However I do have some concerns; Primarily the removal of a retail requirement to future development in this zone. If this requirement is removed it is very likely we will see residential only developments in an area specifically designated as a town center. I see how certain land owners in the area designated for development would want the retail requirement removed: residential would be the most profitable development option and leasing commercial/retail space could be a challenge. Still, we must look to future growth for the area, and not to current profitability. Residential primary (which is what this could become) would be high income and likely vacation rental properties and would not contribute to the growth of Naramata. Naramata needs affordable town home developments for young families outside of the Village Center.

I am in support of a certain percentage of the Village Center to be allowed residential ground floor upon application to the rdos and subject to public hearing as an exception to the zoning in place, and not as a rule.

I am also surprised that the proposal so openly suggests senior and group housing in this zone. There are many other areas that this can be done i.e. The Community Center property. Please focus the proposed Village Center zone as it should be: an economic hub and destination for tourism in Naramata at the end of the bench.

Thank you for listening.

Chris Sutherland

Lauri Feindell

From: Adrienne Fedrigo
Sent: August 15, 2018 2:26 PM
To: Planning
Cc: Karla Kozakevich
Subject: Naramata Village Centre - Thoughts
Attachments: Naramata Commercial Centre – bylaw thoughts.docx

Hi Chris

Thank you for including residents in your planning process and the adjustment of the Naramata Village Centre Plan.

I think its important to hear from residents when making decisions that have huge impacts within the community. I equally think its great that residents are coming forward and expressing their thoughts and providing feedback.

I have attached a letter with some thoughts that I jotted down. A few things from your concepts that I agree and disagree with.

As well, I am hoping that Eileen Meheen shares some photos with you that she has of another small community and the way they have designed their buildings.

Thanks again for including and engaging residents in your planning.

Thanks,

Adrienne Fedrigo
Naramata Resident
Small business owner

Naramata Commercial Centre – bylaw/designation

1) **The 0 Set backs – Disagree**

- a. When people pull into the back of a business they are there for one purpose, to go into that business and no where else. If they were to park in the front of the establishment, then they will notice other shops and are more likely to wander around – therefore increasing economic activity
- b. Fire code indicates that doors must open outward, therefore with 0 set back and a building built to the property line would impact the door and swinging into people who are walking along the edge of the road, due to no sidewalk
- c. With no side walk and only having MoTI right away, then a building built to the edge of the lot would take away any safe option for walking down the road.
- d. Buildings with varying options to the lot line would take away options for front patios and displays, as the business would be hidden – for example Sun N Sup is tucked behind Shades of Linen when you look from west. They were originally one building, so it is a different situation, but it's the idea that a building could hide another one.

2) **The high allowance to be the same as the Wine Vault – Disagree.**

- a. The wine vault building has a strong history in Naramata and to allow buildings within this area to match the height would hide the building, and indirectly hiding history. I think it would look great to have the wine vault a little higher than the other buildings, make it a focal point and the core of the village.

3) **Residential at ground level – I am hesitant with this because if someone has an empty retail bay, in theory, a family could move into it and live.**

- a. In the event of the wine vault owners who want to put up town houses, put Town houses or Row Houses as an acceptable land use – but not general for residential.
- b. After seeing some examples that Eileen (SunNSup) showed me, I am a little less hesitant about this one, but I am still not %100.

4) **The idea that bays will sit empty – Disagree**

- a. People in Naramata want more retail space, there are people/business itching and waiting to find retail space in the Village – I do not think that will be an issue
- b. Spaces become derelict when rent for space is unattainable. If landlords keep rental at an affordable rate, then there will be less derelict bays. They also become derelict when outside investors purchase property and don't care about it. They don't live in the community so they don't see it on a daily basis or the impact it has. Less absent foreign investment will help with less vacancy's.
- c. At this current time there are at least 3 (of who I know of) who would like retail space in Naramata.

5) OCP – Updates

I think it is important to define an image that Naramata wants to maintain. The OCP defines the area and creates a verbal picture. Therefore, it is important to identify what makes Naramata unique and maintain the picturesque village that it is – not everyone wants it to resemble the big city and modern day architecture.

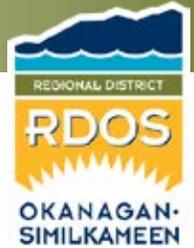
My background:

I previously worked for a municipality with a residential base of 2,500. I held multiple job portfolios including: Economic Development, Community Development, Recreation, Social Service programming, and Grant writing. I was a major partner with the planning department to revamp a downtown redevelopment plan that was in place for our community. The downtown had many derelict buildings, vacant spaces, empty lots, terrible parking, and one building that was built to the lot line. I engaged with a great deal of shareholders business owners, and residents. When presenting ideas its important to have a concept of what the village will look like, and provide accurate representation of the build concepts in mind.

Large city centre concepts will not be accepted in a small town/village area as it reduces the charm and brings in the big city feel. With that being said, development and growth is a vital part of an economy and needs to be fostered. Naramata is a small-humbled village with many regulars who enjoy the sleepy town feel but understand the importance of the tourist seasons for businesses. There is also an abundance of support for local businesses that will continue throughout all seasons. Seasonal businesses may have a bit of difficulty, but the community is incredible supportive. There is also a larger trade area that needs to be recognized, as people from Kelowna south will take a leisurely drive into Naramata. Sit at Grape Leaf for a day and find out where they are from, many who wander through the door will be from out of town.

If we don't build a economic community then its easy to say we don't have one. However, there are locals who want to work towards building one and having options throughout the year. My family is included in this, and we sell Gelato; a very seasonal item and we are interested in having a retail bay open throughout the year. We have confidence that there will be support throughout the entire year.

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.31, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To allow an accessory dwelling with a floor area of 140 m² on one lot and to remove the ability to have an accessory dwelling on another lot.

Owner: 1518005 Alberta Ltd. Applicant: Donna Butler (Ecora Engineering) Folio: E-02130.020

Civic: 891 & 945 Old Main Road Legal: Lots A & Lot B, DL 209, SDYD, Plan KAP52428

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

Proposed Development:

This application is for two site specific amendments to the Electoral Area “E” Zoning Bylaw No. 2459, 2008, in order to increase the floor area of an accessory dwelling from 90.0 m² to 140 m² at 945 Old Main Road and to remove the ability to have an accessory dwelling, mobile home, and secondary suite from the property at 891 Old Main Road.

In support of the proposal the applicant states: “each parcel is permitted a principal residence and 1 accessory dwelling for farm help up to 90 m² – for a total of 4 dwellings. In this amendment application, a new Site Specific AG1 zone is requested that will concentrate the floor area of the accessory dwellings for farm labour on 945 Old Main Road”.

Both properties have the same owner and are part of Curvata Vineyards. The proposal on 945 Old Main Road is to “replace the farm help dwelling with a new unit, located above a garage and workshop to be used by the farm manager. Subsequently, the driveway will be rebuilt and the main house will be removed and replaced with new construction. Both new structures will be located in the same area as the existing structures. In Phase 2 a new house and winery are planned for 891 Old Main Road.”

Background:

At its July 9, 2018 meeting, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be approved subject to a covenant being registered on the title of 891 Old Main Road, restricting the use of an accessory dwelling, mobile home, and secondary suite.

A Public Information Meeting was held on July 9, 2018, and was attended by nine (9) members of the public.

At its meeting of August 2, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and delegated the holding of a public hearing to Chair Kozakevich.

On August 20, 2018, a public hearing was held at 3740 3rd Street, Naramata (Naramata Community Church) and was attended by approximately three (3) member of the public.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 m of a controlled access highway.

Analysis:

Administration maintains its concern that there is insufficient land area between the two subject properties to warrant an increase in the floor area of an accessory dwelling for farm labour from 90 m² to 140 m².

While Administration recognizes that it has previously supported proposals in Electoral Area "E" that combined the floor area of multiple accessory dwellings into a single dwelling with a larger floor area (i.e. 210 m² or 280 m²), this was generally where these dwellings could be constructed on a single legal parcel and prior to the update of the Agriculture Zones completed in 2017.

In this instance, Administration considers there to be more merit in a consolidation of the two properties to create a single parcel 7.6 ha in area. While such a parcel would still be 0.4 ha short of qualifying for an accessory dwelling with a floor area of 180 m², a zoning amendment to allow this size of accessory dwelling would be supportable in light of the creation of a larger agricultural parcel.

Alternately, the applicant could simply develop a single detached dwelling on the parcel at 891 Old Main Road — as shown on their site plan — with their desired floor area and avoid the need for this rezoning.

While the applicant has indicated that they are willing to have a restrictive covenant registered on the title of 891 Old Main Road to prevent the development of an accessory dwelling, Administration considers this to be un-necessary duplication as the proposed site specific zoning will prevent such a development.

Administration further maintains its concern that restricting development of 891 Old Main Road is not viable over the long-term as future property owners may acquire the property with a legitimate expectation of being able to develop an accessory dwelling, secondary suite or mobile home. The inability to have these types of accessory dwelling units may create pressure on the Regional District Board to restore these development opportunities.

Conversely, Administration recognizes that the accessory dwelling is proposed in the "farm residential footprint" near the existing dwelling and other residential uses (i.e. driveway, parking, septic field) which has already been disturbed and is not used for cultivation purposes. The accessory dwelling is also proposed above a garage and farm workshop which reduces the development footprint on the property.

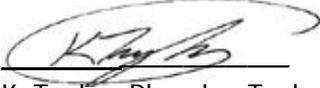
Alternative:

THAT first and second readings of Bylaw No. 2459.28, 2018, Electoral Area "E" Zoning Amendment Bylaw be rescinded and the Bylaw be abandoned.

Respectfully submitted

Endorsed by:

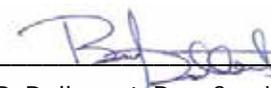
Endorsed by:



K. Taylor, Planning Technician



C. Garrish, Planning Supervisor



B. Dollevoet, Dev. Services Manager

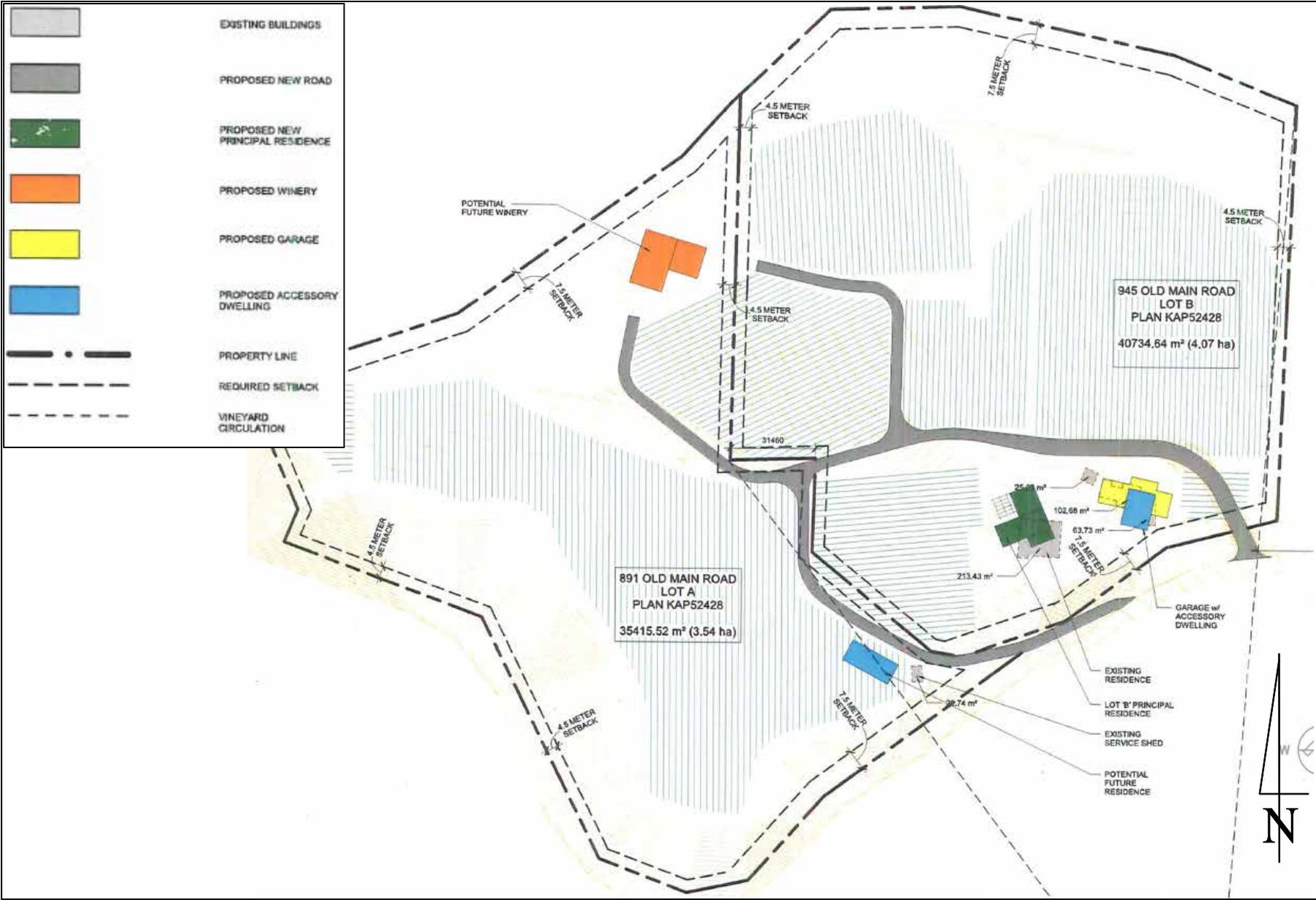
Attachments: No. 1 – Applicant's Site Plan

No. 2 – Applicant's Main Floor Plan

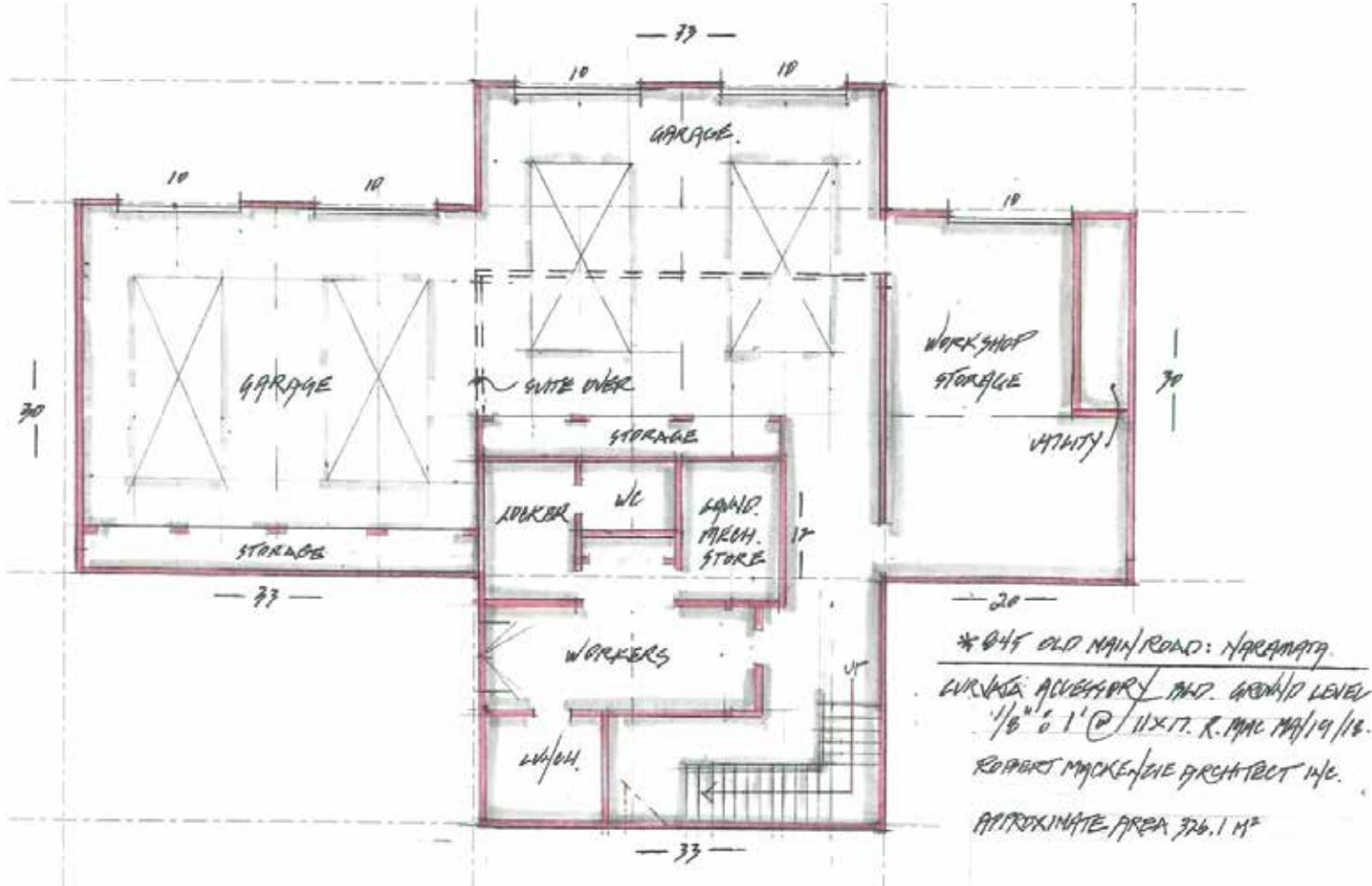
No. 3 – Applicant's Second Floor Plan

No. 4 – Aerial Photo (2007)

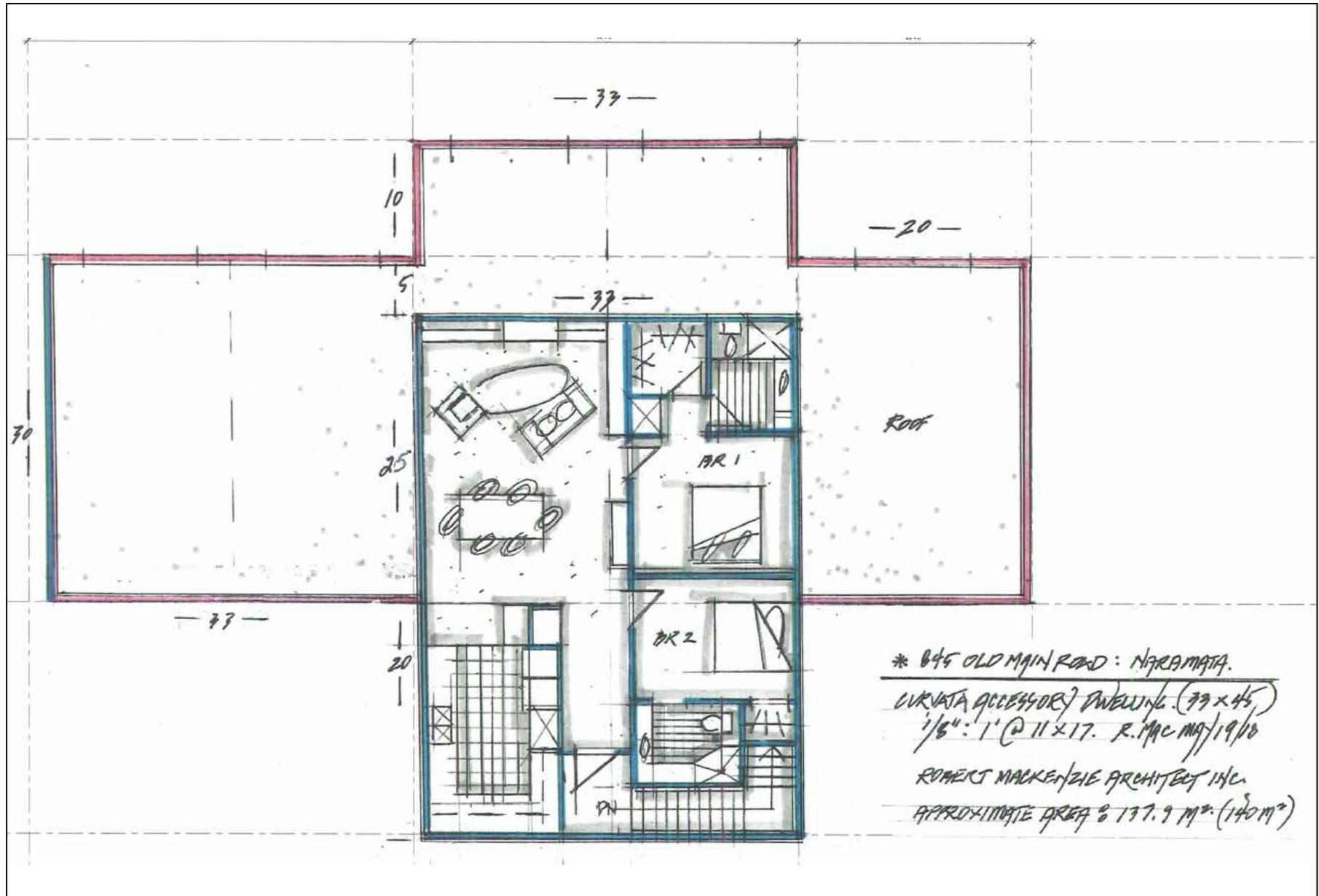
Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Accessory Dwelling Main Floor Plan



Attachment No. 3 – Accessory Dwelling Second Floor Plan



Attachment No. 4 – Aerial Photo (2007)



Approximate
location of proposed
accessory dwelling

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

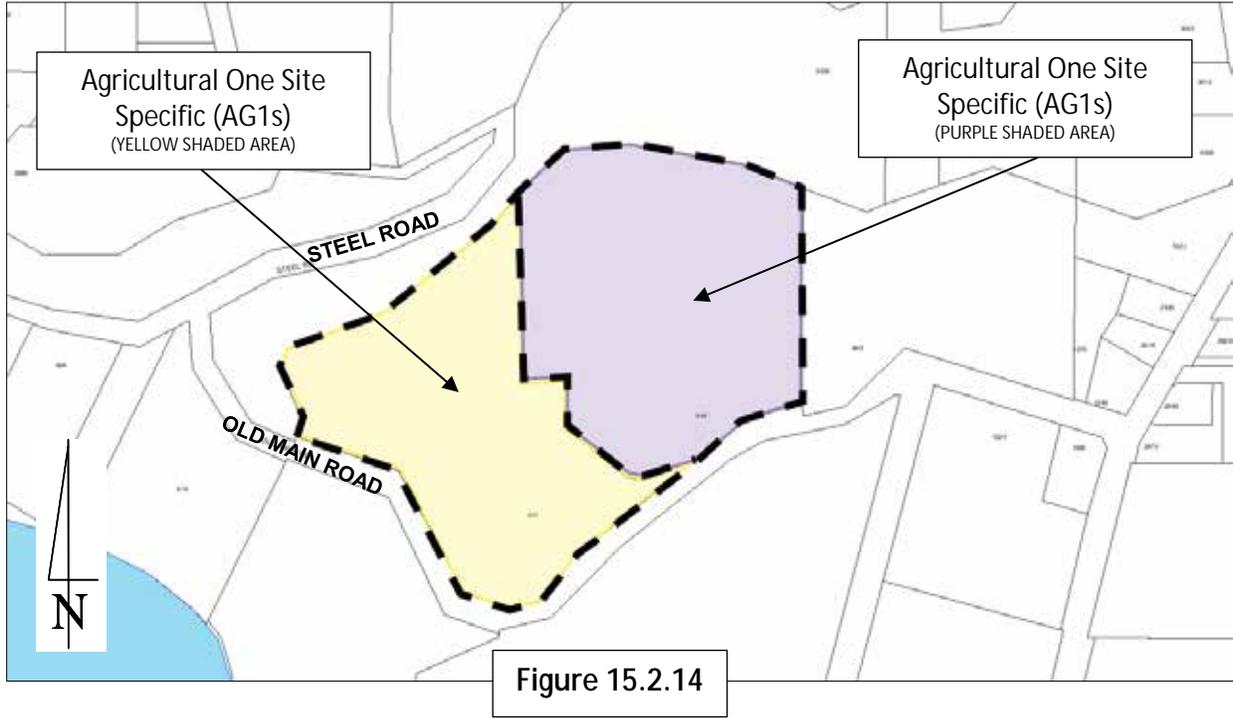
BYLAW NO. 2459.31, 2018

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

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018."
2. The Official Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) changing the land use designation of the land described as Lot A, Plan KAP52428, District Lot 209, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
 - ii) changing the land use designation of the land described as Lot B, KAP52428, District Lot 209, SDYD, and shown shaded purple on Schedule 'A', which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The "Electoral Area "E" Zoning Bylaw No. 2459, 2008" is amended by:
 - i) adding a new sub-section .14 under Section 15.2 (Site Specific Agriculture One (AG1) Provisions) to read as follows:
 - .14 in the case of land described as Lot A, Plan KAP52428, District Lot 209, SDYD (891 Old Main Road), and shown shaded yellow on Figure 15.2.14:
 - a) despite Section 10.2.1(g), Section 10.2.1(n), and Section 10.2.5(b), an accessory dwelling, mobile home, or secondary suite shall not be permitted on the land.
 - ii) adding a new sub-section .15 under Section 15.2 (Site Specific Agriculture One (AG1) Provisions) to read as follows:

- .15 in the case of lands described as Lot B, Plan KAP52428, District Lot 209, SDYD (945 Old Main Road), and shown shaded purple on Figure 15.2.14:
- a) despite Section 10.2.1(g) and Section 10.2.5(b), one (1) accessory dwelling may have a floor area not greater than 140.0 m².



READ A FIRST AND SECOND TIME this 2nd day of August, 2018.

PUBLIC HEARING held on this 20th day of August, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

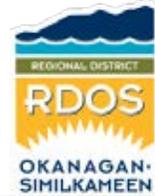
Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

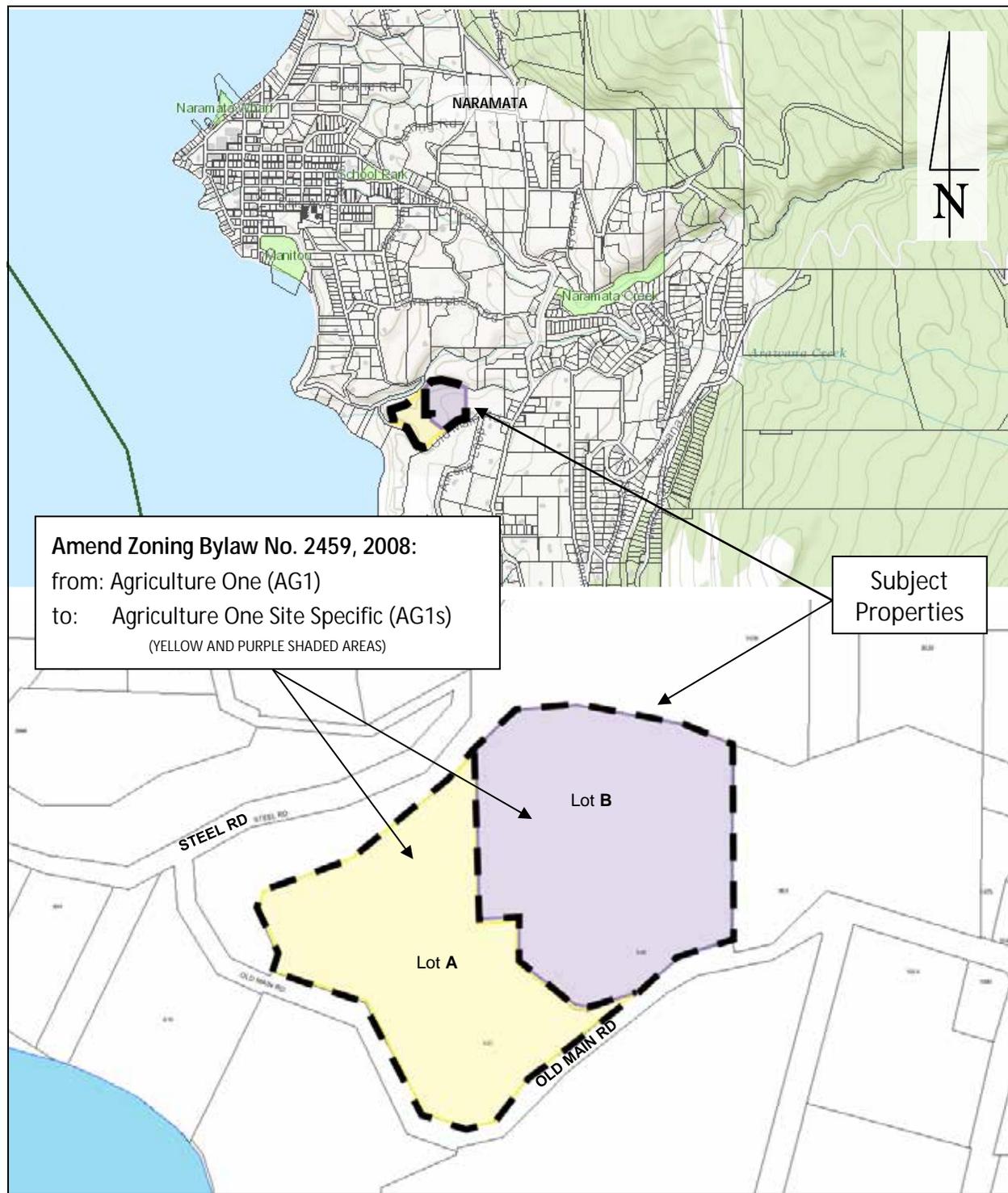
Telephone: 250-492-0237 Email: info@rdos.bc.ca

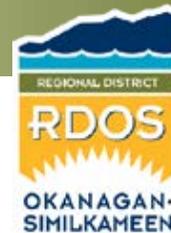


Amendment Bylaw No. 2459.31, 2018

Project No: E2018.095-ZONE

Schedule 'A'





TO: Regional Board of Directors

FROM: Karla Kozakevich, RDOS Chair

DATE: August 20, 2018

RE: Public Hearing Report - Amendment Bylaw No. 2459.31, 2018

Purpose of Bylaw:

The amendment bylaw proposes to amend the zoning on the property to allow an accessory dwelling of 140m² at 945 Old Main Road and no accessory dwelling at 891 Old Main Road, legally described as Lots A & B, District Lot 209, SDYD, Plan KAP52428.

Public Hearing Overview:

The Public Hearing for Bylaw No. 2459.31, 2018, was scheduled on Monday, August 20, 2018 at 5:30 p.m., at the Naramata Community Church, 3740 3rd Street, Naramata.

Members of the Regional District Board present were:

- Chair Karla Kozakevich

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor
- Kevin Taylor, Planning Technician

There were three (3) members of the public present.

Chair Kozakevich called the Public Hearing to order at 5:32 p.m. at the Naramata Community Church.

The hearing convened pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw No. 2459.31, 2018.

In accordance with Section 466, the time and place of the public hearing was advertised in the August 10th and 15th editions of the Penticton Western and My Naramata.

Copies of reports and correspondence received related to Bylaw No. 2459.31, 2018, were available for viewing at the Regional District office during the required posting period.

Summary of Representations:

There were no written brief submitted at the public hearing.

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

Kevin Taylor, Planning Technician outlined the proposed bylaw.

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

Schalk Van Heerden – 3023 Steet Road Naramata – Spoke to the proposal:

- Is in Favour of the proposal.
- Agrees with the APC recommendation of a covenant.
- Concerns about the potential for a 140 m² dwelling being used as a vacation rental, and would like to see further prohibitions against this possibility.

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

Chair Kozakevich asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 5:42 p.m.

Recorded by:



Kevin Taylor
Recording Secretary

Confirmed:



Christopher Garrish
Planning Supervisor

Confirmed:

Karla Kozakevich

Karla Kozakevich
Chair

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: July 11, 2018 11:40 AM
To: Planning
Subject: Old Main Rd, 891 & 945 Naramata (E2018.095-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Old Main 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, SR/WA
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



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
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- 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, SR/WA
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





July 19, 2018

Ecora File No.: CP-17-409-CVS

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9

Attention: Planning Department

Reference: Rezoning Application for 945 and 891 Old Main Road, Naramata

This letter is a follow-up to the July 9 meeting of the Advisory Planning Commission where the above rezoning application was considered. At this meeting the owner offered to place a restrictive covenant on 891 Old Main Road (Lot A) to restrict development on this site to one principal dwelling only and clearly state that no accessory dwelling is permitted. The intent is to advise property purchasers of this restriction.

The covenant also recognizes that zoning bylaws change, as they did in 2017, and provides for potential future bylaw amendments. The proposed wording of the covenant is:

As a condition for approving construction of an accessory dwelling in excess of 90 m² on Lot B, Lot A is restricted from developing or constructing an accessory dwelling. This restrictive covenant, applicable only on Lot A, shall expire in the event the RDOS zoning bylaw is amended at any time, such that the amendment would, absent this restrictive covenant, allow an accessory dwelling to be developed or constructed on Lot A.

We recognize that the RDOS lawyer prepares covenant documents and that the above wording may be altered, in consultation with the owner.

We are also attaching letters of support from neighbours/agricultural operations.

We would appreciate that the Regional Board be advised of the proposed covenant and support letters when the application is being considered on the August 2 Board Agenda. Thank you for your assistance.

Sincerely

Ecora Engineering & Resource Group Ltd.

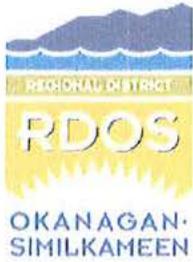
Donna M. Butler, MCIP, RPP

Senior Planner

Direct Line: 250.492-2227 (1070)

donna.butler@ecora.ca





Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.095-ZONE

FROM: Name: Robert Mackenzie Architect, AIBC, MRAIC

(please print)



RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.
891 and 945 Old Main Road, Naramata

My comments / concerns are:

I do support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

See attached RMA Comments dated July 6, 2018

**Feedback Forms must be completed and returned to the Regional District
no later than Tuesday July 10, 2018**



July 6, 2018

Robert Mackenzie Architect, AIBC, MRAIC

5130 North Naramata Road , Naramata , BC, V0H 1N1 ...

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2018.095-ZONE

RE: **Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018,**
891 and 945 Old Main Road, Naramata

Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

Comments : I am in support of this Amendment Bylaw for a number of reasons :

- The project is respectful of the objectives of the OCP in maintaining consistent quality farming operation in the community . The owner is dedicated to the long term preservation of the land and the village as a whole, and keen to contribute to its improvements and character. This is very much a small scale, cluster character project , reflective of the local ecology, similar to the fine generational Finca's of Andalucia.
- The Owner has made sound effort , under our assistance, to do minimal alteration of the old farm home footprint , by clustering and replacing the deteriorating buildings, and improving access in the same general areas on 945 Old Main Road (LOT B). This clustering is a sustainable solution preventing the spreading of buildings over planted areas, while sharing and in part re-using, Services and Waste control areas.
- By investing in the community, the Farm Owner has his own particular needs in developing a fine and successful , workable facility, and a land use program which maintains a comfortable balance of lifestyle with a successful economic operation.
- In order to encourage long term farm help, a slightly more spacious accessory dwelling asked for , would encourage say, a potential small family, providing affordable housing for new community members while offering a particular respectful rural lifestyle .
- With the most recent Bylaw change from 140m2 allowance to 90M2 / Accessory Dwelling in both 891 (Lot A) and 945 (Lot B) Old Main Road, gaining better accommodation through One Building with an Extra Bedroom, (lost in Lot B with the new reduced allowance), is a certain asset. This is proposed by reducing the allowance from Lot A owned by the same owner , thereby not asking for more square footage , but simply exchanging an allowance from one lot to the other. In fact the total allowance for Lot B + A would be only 140 M2, less than the new allowances combined of 90 + 90 = 180 M2. The Lot A Accessory Dwelling in this proposal , would be disallowed in the new Amendment , thus preventing breaking more ground for another building on the farm .
- The owner , in fact, acquired Lot B not too long ago, with the knowledge of an accessory dwelling allowance of 140 m2 . It is to this scale, that the new limitation to 90M2 may be considered a hardship to their operational goals and aspirations .

Robert Mackenzie, Architect AIBC, MRAIC



Lauri Feindell

From: Heidi Noble [REDACTED]
Sent: July 16, 2018 12:25 PM
To: Planning
Cc: Mark Smith
Subject: Feedback Form - File no. E2018.095-Zone

Dear RDOS,

RE: Electoral Area "E" Zoning amendment Bylaw No. 2459.31.2018 891 and 945 Old Main Road Naramata

I would like to state my support for the proposed development.

I am a direct neighbour of Mark Smith to the south east of the property, at JoieFarm Winery on Aikens Loop (2825 Naramata Road)

I would like to state my support of Mark's proposal to combine the the allowable accessory dwellings into one efficient apartment for his farm property manager proposed above his equipment shed. Instead of building two smaller apartments, Mark is looking to build a more efficient and quality unit in a vertically integrated way above a proposed farm building used for farm equipment storage .

The proposal in my opinion is an efficient use of building materials, proposes a minimal impact footprint on farmland and simply allows more ALR farmland to be farmed in this case.

I also support the initiative to bring up the need to re-address the size of an ancillary dwelling for farm help. The quality and availability of staff accommodation for agricultural and the value-added manufacturing that is involved with winery workers is a critical concern for many wineries in Area E. I myself am concerned for the available of quality housing for my own staff.

The 90 m squared, assumes, that farm help is single, (often single male) does not have a partner or family. I myself lived in my own small farm apartment last season, with my son, my partner his two children and two farm dogs and that indeed was close quarters for a family. I have since purchased another home in Naramata as that living arrangement was not a comfortable for a family of 5. I think as a working farmer and agricultural business owner (I manage 70 acres of grapes (a combination of owned, long-term leased land) in the RDOS and crush 230 tons at Joie) that it is critical that my staff (I have 8 core staff members that employ year-round) have quality places to live. It is a know fact that the rental market in Penticton is poor and an even worse situation in Naramata. It is very hard for my staff to find quality accommodations. I three of my 2 core members are in their early-thirties and are starting families in the next year, one of my core staff members is living in Naramata in a small cabin with no running hot water and another in a cabin with no heat. I am committed to employing these staff all-year round and have cross-trained them as such in other areas of my business to ensure they can have meaningful and viable employment and not just seasonal agricultural work. Assuming that agricultural workers are male, single and potentially migrant workers, is not a reality in my business. As business owners and owners who are actively farming we require quality and realistic accommodations for enthusiastic and dedicated staff members who are essential to keeping our farmland farmed.

From,

Heidi Noble
Owner, JoieFarm Winery



From: Mike Keen [REDACTED]
Sent: Friday, July 06, 2018 10:21 AM
To: ewilliamson@rdos.bc.ca
Subject: File number E2018.095.zone

I am writing this letter to show my support for Amendment Bylaw No 2459.31 2018
Re: 891 and 945 Old Main Road, Naramata.

My wife and I reside on the property mentioned and have for the past 2 1/2 years. While renting the house we provide some property management duties. We are the "eyes and ears" for the owner Mark Smith. The vineyard is the number one concern for the property and as such we ensure the security of the property. Because we have made it our home we keep the house area green and landscaped, reducing fire and animal threat. We control the wildlife fence around the property in order to keep the bears and deer etc. out. We have built relationships with the vineyard crew that helps to create a pride and security for the property.

I would like to be able to attend the meeting on July 9, but unfortunately due to another matter I will be away.

I have no hesitation in supporting Mark Smiths plans as they will only add to the viability of the vineyard, and I think add to the quality of life in Naramata.

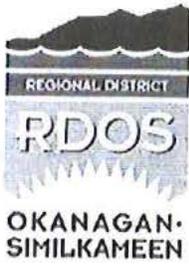
Mike and Marlene Keen
[REDACTED]



I Matthew Mikulic, from Earlco Vineyards Ltd support the Zoning Bylaw Amendment – Electoral Area “E” as submitted for 891 and 945 Old Main Road, Lot A & Lot B, DL 209, SDYD, Plan KAP52428. The proposed development is consistent with the Agricultural Objectives in the Naramata Community Plan, “to preserve agricultural land with continuing value for agriculture for current and future production”. The proposed development as detailed in the application will support the existing vineyard agricultural operation by clustering buildings on the existing 945 Old Main Road building site. The proposed buildings will support property security, wildlife management, worker safety and storage of vineyard supplies and equipment. The objective of the vineyard operation has consistently focused on continuous improvement of fruit quality and the development proposal as detailed remains consistent with this objective.

Yours truly,
Matthew Mikulic





Feedback Form

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

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2018.095-ZONE

FROM: Name: JOHN LAURUNCO
(please print)

Street Address: [REDACTED]

Tel/Email: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.
891 and 945 Old Main Road, Naramata

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

SIGNIFICANT CONSIDERATION SHOULD BE GIVEN TO THE
 LARGE INVESTMENTS IN THE PROPERTY IMPROVEMENTS
 MADE TO DATE BY THE OWNER AND THE ECONOMIC
 UPLIFT THAT THIS HAS AND CONTINUES TO HAVE FOR
 THE REGION.

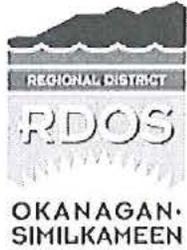
[REDACTED]

6/7/18

Feedback Forms must be completed and returned to the Regional District
no later than Tuesday July 10, 2018

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

TO: Regional District of Okanagan Similkameen FILE NO.: E2018.095-ZONE

FROM: Name: Schalk & Elizabeth van Heerden (please print)

Street Address: [Redacted]

Tel/Email: [Redacted]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018. 891 and 945 Old Main Road, Naramata

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

Ad hoc site specific rezoning should be the exception, not the rule.

Owner's presentation and constructive motivation in this instance justifies approval of rezoning application, subject to certain conditions.

As per APC's debate and recommendations, covenant to be placed on 891 Old Main Road in favour of RDOS to prohibit future erection of accessory dwelling on this lot.

Unresolved concern remains that accessory dwellings of such nature -- as proposed for 945 Old Main Road -- could very easily be used for vacation rentals in future, contrary to the current good intentions and declarations.

Perhaps this concern could be alleviated by incorporating into the covenant the restriction that there will never be approval of a Temporary Use Permit issued for the accessory dwelling in question?

Feedback Forms must be completed and returned to the Regional District no later than Tuesday July 10, 2018



RDOS Development Application
Regional District of Okanagan-Similkameen
Area 'E' Advisory Planning Commission Meeting
330, 3rd Street, Naramata B.C.
7:00 to 7:30 pm, Monday, July 9, 2018

Administrative Report – Response Comments

Hello.

My name is Mark Smith and I am the owner of the properties at 891 and 945 Old Main Road. Thank you for providing me the opportunity to present comments related to the proposed development application that has been referred to the Advisory Planning Commission (APC). I will keep my comments brief and appreciate your consideration as I attempt to convey the vision and passion I have for the development of the Old Main Road properties.

Naramata is a wonderful community that is enhanced by and benefits from the agricultural community. As stated in the Naramata Community Plan, the objective of the proposed application is to enhance the agricultural benefit of the Old Main Road properties by remaining consistent to the agricultural objective to preserve agricultural land with continuing value for agriculture for current and future production.

My initial introduction to the Naramata community occurred in 2006 during a family vacation. During 2007, I made an initial minor investment in the properties on Old Main Road. I will not dwell on the history of this initial involvement but actions were required to correct inappropriate behaviour of the General Partner. To resolve issues, I increased my involvement in the Old Main Road properties with the purchase of the 891 property during 2010. With the engagement of Earlco Vineyards Ltd, this allowed me to initiate development of the 891-property vineyard from the bare lot. During 2014, I completed the resolution of the property ownership with the purchase of the 945 Old Main Road property. The combined purchase of both lots remains consistent with the initial property division which consisted of both lots.

Since the purchase of 891 Old Main Road in 2010, the objective for the property has been to strive for continuous improvement of fruit quality that will differentiate the Naramata region for comparison at the highest levels. The purchase of the 945 property further enhanced the ability to strive for this objective. Significant progress in this objective has been achieved and higher standards continue to be strived for.

As presented in the application, the existing buildings are 70 years old and considered fully depreciated and in need of replacement. The proposed development application honours the Naramata agricultural objective of preserving agricultural land by placing the new buildings on the existing "home plate" with minimal disturbance to existing vineyard development and maximum utilization of existing power and water infrastructure. Septic upgrades will be done within the existing development foot print. The application for the combined properties further honours the agricultural objective by limiting development to one accessory dwelling rather than two. Additionally, the proposed accessory dwelling would take advantage of natural terrain features that would allow the building to be positioned over the garage / vineyard services building. The positioning of the accessory dwelling above the garage avoids building an additional structure on the property which further honours the Naramata agricultural objective of preserving agricultural land.

A significant challenge for agricultural operation in the Naramata region and probably most agricultural operations is the ability to attract and retain top quality support services. A critical component to the success of the Old Main Road property is the ability to maintain an environment that will allow for the attraction and retention of these talents, specifically an on-site property manager. The Old Main Road property is currently developed with 4.2 ha (10.5 acres) of vines, with potential to for an additional 0.4 ha (1.0 acre) of vine development. The presence of a full-time property manager is critical for the protection of this investment.

Vineyard operations are a year round activity. The proposed development is designed to meet the objective to provide appropriate housing for an on-site property manager to be present on the property year round. The property manager position is intended to be a long term participant in the development and management of the property. The proposed size of 140 m² for the accessory dwelling allows for reasonable accommodation for the manager and his family.

The benefit of having a year-round manager on-site provides,

- security for both the property and the Naramata community,
- assists with wildlife management and protection on the property and surrounding area,
- maintains a consistent watch for and defense against wildfires,
- enhances worker safety, and
- provides ability for prompt response to maintenance issues.

Property Consolidation

The subject property has two legal titles. Under the current zoning regulations each title is recognized to have development potential for a principal residence and an accessory dwelling. This application is based on the current regulations which allow two accessory dwellings of 90 m² each or a combined area of 180 m². The proposed rezoning application is for an accessory dwelling of 40 m² less total floor area than permitted. The proposal to limit development to one accessory dwelling results in an optimization of the building development.

The proposal to consolidate the foot print of the accessory dwellings appears to be consistent with previous Site Specific Agricultural Zoning applications that were approved in 2016 and 2017, which were supported by the RDOS staff and subsequently approved. The zoning bylaw at that time permitted two accessory dwellings of 140 m² and 70 m² on each property and both applications requested one larger accessory dwelling of 184 m² in one case and 210 m² in the other. Both applications also proposed to restrict any additional accessory dwellings.

Arguments in favour of the applications included:

- a. The Site Specific zones will not substantially vary the intent of the zones or strategic land use objectives
- b. Consistent with the Official Community Plan (OCP) objectives to preserve farm land, protect land from incompatible uses and support diversification of farms
- c. Reduction in the overall square footage of the accessory dwellings preserves farmland
- d. By combining the floor area of the two permitted accessory dwellings, effectively results in the reduction of the development footprint
- e. There was no concern mentioned about future applications for additional accessory dwellings

Although two properties are involved in the current application, these points are very applicable.

Long Term Viability

The Administrative Report expressed concern about the proposal to consolidate the allocated areas of the accessory dwellings between the two properties as not being viable over the long-term. In response to this concern, I would encourage that the merits of the current application should be considered at this time. If a future application is made, then that application would be considered on its merits.

As the owner of the combined properties; the vision for the property is based on multi-generational considerations. I have carefully evaluated the merits of the development application as presented for several years. The development application as presented has been in formulation since 2010 and further evolved in 2014 when full ownership of the property was achieved. During this period of property acquisition and concept formulation, the RDOS zoning by-laws allowed for an accessory unit of 140 m² on each lot.

As stated in the Draft of the Bylaw provided for this application; I agree with clause 3 as stated in its entirety. In addition, to the proposed zoning bylaw restrictions on 891 Old Main Road, I am prepared to offer registration of a restricted covenant on the title of 891 Old Main Road so that future buyers, if there are any, would be aware that only one dwelling is permitted on the site.

Farm Residential Footprint

The RDOS Staff acknowledge that the larger farm help unit is to be built in the “home plate” area which is a very popular concept for housing in farming areas that minimizes impact on agricultural land. There is not adequate recognition of the benefits of the proposed rezoning amendment on farmland and that there will be much more limited loss of cultivated land with this proposal.

Conclusion

The proposed application provides a viable development plan to replace the existing buildings which are fully depreciated. As mentioned, the existing buildings are 70 years old. Originally, the property was developed as a pear orchard and has been transitioned to a vineyard operation. This highlights the need for the replacement buildings to be suitable for operation of the property as a vineyard and provide long term service to the sustainable benefit of the property.

The development proposal as presented provides;

- optimization of agricultural land use,
- limits the total building foot print by reducing the number of accessory dwellings and by building the accessory dwelling above the garage,
- enhances utilization of existing power, water and septic infrastructure,
- provides opportunity to attract and retain required services that will benefit the long-term sustainability of the agricultural operation,
- enhances security for both the property and community,

- enhances monitoring and potential response to wildfires, specifically the undeveloped Steel Road Creek ravine,
- supports worker safety.

This rezoning application is now required since the RDOS amended the maximum size of an accessory dwelling from 140 m² to 90 m². The development proposal requested is much less than the floor area permitted when I purchased the property, especially when considering the combination of both properties.

The benefit of the development proposal as presented is considered critical to the agricultural operation of the property.

Thank you for your consideration of my comments. Should you have any questions regarding the application I would welcome the opportunity to respond.

Mark Smith

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Investing in Canada Infrastructure Program Grant Opportunities

Administrative Recommendation

THAT the Board of Directors support the submission of a grant application to the Investing in Canada Infrastructure Program, Green Infrastructure – Environmental Quality Program for the Sun Valley Water System Metering And Back-up Generator Project; and further,

THAT the Board of Directors commit to funding their share of eligible costs through borrowing and reserves, to be determined upon confirmation of grant approval.

Purpose:

To provide the required supporting Board resolution for the application for submission to the Investing in Canada Infrastructure Program, Green Infrastructure – Environmental Quality Program.

Reference:

Program Guide “Canada-British Columbia Investing in Canada Infrastructure Program, Green Infrastructure – Environmental Quality Sub-Stream” Published May 31, 2018.

Business Plan Objective:

KSD#3 – Build a Sustainable Region, Goal 3.3 – To develop an environmentally sustainable region.

Background:

On May 31, 2018 the Canadian and British Columbia governments committed up to \$243 million towards an initial intake of the Green Infrastructure – Environmental Quality Program to support cost-sharing of public infrastructure projects in communities across the province.

The program aims to create long term economic growth, building inclusive and sustainable communities and support a low carbon, green economy. The program supports improvements for eligible projects.

Eligible projects must meet one of the following outcomes:

- Increased capacity to treat and/or manage wastewater and stormwater
- Increased access to potable water

- Increased capacity to reduce and/or remediate soil and/or air pollutants

The total project is estimated to cost approximately \$590,994 and the Sun Valley Water Service Area reserve funds have \$57,174.11. The cost sharing arrangement for this grant program is up to 40% from the Government of Canada and 33.33% from the Province of British Columbia. The remaining 26.66% is the responsibility of the service area residents.

The closing date of the grant program was August 29, 2018. This application has been completed and submitted.

Analysis:

Several projects were initially considered, but only the project described below meets the grant program criteria.

The following application has been submitted for this intake of the ICIP grant program.

Sun Valley Water System Metering and Back-up Power Generator

- Addition of a back-up generator to aid in ensuring reliable cost effective water delivery
- Installation of water meters to facilitate water resource planning, leak detection and conservation
- Water meters will allow for a change in the billing structure to a user pay service
- Some reserve funds are available for the water system, however additional funds will likely need to be borrowed and amortized to complete the project

Alternatives:

The Board may not support the applications submitted and the application will be withdrawn from the grant process.

Communication Strategy:

Consultation and communications will be coordinated with the public, elected officials or other relevant stakeholders for the project as they move forward.

Respectfully submitted:

Liisa Bloomfield

L. Bloomfield, Engineer

Canada



***Canada-British Columbia
Investing in Canada Infrastructure Program***

***Green Infrastructure – Environmental Quality Sub-Stream
Program Guide***

Foreword

The British Columbia Program Guide provides an overview of the Investing in Canada Infrastructure Program (ICIP) Green Infrastructure – Environmental Quality Sub-Stream requirements. This Guide will walk you through the application process, and provide helpful information to assist in preparing and submitting an application under the ICIP Green Infrastructure - Environmental Quality Sub-Stream.

The ICIP will create long-term economic growth, build inclusive, sustainable communities and support a low carbon, green economy. The Green Infrastructure – Environmental Quality Sub-Stream is focused on infrastructure that will support quality and management improvements for drinking water, wastewater and stormwater, as well as reductions to soil and air pollutants through solid waste diversion and remediation. Projects must meet related outcomes to be eligible. Eligible projects will support public infrastructure, defined as tangible capital assets primarily for public use and benefit.

The Program Guide contains references to the Canada – British Columbia ICIP Integrated Bilateral Agreement which can be found at <http://www.infrastructure.gc.ca/prog/agreements-ententes/2018/2018-bc-eng.html>.

In the event of a conflict between the Program Guide and the ICIP Integrated Bilateral Agreement, the Agreement prevails.

Program Guide published May 31, 2018.

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1. INTRODUCTION

1.1 ABOUT THE PROGRAM

The Green Infrastructure – Environmental Quality Sub-Stream will fund infrastructure projects that will support quality and management improvements for drinking water, wastewater and stormwater, as well as reductions to soil and air pollutants through solid waste diversion and remediation.

The program is a component of the wider Investing in Canada Infrastructure Program (ICIP) which will provide funding through an Integrated Bilateral Agreement between Canada and British Columbia for Green Infrastructure, Community, Culture and Recreation Infrastructure, Rural and Northern Communities Infrastructure, and Public Transit Infrastructure.

Canada and British Columbia governments are investing up to \$243.04 million in the initial intake of the ICIP Green – Environmental Quality Sub-Stream to support infrastructure projects in communities across the province.

A project must meet at least one of the following outcomes to be eligible:

- Increased capacity to treat and/or manage wastewater and stormwater
- Increased access to potable water
- Increased capacity to reduce and/or remediate soil and/or air pollutants

Local Government* and Indigenous applicants are eligible ultimate recipients for this merit-based funding.

It is anticipated that there will be more projects that qualify for funding than there are program funds available. Consequently, eligible projects will be subject to technical evaluation and ranked according to the extent to which they meet the program's objectives and the eligibility criteria.

Projects with total estimated eligible expenditures of \$10 million or more will be subject to climate lens assessments (including a greenhouse gas emissions assessment that includes a cost-per-tonne calculation and a climate change resilience assessment) to be completed to British Columbia and Canada's satisfaction prior to Canada's approval of a project for funding.

The projects in receipt of grant awards will be subject to reporting requirements as the projects progress. Applicants are encouraged to familiarize themselves with the requirements described in this guide.

The program targets projects that can be completed in five to six years following approval.

An Oversight Committee consisting of representatives from the federal and provincial governments will be responsible for administration of the Agreement.

**Local government refers to Regional Districts and Municipalities throughout this Guide. See Section 2.1 on Eligible Applicants for details.*

1.2 PURPOSE

The ICIP Green Infrastructure – Environmental Quality Sub-Stream will help communities address their infrastructure needs, while supporting environmental quality through infrastructure projects including improvements to treatment and management of drinking water, wastewater and stormwater, as well as reductions to soil and air pollutants through solid waste diversion and remediation.

1.3 APPLICATION DEADLINE

The deadline for the application intake is **August 29, 2018**.

A Business BCeID credential and password are required to access the online application. The deadline to submit your BCeID credentials is August 8, 2018.

See [Application Instructions & Tips](#) for more details.

1.4 LIMIT ON NUMBER OF APPLICATIONS

Municipalities may submit **one** application per intake. Applications not approved from an earlier intake may be revised and a new application regarding the same project submitted to a subsequent intake. This will count towards the limit on the number of applications submitted.

Regional Districts may submit **one** application for each community in their area. A community is defined as a settlement area within a regional district electoral area or an established or proposed service area.

Indigenous Ultimate Recipients may submit **one** application per intake. Applications not approved from an earlier intake may be revised and a new application regarding the same project submitted to a subsequent intake. This will count towards the limit on the number of applications submitted.

Applications from improvement districts or water utilities must be made by the sponsoring regional district or municipality. If the application is successful in obtaining program funding, the ownership of the infrastructure and associated assets must be transferred to the sponsoring regional district or municipality. An Improvement District Conversion Guide can be found here:
http://www.cscd.gov.bc.ca/lgd/gov_structure/library/improvement_district_conversion_guide.pdf.

1.5 COST-SHARING, STACKING AND LIMITS TO FUNDING AWARD

The funding provided by the federal government towards infrastructure projects is cost shared by other partners, such as provinces, municipalities, regional districts and Indigenous groups. The levels of federal and provincial contribution are:

<i>Ultimate Recipient</i>	<i>Government of Canada Contribution (up to)</i>	<i>Province of British Columbia Contribution (up to)</i>	<i>Total Senior Government Contribution (up to)</i>
Local government projects*	40%	33.33%	73.33%
Indigenous projects	75%	15%**	90%

The remaining eligible project costs, plus all ineligible projects costs, and cost overruns are the responsibility of the applicant. Where applicants plan to use or have applied for funds from other federal or provincial programs, the source of these funds must be indicated on the application form. The disclosure of other funding sources must be provided by the successful recipient up to the completion of the project.

Applicants who have other senior government funding or grants in place for their project should note that the program is subject to stacking rules. Total senior government funding will be reduced to the maximum commitments under this program or may affect funding under other senior government funding programs. Note that Gas Tax Community Works Funds are considered to be a federal contribution for these purposes, and will not be able to be utilized for the ultimate recipient's funding contribution to the project.

Indigenous ultimate recipients may be eligible to access additional funding from federal sources subject to approval from Canada.

* A local government is defined as the council of a municipality or the board of a regional district.

** For off-reserve assets.

2. APPLICANTS

2.1 ELIGIBLE APPLICANTS

- A local or regional government* established by or under British Columbia statute;
- The following Indigenous Ultimate Recipients:
 - A band council within the meaning of section 2 of the *Indian Act*;
 - A First Nation, Inuit or Métis government or authority established pursuant to a self-government agreement or a comprehensive land claim agreement between Her Majesty the Queen in Right of Canada and an Indigenous people of Canada, that has been approved, given effect and declared valid by federal legislation;
 - A First Nation, Inuit or Métis government that is established by or under legislation whether federal or provincial that incorporates a governance structure; and
 - A not-for-profit organization whose mandate is to improve Indigenous outcomes, in partnership with one or more of the Indigenous entities referred to above.

**Considered to be a municipality or regional district for the purposes of this funding.*

2.2 INELIGIBLE APPLICANTS

- Federal entities, including federal Crown Corporations.
- Applicants not defined in section 2.1.
- Applicants not residing within the Province of British Columbia.
- Applications from improvement districts, water utilities, societies or private water systems must be made by a sponsoring regional district or municipality. If the application is successful in obtaining program funding, the ownership of the infrastructure and associated assets must be transferred to the sponsoring local government.

3. PROJECTS

3.1 ELIGIBLE PROJECTS BY OUTCOME

The Program reflects an outcome based rather than a project category based approach. Project eligibility is based on its ability to meet the following **outcomes** set out by Infrastructure Canada:

- Increased capacity to treat and/or manage wastewater and stormwater
- Increased access to potable water
- Increased capacity to reduce and/or remediate soil and/or air pollutants

3.2 ELIGIBLE PROJECTS

The Program will target primarily public infrastructure, which is defined as “tangible capital assets in British Columbia primarily for public use and/or benefit”. To be eligible for funding, a Project must:

- a) be put forward by an applicant who demonstrates that they will be able to operate and maintain the resulting infrastructure over the long term;
- b) meet one or more of the Program outcomes (see Section 3.1);
- c) be for the construction, renewal, rehabilitation or material enhancement of infrastructure, excluding normal maintenance or operation;
- d) be supported by all requirements set out in Section 5;
- e) the application and supporting documents should be comprehensive, credible, and feasible;
- f) stipulate a construction completion date of no later than March 31, 2027;
- g) be duly authorized or endorsed by, as applicable:
 - in the case of a local government applicant, a resolution of its council/board; or
 - in the case of an Indigenous applicant, a resolution of its band council;
- h) be for broad public use or benefit and clearly demonstrate this within the application;
- i) meet or exceed any applicable energy efficiency standards for buildings outlined in the Pan-Canadian Framework on Clean Growth and Climate Change where a building is constructed;
- j) for publicly accessible buildings, meet or exceed the requirement of the highest published accessibility standard in a jurisdiction, defined as the requirements in the Canadian Standards Association Technical Standard Accessible Design for the Built Environment (CAN/CSA B651-12), in addition to applicable provincial building codes and relevant municipal bylaws;

- k) demonstrate benefits extending beyond the reserve community, for First Nations projects, located partially or entirely on reserve;
- l) be located in the Province of British Columbia; and
- m) meet all the program criteria identified in this Guide.

Projects of the following types must also meet these requirements:

- a) Wastewater Projects must result in wastewater effluent that meets the Wastewater Systems Effluent Regulations, or provincial regulations where there is a federal equivalency agreement in place.
- b) Drinking water quality following completion of a drinking water Project must meet or exceed provincial standards.
- c) Solid waste diversion Projects must result in a measurable increase in the quantity of material diverted from disposal as measured against a baseline using the *Generally Accepted Principles for Calculating Municipal Solid Waste System Flow*.
- d) Projects that reduce or remediate soil pollutants must be undertaken on properties that are contaminated, as confirmed by a Phase II Environmental Site Assessment.

3.3 INELIGIBLE PROJECTS

A project will be deemed ineligible if:

- a) the construction began or a tender has been awarded prior to the date a Shared Cost Agreement between the Province and the Ultimate Recipient is signed;
- b) the estimated project start date is more than 2 years after the date of application;
- c) the project will be completed after March 31, 2027;
- d) the project deals with assets owned by the Government of Canada including federal Crown Corporations;
- e) it does not meet one or more of the program outcomes outlined in Section 3.1;
- f) it is eligible under the federal Low Carbon Economy Fund;
- g) it is an energy retrofit project, unless the energy retrofit project is on an asset that would be considered eligible for funding under the ICIP IBA or under the National Housing Strategy;
- h) it includes investment in emergency services infrastructure;
- i) it involves relocation of whole communities; or
- j) it relates to seismic risks.

The government endeavors to support projects through the program which are well planned, support local and provincial priorities, and will continue to provide community benefits over the long term supported by sustainable infrastructure management. Projects may not be funded if they present risks to program funders, for example if any of the following are deemed likely:

- a high probability of the project not being able to be completed within the program timeline,
- potential for the project to not proceed due to applicant funding difficulties,
- a high probability that the project will require a significant change in scope to proceed due to limited planning being undertaken prior to application,
- the project may not provide the level of service identified,
- the project does not have public support,
- the project has the potential to cause environmental or social issues, or
- the applicant does not demonstrate they are able to manage, maintain and finance the project over the long term.

The applicant should clearly demonstrate within the application that risks related to the project have been considered and include mitigation measures for these.

Note that this does not preclude the consideration of innovative concepts and technology, and inclusion of these will be viewed positively where their suitability for the purpose is considered through the feasibility study.

3.4 PROJECT EXAMPLES

Examples of projects which may meet the outcomes in Section 3.1 may be found on the [Environmental Quality Program](#) website. This is not an exhaustive list and is intended as a sampling only. The Program utilizes an outcomes based approach rather than defined categories to allow for innovation and flexibility. Project that support outcomes and align with other eligibility criteria will be considered for funding.

3.5 PROJECT SIZE AND PHASING PROJECTS

Applicants should be aware that there are reporting requirements for this Program, and should be prepared to meet them (See Section 9.5 for requirements).

There is no cap on the maximum allowable funding amount per project; however, consideration will be given to a fair distribution of funding. Applicants should consider whether phasing is an option where project funding would represent more than 10% of the total funding available for the intake. Applicants should submit the project that will give them the best value for the given cost.

Where a phase is submitted for funding consideration, the phase should independently result in outcomes which align with program objectives.

If applying for a phase of a larger project, identify how the project will be phased. This should be demonstrated in the accompanying [Detailed Cost Estimate Template](#), and the project descriptions must be organized to easily understand each of the distinct phases of the project, highlighting which phase is the subject of the funding request.

It is important to note that the approval of one phase of a project does not guarantee that other phases will receive funding.

4. COSTS

See Appendix B for examples of eligible and ineligible costs.

4.1 ELIGIBLE COSTS

Eligible costs will include the following:

- a) all costs considered to be direct and necessary for the successful implementation of an eligible project, in the opinion of Canada and British Columbia, excluding those identified under Section 4.2 (Ineligible Costs);
- b) the capital costs of constructing or renovating a tangible asset, as defined and determined according to generally accepted accounting principles in Canada;
- c) all planning (including plans and specifications), assessment and design costs specified in the agreement such as the costs of environmental planning, surveying, engineering, architectural supervision, testing and management consulting services, to a maximum of 15% of total funding award;
- d) costs related to meeting specific Program requirements, including completing climate lens assessments (as outlined in Section 6) and creating community employment benefit plans (costs for climate lens assessments can be incurred prior to project approval, but can only be paid if and when a project is approved by both the Province and Canada for contribution funding);
- e) the costs of engineering and environmental reviews, including environmental assessments and follow-up programs as defined in the *Canadian Environmental Assessment Act 2012* and the costs of remedial activities, mitigation measures and follow-up identified in any environmental assessment;
- f) the costs of Aboriginal consultation, and where appropriate, accommodation;
- g) the costs directly associated with joint federal and provincial communication activities (press releases, press conferences, translation, etc.) and with federal and provincial project signage; and
- h) the incremental costs of the eligible recipient's employees related to construction of the project may be included as eligible costs under the following conditions:
 - i. The recipient is able to demonstrate that it is not economically feasible to tender a contract;

- ii. The employee or equipment is engaged directly in respect of the work that would have been the subject of the contract; and
- iii. The arrangement is approved in advance and in writing by the Province and by Canada.

Eligible costs are limited to the following:

- a) costs incurred between the project approval date and the project completion date set out in the Shared Cost Agreement, except for costs associated with completing climate lens assessments and creating community employment benefit plans, which are eligible before project approval, but can only be paid if and when a project is approved by the Province and Canada and a signed Shared Cost Agreement is in place.

4.2 INELIGIBLE COSTS

The following are deemed ineligible costs:

- a) costs incurred prior to the approval of the project, except for expenditures associated with completing climate lens assessments and creating community employment benefit plans as required (but can only be paid if and when a project is approved by the Province and Canada and a signed Shared Cost Agreement is in place);
- b) incurred after the project completion date set out in the Shared Cost Agreement with the exception of expenditures related to audit and evaluation requirements pursuant to the agreement;
- c) costs related to developing a funding application and application supporting documentation;
- d) costs incurred for cancelled projects;
- e) costs of relocating entire communities;
- f) land acquisition;
- g) real estate and other fees related to purchasing land and buildings;
- h) financing charges, legal fees and interest payments on loans, including those related to easements (e.g. associated surveys);
- i) costs associated with operating expenses and regularly scheduled maintenance work;
- j) leasing land, buildings and other facilities;
- k) leasing of equipment other than equipment directly related to the construction of the project;
- l) overhead costs, including salaries and other employment benefits, direct or indirect costs associated with operating expenses, administration and regularly scheduled maintenance work, and more specifically any costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by staff, except those indicated in Eligible Expenditures;

- m) costs related to furnishing and non-fixed assets which are not essential for the operation of the asset/project;
- n) any goods and services costs which are received through donations or in kind;
- o) taxes for which the ultimate recipient is eligible for a tax rebate and all other costs eligible for rebates;
- p) all capital costs, including site preparation, vegetation removal and construction costs, until Canada has been satisfied that the federal requirements under the Canadian Environmental Assessment Act, 2012 (CEAA, 2012), other applicable federal environmental assessment legislation that is or may come into force during the term of the Agreement, and other applicable agreements between Canada and Aboriginal groups have been met to the extent possible and continue to be met; and
- q) all capital costs, including site preparation, vegetation removal and construction costs, until Canada is satisfied that any legal duty to consult, and where appropriate, to accommodate Aboriginal groups or other federal consultation requirement, has been met and continues to be met.

5. GENERAL REQUIREMENTS

5.1 REQUIRED INFORMATION

Please ensure that your application addresses the following:

- Application form and mandatory documents have been filled out in full and submitted online using the Local Government Information System.
- Application must be submitted by an "eligible applicant" (defined in Section 2).
- Application must be for an "eligible project" (defined in Section 3).
- Application includes an authorization to proceed with the project from all appropriate approval authorities.
- Application includes a commitment to pay the applicant share of the eligible costs and ongoing (operating and other) costs associated with the project.
- Project is consistent with applicable provincial, regional, municipal, or band plans (e.g., land-use, integrated watershed management plan, municipal official plans, Integrated Community Sustainability Plans).
- Major risks with a potential impact on the project during construction or once completed have been considered, and, where applicable, a mitigation plan developed.
- All applicable legislative or regulatory requirements will or have been met. This includes requirements for a Federal Environmental Assessment (FEA) process, provincial Environmental Assessment process and requirements for Aboriginal Consultation. Where a project is excluded from a review under the Canadian Environmental Assessment Act, it may require permits or approvals from local, regional or provincial government agencies. It is the applicant's responsibility to ensure that any additional approvals and permits are identified and/or obtained.

- The energy efficiency requirements of the National Energy Code of Canada for Buildings 2015 will be met for newly constructed or materially rehabilitated infrastructure intended for use by the public, where applicable (describe the variances and plans to achieve compliance).
- For newly constructed or materially rehabilitated infrastructure intended for use by the public, the project will provide appropriate access for persons with disabilities, including meeting the requirements of the Canadian Standards Association Technical Standard Accessible Design for the Built Environment (CAN/CAS B651-04) or any acceptable or similar provincial or territorial standards (describe the variances and plans to achieve compliance).

Projects that are selected for funding will be required to provide additional information as outlined in Section 5.4 to British Columbia and Canada's satisfaction prior to Canada's approval of a project.

5.2 FUNDING

The applicant must demonstrate that their share of funding has been, or is being secured, and that a plan is in place to recover any cost overruns beyond budgeted contingencies. Further, the application must demonstrate that funds have been committed to operate, maintain and plan for replacement. Also see the "Evidence of Secured Funds" and "Council/Board Resolution" sections under Section 6.

If a local government has accumulated funds in a statutory reserve to finance a share of project costs, please submit evidence of these funds as at application date and supporting information directing the use of reserve funds.

If a local government intends to borrow a share of costs, a bylaw to authorize the borrowing of funds should receive third reading by a local government prior to submitting an application to the program. A copy of that bylaw should accompany the application. Municipalities that intend to borrow should also submit a Liability Servicing Limit Certificate for the amount authorized in the bylaw. Please also submit information about any sources of applicant share of project costs other than reserves or borrowing. Please note that submission of a loan authorization bylaw and supporting information as evidence under the program is separate from submission for approval by the Inspector of Municipalities. That is a separate process that must be completed when approval by the Inspector is desired. A preference may be given to funding projects that demonstrate secured funding.

A financial analysis will be completed as part of the application review. This will include a review of information submitted within the application and in addition, for local governments, a review of the periodic financial information that must be submitted to the Ministry of Municipal Affairs and Housing (the Ministry). This periodic financial reporting information is available on Ministry files, and thus does not need to be submitted with an application. However, local government applicants should recognize that the ranking of

applications may reflect the extent to which applicants have met financial criteria such as having:

- met the deadlines for legislated financial reporting, including the financial plan, audited financial statements, Local Government Data Entry (LGDE) forms and Statement of Financial Information (SOFI);
- submitted the financial plan to the Ministry to meet requirements of s 165 of the Community Charter for municipalities and section 374 of the *Local Government Act* for regional districts; and
- measures of financial stability and sustainability which may include property tax structures and development costs charge structure.

5.3 SELECTION PROCESS AND CRITERIA

The Program is merit based and projects are subject to a comprehensive technical ranking assessment and internal provincial review, with a list provided to the Oversight Committee and recommendations submitted to Canada for final approval.

Applicants must ensure that their application demonstrates how the project will be eligible for funding (Section 3.2), how the project benefits align with one or more of the outcomes (Section 3.1), how the project aligns with program criteria described in the application form and in this guide, and how the project is supported by sustainable management and planning.

In addition to consideration of the required information in Section 5.1 and 5.2, projects will be evaluated with regard to the degree to which they meet the following:

- represent good value for money;
- contribute to community objectives and is based on community need for services;
- enhance and protect public health;
- enhance and protect environmental health;
- support sustainability principles;
- are consistent with integrated long-term planning and management;
- demonstrate efficient use of resources throughout the life of the assets created;
- are situated within, and advances, the organization's capital works and financial plans;
- exhibit long-term sustainability, including operational viability, asset management for sustainable service delivery, and environmental sensitivity;
- will be able to be financially supported by the organization over the life of assets created including lifecycle and renewal costs;
- are supported by a high level of planning including identifying appropriate levels of service and demand;

- contribute towards reduction in demand for natural resources;
- consider adaptation and mitigation to climate change; and
- use the best available economically feasible technology, if applicable.

Projects that support the key actions identified as part of British Columbia's commitments under the [Pan-Canadian Framework on Clean Growth and Climate Change](#) may also be given additional priority.

Internal provincial review may include consideration of factors such as regional distribution of funding, previous funding, communities in need, and unmitigated project risks.

5.4 REQUIREMENTS PRIOR TO APPROVAL BY CANADA

Shortlisted projects will be given initial 'approval in principle' by the Province where additional requirements must be met prior to the project being formally accepted into the program. The following will be required to be completed to BC and Canada's satisfaction prior to Canada's approval of a project into the program:

- For all projects with total estimated eligible expenditures of \$10 million or more, a climate lens - greenhouse gas emissions assessment that includes a cost-per-tonne calculation as required by Canada*
- For all projects with total estimated eligible expenditures of \$10 million or more, a climate lens - climate change resilience assessment*
- A federal form to determine if there are any federal environmental assessment requirements that could apply to the project and if there is a requirement to consult with Indigenous Groups
- For all projects with total estimated eligible expenditures of \$25 million or more, the expected results for community employment benefits as required by Canada, unless waived at the discretion of British Columbia (see section 9.5 for additional information)

The following may be required on a case by case basis at the discretion of British Columbia:

- For projects with total estimated eligible expenditures of \$15 million or more and a sufficiently complex nature, a Value Engineering assessment

The intent of the Provincial "approval in principle" is to give applicants some assurance that funding will be received prior to having to complete these additional requirements.

Projects that request a contribution of more than \$50 million from federal sources, involve federal assets, or involve sole source contracting (contracts over \$25,000 or, for

the acquisition of architectural and/or engineering services, over \$100,000), if shortlisted, will be subject to a request for further information to support a federal Treasury Board submission.

*Note that costs associated with greenhouse gas emissions and climate change resilience climate lens assessments will be considered as eligible as part of the funding.

6. APPLICATION PROCESS

All proponents must complete and submit an online application form via the Local Government Information System (LGIS). A Business BCeID is required to set up access in LGIS. this can take up to 15 business days. New users are encouraged to start the process of requesting a BCeID as early as possible. See [Application Instructions & Tips](#) for more details.

A statement by a Financial Approver and Project Manager certifying that the information contained in the application is correct and complete will be required as part of the online application submission.

The following mandatory documents must be clearly labeled and uploaded to LGIS as part of your online application by the application deadline:

- Council/Board/Band Council Resolution
- Detailed Cost Estimate
- Site Plan / Map
- Feasibility Study
- List and status of required licenses, permits and approvals (or indicate if not applicable)
- Evidence of Secured Funds
- For all projects related to drinking water or wastewater: Water Conservation Plan (for all Drinking Water and Wastewater projects) and a copy of Council/Board/Band Council endorsement for the plan

Attached supporting documents should be clearly labelled, succinct and submitted in a searchable format where possible. Where attachments are longer in length, specific reference should be made to the sections of documents you wish to be included in the review.

Applicants are responsible for ensuring full and accurate information is submitted. Applications will not be reviewed unless all necessary information has been submitted, including mandatory documents.

The following documents may be used to support the application; however the relevant information should be referenced within the application:

- Options Assessment
- Business Plan
- Cost Benefit Analysis or Other Study
- Design Drawings or Details
- Letters of Support

Letters of support, partnership agreements, or memorandums of understanding from the other partners are recommended for projects done in partnership with others or that will have joint ownership. Letters from health officers are useful for projects that support public health objectives.

6.1 COUNCIL/BOARD/BAND COUNCIL RESOLUTION

- A council/board/band council resolution or by-law, committing the proponent to contribute its share of the eligible project costs and all the ineligible costs.

The resolution/bylaw must identify the source of the proponent's share of the projects costs. The resolution should show support for the project from a municipality's Council, a regional district Board, or an Indigenous applicant's band council (or other appropriate authorized body).

Where possible, the resolution should be submitted as part of the application package. Where the applicant is unable to submit the resolution with the application (e.g. due to timing considerations with when the Council/Board meets), it must be submitted within one month after the submission deadline. Please indicate on the application form when submission of the resolution will be expected to occur.

Projects not supported by an appropriate resolution will not be reviewed.

6.2 DETAILED COST ESTIMATE

A detailed cost estimate template has been provided on the [Environmental Quality Program](#) website and submission of a completed cost estimate is a mandatory document. Detailed costs estimates must include but are not limited to: an itemized description, cost per unit of measure, number of units, as well as design, engineering, contingency costs, and tax rebate breakdowns. Applicants are to identify which costs are eligible and which are ineligible and to state what class or confidence level the estimates are (e.g., class B or the level of confidence of the proposed cost). Cost estimates must be dated.

If the project is part of a larger project, the detailed cost estimate should only include the costs for the project being applied for. If a project can be broken into phases, a

separate detailed cost estimate must be submitted for each phase being applied for.

It is important to note that projects will be reviewed in the context of the *Canadian Environmental Assessment Act (CEAA) 2012* and regulations as discussed in Section 7. Where applicable, project cost estimates should include costs to conduct a CEEA study.

Projects requiring climate lens assessments as outlined in Section 5.4 should include costs to complete these and have them attested to by a qualified assessor.

IMPORTANT: It is necessary to provide **up-to-date, detailed, and complete cost estimates** and identify and account for inflation, increasing construction costs and possible delays in start and completion dates. Factors that may delay construction include: the timing of the grant announcement date, fisheries window, public consent, weather and construction seasons, delays in the CEEA process, right of way negotiations, regulatory applications, etc.

6.3 SITE PLAN/MAP

A site plan/map should include the location and the general layout of the works to be included in the proposed project.

6.4 FEASIBILITY STUDY

This study should be completed by a professional with expertise relevant to the subject area (i.e. an engineer, architect, etc.) and should identify what the solution is, why it is being recommended and should address capital and lifecycle expenditures, annual operating costs, emerging technologies, environmental considerations and societal impacts.

6.5 LIST OF REQUIRED LICENSES, PERMITS AND APPROVALS

All applicants are required to investigate and submit a list of licenses, permits and approvals which are required for the project to proceed and they must advise on the status of any that have been applied for. This demonstrates that a project is on track and/or that the proponent has considered and commenced applications for these required items.

Note that there is now a requirement under the Water Sustainability Act for a water license for all users who divert and use **groundwater** from a well or dugout for non-domestic purposes. The Ministry of Environment & Climate Change's brochure provides information: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/laws-rules/gw_licensing_brochure.pdf.

6.6 EVIDENCE OF SECURED FUNDS

Evidence that the applicant's full share of funding has been or will be secured is required. This evidence may be in the form of recent bank statements showing that the amount is on hand, a line of credit letter of approval (for non-local government entities), staff reports and/or resolutions of board/council directing the use of reserve funds, and for local governments who are recovering their share of funding through borrowing, a Liability Servicing Limit Certificate indicating that borrowing is within a local government's assent free borrowing limit, a loan authorization bylaw that has received third reading, and/or a date that borrowing has been approved through a formal public approval process and a copy of the related bylaw. Other evidence may be accepted at the discretion of the Director or program leads.

The applicant will be prompted for required documents through the online application process.

6.7 WATER CONSERVATION PLAN

A current, Council, Board, or Band Council endorsed Water Conservation Plan will be required for any project application related to Drinking Water or Wastewater. To meet the requirement, the plan will need to have been updated within the last five years. Please attach or provide a link to the plan and provide a copy of the Council or Board endorsement of the plan. The plan should be relevant to the area which will be served by the project.

Where a water or wastewater system is being transferred to a local government, a commitment should be included to extend the water conservation activities to the transferred system.

It is expected that Drinking Water or Wastewater projects which create new infrastructure will consider how water can be used efficiently or reduced as part of the project design. Advice on creating a water conservation plan can be found here: <http://www.obwb.ca/water-conservation-guide-for-bc-now-available/>. An additional tool for exploring water conservation options is: <http://waterconservationcalculator.ca>.

6.8 CONTACT INFORMATION

Applications and mandatory documents will be submitted through the online LGIS application. Questions can be directed to:

Ministry of Municipal Affairs and Housing

Phone: 250-387-4060

Email: infra@gov.bc.ca

7. CANADIAN ENVIRONMENTAL ASSESSMENT ACT, 2012 REQUIREMENTS

The *Canadian Environmental Assessment Act 2012* (the Act) and its regulations are the legislative basis for the federal practice of environmental assessment. A Federal Environmental Assessment (FEA) is a process to evaluate the environmental effects and identify measures to mitigate potential adverse effects of a proposed project. The Act ensures that the environmental effects of a project are carefully reviewed before a federal department/agency makes a decision to allow the proposed project to proceed.

Detailed information on the *Canadian Environmental Assessment Act* and regulations can be found at the Canadian Environmental Assessment Agency's website: www.ceaa-acee.gc.ca/.

All projects that receive funding through the Agreement must comply with the Act. However, since not all projects are on federal lands or affect the environment in a significant way, many projects may not require an environmental assessment under the Act. It is the responsibility of the Proponent to determine the FEA requirements and contact the relevant Federal departments, as indicated below.

7.1 HOW TO DETERMINE IF A FEDERAL ENVIRONMENTAL ASSESSMENT (FEA) IS REQUIRED

An FEA will be required under CEAA 2012 if the project meets the definition of a designated project and or it is located on federal lands.

Is it a designated project?

Designated projects can be found on the *Regulations Designating Physical Activities*: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/page-1.html#docCont>
Only projects on the designated project list require FEA or projects designated by the Minister due to potential for environmental effects or public concerns. Should the Project meet the definition of a designated project, proponents must provide to the Canadian Environmental Assessment Agency a description of their proposed project to initiate the process.

Is the project on federal lands?

Projects on federal lands are subject to an assessment of environmental effects. Information must be provided to program staff on whether or not the project will be located on federal lands. Proponents must engage with the federal lands' owner to establish the process and requirements to meet CEAA, 2012.

For more information refer to the Operation Policy Statement:

<https://www.canada.ca/en/environmental-assessment-agency/news/media-room/media-room-2015/assessing-cumulative-environmental-effects-under-canadian-environmental-assessment-act-2012.html>

7.2 TIME AND COST CONSIDERATIONS

Time and Costs involved in completing the FEA and associated studies will depend on site accessibility and the availability of local expertise, the nature and complexity of the project, potential environmental implications and the level of public/First Nations interest. When developing the project cost estimates, please consider the potential expenses involved in preparing a FEA.

7.3 DIALOGUE WITH ENVIRONMENTAL AGENCIES

For projects that require a FEA, proponents are encouraged to contact relevant federal departments or provincial ministries (e.g., Fisheries & Oceans Canada, Environment Canada - Canadian Wildlife Service or BC Ministry of Environment). A proactive discussion with such agencies during the project-planning phase will assist in identifying potential environmental impacts and necessary mitigation measures.

IMPORTANT NOTE:

- Where necessary, ICIP funding is conditional upon completion of an environmental assessment review of the project under the Act with a satisfactory outcome.
- Starting BC and Canada environmental assessments early in the planning of a project will assist the British Columbia and the Government of Canada in discharging the legal duty to consult and, if appropriate, accommodate Aboriginal peoples when the Crown contemplates conduct that might adversely impact established or potential Aboriginal or Treaty rights.
- Successful applicants must agree to adhere to mitigation requirements as may be specified in the FEA and/or recommended by federal departments and agencies participating in the review process.
- Any changes to the scope of the project while it is underway could re-open the FEA review and cause the project to have construction delays. In addition, project scope changes need to be brought to the ICIP program staff immediately as they need the Province's approval prior to going forward with any changes to the original approved scope.

7.4 OTHER REGULATORY CONSIDERATIONS

Projects must meet all applicable federal and provincial environmental legislation and standards. Even though a project is excluded from a review under the *Canadian Environmental Assessment Act*, it may require permits or approvals from local, regional

or provincial government agencies. It is the applicant's responsibility to ensure that any additional approvals and permits are obtained.

7.5 B.C. ENVIRONMENTAL ASSESSMENT PROCESS

Proposed projects or modifications to existing projects that are subject to the *British Columbia Environmental Assessment Act* (BCEAA) are specified in the Environmental Assessment Reviewable Project Regulations by project type, design capacity, and diversion or extraction rate. All applicants should review a copy of the regulations for information on projects that may be subject to the BCEAA. Information must be provided to CWWF program staff on whether or not the project will be subject to BC Environmental Assessment.

Refer to BC Environmental Assessment Office's website at www.eao.gov.bc.ca or contact their office at:

**2nd Floor 836 Yates Street
PO Box 9426 Stn Prov Govt
Victoria, BC V8W 9V1
Email: eaoinfo@gov.bc.ca**

8. ABORIGINAL CONSULTATION

Proponents may be required to consult with Aboriginal groups if the project is located in an area where Aboriginal communities have potential or established Aboriginal or Treaty rights. It is the responsibility of the Proponent to determine whether or not the project requires consultation with Aboriginal groups. Information must be provided to program staff on whether or not the project will be subject to Aboriginal Consultation.

If required, Canada must be satisfied that for each Project:

- a) Aboriginal groups have been notified and, if applicable, consulted;
- b) If applicable, a summary of consultation or engagement activities has been provided, including a list of Aboriginal groups consulted, concerns raised, and how each of the concerns have been addressed, or if not addressed, an explanation as to why not;
- c) Accommodation measures, where appropriate, are being carried out by British Columbia or Ultimate Recipient at their own cost; and
- d) Any other information has been provided that Canada may deem appropriate.

No site preparation, vegetation removal or construction will occur for a Project and Canada has no obligation to pay any Eligible Expenditures that are capital costs, as

determined by Canada, until Canada is satisfied that any legal duty to consult, or other federal consultation requirement, and where appropriate, to accommodate Aboriginal groups has been met and continues to be met.

For more information on British Columbia's consultation resources and consultation policy:

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>

<http://www2.gov.bc.ca/gov/DownloadAsset?assetId=9779EDACB673486883560B59BE782E>

For more information on Aboriginal Consultation in Federal Environmental Assessment: <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=ED06FC83-1>

9. APPROVED APPLICATIONS

Successful recipients will be notified in writing if their application is approved.

The Province of British Columbia will provide a Shared Cost Agreement* to those proponents approved for funding. The Shared Cost Agreement will outline the terms and conditions associated with the funding. Funding is conditional upon the recipient signing a Shared Cost Agreement with the Province.

Shared Cost Agreements will be prepared only after the requirements described in Section 5.4 have been deemed as met by Canada.

All projects will be expected to be substantially complete within the dates set out in their Shared Cost Agreement. The Program is designed to support projects that can be completed within five to six years of the approval. Where extenuating circumstances outside the proponent's control cause project delays, an approval for extension may be considered (with projects ultimately having to be completed before March 31, 2027).

Shared Cost Agreement or "Ultimate Recipient Agreement"* means an agreement between British Columbia and the Ultimate Recipient under the ICIP.*

****"Ultimate Recipient" means an entity identified under sections A.1 a) of Schedule A in Canada – British Columbia ICIP Integrated Bilateral Agreement and identified within this guide as an eligible applicant.*

9.1 ASSETS

9.1.1 Disposal of Assets

Within the Shared Cost Agreement, ultimate recipients will need to maintain ongoing operations and retain title to and ownership of an asset for at least five years after substantial completion, except to Canada, British Columbia or a municipal or regional government, or with Canada and the Province's consent.

9.1.2 Revenue from Assets

Senior government contributions are meant to accrue to the public benefit. Within the Shared Cost Agreement, there will be a requirement that funded assets owned by a for-profit Ultimate Recipient will not generate revenues that exceed its operating expenses within the Fiscal Year during the asset disposal period. Where funding is used by a for-profit private sector body for the purpose of the ultimate recipient generating profits or increasing the value of its business, repayment of any contribution funding will be required.

9.2 SHARED COST AGREEMENT

“Shared Cost Agreement” means an agreement between the Province of British Columbia and a Recipient whereby the Province agrees to contribute financially to an approved project.

9.3 CONTRACT PROCEDURES AND PROVISIONS

“Contract” means a Contract between a Recipient and a Third Party whereby the latter agrees to contribute a product or service to a project in return for financial consideration which may be claimed as an Eligible Cost.

All contracts will be awarded in a way that is fair, transparent, competitive and consistent with value for money principles.

The following objectives for procurement activity for goods, services and construction are based on the principles of fair and open public sector procurement: competition, demand aggregation, value for money, transparency and accountability:

- proponents receive the best value for money spent on contracts;
- vendors have fair access to information on procurement opportunities, processes and results;
- acquisition opportunities are competed, wherever practical;

- proponents only engage in a competitive process with the full intent to award a contract at the end of that process;
- proponents are accountable for the results of their procurement decisions and the appropriateness of the processes followed;
- the cost of the procurement process, to both vendors and proponents, is appropriate in relation to the value and complexity of each procurement;
- contracts are awarded in accordance with the Canadian Free Trade Agreement and international trade agreements if applicable; and
- acquisitions are managed consistent with the policy of the Province of British Columbia (The Province of British Columbia Policies can be accessed at: <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/core-policy/policies/procurement>).

Proponents are responsible for:

- planning, managing and fully documenting the process to acquire goods, services and construction;
- managing solicitation and contract award processes in a prudent and unbiased manner that fairly treats all potential vendors and bidders;
- ensuring that contracts for goods, services and construction are designed to provide the best value; and
- ensuring that all acquisitions are consistent with policy and applicable legislation.

It is expected that all contracts for works associated with projects that are approved for funding will be publicly tendered. Where this is not feasible or practicable, recipients must inform, in writing, the Ministry for approval before proceeding with the project.

The Province reserves the right to review a Recipient's procurement and tendering policies relating to contracts for works associated with projects funded through this program at any time from project approval to a date three years after project completion.

Two resources are available to help applicants to achieve excellence in the awarding of contracts in a way that is transparent, competitive, and consistent with value for money principles:

- The Master Municipal Construction Documents Association (MMCD) provides its members with standardized contract documents and training programs to maximize the benefits of the documents. The Province of British Columbia encourages British Columbia Municipalities to use the Master Municipal Construction Documents for the construction of municipal services. Many B.C. local governments have been, and continue to, subscribe to the MMCD documents, certification, training and

procedures. For further information about MMCD access its website at: www.mmcd.net/.

- BC Bid, the e-Procurement site of the Province of British Columbia can be accessed at: www.bcbid.gov.bc.ca/open.dll/welcome.

9.4 CHANGES OR VARIATIONS TO AN APPROVED PROJECT

Applicants need to advise the Ministry, **in writing**, of any variation from the approved project. **Before** any changes are implemented they must be approved by the Ministry. Changes that require written approval are those that deviate from the Shared Cost Agreement, generally project description/scope or project completion date. Costs that are outside of the current terms of the contract may not be able to be reimbursed.

Program staff will adjust future claims and/or require the provincial government to be reimbursed if any costs that have been reimbursed are subsequently found to be ineligible.

9.5 COST OVERRUNS

The Program will be fully allocated and oversubscribed. Recipients of grant funding will be responsible for managing project risks, including cost increases, as the Program is not designed to deal with cost overruns. Any project cost increases will be the responsibility of the Ultimate Recipient.

9.6 REPORTING

A Periodic Progress Report will be required quarterly and a Budget Forecast Report will be required monthly or upon request by the Province. These reports update the federal and provincial agencies regarding timelines, percentage completion, milestones, forecasting and other information regarding the project. Progress reports are required whether or not a claim is made, or whether or not construction has begun. The reports are required for the period between project approval and project completion.

These reports must be completed and submitted online using the Local Government Information System (LGIS). To access the online reporting users must have a Business BCeID credential and password.

For more information on BCeID access requirements, see [Application Instructions & Tips](#).

Conditions will be included in the Shared Cost Agreement which will require the Ultimate Recipient of the grant to conduct activities or prepare documentation related to best practice and sustainable infrastructure management. These will be tied to the payment of interim and final claims.

Examples of condition requirements that have been included in past programs include*:

- Confirmation that required permits have been received and/or that the design and construction meets associated regulatory requirements;
- A list of energy efficient features and equipment used in the project;
- For projects that develop a new groundwater source, use of best practices as detailed in the Province's Well Head Protection Toolkit, including a Wellhead Protection Plan;
- A summary of the state of asset management practice within the organization in reference to the Asset Management BC Roadmap and/or AssetSMART 2.0
- Confirmation that the system and operators are or will be certified under the BCEOCP;
- Completion of a council or board endorsed Water Conservation Plan;
- A plan demonstrating how the community is working towards and planning for sustainable wastewater management;
- Confirmation that a new building exceeds the energy requirements under the National Energy Code for Buildings by at least 25%;
- Confirmation that bylaws are in place regarding the decommissioning of on-site sewage on properties connected to the community sewage collection system and requiring community sewer for smaller properties or a Liquid Waste Management Plan that identifies decentralized wastewater management;
- A plan or strategy to manage stormwater/rainwater;
- An asset renewal profile for the asset group related to the project.

Applicants will be required to report on the following federal targets which are applicable to the project:

- Reduce by forty percent (40%) the number of long-term drinking water advisories in non-reserve communities
- Increase the number of wastewater systems achieving compliance with federal effluent regulations: from ninety-eight percent (98%) to one hundred percent (100%) for high-risk wastewater systems, and from ninety percent (90%) to one hundred percent (100%) for medium-risk wastewater systems
- Contribute to a national ten mega-tonne (10 mT) reduction of greenhouse gas emissions

Projects with total estimated eligible expenditures of \$25 million or more will need to report on community employment benefits provided to at least three (3) federal target groups (apprentices, Indigenous peoples, women, persons with disabilities, veterans, youth, new Canadians, or small- medium-sized enterprises and social enterprises).

This requirement may be waived at the discretion of British Columbia for applicants with lower capacity to capture this information with specific rationale.

Applicants must ensure that they collect and are able to provide data on the applicable performance indicators related to Outcomes and associated Targets (listed in Appendix A).

A Final Report detailing project performance must be completed and submitted with the final claim upon project completion.

* This is not a comprehensive list of all potential condition requirements and others may be added or substituted at the discretion of the Province.

9.7 CLAIMS

To receive both the federal and provincial governments' contributions for approved projects, claims must be submitted for eligible costs to the Ministry. Only costs incurred, paid and consistent with and comparable to those identified in the signed shared cost agreement are eligible for reimbursement. Where multiple projects are ongoing (e.g. through different grant funding programs or through a phased approach), please ensure that claims are specific to the approved project only.

Claims must be completed and submitted online using the Local Government Information System (LGIS). The online claim form requires summary of expenditures information, including: name of payee, date paid, work rendered start/end dates, invoice number, invoice date, etc. Current progress reports must be submitted online to the Ministry via LGIS for claim reimbursement. All projects are subject to site visits and audit at any time during the project and up to the later of: the end date of the Integrated Bilateral Agreement for ICIP between Canada and British Columbia or up to three years after the final settlement of accounts.

To access LGIS, users must have a Business BCeID credential and password. For more information on BCeID access requirements, see [Application Instructions & Tips](#).

9.8 ACCOUNTING RECORDS

Applicants must maintain acceptable accounting records that clearly disclose the nature and amounts of the different items of cost pertaining to the project. These records should include both the records of original entry and supporting documents of the applicant, divisions or related parties, and any third party, named in the application or contract, as appropriate to the project. Applicants must retain accounting records for a minimum of six years after the end date of the Integrated Bilateral Agreement for ICIP between Canada and British Columbia.

Failure to keep acceptable accounting records and tender documents may result in a cessation or interruption in funding and impact future funding.

The Province can require applicants to provide details of the types and amounts of all fees for consultants and contractors.

9.9 COMMUNICATIONS

Procedures for Communications

An important aspect of the program is to communicate its impact in helping improve the quality of life in British Columbia communities. The purpose of joint communications activities is to provide information on the Program to the public in a well-planned, appropriate, timely and consistent manner that recognizes the benefits of the initiative and the contribution of all parties.

A communications protocol will be set out within the Shared Cost Agreement. Signage recognizing funding contributions will also be required.

Timeline for Public Events

Please contact the provincial Ministry for your project at least **20 working days** prior to any scheduled public events. The federal and provincial Ministers, or their designated representatives, regularly participate in the events, thus need time to schedule for such an occasion.

APPENDIX A – Federal Program Outcomes & Targets

Ultimate recipients are required to report on outcomes and associated targets through the Province to Canada for the ICIP – Green Infrastructure – Environmental Quality Sub-Stream projects completed in BC. Below are the federal outcomes and targets that are associated with this program for ease of reference.

Environmental Quality <u>Outcomes</u>:
Increased capacity to treat and/or manage wastewater and stormwater
Increased access to potable water
Increased capacity to reduce and/or remediate soil and/or air pollutants

<u>Targets</u> Relevant to the Environmental Quality Sub-Stream*:
Reduce by forty percent (40%) the number of long-term drinking water advisories in non-reserve communities.
Increase the number of wastewater systems achieving compliance with federal effluent regulations: from ninety-eight percent (98%) to one hundred percent (100%) for high-risk wastewater systems, and from ninety percent (90%) to one hundred percent (100%) for medium-risk wastewater systems.
Contribute to a national ten mega-tonne (10 mT) reduction of greenhouse gas emissions.
Ensure one hundred percent (100%) of federally-funded public-facing infrastructure meets the highest published applicable accessibility standard in a respective jurisdiction.

*Not all targets will be applicable to every project. Some projects that are eligible under the program outcomes may not have a corresponding target (i.e. soil remediation).

APPENDIX B – Examples of Eligible Costs and Ineligible Costs

Please note: The following are examples only and are based on staff knowledge of past federal-provincial programs and program criteria. The determination of whether costs are eligible will ultimately rest with program staff. If a cost is not listed below, contact program staff prior to undertaking associated work. (See Section 6.8 for contact information)

General

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Costs paid under contract for goods or services considered to be direct and necessary to implement the project 	<ul style="list-style-type: none"> Any unpaid costs including invoices or holdbacks Accrued costs Any goods or services costs which are received through donations or in kind
<ul style="list-style-type: none"> Costs incurred after approval and on or before the project completion date stipulated in the Shared Cost Agreement and deemed properly and reasonably incurred 	<ul style="list-style-type: none"> Costs incurred prior to approval date and after project completion date as stipulated in the Shared Cost Agreement (with the exception of costs to complete climate lens assessments which are eligible prior to grant award if the project is successful in obtaining funding through the program)
<ul style="list-style-type: none"> Capital costs as defined by Generally Accepted Accounting Principles (except capital costs included in INELIGIBLE COSTS) 	<ul style="list-style-type: none"> Services or works normally provided by the Recipient, including: <ul style="list-style-type: none"> overhead costs salaries and other employment benefits of any employees of the Recipient <u>unless pre-approved by the Ministry and specifically related to the project</u> leasing of equipment except that directly related to the construction of the project purchasing equipment accounting fees incurred in the normal course of operation auditing fees incurred in the normal course of operation operating expenses and regularly scheduled maintenance
	<ul style="list-style-type: none"> Land acquisition and real estate fees: <ul style="list-style-type: none"> leasing land, buildings and other facilities and related costs

ELIGIBLE	INELIGIBLE
	<ul style="list-style-type: none"> Financing charges, loan interest payments legal fees (including those related to easements)
	<ul style="list-style-type: none"> Taxes for which the Recipient is eligible for a tax rebate and all other costs eligible for rebates

Environmental Assessment/Aboriginal Consultation Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Environmental reviews Environmental costs Remedial activities Mitigation measures Aboriginal consultation 	

Climate Change Lens Assessment Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Greenhouse Gas Emissions Assessment when indicated required in Section 5 of the Guide Climate Resilience Assessment when indicated required in Section 5 of the Guide 	

Design / Engineering Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Fees paid to professionals, technical personnel, consultants and contractors specifically engaged to undertake the surveying, design, and engineering of a project 	
<ul style="list-style-type: none"> Accommodation costs included in consulting fees or disbursement for out of town/province professionals 	<ul style="list-style-type: none"> Any legal fees including those for land transfers (easements, Right of Way)

Construction/Materials Costs

ELIGIBLE	INELIGIBLE
	<ul style="list-style-type: none"> • Cost of purchasing land and associated real estate and other fees • Value of donated land • Interim financing and interest costs • Appraisal fees • Land title fees • Leasing of land or facilities
	<ul style="list-style-type: none"> • Building permit charged by proponent to itself • Development cost charges
<ul style="list-style-type: none"> • Insurance related to construction 	<ul style="list-style-type: none"> • Liability insurance for directors
<ul style="list-style-type: none"> • Project management fees 	
<ul style="list-style-type: none"> • Material testing necessary to prove suitability of soils and specified structural elements 	
<ul style="list-style-type: none"> • Fencing for the construction site • Permanent fencing 	
<ul style="list-style-type: none"> • Towing heavy equipment to and from the construction site 	<ul style="list-style-type: none"> • Towing vehicles
<ul style="list-style-type: none"> • Security guard & First Aid attendant (contracted for construction project) 	<ul style="list-style-type: none"> • Ambulance for workplace accidents • First aid courses
<ul style="list-style-type: none"> • Furniture and/or equipment essential for operation of the project 	<ul style="list-style-type: none"> • Tools (e.g. hammer, saw , shovel, rakes, gloves) • Furnishing and non-fixed assets which are not essential for the operation of the asset/project
<ul style="list-style-type: none"> • Utility, electrical, sanitary sewer, and storm sewer set-up/connection services to the site property line 	<ul style="list-style-type: none"> • General repairs and maintenance of a project and related structures
<ul style="list-style-type: none"> • Safety equipment to be kept at the project site (e.g. safety goggles, beakers, eye wash bottles, latex gloves, UV lamp, vacuum hand pump, forceps, etc.) 	
<ul style="list-style-type: none"> • Fire protection equipment as required by the fire department 	
<ul style="list-style-type: none"> • Third party (contractor) rental of a trailer/site office 	
<ul style="list-style-type: none"> • Permanently installed 2 way radios, phone system for facility 	<ul style="list-style-type: none"> • Monthly bills for utilities and phone/internet
	<ul style="list-style-type: none"> • Contributions in kind
<ul style="list-style-type: none"> • Fuel costs for rental equipment 	<ul style="list-style-type: none"> • Vehicle maintenance and fuel costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Temporary construction or permanent signage, specific to the project 	<ul style="list-style-type: none"> General construction signs (e.g. detour, street closed)
<ul style="list-style-type: none"> Relocation/renovation kiosk signs for public information 	<ul style="list-style-type: none"> Temporary “Hours of Business” signs
<ul style="list-style-type: none"> Surveys necessary to determine the site’s suitability for the intended purpose 	<ul style="list-style-type: none"> Any other surveys except to determine the site’s suitability
<ul style="list-style-type: none"> Demolition of unwanted structures from the site 	
<ul style="list-style-type: none"> Landscaping to restore construction site to original state following construction Installation of landscaping 	<ul style="list-style-type: none"> Maintaining landscaping
<ul style="list-style-type: none"> Newspaper/radio ads related to contract tenders and contract award notifications; or public safety, road closure or service interruption notices related to the project 	
<ul style="list-style-type: none"> Printing and distribution costs for public information materials regarding the project 	
<ul style="list-style-type: none"> Printing costs for preparing contract documents or tenders, blue prints, plans/drawings 	
<ul style="list-style-type: none"> Courier services, specific to project e.g. delivering drawings/designs 	
<ul style="list-style-type: none"> Paving of access and curb cuts 	

Communication Activities Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Any costs reasonably incurred to undertake joint federal and provincial communication activities, such as, but not limited to: <ul style="list-style-type: none"> - federal or provincial funding - recognition signage - permanent commemorative plaques - A/V rental and set up costs - event equipment rental and set up costs, such as stage and podium for joint events - event photography 	<ul style="list-style-type: none"> Media consultant Event planners Gifts Hospitality costs, such as, but not limited to: <ul style="list-style-type: none"> - food/beverages - liquor - entertainment

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Award of Wharf Park Shoreline Rehabilitation Project

Administrative Recommendation:

THAT the Board of Directors approve the tender evaluation report and recommendations for award of the “Wharf Park Shoreline Protection” Invitation to Tender;

AND THAT the Board of Directors award the “Wharf Park Shoreline Protection” project to Chute Creek Contracting up to the amount of \$176,465 exclusive of GST.

Purpose:

The RDOS continues to work to maintain and improve park facilities and achieve the outcomes of the 2018 Strategic Plan. The Wharf Park Shoreline Rehabilitation Project includes work to re-establish shoreline armouring that was badly damaged during 2017 flooding.

Reference:

Shoreline image.

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

- Key Success Driver: Build a sustainable region
- Goal 3.1: To develop a socially sustainable region
- Objective 3.1.7: By providing public recreational opportunities
- Activity: Wharf Park Shoreline Rehabilitation

Background:

The Wharf Park shoreline was badly damaged in 2017 by a combination of historically high lake water levels and wave action.

Geotechnical and environmental assessments have been completed as part of the remediation design, and an authorization under the Provincial Water Act has been received.

Ecora Engineering provided tendering services for the project. Primary work components in the tender included common excavation, subgrade preparation, and placement of certified rip rap.

Analysis:

One submission was received from a qualified contractor. A committee comprised of Community Services staff and Ecora Engineering evaluated the proposals based on the criteria outlined in the advertisement. Criteria included price, company history, methodology and proposal clarity.

Contractor	Evaluation Score/ 100	Upgrades (Plus GST)
Chute Creek Contracting	100	\$176,465

The project will be funded through the Naramata Parks and Recreation Service Area, 2018 capital projects budget. The project was approved by Emergency Management BC under Disaster Financial Assistance (DFA), up to 80% of project costs are recoverable under this program.

The breakdown of funding for the Chute Creek contract is:

- Capital Projects Budget \$35,293
- Disaster Financial Assistance \$141,172

The Chute Creek Contracting tender meets all mandatory requirements and is within budget.

Alternatives:

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

Respectfully submitted:

"Doug Reeve"

D. Reeve, Project Coordinator



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Loose Bay Campground Society Service Provider Agreement

Administrative Recommendation:

THAT the Board of Directors approves the Service Provider Agreement between the Loose Bay Campground Society and the Regional District of Okanagan Similkameen to manage & operate a campground in Electoral Area "C" for seasonal fruit pickers with the date as set out in the Service Provider Agreement.

Reference:

Bylaw 2757,2016 Loose Bay Campground Service Establishment Bylaw

Background:

The Loose Bay Campground Society has been managing and operating a campsite for the seasonal fruit pickers in Area C. The Directors of the Society have been concerned about their liability should something untoward occur at the campsite.

The Society approached the RDOS to request that we extend liability coverage to them.

The Municipal Insurance Association of BC (MIABC) requires a resolution from the Board approving the Service Provider Agreement in order to extend coverage to the Loose Bay Campground Society under its Associate Program.

Analysis:

The Loose Bay Campground Society does not have the resources to acquire liability coverage themselves. The MIABC offers Associate Coverage which allows a named society to be covered under the RDOS's policy. This cost for this coverage is \$250.00 per year.

The addition of an Associate to the RDOS's coverage exposes the organization to the risks incurred by the Loose Bay Campground Society similar to if the RDOS operated the campground itself.

The RDOS currently has the CORD and the Olliver Parks & Recreation Society as Associates under its policy.

Alternatives:

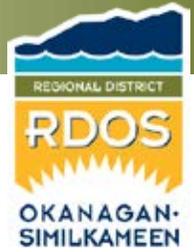
Status Quo: The Loose Bay Campground Society may be forced to discontinue managing the campsite due to concerns regarding the liability exposure of its Directors.

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 6, 2018
RE: Area "B" Community Works Gas Tax Reserve Fund Expenditure

Administrative Recommendation:

THAT Bylaw 2827, 2018, being a bylaw of the Regional District to authorize an expenditure of \$50,000 to the Similkameen Housing Services Society for the purchase & placement of fill from the Electoral Area 'B' Community Works Gas Tax Reserve Fund be read a first, second and third time, and be adopted.

Reference:

Bylaw 2401, 2006 - Regional District Okanagan Similkameen Electoral Area "B" Community Works Program Reserve Fund Establishment Bylaw.

Bylaw 2827, 2018 – Electoral Area "B" Community Works Program Reserve Fund Expenditure Bylaw

Purpose:

To allocate \$50,000.00 of the Electoral Area "B" Gas Tax Fund to the Lower Similkameen Community Services Society for flood mitigation works for their Low cost housing project in Keremeos. The Society received a grant from BC Housing to construct a Low-Cost Housing Project. The Village of Keremeos provided the land and, as part of the project, the grade of the lot must be raised prior to the issuance of a Building Permit. The grant request is for the purchase and placement of this fill.

The Gas Tax Reserve Fund provides allocated funding to each incorporated municipality and each Electoral Area within a regional district through the Community Works Program twice annually. The Area 'B' Community Works Gas Tax reserve fund had an uncommitted balance of approximately \$185,423.

Alternatives:

THAT Amendment Bylaw No 2827, 2018 be denied.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2827, 2018

A bylaw to authorize the expenditure of monies from the Electoral Area 'B' Community Works Program Reserve Fund for the Lower Similkameen Housing Society Flood Mitigation Works

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 'B' Community Works Program 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 'B' Community Works Program Reserve Fund Expenditure Bylaw No. 2827, 2018"

2. The expenditure of \$50,000.00 from the Electoral Area 'B' Community Works Program Reserve Fund is hereby authorized towards the Lower Similkameen Housing Society Flood Mitigation Works

READ A FIRST, SECOND, AND THIRD TIME this ___ day of ___, 2018

ADOPTED this ___ day of ___, 2018

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Electoral Area "D" Community Works Program Reserve Expenditure

Administrative Recommendation:

THAT Bylaw No. 2826, 2018, Electoral Area "D" Community Works Program Reserve Fund Expenditure Bylaw to allocate \$35,000 toward the Heritage Hills Park Project be read a first, second and third time and be adopted.

Reference:

Bylaw 2403, 2006 - Regional District Okanagan Similkameen Electoral Area "D" Community Works Program Reserve Fund Establishment Bylaw.

Bylaw 2826, 2018 – Electoral Area "D" Community Works Program Reserve Fund Expenditure Bylaw

Background:

The Heritage Hills/Lakeshore Highlands and Vintage Views communities received (2016) community parkland through a public referendum process with Regional District Okanagan Similkameen (RDOS). The park is approximately two hectares (5 acres) of park land. The development of this park will help to rehabilitate numerous utility corridors and a wetland pond area which has been neglected over the years. A piece of land that was a former dumping ground will turn into a beautiful community and environmental asset. The park features outstanding views of the valley and Skaha Lake and is bordered by orchards and steep rock bluffs. The development of the park will support a stronger, healthier community in the South Okanagan, specifically Electoral Area "D".

Analysis:

The planned improvements for the Heritage Hills Park will focus on site shaping, grading, electrical services, multi-use path and lighting, irrigation, a gravel path, naturalized areas and a grass play area.

The current budget for this project is \$35,000.00. The Area Director has agreed to match the current budget with Community Works funds in order to increase the scope of the project.

Recreational & sports infrastructure are authorized expenditures under the community works gas tax guidelines.

The current uncommitted balance in the Electoral Area "D" Community Works Program Reserve account is \$181,671.

Alternatives:

Status quo. Project scope will be reduced to fit budget.

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2826, 2018

A bylaw to authorize the expenditure of monies from the Electoral Area 'D' Community Works Program Reserve Fund for the Heritage Hills Park Project

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 'D' Community Works Program 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 'D' Community Works Program Reserve Fund Expenditure Bylaw No. 2826, 2018"

2. The expenditure of \$35,000.00 from the Electoral Area 'D' Community Works Program Reserve Fund is hereby authorized towards the completion of the Heritage Hills Park Project

READ A FIRST, SECOND, AND THIRD TIME this ___ day of ___, 2018

ADOPTED this ___ day of ___, 2018

RDOS Board Chair

Corporate Officer

March 16, 2018

Doug Lychak
President, Heritage Hills/Lakeshore Highlands Homeowner's Association
297 Heritage Boulevard
Okanagan Falls, BC V0H1R3

Dear Mr. Lychak:

Thank you Doug for your letter dated February 22, 2018 requesting Community Gas Tax funding for the development of the Heritage Hills Park. As noted in your letter the Regional District Okanagan Similkameen (RDOS) is very supportive and will remain committed to the Heritage Hills Park development. The RDOS has contributed over \$400,000 for the acquisition of the land for the Heritage Hills Park. The Okanagan Falls Parks and Recreation Service has expended \$57,298 in 2017 and has an approved 2018 Budget for the park development established at \$35,000.

I acknowledge and commend the passion and efforts of the Heritage Hills/Lakeshore Highlands Homeowner's Association. The acquisition and development of a Park is a massive project. As outlined in the 2016 L.A. West conceptual plan, Heritage Park development projected completion cost is valued at approximately \$1.6 million. It can only be surmised that completion of the Heritage Park will take many years and require a collaborative effort by all partners.

As indicated in the September 29, 2017 support letter for the BC Gaming Grant – Capital Project, there was a commitment to match funding (\$250,000) from Community Gas Tax. This commitment still exists and was part of the March 1 Co-op Community Spaces grant application, with a match of \$150,000 from Community Gas Tax. Please note, a matching grant commitment exists as long as I am the Area "D" Director.

I am willing to confirm a new commitment, that Community Gas Tax will match the 2018 Budget allocation for Heritage Hills Park development of \$35,000. This results in \$70,000.00 for Heritage Hills Park development in 2018. If successful in acquiring additional matching funding, the available match from Community Gas Tax could not exceed \$215,000.

I hope the above commitments are satisfactory.

Yours truly,



Tom Siddon
RDOS, Electoral Area "D" Director

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Petition to enter Okanagan Falls Sanitary Sewer Service Area

Administrative Recommendation:

THAT Bylaw No. 1239.07, 2018 Okanagan Falls Sanitary Sewer Service Area Extension Bylaw be adopted.

Purpose:

To bring an additional property into the Okanagan Falls Sanitary Sewer Service Area.

Reference:

Staff Report dated August 16, 2018

Background:

At the August 16, 2018 Board meeting, the Board of Directors gave first three readings of Bylaw No. 1239.07 which proposes to bring Lot B, Plan KAP22642, District Lot 551, Land District Similkameen Div. of Yale, Except Plan EPP34540 into the Okanagan Falls Sanitary Sewer Service Area.

Analysis:

Under Regional District Establishing Bylaw Approval Exemption Regulation 113/2007, the Board may adopt a bylaw without approval of the Inspector of Municipalities if a sufficient petition and consent from the Electoral Area Director is received. The petition received in relation to this bylaw has been certified sufficient and Director consent has been obtained; therefor, the Board may now adopt the bylaw.

Alternatives:

THAT first, second and third readings of Bylaw No. 1239.07, 2018 be rescinded and the bylaw abandoned.

Communication Strategy:

The property owner will be advised of the Board's decision.

Respectfully submitted:

C. Malden, Legislative Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1239.07, 2018

A bylaw to amend the Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw No.1239, 1991.

WHEREAS the owners of the property described in this bylaw have petitioned the Board of the Regional District to extend the boundaries of the Okanagan Falls Sanitary Sewer Service Area to include the property;

AND WHEREAS the Regional District has, pursuant to that request, extended the boundaries of the Okanagan Falls Sanitary Sewer Service Area to include the property;

AND WHEREAS the Regional District has agreed to act on that request in accordance with sections 349 and 350 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

1.1. This bylaw may be cited as the "Okanagan Falls Sanitary Sewer Service Area Extension Bylaw No. 1239.07, 2018."

2. SERVICE AREA EXTENSION

2.1. The Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw No. 1239, 1991, as amended, is further amended by including the property legally described as:

Lot B, Plan KAP22642, District Lot 551, Land District Similkameen Div. of Yale, Except Plan EPP34540

2.2. The Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw No. 1239, 1991, is further amended by amending Schedule 'A' to that bylaw to include within the area shown as that portion of the lands legally described as:

Lot B, Plan KAP22642, District Lot 551, Land District Similkameen Div. of Yale, Except Plan EPP34540

outlined and hatched on the plan entitled "Sketch Plan to Accompany an Application of Inclusion into the Okanagan Falls Sanitary Sewer Service Area", a reduced copy of which is attached as Schedule "A" to this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 16th day of August, 2018.

ELECTORAL AREA DIRECTOR CONSENT OBTAINED this _____ day of _____, 2018.

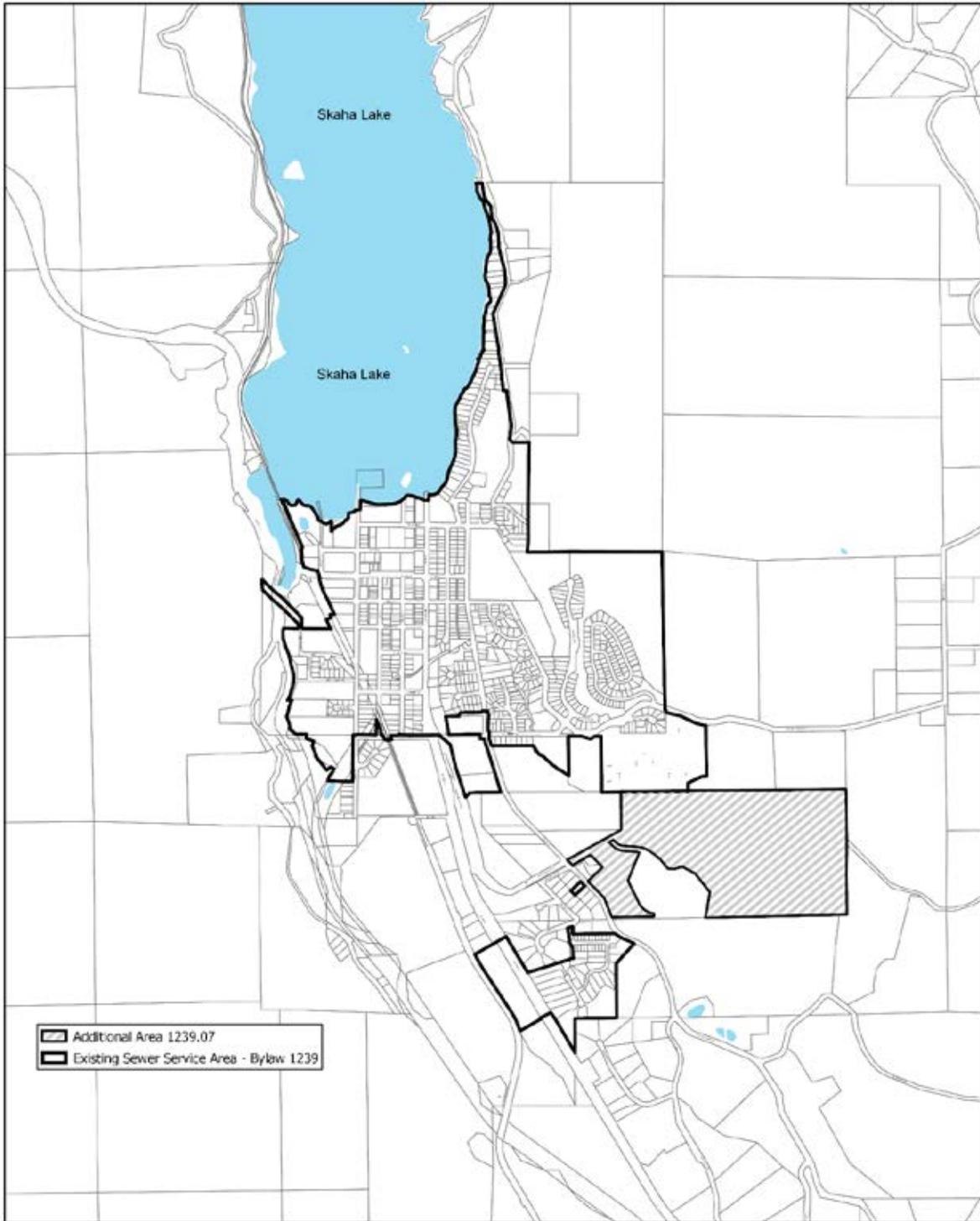
ADOPTED this this _____ day of _____, 2018.

RDOS Chair

Corporate Officer

FILED with the Inspector of Municipalities this ___ day of ___2018.

SCHEDULE A



OKANAGAN FALLS SANITARY SEWER SERVICE AREA
Schedule A - Bylaw 1239.07



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 6, 2018

RE: Transit Service Establishment Bylaw No. 2809, 2018

Administrative Recommendation:

THAT Bylaw No. 2809, 2018 Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw be adopted.

Reference:

Bylaw No. 2809, 2018 (attached)
Staff Report of May 3, 2018 and July 19, 2018

Background:

On May 3, 2018 the Board of Directors gave three readings to Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw No. 2809, 2018, to establish a service for the provision of a Regional Transit System Service.

The Inspector of Municipalities provided statutory approval on June 19, 2018 and Administration received consent from the Board of Directors on July 19, 2018 to proceed with an Alternative Approval Process (AAP).

Analysis:

The August 31, 2018 deadline for receipt of elector response has passed and the results below confirm that elector approval through a AAP has been obtained for the bylaw.

AAP Results for Bylaw No. 2809, 2018:

Number of eligible electors with the affected area – 65,160
Number of elector response forms needed to prevent the adoption of the bylaw – 6,516
Valid elector response forms received prior to deadline – 23

On the basis of the elector response forms received before the deadline, I have determined and hereby certify that elector approval in accordance with Section 86 of the *Community Charter* has been obtained; therefore, the Board may now proceed with the adoption of Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw No. 2809, 2018.

Alternatives:

1. THAT Bylaw No. 2809, 2018 Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw be adopted
2. THAT the Board of Directors rescind first, second and third reading of Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw No. 2809, 2018 and abandon the bylaw.
3. THAT the Board of Directors conduct an assent vote for Regional District of Okanagan-Similkameen Transit Service Establishment Bylaw No. 2809, 2018 before considering adoption of the bylaw.

Respectfully submitted:

"Christy Malden"

C. Malden, Legislative Services Manager

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2809, 2018

A bylaw to establish and operate a Regional Transit system within the Regional District Okanagan-Similkameen.

WHEREAS under Section 332 of the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional District of Okanagan-Similkameen by B.C. Reg. 128/92 dated April 9, 1992 was granted the additional power to provide Transit Systems as local services;

AND WHEREAS the Lieutenant Governor in Council issued Supplementary Letters Patent which granted the Regional District Okanagan-Similkameen with the power to provide transit services;

AND WHEREAS the Board of the Regional District wishes to establish a service for the purpose of providing a public passenger transportation system as defined in the *British Columbia Transit Act* as a community transit service within the boundaries of the Regional District of Okanagan-Similkameen;

AND WHEREAS the Board of Directors resolved by a 2/3 vote that participating area approval be obtained for the entire proposed service area;

AND WHEREAS the approval of the electors in the participating areas has been obtained in accordance with the *Local Government Act*;

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

1. CITATION

1.1 This bylaw may be cited as the 'Regional District Okanagan-Similkameen Transit Service Establishment Bylaw No. 2809, 2018'.

2. ESTABLISHMENT OF THE SERVICE

2.1 The Board of the Regional District of Okanagan-Similkameen, is empowered and authorized to undertake and carry out, or cause to be undertaken and carried out, provisions of the Transit System Service, and without limiting the generality of the foregoing:

- (a) to acquire all such licenses, rights or authorities as may be required or desirable for or in connection with the provision of said Transit System Service, and
- (b) to enter into contracts with such authorities and companies as may be necessary or appropriate to implement said Transit System Service.

3. BOUNDARIES OF THE SERVICE AREA

3.1 The boundaries of the Transit System Service Area are the boundaries of the Regional District Okanagan-Similkameen in its entirety, which includes:

Electoral Area "A" – Rural Osoyoos, Electoral Area "B" – Cawston, Electoral Area "C" – Oliver Rural, Electoral Area "D" – Kaleden/Okanagan Falls, Electoral Area "E" – Naramata, Electoral Area "F" – Okanagan Lake West/West Bench, Electoral Area "G" – Keremeos Rural/Hedley, Electoral Area "H" – Princeton Rural. City of Penticton, District of Summerland, Town of Oliver, Town of Osoyoos, Town of Princeton, Village of Keremeos.

4. PARTICIPATING AREA

4.1 The participating area is the Regional District of Okanagan-Similkameen in its entirety.

5. COST RECOVERY METHOD

5.1 As provided in the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3;
- (b) subject to subsection (2) of Section 378, parcel taxes imposed in accordance with Division 3;
- (c) fees and charges imposed under Section 397 (*imposition of fees and charges*);
- (d) revenues raised by other means authorized under this or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. LIMIT

6.1 The maximum amount that may be requisitioned annually for the service shall not exceed \$300,000 or \$0.017 per \$1000 net taxable value of land and improvements in the service area, whichever the greater.

READ A FIRST, SECOND and THIRD TIME this 3rd day of May, 2018.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 19th day of June, 2018.

RECEIVED APPROVAL OF THE ELECTORATE THROUGH ALTERNATIVE APPROVAL PROCESS this day of 2018.

ADOPTED this day of , 2018.

Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this day of , 2018.