

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, August 1, 2019
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

9:00 am	-	9:30 am	Planning and Development Committee
9:30 am	-	11:30 am	RDOS Board
11:30 am	-		Lunch

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

August 15, 2019	RDOS Board/OSRHD Board/Committee Meetings
September 5, 2019	RDOS Board/Committee Meetings
September 19, 2019	RDOS Board/OSRHD Board/Committee Meetings
October 3, 2019	RDOS Board/Committee Meetings
October 17, 2019	RDOS Board/OSRHD Board/Committee Meetings
November 7, 2019	RDOS Board/Committee Meetings
November 21, 2019	RDOS Board/OSRHD Board/Committee Meetings
December 5, 2019	RDOS Board/Committee Meetings
December 19, 2019	RDOS Board/OSRHD Board/Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, August 1, 2019

9:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of August 1, 2019 be adopted.

B. CLOSED SESSION

RECOMMENDATION 2

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

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, August 1, 2019

9:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of August 1, 2019 be adopted.

1. Consent Agenda – Corporate Issues

a. Similkameen Recreation Commission – July 2, 2019

THAT the Minutes of the July 2, 2019 Similkameen Recreation Commission meeting be received.

b. Electoral Area “A” Advisory Planning Commission – July 8, 2019

THAT the Minutes of the July 8, 2019 Electoral Area “A” Advisory Planning Commission meeting be received.

c. Electoral Area “E” Advisory Planning Commission – July 8, 2019

THAT the Minutes of the July 8, 2019 Electoral Area “E” Advisory Planning Commission meeting be received.

d. Electoral Area “D” Advisory Planning Commission – July 9, 2019

THAT the Minutes of the July 9, 2019 Electoral Area “D” Advisory Planning Commission meeting be received.

e. Community Services Committee – July 18, 2019

THAT the Minutes of the July 18, 2019 Community Services Committee meeting be received.

f. Corporate Services Committee – July 18, 2019

THAT the Minutes of the July 18, 2019 Corporate Services Committee meeting be received.

g. Environment and Infrastructure Committee – July 18, 2019

THAT the Minutes of the July 18, 2019 Environment and Infrastructure Committee meeting be received.

h. Planning and Development Committee – July 18, 2019

THAT the Minutes of the July 18, 2019 Planning and Development Committee meeting be received.

THAT the Parkland Dedication policy be referred to the Advisory Planning Commissions for comment.

i. Protective Services Committee – July 18, 2019

THAT the Minutes of the July 18, 2019 Protective Services Committee meeting be received.

j. RDOS Regular Board Meeting – July 18, 2019

THAT the minutes of the July 18, 2019 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, 16435 – 87th Street, Osoyoos, Electoral Area “A”

i. Permit

ii. Representations

THAT the Board of Directors approve Temporary Use Permit No. A2019.005-TUP.

b. Development Variance Permit Application, 200/400/450 Covert Place, Electoral Area “C”

i. Permit

THAT the Board of Directors approve Development Variance Permit No. C2019.021-DVP.

c. Development Variance Permit Application, 2116 Naramata Road, Electoral Area “E”

i. Permit

THAT the Board of Directors approve Development Variance Permit No. E2019.020-DVP.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

THAT the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Rural Land Use Matters**1. Area “D” Tourist Accommodation Study**

For the Board to consider a recommendation from the Electoral Area “D” Advisory Planning Commission from their July 9th meeting

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

THAT the Regional District refer the recommendation from the Area “D” APC regarding Non-Traditional Tourist Accommodation for consideration in the 2020 Business Plan/Budget for the Area D Economic Development Service.

2. Development Variance Permit Application, 5535 Highway 97, Electoral Area “C”

- a. Permit
- b. Representations

To allow for new signage for advertising the sale of product produced on a farm

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors deny Development Variance Permit No. C2019.015-DVP.

3. Temporary Use Permit Application, 2183 Carmi Road, Penticton, Electoral Area “D”

- a. Permit
- b. Representations

To allow for the use of three accessory buildings in a modified “bed and breakfast” operation

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors deny Temporary Use Permit No. D2019.001-TUP.

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- 4. Official Community Plan (OCP) & Zoning Bylaw Amendment, 336 Tulameen River Road, Electoral Area “H”**
- a. Bylaw No. 2497.11
 - b. Bylaw No. 2498.18
 - c. Representations

To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2497.11, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.18, 2019, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated August 1, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2497.11, 2019, 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 5, 2019;

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

- 5. Official Community Plan (OCP) & Zoning Bylaw Amendments, 5021 Highway 97C, Electoral Area “H”**
- a. Bylaw No. 2497.10
 - b. Bylaw No. 2498.17
 - c. Restrictive Covenant

To allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2497.10, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.17, 2018, Electoral Area “H” Zoning Amendment Bylaw be adopted.

C. PUBLIC WORKS**1. Olalla Pump House Back Up Power Design and Construction Award**

To approve the award of construction to a contractor to complete the construction of backup power system for the Olalla Pump House

RECOMMENDATION 9 (Weighted Corporate Vote – Majority)

THAT the Regional District award the “Olalla Pump House Back Up Power Design and Construction” project to Martech Electrical Systems Ltd. in the amount of \$91,828.00 plus applicable taxes; and

THAT the Regional District approve a contingency for unforeseen construction issues up to \$30,000.00; and,

THAT the Regional District award additional generator-related upgrades in the pumphouse up to \$60,000.

2. Video Surveillance – Apex Mountain Transfer Station**a. Video Surveillance Policy**

To obtain approval from the Board for the installation of surveillance cameras in accordance with RDOS Policy

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors approve the installation of one video surveillance camera on the outside of the Apex Mountain Transfer Station to view the parking area and one on the inside of the Apex Mountain Transfer Station building.

D. COMMUNITY SERVICES – Protective Services**1. Community Wildfire Protection Plan Update Award of Contract**

A Community Wildfire Protection Plan (CWPP) is a high-level plan that provides wildfire risk rankings, along with recommendations to mitigate those risks. It is a foundational document that supports/directs UBCM-funded FireSmart and wildfire mitigation efforts in the RDOS.

RECOMMENDATION 11 (Weighted Corporate Vote – Majority)

THAT the Board of Directors award a contract to Frontline Operations Group for \$50,393.95 to update the RDOS Community Wildfire Protection Plan.

E. COMMUNITY SERVICES – Rural Projects**1. Rural Dividend Program – Similkameen Rail Trail Development****a. Map**

To secure a grant that will provide 60% funding of a regional trail project between Keremeos and Cawston

RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)

THAT the Board endorse an application to the B.C. Rural Dividend Program for \$175,000 towards the development of the ‘Similkameen Rail Trail’ by converting an existing rail line into a non-motorized multi-use trail to connect the communities of Keremeos & Cawston.

F. FINANCE**1. Bylaw No. 2866, 2019 Area A – Community Works Gas Tax Reserve Expenditure****a. Bylaw No. 2866, 2019**

RECOMMENDATION 13 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No.2866, 2019, being the Electoral Area “A” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$15,000 towards the purchase of an electric ice re-surfacer at Sun Bowl Arena be read a first, second and third time and be adopted.

2. Bylaw No. 2867, 2019 Security Issuing Bylaw – Town of Osoyoos**a. Bylaw No. 2867, 2019****b. Town of Osoyoos Resolution**

RECOMMENDATION 14 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw 2867, 2019 Regional District of Okanagan Similkameen Security Issuing Bylaw be read a first, second and third time and be adopted.

G. LEGISLATIVE SERVICES**1. Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019****a. Bylaw No. 2507.11**

To amend the current Bylaw Notice Enforcement Bylaw (No. 2507) to correct reference numbers within Schedule 5(A) as well as minor housekeeping errors.

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019 be read a first, a second and third time and be adopted.

2. Bylaw No. 1238.03 - Petition to Enter Kaleden Fire Protection Service Area

- a. Bylaw No. 1239.03, 2019

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)

THAT Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw No. 1238.03, 2019 be read a first second and third time.

3. Bylaw No. 2447 Electoral Area “D” Economic Development Service

- a. Bylaw No. 2447.02, 2019

To remove Electoral Area “I” parcels from the Electoral Area “D” Economic Development Service

RECOMMENDATION 17 (Unweighted Participant Vote – Simple Majority)

THAT Bylaw No. 2447.02, 2019, being a bylaw for the establishment of the Electoral Area “D” Economic Development Service be amended to exclude Electoral Area “I”; and,

THAT the amending bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval.

4. Penticton Indian Band – Request for Support to Establish a Forest Management Regime on Carmi Mountain

- a. Letter from Penticton Indian Band

To discuss an invitation from the Penticton Indian Band to assist PIB in the development of a long-term area-based silviculture forestry management regime in the Carmi Mountain area.

5. Alternate Director, Electoral Area “A” Vacancy – for information only

To acknowledge the absence of an Electoral Area Director and confirm efforts to comply with the Local Government Act with respect to appointing an Alternate Director.

6. Declaration of State of Local Emergency Approval

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

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 July 19 July 2019, at midnight for a further seven days to 26 July, 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 26 July 2019, at midnight for a further seven days to 02 August, at midnight.

H. CAO REPORTS**1. Verbal Update**

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

2. Directors Motions

3. Board Members Verbal Update

J. ADJOURNMENT



MINUTES

Similkameen Recreation Commission

July 2nd, 2019 @ 7:00pm

Keremeos Recreation Centre

Members Present: Tom Robins, Jennifer Roe, Duncan Baynes, Tim Austin, Dave Cursons, Selena Despres

Absent:

Area Representatives Tim Roberts (Area G), Jeremy Evans (Keremeos)

Staff: Shane Marsh (Similkameen Recreation)

Recording Secretary: Shane Marsh

Guests:

1. Approval of Agenda

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for the Similkameen Recreation Meeting of July 2nd, 2019 be adopted and all presentations and reports be accepted.

– CARRIED

Opposed:

2. Approval of Last Meeting Minutes

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Minutes for the Similkameen Recreation Meeting of June 4th, 2019 be adopted and all presentations and reports be accepted.

– CARRIED

Opposed:

3. Correspondence/Delegations/Public Questions

RECOMMENDATION

No Correspondence/Delegations/Public Questions presented.

4. RDOS Staff Report

4.1. Facility Updates discussion with S. Marsh

4.1.1 Waiting for rink assessment from Fraser Valley Refrigeration

4.1.2. Reviewed Fitness Centre comment cards



MINUTES

Similkameen Recreation Commission

July 2nd, 2019 @ 7:00pm
Keremeos Recreation Centre

- 4.1.3 Vertical Wind Turbine was discussed
- 4.2. Pool Updates discussion with S. Marsh
 - 4.2.1 School swimming in June
 - 4.2.2 Will advertise pool programs more; buy sandwich board and put ad in paper
- 4.3. Walking Group – L. McCarron

RECOMMENDATION

IT WAS MOVED AND SECONDED

That "Steps to Better Health" receive \$4,500 each year to keep the walking clinic free of charge to the public.

– **CARRIED**

Opposed:

5. Commission Member Reports

IT WAS MOVED AND SECONDED

That the Rec Commission will skip the August meeting.

– **CARRIED**

Opposed:

6. RDOS Director Reports

- 6.1. Village of Keremeos
No report presented
 - 6.2. Electoral Area B
No report presented
 - 6.3. Electoral Area G
No report presented
-

7. Business Arising

- 7.1. Art Committee will meet July 4th to discuss the mural in the bowling alley.
- 7.2. Asset Management Plan

RECOMMENDATION

IT WAS MOVED AND SECONDED

That an asset management plan on all rec facilities and equipment be done within a year.

– **CARRIED**

Opposed:



MINUTES

Similkameen Recreation Commission

July 2nd, 2019 @ 7:00pm
Keremeos Recreation Centre

8. Adjournment

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the July 2nd, 2019 Similkameen Recreation Commission meeting be adjourned.

– CARRIED

Opposed:

NEXT MEETING: September 2nd, 2019 @ 7:00pm
Similkameen Recreation Centre

Recreation Commission Chair

Recording Secretary

**Advisory Planning Commission Minutes
RDOS Electoral Area “A” Monday, July 8, 2019
Sonora Centre, Osoyoos, BC**

Members Present: Chair Peter Beckett, Vice Chair Mark McKenney, Bill Plaskett, Manfred Freese, Grant Montgomery, Director Pendergraft

Regrets: Gerald Hesketh, Dwayne Svendsen

Recording Secretary: Mark McKenney

Representing RDOS: JoAnn Peachey, Planner

Proponent: Douglas Harper, Elaine Harper, Bradon Harper

Call to order: 7:00 PM

1. ADOPTION OF AGENDA – Carried

2. DELEGATIONS

Douglas Harper, Elaine Harper

The delegation had no further comments to add to the RDOS report.

The subject parcel is approximately 1,940 m² (0.194 ha) in area and is situated on the west side of 87th Street, where 164th Street becomes 87th Street. The subject parcel abuts Osoyoos Lake to the north and is approximately 3.5 km north of the Town of Osoyoos boundary.

3. REFERRALS

Applicant: Douglas and Elaine Harper **Folio: A05956.010**

The property is comprised of a single detached dwelling and accessory buildings, and currently has the mobile home sited on the southwest portion of the parcel. The surrounding pattern of development is characterised by residential to the east, residentially zoned parcels to the west, and larger agricultural parcels to the south.

The applicant is requesting a renewal to a Temporary Use Permit issued in 2016, to continue to use the accessory dwelling while acting as caregivers for their elderly relative living in the principal dwelling. In addition, there are no recorded complaints received in relation to the accessory dwelling in the form of a mobile home during the term of Temporary Use Permit No. A2016.048-TUP. APC members asked whether any complaints had been lodged. The RDOS representative confirmed that there have not been any complaints received.

It should be noted that the original justification for an accessory dwelling on the subject parcel is in response to a temporary need while the applicants provide caregiving to their elderly relative.

Motion: On a motion by an APC member, seconded by an APC member THAT the APC recommends to the RDOS Board that the proposed temporary use be approved.

Votes: In favour **UNANIMOUS** Motion **CARRIED**

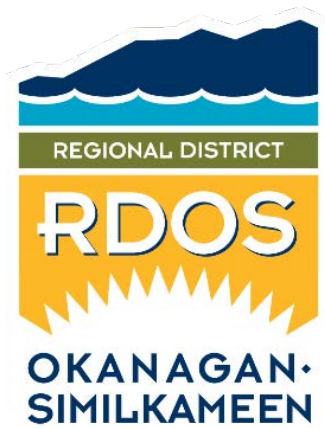
4. OTHER

Chairman Beckett and Member Freeze reported on their attendance to the RDOS Information / Briefing meeting for APC members, held in Okanagan Falls in February 2019.

5. ADJOURNMENT

Motion to adjourn **CARRIED**

Meeting ended at 7:20 PM



Minutes

Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, July 8th, 2019 at 7:30 p.m.

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

Present:

Members: Bruce Clough (Chair, Electoral Area 'E' APC), Phil Janzen, Don Mancell, Richard Roskell, Heather Fleck

Absent: None

Staff: Brad Dollevoet (RDOS Manager of Development Services)

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

Recording Secretary: Heather Lemieux

Delegates: Greg Giddings, Cindy Giddings

1. ADOPTION OF AGENDA

The meeting was called to order at 7:34 p.m. Quorum Present.

MOTION

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

CARRIED

2. APPROVAL OF MINUTES

MOTION

It was Moved and Seconded by the APC THAT the Minutes of April 8th, 2019 be approved.

CARRIED

3. DELEGATIONS

- 3.1 Giddings, Greg & Cindy for Development Variance Permit Application E02090.010 (E2019.013-DVP)

4. DEVELOPMENT APPLICATIONS

- 4.1 4.1 E02090.010 (E2019.013-DVP) – Development Variance Permit Application Administrative Report submitted by JoAnn Peachey, Planner

MOTION

It was Moved and Seconded in favour of Option 2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:

i) THAT the increase of the maximum height of the accessory building be changed from 4.5 metres to 4.8 metres, rather than the 5.12 metres proposed in the present application.

CARRIED

5. OTHER

- 5.1 E00749.000 (E2019.012-CROWN) – For Information Only

The Area 'E' APC supports the rebuilding of the Naramata Centre dock, with the recommendation to consider shifting the dock further south of the fish bearing creek.

- 5.3 Date of next meeting – Monday, August 12, 2019

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 8:25 p.m.

CARRIED

Bruce Clough, Chair of the Area 'E' Advisory Planning Commission



Advisory Planning Commission Recording Secretary / minute taker

Minutes

Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, July 9, 2019

Okanagan Falls Community Centre (Gymnasium)

1141 Cedar Street, Okanagan Falls, BC

Present:	Ron Obirek, Director, Electoral Area “D”
Members:	Jill Adamson, Doug Lychak, Navid Chaudry, Kelvin Hall, Alf Hartviksen, Malcolm Paterson, Norm Gaumont, Don Allbright, Almira Nunes
Absent:	Jerry Stewart, Kurtis Hiebert
Staff:	Christopher Garrish, Planning Manager JoAnn Peachey, Planner Sue Gibbons, Recording Secretary
Delegates:	Orr, Geoffrey, Applicant

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

MOTION

It was Moved and Seconded that the Agenda be adopted.

CARRIED

3. APPROVAL OF PREVIOUS MEETING MINUTES

MOTION

It was Moved and Seconded by the APC that the Minutes of January 8, 2019 be approved.

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

CARRIED

4. DEVELOPMENT APPLICATIONS

4.1 D06788.442 / (D2019.001-TUP) – Temporary Use Permit Application

Delegates: Orr, Geoffrey, Applicant

Discussion

MOTION

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

CARRIED

5. OTHER

5.1 Hillside & Steep Slope Development Permit Area Update

Bylaw No. 2603.02, 2019

Bylaw No. 2500.03, 2019

Presented by Christopher Garrish, Planning Manager

Discussion

MOTION

IT was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the proposed amendments to the Hillside & Steep Slope Development Permit Area Update be approved with the following conditions:

- That staff explore as a future project, regulation related to storm water management.
- That RDOS develop blasting regulations and a bylaw in conjunction with the Hillside & Steep Slope Development Permit Area policy.

CARRIED (UNANIMOUSLY)

5.2 MOTION

It was Moved and Seconded by the APC that the RDOS direct staff to review and evaluate the tourist demand for non traditional accommodation and look at appropriate location and modes of development to accommodate demand.

CARRIED

6. ADJOURNMENT

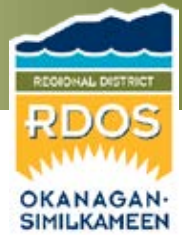
MOTION

It was Moved and Seconded that the meeting be adjourned at 8:50 pm.

CARRIED (UNANIMOUSLY)

Advisory Planning Commission Chair

Advisory Planning Commission Recording Secretary



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, July 18, 2019

9:30 am

MINUTES

MEMBERS PRESENT:

Chair M. Bauer, Village of Keremeos
Vice Chair R. Gettens, Electoral Area "F"
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director D. Holmes, District of Summerland
Director J. Kimberley, City of Penticton
Director R. Knodel, Electoral Area "C"

Director K. Kozakevich, Electoral Area "E"
Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director M. Pendergraft, Electoral Area "A"
Director R. Obirek, Electoral Area "D"
Director F. Regehr, City of Penticton
Director T. Roberts, Electoral Area "G"
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

STAFF PRESENT:

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

M. Woods, Gen. Manager of Community Services
J. Shuttleworth, Manager of Parks and Facilities

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Community Services Committee Meeting of July 18, 2019 be adopted. - **CARRIED**

By consensus, Item C Second Quarter Activity Report was brought forward.

C. Second Quarter Activity Report

The Committee was advised of the activities of the second quarter of 2019 and the planned activities for the third quarter of 2019.

B. Delegation - Penticton and Area Cycling Association (PACA)

Terry McWhirter, President, provided an overview of the programs, projects and benefits to the community provided by PACA, a non-profit cycling association.

D. ADJOURNMENT

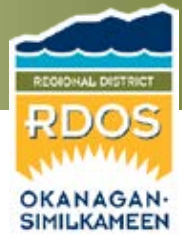
By consensus, the Community Services Committee meeting adjourned at 10:05 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Bauer
Community Services Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, July 18, 2019
10:15 am

MINUTES

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director R. Gettens, Electoral Area "F"
Director D. Holmes, District of Summerland
Director J. Kimberley, City of Penticton

Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director R. Knodel, Electoral Area "C"
Director M. Pendergraft, Electoral Area "A"
Director R. Obirek, Electoral Area "D"
Director F. Regehr, City of Penticton
Director T. Roberts, Electoral Area "G"
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

STAFF PRESENT:

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

J. Kurvink, Manager of Finance
T. Bouwmeester, Manager of Information Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Corporate Services Committee Meeting of July 18, 2019 be adopted. - **CARRIED**

B. Corporate Action Plan – Second Quarter

The Committee reviewed the 2019 Corporate Action Plan

C. MD & A Operating Results – Second Quarter

The Committee reviewed the Management Discussion and Analysis report outlining the financial position of the Regional District. The report also provided an update on capital projects.

D. Second Quarter Activity Report

The Committee was advised of the activities of the second quarter of 2019 and the planned activities for the third quarter of 2019.

E. Second Quarter Communications Report

The Committee was advised of the Communication and Engagement initiatives of the second quarter of 2019 and the planned activities for the third quarter of 2019.

F. ADJOURNMENT

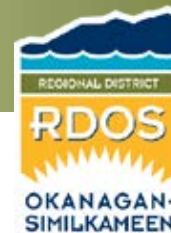
By consensus, the Corporate Services Committee meeting adjourned at 11:09 p.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, July 18, 2019

12:22 pm

MINUTES

MEMBERS PRESENT:

Chair G. Bush, Electoral Area "B"
Vice Chair R. Gettens, Electoral Area "F"
Director M. Bauer, Village of Keremeos
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director D. Holmes, District of Summerland
Director J. Kimberley, City of Penticton

Director R. Knodel, Electoral Area "C"
Director K. Kozakevich, Electoral Area "E"
Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director R. Obirek, Electoral Area "D"
Director M. Pendergraft, Electoral Area "A"
Director F. Regehr, City of Penticton
Director T. Roberts, Electoral Area "G"
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

STAFF PRESENT:

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

A. Reeder, Manager of Operations

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of July 18, 2019 be adopted. - **CARRIED**

B. Second Quarter Activity Report

The Committee was advised of the activities of the second quarter of 2019 and the planned activities for the third quarter of 2019.

C. ADJOURNMENT

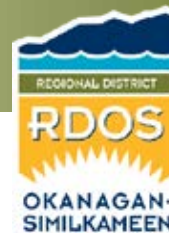
By consensus, the Environment and Infrastructure Committee meeting adjourned at 12:26 p.m.

APPROVED:

CERTIFIED CORRECT:

G. Bush
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, July 18, 2019

9:00 am

Minutes

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair R. Knodel, Electoral Area "C"
Director M. Bauer, Village of Keremeos
Director K. Kozakevich, Electoral Area "E"
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director R. Gettens, Electoral Area "F"

Director D. Holmes, District of Summerland
Director J. Kimberley, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director R. Obirek, Electoral Area "D"
Director F. Regehr, City of Penticton
Director T. Roberts, Electoral Area "G"
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

STAFF PRESENT:

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

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of July 18, 2019 be adopted. - **CARRIED**

B. Second Quarter Activity Report

The Committee was advised of the activities of the second quarter of 2019 and the planned activities for the third quarter of 2019.

C. PARKLAND DEDICATION POLICY

1. Proposed Policy
2. Current Policy

It was MOVED and SECONDED

THAT the Parkland Dedication policy be referred to the Advisory Planning Commissions for comment. - **CARRIED**

D. ADJOURNMENT

By consensus, the Planning and Development Committee meeting adjourned at 9:29 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, July 18, 2019

11:10 a.m.

MINUTES

MEMBERS PRESENT:

Chair D. Holmes, District of Summerland
Vice Chair T. Roberts, Electoral Area "G"
Director M. Bauer, Village of Keremeos
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director R. Gettens, Electoral Area "F"
Director J. Kimberley, City of Penticton

Director R. Knodel, Electoral Area "C"
Director K. Kozakevich, Electoral Area "E"
Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director M. Pendergraft, Electoral Area "A"
Director R. Obirek, Electoral Area "D"
Director F. Regehr, City of Penticton
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

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 Protective Services Committee Meeting of July 18, 2019 be adopted. - **CARRIED**

B. DELEGATION – Superintendent Ted De Jager

i. First/Second Quarter Report

C. CLOSED SESSION

RECOMMENDATION 2

It was MOVED and SECONDED

THAT in accordance with Section 90(1)(f) of the *Community Charter*, the Board close the meeting to the public on the basis of law enforcement, if the Board considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment. - **CARRIED**

The meeting was closed to the public at 11:50 a.m.
The meeting was opened to the public at 12:00 p.m.

D. FireSmart Presentation

E. Second Quarter Activity Report

The Committee was advised of the activities of the second quarter of 2019 and the planned activities for the third quarter of 2019.

F. ADJOURNMENT

By consensus, the Protective Services Committee meeting adjourned at 12:22 p.m.

APPROVED:

CERTIFIED CORRECT:

D. Holmes
Protective Services Committee Chair

B. Newell
Chief Administrative 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 1:00 p.m. Thursday, July 18, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director J. Bloomfield, City of Penticton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director R. Gettens, Electoral Area "F"
Director D. Holmes, District of Summerland
Director J. Kimberley, City of Penticton

Director R. Knodel, Electoral Area "C"
Director S. McKortoff, Town of Osoyoos
Director S. Monteith, Electoral Area "I"
Director M. Pendergraft, Electoral Area "A"
Director R. Obirek, Electoral Area "D"
Director F. Regehr, City of Penticton
Director T. Roberts, Electoral Area "G"
Director J. Vassilaki, City of Penticton
Director P. Veintimilla, Town of Oliver

MEMBERS ABSENT:

STAFF PRESENT:

B. Newell, Chief Administrative Officer
C. Malden, Manager of Legislative Services
J. Shuttleworth, Manager of Parks and Facilities

B. Dollevoet, Gen. Manager of Development Services
J. Kurvink, Manager of Finance
L. Bloomfield, Manager of Engineering

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 July 18, 2019 be adopted as amended to include E6 UBCM meetings - **CARRIED**

1. Consent Agenda – Corporate Issues

- a. Electoral Area "C" Advisory Planning Commission – June 18, 2019
THAT the Minutes of the June 18, 2019 Electoral Area "C" Advisory Planning Commission meeting be received.
- b. Electoral Area "I" Advisory Planning Commission – June 19, 2019
THAT the Minutes of the June 19, 2019 Electoral Area "I" Advisory Planning Commission meeting be received.
- c. Naramata Parks & Recreation Commission – June 24, 2019
THAT the Minutes of the June 24, 2019 Naramata Parks & Recreation Commission meeting be received.
- d. Corporate Services Committee – July 4, 2019

THAT the Minutes of the July 4, 2019 Corporate Services Committee meeting be received.

THAT the RDOS support the Private Member's Bill C-447.

- e. Environment and Infrastructure Committee – July 4, 2019

THAT the Minutes of the July 4, 2019 Environment and Infrastructure Committee meeting be received.

THAT Committee move the Water and Sewer Utility Acquisition Policy forward to

- f. RDOS Regular Board Meeting – July 4, 2019

THAT the minutes of the July 4, 2019 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. Temporary Use Permit Application — Electoral Area “C”

- i. Permit
- ii. Representations

THAT the Board of Directors approve Temporary Use Permit No. C2019.002-TUP.

- b. Development Variance Permit Application — Electoral Area “E”.

- i. Permit
- ii. Representations

THAT the Board of Directors approve Development Variance Permit No. E2019.005-DVP.

- c. Development Variance Permit Application — Electoral Area “I”

- i. Permit

THAT the Board of Directors approve Development Variance Permit No. I2019.011-DVP.

- d. Electoral Area Advisory Planning Commissions — 2019 Meeting Schedule Amendment

THAT the Board of Directors accept the amendment to the 2019 APC Meeting Schedule for the Electoral Area Advisory Planning Commissions.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

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

B. DELEGATIONS

1. South Okanagan Performing Arts Centre Society (SOPAC)
 - a. Request to Appear as a Delegation Form

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

THAT the Regional District of Okanagan-Similkameen provide funding in the amount of \$5,000 to SOPAC for a visioning workshop to be held in the Fall of 2019. - **CARRIED**
Opposed: Directors B. Coyne, McKortoff, Bauer, Knodel

C. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “C”
 - a. Petition

To allow a vehicle rental business as a permitted use on part of the subject property

Director Veintimilla recused herself from the meeting as applicant is family member.

A representative of the applicant addressed the Board regarding the application.

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

THAT the Regional District not “authorize” the application to operate a vehicle rental business as a “non-farm use” on part of the property at 5693 Sawmill Road in Electoral Area “C” to proceed to the Agricultural Land Commission. - **CARRIED**
Opposed: Directors Bush, B. Coyne

2. Development Variance Permit Application — Electoral Area “I”
 - a. Permit

To allow for a lot line adjustment between three existing parcels.

A representative of the applicant [addressed the Board](#) regarding the application.

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

That the Board approve Development Variance Permit No. I2019.014-DVP, subject to the following condition:

- i) The RDOS apply a covenant to the land title that prohibits development of any buildings on the substandard hooked section.

CARRIED

3. OCP & Zoning Bylaw Amendment and ALC Application – Electoral Area “C”
 - a. Bylaw No. 2451.21
 - b. Bylaw No. 2453.36
 - c. Public Hearing Report – July 3, 2019
 - d. Responses Received

To allow for the construction of a winery.

Director Knodel advised that the public hearing report reflects an accurate account of what took place at the public hearing held on July 3, 2019 re Bylaw Nos. 2452.21 and 2453.36.

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the public hearing report of July 3, 2019 be received; and

THAT the Board considers the public process, as outlined in the report from the Chief Administrative Officer dated July 18, 2019, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*.

CARRIED

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Bylaw No. No. 2452.21, 2019, in conjunction with its Financial and applicable Waste Management Plans. - **CARRIED**

RECOMMENDATION 9 (Unweighted Rural Vote – 2/3)

It was MOVED and SECONDED

THAT Bylaw No. 2452.21, 2019, Electoral Area “C” Official Community Plan and Bylaw No. 2453.36, 2019, Electoral Area “C” Zoning Amendment Bylaw be read a third time and adopted; and further,

THAT the RDOS Board “authorize” the application to allow a Non-Farm Use to allow for a winery on a 1.39 hectare parcel of land located at 793 Serest Hill Road, Oliver, (Lot 1, DL 2450s, SDYD, Plan KAP31678), to proceed to the Agricultural Land Commission

CARRIED

D. PUBLIC WORKS**1. Award of Business Waste Education Provider****RECOMMENDATION 10 (Weighted Corporate Vote – Majority)****It was MOVED and SECONDED**

THAT the Board of Directors enter into a consulting services agreement with GreenStep Solutions for \$70,000 for Business Waste Education Provider for 2019 and 2020. - **CARRIED**

2. Net Zero Waste Grant Application Agreement**a. [Letter from Net Zero Waste](#)****RECOMMENDATION 11 (Weighted Corporate Vote - Majority)****It was MOVED and SECONDED**

THAT the Board of Directors enter into agreement with Net Zero Waste for the RDOS application for \$4,000,000 in grant funds from the Organics Infrastructure Program, reflecting numbers without RDOS volumes. - **CARRIED**

Opposed: Director Kimberley

3. Apex Mountain Waste Transfer Station Regulation Bylaw No. 2864, 2019 and Bylaw Notice Enforcement Amendment Bylaw 2507.10, 2019**a. Bylaw No. 2864, 2019****b. Bylaw No. 2507.10, 2019****RECOMMENDATION 12 (Unweighted Corporate Vote – 2/3)****It was MOVED and SECONDED**

THAT Bylaw No. 2864, 2019 Apex Mountain Waste Transfer Station Regulation Bylaw be read a first, second and third time and adopted;

AND THAT Bylaw No. 2507.10, 2019 Bylaw Notice Enforcement Amendment Bylaw be read a first, second and third time and adopted

CARRIED

E. LEGISLATIVE SERVICES

1. Osoyoos Rural Water District Service Extraterritorial Agreement
 - a. Extraterritorial Agreement
 - b. Bylaw No. 1353
 - c. July 2, 2019 Town of Osoyoos staff report

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

That the matter of Osoyoos Rural Water District Service Extraterritorial Agreement be deferred until August 15, 2019 Board meeting. - **CARRIED**

2. Electoral Area “D” Economic Development Service / Areas “D” and “I” Community Office Public Engagement
 - a. Consultant Report

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

THAT the Board of Directors support the withdrawal of Electoral Area “I” from Economic Development Service Establishment Bylaw No. 2447, 2008. - **CARRIED**

3. Declaration of State of Local Emergency Approval

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

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 14 June 2019, at midnight for a further seven days to 21 June, at midnight; and further,

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 21 June 2019, at midnight for a further seven days to 28 June, at midnight; and further,

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 28 June 2019, at midnight for a further seven days to 05 July, at midnight; and further,

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 05 July 2019, at midnight for a further seven days to 12 July, at midnight; and further,

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 12 July 2019, at midnight for a further seven days to 19 July, at midnight.

CARRIED

4. RDOS Fees and Charges Bylaw No. 2848, 2019
a. Bylaw No. 2848.01

RECOMMENDATION 16 (Unweighted Corporate Vote – 2/3)

It was MOVED and SECONDED

THAT Bylaw No. 2848.01, 2019 Regional District of Okanagan-Similkameen Fees and Charges Amendment Bylaw be read a first, second and third time and be adopted.

CARRIED

5. RDOS Policy
a. Landfill Customer Accounts Policy
b. Water & Sewer Utility Acquisition Policy

These policies were introduced and reviewed at the Corporate and Environment Committees on July 4, 2019. Both committees resolved to advance the policies to the Board for adoption.

RECOMMENDATION 17 (Unweighted Corporate Vote)

It was MOVED and SECONDED

THAT the Landfill Customer Accounts Policy and the Water & Sewer Utility Acquisition Policy be adopted.

It was MOVED and SECONDED

THAT the motion be amended to removed Water & Sewer Utility Acquisition Policy; AND THAT consideration of the Water & Sewer Utility Acquisition Policy be deferred to the August 15, 2019 Board meeting. - **CARRIED**

Question on the Main Motion as Amended

It was MOVED and SECONDED

THAT the Landfill Customer Accounts Policy be adopted. – **CARRIED**

ADDENDUM 6. UBCM Meetings

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

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

2. Board Representation

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
 - b. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) – *Gettens, Obirek (Alternate)*
 - c. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
 - d. Municipal Finance Authority – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - e. Municipal Insurance Association – *Kozakevich (Chair), Bauer (Vice Chair, Alternate)*
 - f. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
 - g. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
 - h. Okanagan Nation Alliance Steering Committee – *Kozakevich, Monteith (Alternate)*
 - i. Okanagan Regional Library – *Kozakevich, Roberts (Alternate)*
 - j. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
 - k. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
 - l. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
 - m. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
 - n. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
 - o. UBCO Water Research - Chair Advisory Committee – *Holmes, Bauer (Alternate)*
-

3. Directors Motions

4. Board Members Verbal Update

H. ADJOURNMENT

By consensus, the meeting adjourned at 3:16 p.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Temporary Use Permit Application — Electoral Area “A”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. A2019.005-TUP.

Purpose: To allow for an accessory dwelling in the form of a mobile home on a temporary basis to allow for care to an elderly relative.

Owners: Douglas and Elaine Harper Agent: N/A Folio: A05956.010

Civic: 16435 – 87th Street, Osoyoos Legal: Lot 1, Plan KAP61867, District Lot 2450S, SDYD

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

Proposed Development:

This application seeks to renew a temporary use permit to allow an accessory dwelling in the form of a mobile home on a property that has an existing dwelling.

Specifically, it is proposed to continue to site a mobile home on the subject parcel to provide accommodation for the daughter and son-in-law to care for an elderly relative living in the principal dwelling. The accessory dwelling is a 49.4 m² (532 ft²) CSA Z240 standard mobile home.

Site Context:

The subject parcel is approximately 1,940 m² (0.194 ha) in area and is situated on the west side of 87th Street, where 164th Street becomes 87th Street. The subject parcel abuts Osoyoos Lake to the north and is approximately 3.5 km north of the Town of Osoyoos boundary.

The property is seen to be comprised of a single detached dwelling and accessory buildings, and currently has the mobile home sited on the southwest portion of the parcel. The surrounding pattern of development is characterised by residential to the east, residentially zoned parcels to the west, and larger agricultural parcels to the south.

Background:

The subject property was created by a subdivision plan deposited in the Land Title Office in Kamloops on May 19, 1998, while available Regional District records indicate that Building Permit has previously been issued for placement of a mobile home in 2016, after approval of the applicable temporary use permit and watercourse development permit. There are no known building permit records for the single family dwelling or accessory buildings.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2450, 2008, the property is designated Low Density Residential (LR) and is also the subject of a Watercourse Development Permit (WDP) Area designation.

Section 17.3.4 of Electoral Area “A” OCP Bylaw establishes the following criteria in evaluating a temporary use permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Residential Single Family One (RS1) which only allows for single detached dwellings as a principal use and, among other secondary uses, allows for a secondary suite.

Under the Electoral Area “A” Zoning Bylaw, accessory dwellings, which are complete living units that are not located within a building containing a single detached dwelling unit, are not permitted uses in residential zones. Accessory dwellings are permitted only in commercial (C1), tourist commercial (CT1 and CT2), and selected rural (RA and AG1) and administrative and open space (PR and CA) zones.

Mobile homes, defined as manufactured homes which is certified as being constructed to the Canadian Standards Association Z240 standard, are also not permitted in the Residential Single Family (RS1) zone. As such, a temporary use permit is required to allow for an accessory dwelling use in the form of a mobile home on the subject parcel.

The property is also situated within the Agricultural Land Reserve (ALR), however, it is outside the Protection of Agriculture boundary noted in the Electoral Area “A” OCP Bylaw. The subject property has been assessed as “residential” (Class 01).

Public Process:

A Public Information Meeting was held on July 8, 2019, at the Sonora Centre and was attended by the applicants and no members of the public.

At its meeting on July 8, 2019, the Electoral Area “A” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use 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. Any comments will be on the agenda as separate item.

In accordance with Section 2.3 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed in Attachment No. 1. Comments received from this referral are included as a separate item on the Board’s Agenda.

Analysis:

In assessing this renewal, it should be noted that the applicant has indicated they are continuing to use the accessory dwelling while acting as caregivers for their elderly relative living in the principal dwelling. In addition, there are no recorded complaints received in relation to the accessory dwelling in the form of a mobile home during the term of Temporary Use Permit No. A2016.048-TUP.

In response to the criteria for evaluating temporary use permit applications under Section 17.3.4 of Electoral Area "A" OCP Bylaw, this specific criteria was considered by the Board when it approved Temporary Use Permit No. A2016.048-TUP in 2016.

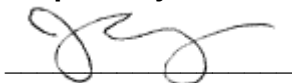
It should be noted that the justification for an accessory dwelling on the subject parcel is in response to a temporary need while the applicants provide caregiving to their elderly relative. Although the use of the mobile home as a caretaker's residence is compatible with the residential use in the surrounding area, it is a different built form than the surrounding one to two-storey single detached dwellings in the neighbourhood.

A mobile home is not a permitted use in the RS1 zone and mobile homes are not typical built form of the neighbourhood or residentially-designated areas in general. For this reason, a secondary suite would be a more appropriate additional dwelling unit for the area and for the subject parcel. However, as stated in their original application, the construction of a secondary suite while acting as caregivers for their relative was not a viable option.

As there has been no change to the personal circumstances used to justify the need for a mobile home at this location and no complaints have been received, Administration supports the renewal of this permit for a further three years.

Alternative:

That the Board deny Temporary Use Permit No. A2019.005-TUP.

Respectfully submitted:

J. Peachey, Planner I

Endorsed by:

C. Garrish, Planning Manager

Endorsed by:

B. Dollevoet, GM of Development Services

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (May 2019)

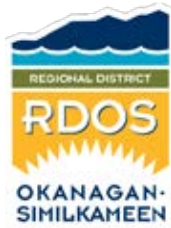
Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board consideration of TUP No. A2019.005-TUP:

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

Attachment No. 2 – Site Photo (May 2019)





TEMPORARY USE PERMIT

FILE NO.: A2019.005-TUP

AGENT: Douglas & Elaine Harper
16435 - 87 Street
Osoyoos, BC, V0H-1V2

OWNER: Douglas & Elaine Harper
16435 - 87 Street
Osoyoos, BC, V0H-1V2

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan KAP61867

Civic Address: 16435 87 Street Folio: A-05956.010

Parcel Identifier (PID): 024-208-566

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 an accessory dwelling in the form of a "mobile home", which is defined as meaning a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard.

CONDITIONS OF TEMPORARY USE

7. The accessory dwelling use of the land is subject to the following conditions:
- (a) The accessory dwelling will be removed when the Permit expires;
 - (b) The accessory dwelling will be connected to community sewer;
 - (c) The land will be remediated back to pre-use condition once the accessory dwelling is removed.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

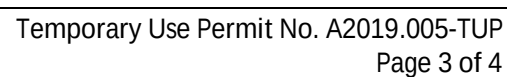
EXPIRY OF PERMIT

10. This Permit shall expire on August 1, 2022.

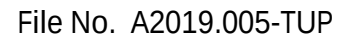
Authorising resolution passed by Regional Board on ____ day of _____, 2019.

B. Newell, Chief Administrative Officer

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



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





Interior Health
Every person matters

June 20, 2019

JoAnn Peachey
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9
planning@rdos.bc.ca

Dear JoAnn Peachey:

RE: File #: Temporary Use Permit A2019.005
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



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: June 28, 2019 9:57 AM
To: Planning
Subject: 87 St, 16435, Osoyoos (A2019_005-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along 87 Street. 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, AACI, SR/WA
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: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: June 28, 2019 2:17 PM
To: Planning
Subject: A2019.005-TUP for 16435 87th Street, Osoyoos

Categories: Pending Info

Hello Planners!

Thank you for your referral regarding a temporary use permit to allow for a mobile home at 16435 87th Street, Osoyoos, PID 024208566, LOT 1 DISTRICT LOT 2450S SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP61867. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling for the area indicates the property is located in an area with high potential to contain unknown/unrecorded archaeological deposits.

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.

If there are plans for any land alterations on the property (*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.

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 screenshots of the property below (outlined in yellow). If this does not represent the property listed in the referral, please contact me. In the second one, the brown colour indicates high potential for unknown/unrecorded archaeological deposits.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana







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

Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3

Phone: 250-953-3343 | Fax: 250-953-3340 |

Website: www.gov.bc.ca/archaeology



June 19, 2019

File No: A2019.005-TUP

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9
Via E-mail: planning@rdos.bc.ca

Re: Temporary Use Permit at 16435 87th Street Osoyoos

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the Temporary Use Permit (TUP) application for 16435 87th Street. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The 2016 issuance of the previous TUP occurred prior to the recent *Agricultural Land Commission Act* (ALC Act) amendments and new Agricultural Land Reserve (ALR) Use Regulation (February 22, 2019). Under the ALC Act's previous *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* it was a permitted use to allow one manufactured home for use by a member of the owner's immediate family. With the new ALR Use Regulation now in force, this provision has been removed. Ministry staff encourage the RDOS and applicant to contact the ALC to determine whether a non-farm use (non-adhering residential use) application with approval is now required.
- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- In general, Ministry staff have concerns with any potential negative impact of additional residential uses affecting the long-term agricultural viability of ALR land; both for a specific lot and its neighbouring parcels.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca





Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

July 4, 2019

Reply to the attention of Sara Huber
ALC Issue: 51455
Local Government File: A2019.005

Lauri Feindell
Administrative Assistant, Planning Services
Regional District of Okanagan Similkameen
lfeindell@rdos.bc.ca

Delivered Electronically

Re: RDOS Temporary Use Permit Referral A2019.005-TUP

Thank you for forwarding a copy of Regional District of Okanagan Similkameen Temporary Use Permit A2019.005 (the "TUP") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the TUP is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

In 2016, a TUP was issued to permit a mobile home to be sited on the property identified as 16435 87th Street, Osoyoos (the "Property") and used as an accessory dwelling. The applicants live in the mobile home in order to provide care to an aging relative who lives in the principal dwelling.

The previous TUP has expired, thus the applicants are proposing the current TUP to continue to permit the temporary mobile home as an accessory dwelling on the Property. No changes are proposed to the size or siting of the mobile home.

The conditions of the draft TUP require that the mobile home be removed once the TUP expires and that the site be remediated back to pre-use condition once it is removed (permit expires July 4, 2022).

The ALC recognizes that prior to February 22, 2019; manufactured/mobile homes were permitted in the ALR for immediate family member use. Since the change in legislation, the ALC has provided grandfathering provisions for pre-existing non-adhering uses, which allows non-adhering residential uses to remain in their current footprint. For this reason, the ALC has no objection to the TUP.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.



If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'SH' or similar initials, written in a cursive style.

Sara Huber, Regional Planner

Enclosure: A2019.005-TUP-Referral Sheet

CC: Ministry of Agriculture – Attention: Christina Forbes

51455m1

JoAnn Peachey

From:
Sent: July 25, 2019 8:17 AM
To: JoAnn Peachey
Subject: temp use permit application A2019.005-TUP

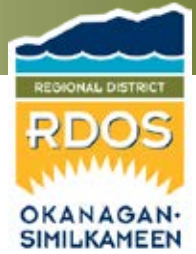
Good morning JoAnn:

My wife and I own the two properties at 16427 87th street and 16423 87th street which is in very near proximity to the property applying for the temporary permit application referenced above.

There are no negative effects to us with the "accessory dwelling" and in our opinion no negative effects to the neighborhood.

We fully support the application and have no issues with the permit being granted.

Adrienne and Paul Mailey.



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Development Variance Permit Application — Electoral Area “C”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. C2019.021-DVP

Purpose: To allow for the construction of an addition to an existing shop to be used as an office and a storage facility for a large piece of equipment.

Owners: Covert Farms Ltd. Agent: Bill Ross Folio: C-081802.000

Civic: 450 Covert Place Legal: Lot A, Plan KAP10566, DL 117S 916S 1043S,SDYD
400 Covert Place
200 Covert Place

OCP: Part Agriculture (AG) Zone: Part Agriculture Two Zone (AG2)
Part Resource Area (RA) Part Resource Area (RA)

Variance Request: to increase maximum parcel coverage from 4,975m² to 5165m²

Proposed Development:

This application is seeking a variance to the maximum parcel coverage that applies to the subject property in order to facilitate an 190m² addition to an existing shop.

Specifically, it is being proposed to vary the maximum parcel coverage from 4,975m² to 5,165m². The applicant stated that the property owners “want to build a shop/safety office, the shop is to repair and store a large piece of equipment out of the cold/winter”

In support of this request, the applicant has stated that:

- *the variance is applied for farmland use.*
- *the variance will not effect adjacent properties as this property is surrounded by crown land.*
- *The property where this building is to be built is 185 [hectares] and the company that wants to build the building farms 300 plus acres of land on this farm.*

Site Context:

The subject property is approximately 185 ha in area and is situated on the north side of Covert Place. The property is currently developed for use as a residence, winery and a farm with a single family dwelling, seasonal worker housing, a winery containing a restaurant and store, several farm buildings and a large area of land under agricultural production.

The surrounding pattern of development is characterised by similar Agricultural Land, a large portion of which is also owned by Covert Farms Ltd or Crown land as well as Resource Area and parks and recreation designated lands.

Background:

The subject property was created by a plan of subdivision registered with the Land Titles Office in Kamloops on May 6, 1960, while available Regional District records indicate that Building Permits have previously been issued for a single family dwelling (SFD) (1982), vineyard workshop (2007), seasonal worker accommodation (2008), addition and renovation to SFD (2012), and the conversion of a farm building to a winery with restaurant and store (2012/2015).

Under Electoral Area “C” Official Community Plan No. 2452, 2008, the subject property is split zoned with an approximately 4 ha section of the property in the top north east corner of the property designated Resource Area, and the rest of the property designated as Agriculture (AG). The property is within the Agricultural Land Reserve (ALR).

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the north east corner of the property is zoned Resource Area (RA) and the rest of the property, including the location of the proposed addition, is zoned as Agriculture Two Zone (AG2), which lists “accessory buildings and structures” as an accessory permitted use. Maximum Parcel Coverage for a property greater than 12 hectares in an AG2 zone is 3,600m².

The property has been assessed as Farm (Class 09), Business Other (Class 06), Light Industry (Class 05) and Residential (Class 01) by BC Assessment.

Public Process:

The application was informally discussed at an APC meeting that took place on July 16, 2019, and the proposal was supported by APC members. However, as the application was not formally on the agenda and the property owners were not afforded the opportunity to attend or speak to their application, their discussion cannot be treated as a formal recommendation.

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. Any comments will be on the agenda as separate item.

Analysis:

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

The purpose of establishing maximum parcel coverage regulations is to restrict the size of building footprints on a parcel. The maximum parcel coverage in Electoral Area “C” for properties greater than 12 hectares was changed to 3600m² by the Agricultural Area Plan (AAP) in 2010. The AAP focused on protecting the agricultural land base from being overly developed. The parcel coverage for the property which is approximately 4975m² became legally non-conforming in 2010 when the AAP came into place.

The regulation changes discussed in the parcel coverage section of the AAP were recommended to “reduce the on-farm footprint, limit site coverage by non-farm structures while not limiting productive farm structures; allow more flexibility in the use of buildings. Encourage clustering of development on farms, encourage ‘stacking’ of farm use buildings.” In support of this proposal, the applicant meets the intent of the AAP recommendations through the clustering of the buildings, and the use of the buildings for a farm use.

In considering the physical features of the property and the streetscape, the location and the size of the buildings, all buildings are concentrated on one portion of the property. This leaves the majority of the rest of the parcel as a large continuous piece allowing greater flexibility in the future for other agricultural uses on the property.

For these reasons, Administration supports the requested variances and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. C2019.021-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area “C” Advisory Planning Commission.

Respectfully submitted

Endorsed by:

Endorsed by:

Fiona Titley

Fiona Titley, Planning Student

C. Garrish, Planning Manager



B. Dollevoet, G.M. of Dev. Services

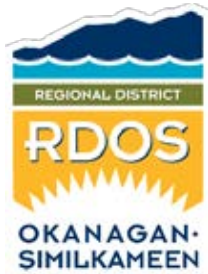
Attachments: No. 1 & 2 – Site Photos

Attachment No. 1 – Site Photo



Attachment No. 2 – Site Photo





Development Variance Permit

FILE NO.: C2019.021-DVP

Owner: Gene Covert
300 Cover Place
Oliver, BC, V0H-1T5

Agent: Bill Ross
P.O Box 1199
Oliver, BC, V0H-1T0

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot A, Plan KAP10566, District Lot 117S 916S 1043S, SDYD

Civic Address: 450 Covert Place

Parcel Identifier (PID): 003-957-438 Folio: C-01802.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "C" Zoning Bylaw No. 2453, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum parcel coverage for a building in the Agriculture Two Zone (AG2) as prescribed in Section 10.3.8, is varied:
 - i) from: 4,975 m²

to: 5,165 m² as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

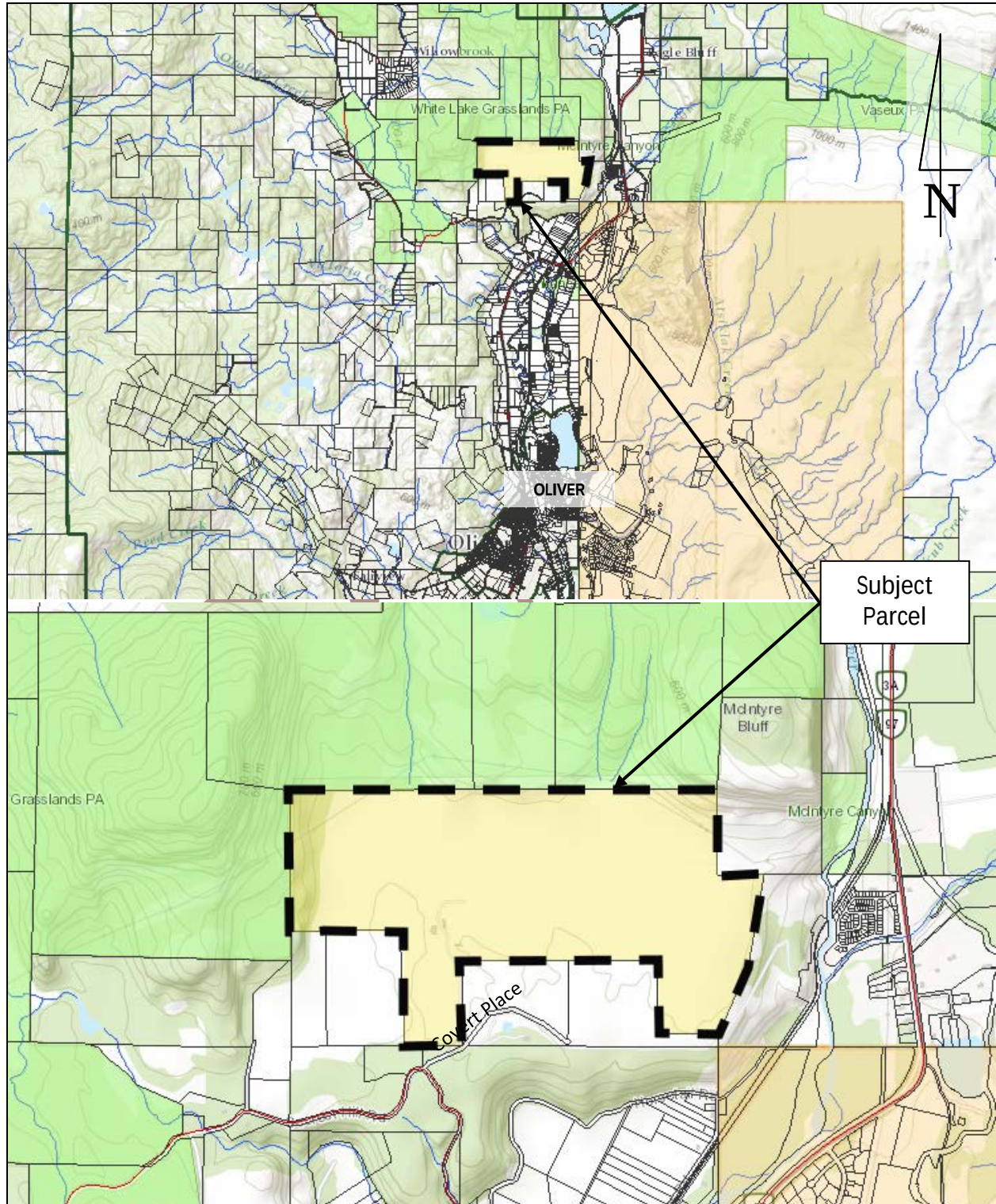
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. C2019.021-DVP

Schedule 'A'



Development Variance Permit No. C2019.021-DVP

DRAFT VERSION – 2019-07-18

Page 3 of 6

Regional District of Okanagan-Similkameen

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

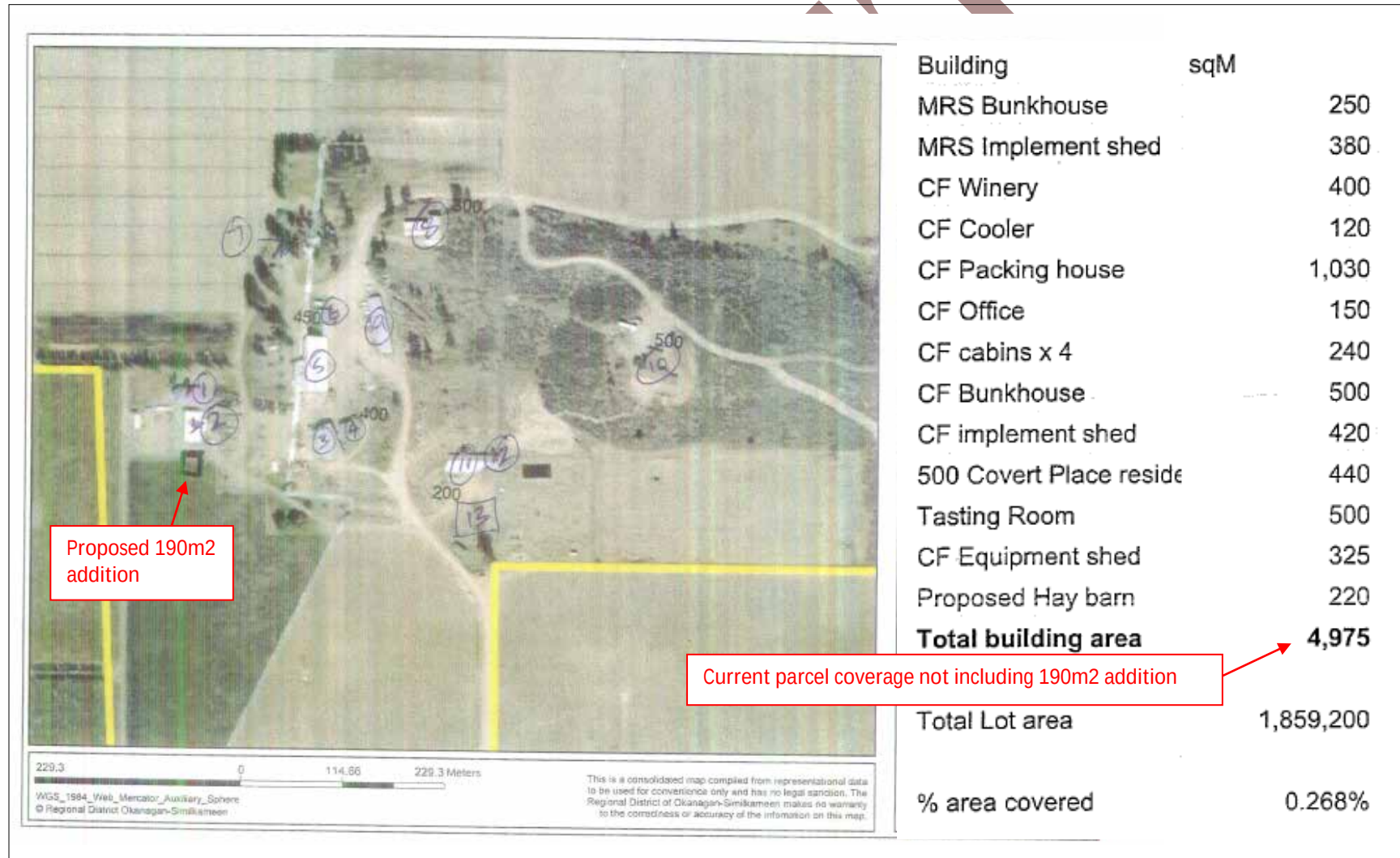
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.021-DVP

Schedule 'B'



DRAFT VERSION – 2019-07-15

Development Variance Permit No. C2019.021-DVP

Page 4 of 6

Regional District of Okanagan-Similkameen

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

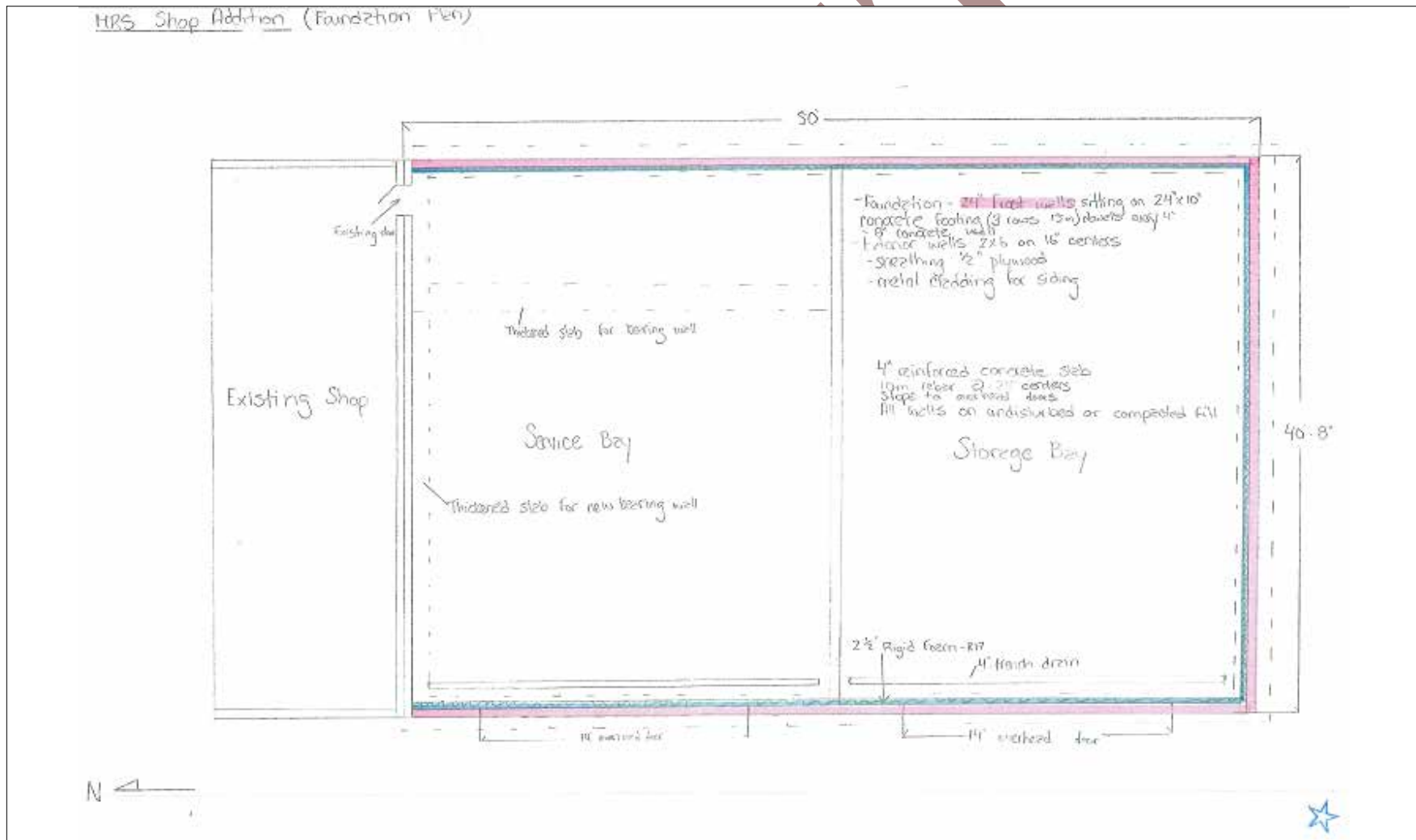
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.021-DVP

Schedule 'C'



Development Variance Permit No. C2019.021-DVP

DRAFT VERSION - 2019-07-18

Page 5 of 6

Regional District of Okanagan-Similkameen

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

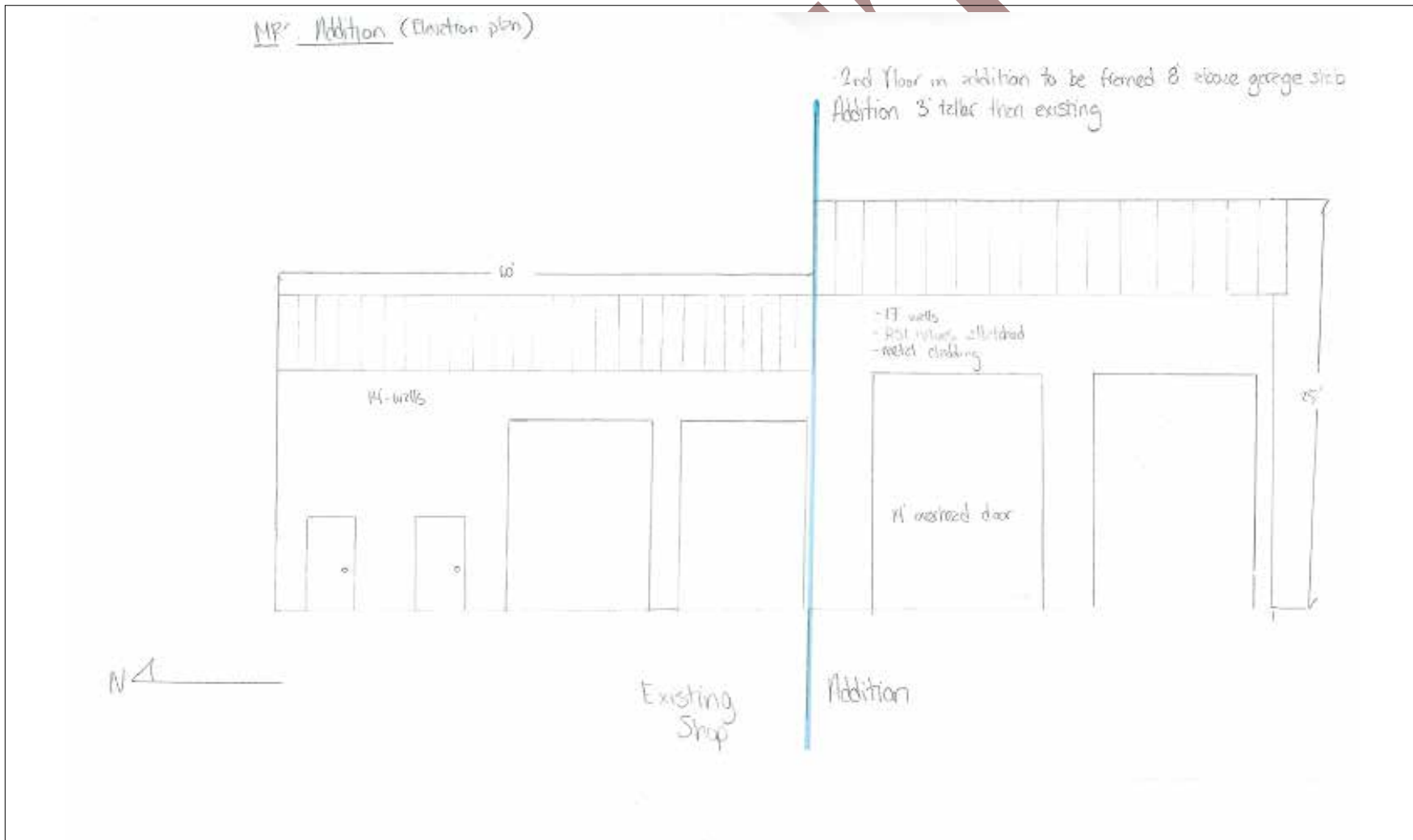
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.021-DVP

Schedule 'D'



File No: F2017.026-DVP

Under Electoral Area “E” Official Community Plan No. 2458, 2008, the subject property is designated as Small Holdings (SH).

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is zoned as Small Holdings Three (SH3), which lists “single detached dwelling” as a principal permitted use. The bylaw also establishes the minimum setback requirement for buildings and structures as 7.5 metres from the front parcel line.

Under Section 529 (Non-conforming structures) of the *Local Government Act*, a building or structure that does not comply with the siting (i.e. setbacks) of a zoning bylaw may only be maintained, extended or altered only to the extent that no further contravention of the bylaw occurs. In this instance, the new deck is seen to represent an extension of a contravention to the siting requirements of the zoning bylaw.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

In considering this proposal, Administration notes that the Zoning Bylaw’s use of setback regulations are generally to provide a physical separation between the road and residential dwellings, to improve traffic and pedestrian safety, to maintain an attractive streetscape, to discourage overshadowing and loss of privacy on adjacent parcels, and to provide opportunities for openness and landscaping.

Where staff have supported reducing a front setback in the past, this is generally in relation to a significant difference in elevation between the road and the proposed building footprint, or where a neighbourhood was developed before the introduction of zoning and adherence to the prescribed setback would be inconsistent with an established building line on a street.

In this instance there is a significant difference in elevation between Naramata Road and the proposed building footprint, and the proposed setback variance is unlikely to affect the movement of traffic or impact the character of the streetscape.

It is also noted that the use of the property on the opposing side of Naramata Road is used for agricultural purposes and a reduced front setback for a deck is unlikely to adversely affect this use.

Administration also recognises that the new deck is substantially the same as the existing deck, and represents only a minor intensification of the development footprint.

Conversely, the point at which a non-conforming structure requires structural alterations is seen to be the preferred point at which to seek compliance with the requirements of the zoning bylaw.

Nevertheless, and for these reasons mentioned above, Administration considers the requested variance to be minor in nature and as unlikely to adversely affect the use of adjoining lands.

Alternatives:

1. That the Board deny Development Variance Permit No. E2019.020-DVP.
2. That the application be referred to the Electoral Area “E” Advisory Planning Commission.

Respectfully submitted:

Cory Labrecque

C. Labrecque, Planner II

Endorsed by:

CG

C. Garrish, Planning Manager

Endorsed by:

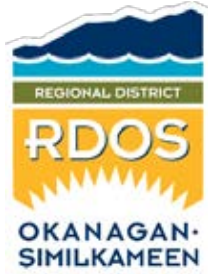
B. Dollevoet

B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Site Photo (2017)

Attachment No. 1 – Site Photo (2017)





Development Variance Permit

FILE NO.: E2019.020-DVP

Owner: John Young
2270 Kinross Avenue
Victoria, BC V8R 2N5

Agent: Brian Kendrick
538 Harbinger Avenue
Victoria, BC V8V 4J1

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot 1, Plan KAP15494, DL 206, SDYD, Except Plan H17800

Civic Address: 2116 Naramata Road

Parcel Identifier (PID): 008-818-151 Folio: 02050.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the minimum front parcel line setback for a principal building in the Small Holdings Three Zone (RS3) Zone, as prescribed in Section 10.6.6(a)(i), is varied:
 - i) from: 7.5 metres

to: 5.95 metres to the outermost projection as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

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

Authorising resolution passed by the Regional Board on _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

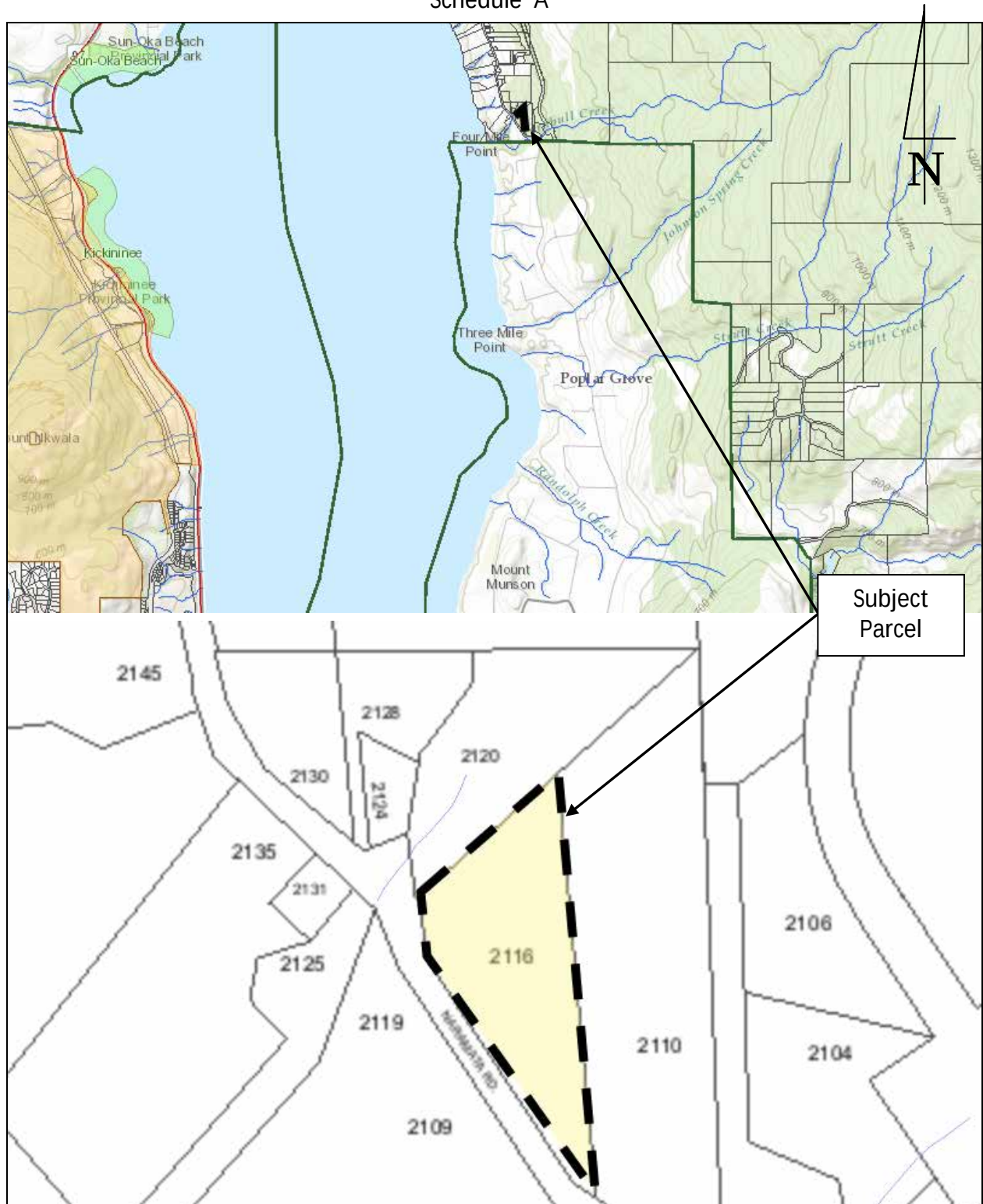
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. E2019.020-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

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



Development Variance Permit

File No. E2019.020-DVP

Schedule 'B'



Development Variance Permit No. E2019.020-DVP

Page 4 of 4

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: Bill Newell, CAO
DATE: August 1, 2019
RE: Area "D" Tourist Accommodation Study

Administrative Recommendation:

THAT the Regional District refer the recommendation from the Area "D" APC regarding Non-Traditional Tourist Accommodation for consideration in the 2020 Business Plan/Budget for the Area D Economic Development Service.

Area "D" APC MOTION 5.2

It was Moved and Seconded by the APC that the RDOS direct staff to review and evaluate the tourist demand for non-traditional accommodation and look at appropriate location and modes of development to accommodate demand.

CARRIED

Purpose:

For the Board to consider a recommendation from the Electoral Area "D" Advisory Planning Commission from their July 9th meeting.

Reference:

Electoral Area "D" Advisory Planning Commission – Minutes of July 9th, 2019

Background:

The Regional District of Okanagan Similkameen provides for the establishment of Advisory Planning Commissions with Bylaw 2339/06. The Bylaw identifies the following as a role description for APC's:

3.0 ROLE OF COMMISSION

- 3.1** The role of the Commission is to provide recommendations to the Regional District on all matters referred to it by the Regional District or by its Electoral Area Director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw and permits under Part 14 of the Local Government Act. ⁱⁱⁱ

Alternatives:

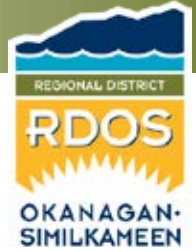
1. Refer the recommendation for consideration in the 2020 Business Plan/Budget for the Area D Economic Development Service.
2. Refer the recommendation for consideration in the 2020 Business Plan/Budget for Electoral Area Planning.
3. Respectfully decline the recommendation

Analysis:

The Planning Service includes all 9 electoral areas and the budget is funded by assessment. The resolution from the Area D APC would seem to be specific to Area "D". Further, the Electoral Area

Planning Service is focused on “Land Use Planning”. Determinations on tourist demand and types of accommodation would seem to be more focused on economic growth and may fit better in an economic development service rather than land-use planning.

The Regional District does not have the expertise to conduct this type of study internally and it should be posted for external work.



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Development Variance Permit Application – Electoral Area “C”

Administrative Recommendation:

THAT the Board of Directors deny Development Variance Permit No. C2019.015-DVP

Purpose: To allow for new signage for advertising the sale of product produced on a farm

Owners: Gurmeet Chahal Agent: Outreach Signs Folio: C-05465.000

Civic: 5535 Highway 97 Legal: Lot 158, Plan 1728, DL 2450S, SDYD

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

Variance to increase the maximum number of signs from one (1) to five (5);

Request: to increase the maximum sign area from 3.0 m² to 41.21 m²;
to increase the maximum height from 3.0 m to 6.71 m for a freestanding sign; and to allow for an illuminated sign in an Agricultural zone.

Purpose:

This application is seeking several variances to allow for new fascia and freestanding signs for Nature's Basket at 5535 Highway 97.

Specifically, it is being proposed to:

- increase the maximum number of signs from one (1) to five (5);
- increase the maximum sign area from 3.0 m² to 41.21 m² in order to allow three (3) fascia signs (10.02 m² each), and one (1) illuminated digital reader board sign (2.23 m²) and one (1) non-illuminated sign (8.92 m²);
- increase the maximum sign height from 3.0 m to 6.71 m to allow a freestanding pylon structure; and
- Allow for an illuminated sign in an Agricultural zone.

In support of this request, the applicant has stated, that “we cannot properly advertise our business to the same extent as our surrounding competitive businesses. The Bylaw limits our ability to property advertise our business to our prespective customers”.

Site Context:

The subject property is approximately 4.1 ha in area and is directly abutting Highway 97. The property is currently developed as a fruit stand and farm.

The surrounding pattern of development is characterised by agricultural uses, with a mix of residential and commercial uses to the towards the Town of Oliver boundary approximately one kilometre northeast of the subject parcel.

Background:

The subject property was created by a plan of subdivision on February 11, 1921 and available Regional District records indicate that building permits have previously been issued for a fruit stand (2016), and demolition of a residence (2003).

On April 23, 2019, a 'Build Without Permit' Stop Work Order was issued for a café and sign on the subject property. An "eating and drinking establishment" is not a permitted use in the Agricultural One (AG1) Zone or a permitted farm use in Agricultural Land Reserve (ALR) and the Regional District is requiring removal of the café.

As part of this process, it was further determined that the amount of signage on the structure does not comply with sign regulations in the Zoning Bylaw and the owners were advised that Board approval would be required in order to keep the signage.

Under Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is designated as Agriculture (AG).

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the property is zoned Agriculture One (AG1), which lists "retail sales of farm and off-farm products" as a permitted secondary use.

Under Section 7.20 of the Zoning Bylaw, signs advertising the sale of agricultural produce, livestock or product grown, raised or produced on the farm, in an Agricultural zone, one non-illuminated sign up to 3.0 m² in area and 3.0 metres in height is permitted.

At its meeting of June 19, 2014, the Regional District Board deferred consideration of Amendment Bylaw No. 2663, 2014, which proposed, amongst other things, to increase the amount of signage permitted for agricultural uses (i.e. increase sign area from 3.0 m² to 6.0 m²). This project was subsequently abandoned by the Board in 2015.

The property has been assessed as Residential (Class 01), and Farm (09) by BC Assessment and is located within the Agricultural Land Reserve (ALR).

At its meeting July 17, 2019, the Electoral Area "C" Advisory Planning Commission made a motion to recommend to the Board to deny the subject application.

Public Process:

Adjacent property owners and tenants will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as a separate item.

Analysis:

The regulation of signs through zoning is meant to ensure public safety and minimize the negative visual impacts of signs in a community as the character of an area can be directly impacted by the prominence of signage.

In considering this proposal, Administration notes that the quantity of signage in terms of number of signs and size of signs far exceed the regulations in the Electoral Area “C” Zoning Bylaw for farm stand uses.

Further, the proposal far exceeds the quantity of permitted signage in the Electoral Area “C” Zoning Bylaw for commercial uses, which are limited to one freestanding sign and one fascia sign only.

Given the intent of sign regulations is to limit the visual impact of signage to the community in general and to surrounding residents and businesses, there is concern that allowing additional signage for farm stand uses, which are by definition in agricultural areas, draws attention to commercial components of the farm use and detracts from the rural character of the area.

This is supported by Section 5.0 of the Electoral Area “C” OCP Bylaw, which states that it is a goal of the Regional District Board to “maintain and enhance the rural character of the Plan area”. As such, the general appearance of farm stand signs should reflect their rural, agricultural setting so that the cumulative effect of signage is limited.

If approved, this proposed signage would raise expectations for other uses (or users) to be afforded the same quantity of signage in an agricultural area.

In addition to far exceeding the quantity of signs permitted, this application is proposing an illuminated sign in the form of a reader board. Illuminated signs are better suited in commercial areas surrounded by other commercial businesses where there is an expectation for prominent advertising. Reader boards, which can include flashing, moving or static text are generally seen as more distracting to drivers and detract from rural character.

Further still, this proposal is requesting a freestanding sign to be over twice the maximum height and the non-illuminated sign is approximately three times the permitted sign area. As the proposal far exceeds the signage regulations of the Agriculture One (AG1) zone, Administration has concerns with signage that far exceeds the amount of signage allowed as it creates an unfair advantage over similar businesses that comply with the signage requirements.

Collectively, this proposal includes 41.21 m² of total signage. The proposed signage will be a prominent feature when approaching the property and will provide an expectation that over-sized signage is considered appropriate for advertisement in rural agricultural areas.

The location of the signage, all visible from Highway 97, contributes to the prominence of the signage and its overall visual impact in the community. Effectively, the prolific amount of signage proposed introduces commercial-scale signage into an agricultural area and an agricultural zone.

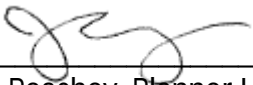
Conversely, farm stands are a commercial business and rely upon signage to draw customers to their business. The subject parcel is located in an area with a mix of agricultural and commercial-designated properties. As such, there is more signage and commercial activity on neighbouring properties than would be typically found in an agricultural setting.

Allowing for signs that far exceed commercial signage standards in a rural setting is not consistent with maintaining the rural character of the area. For the reasons listed above, Administration does not support the requested variances and is recommending denial.

Alternative:

THAT the Board approve Development Variance Permit No. C2019.015-DVP.

Respectfully submitted:



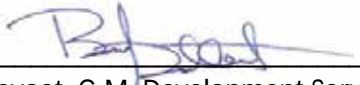
J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:

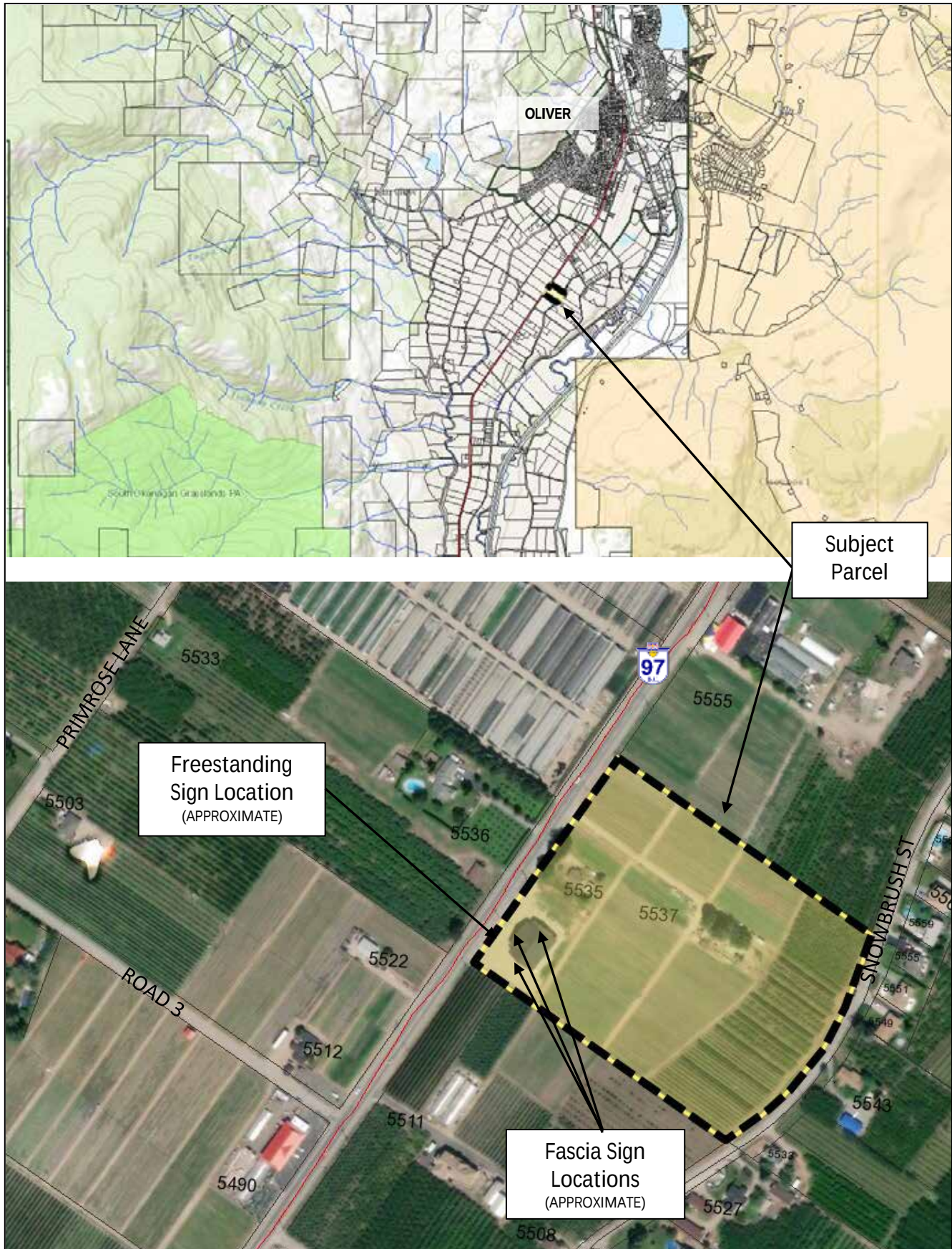


B. Dollevoet, G.M. Development Services

Attachments: No. 1 – Context Map

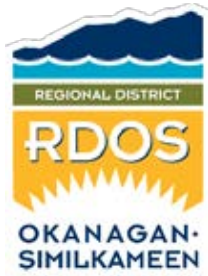
No. 2 – Site photo (July 2019)

Attachment No. 1 – Context Map



Attachment No. 2 – Site Photo (July 2019)





Development Variance Permit

FILE NO.: C2019.015-DVP

Owner: Gurmeet Singh Chahal
5535 Highway 97
Oliver, BC, V0H 1T9

Agent: Outreach Signs
310 Co-op Avenue
PO Box 1529
Oliver, BC, V0H 1T0

GENERAL CONDITIONS

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

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A', 'B', 'C', 'D' and 'E', 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 158, Plan 1728, District Lot 2450S, SDYD

Civic Address: 5535 Highway 97

Parcel Identifier (PID): 011-371-366 Folio: C-05465.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "C" Zoning Bylaw No. 2453, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the maximum number of signs per parcel to advertise the sale of agricultural produce, livestock or product grown, raised or produced on the farm, as prescribed in Section 7.20.3, is varied:
 - i) from: one (1)

- to: five (5), as shown on Schedule 'B'.
- b) the total sign area to advertise the sale of agricultural produce, livestock or product grown, raised or produced on the farm, as prescribed in Section 7.20.3, is varied:
 - i) from: 3.0 m²
 - to: 41.21 m², as shown on Schedule 'C', 'D', and 'E'
- c) the maximum height to advertise the sale of agricultural produce, livestock or product grown, raised or produced on the farm, as prescribed in Section 7.20.3, is varied:
 - i) from: 3.0 metres
 - to: 6.71 metres, as shown on Schedule 'C'
- d) Section 7.20.7, is varied by allowing an illuminated sign within an Agricultural zone as shown as Sign 'A' in Schedule 'C'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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

- a) In accordance with Section 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 _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

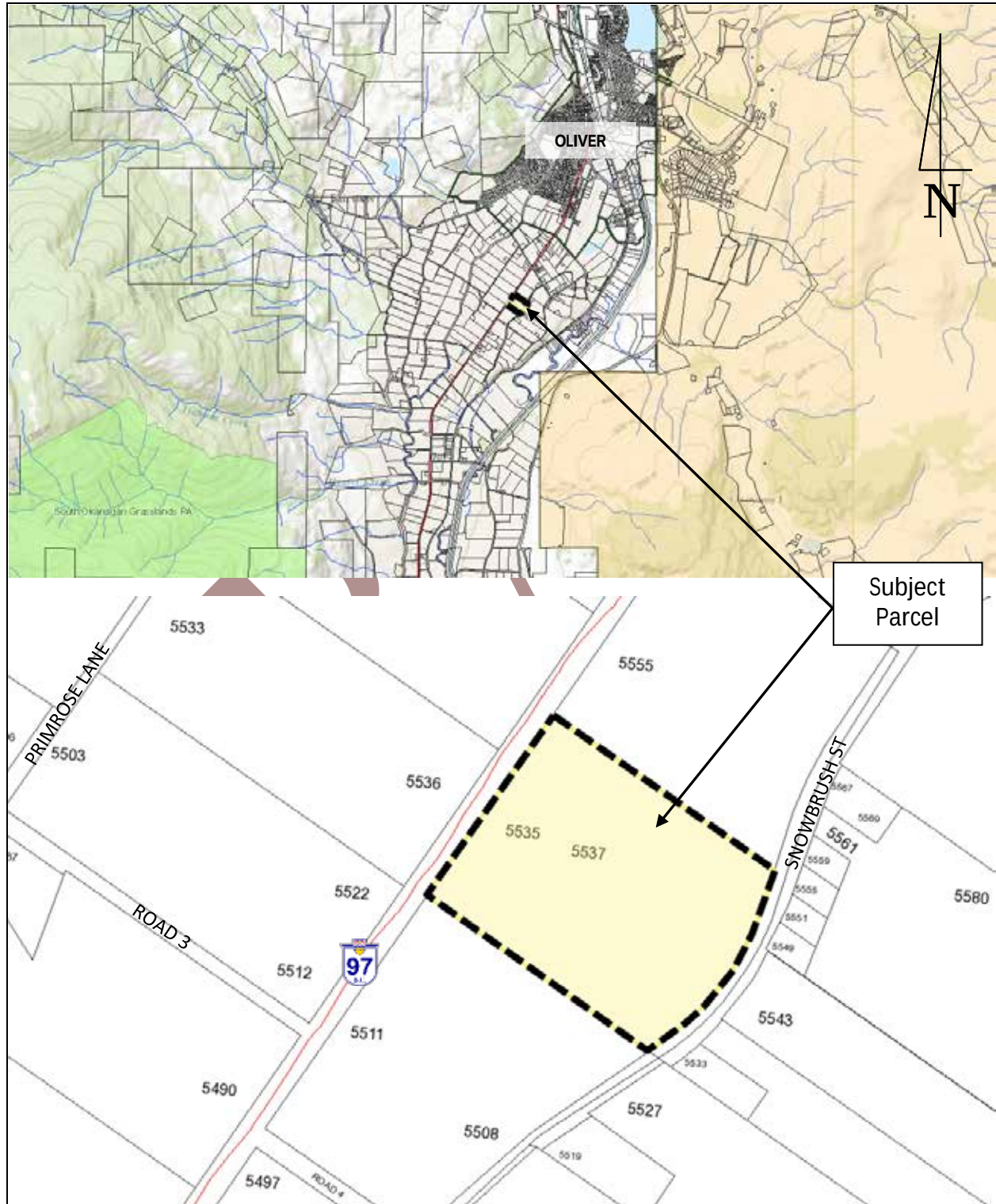
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. C2019.015-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

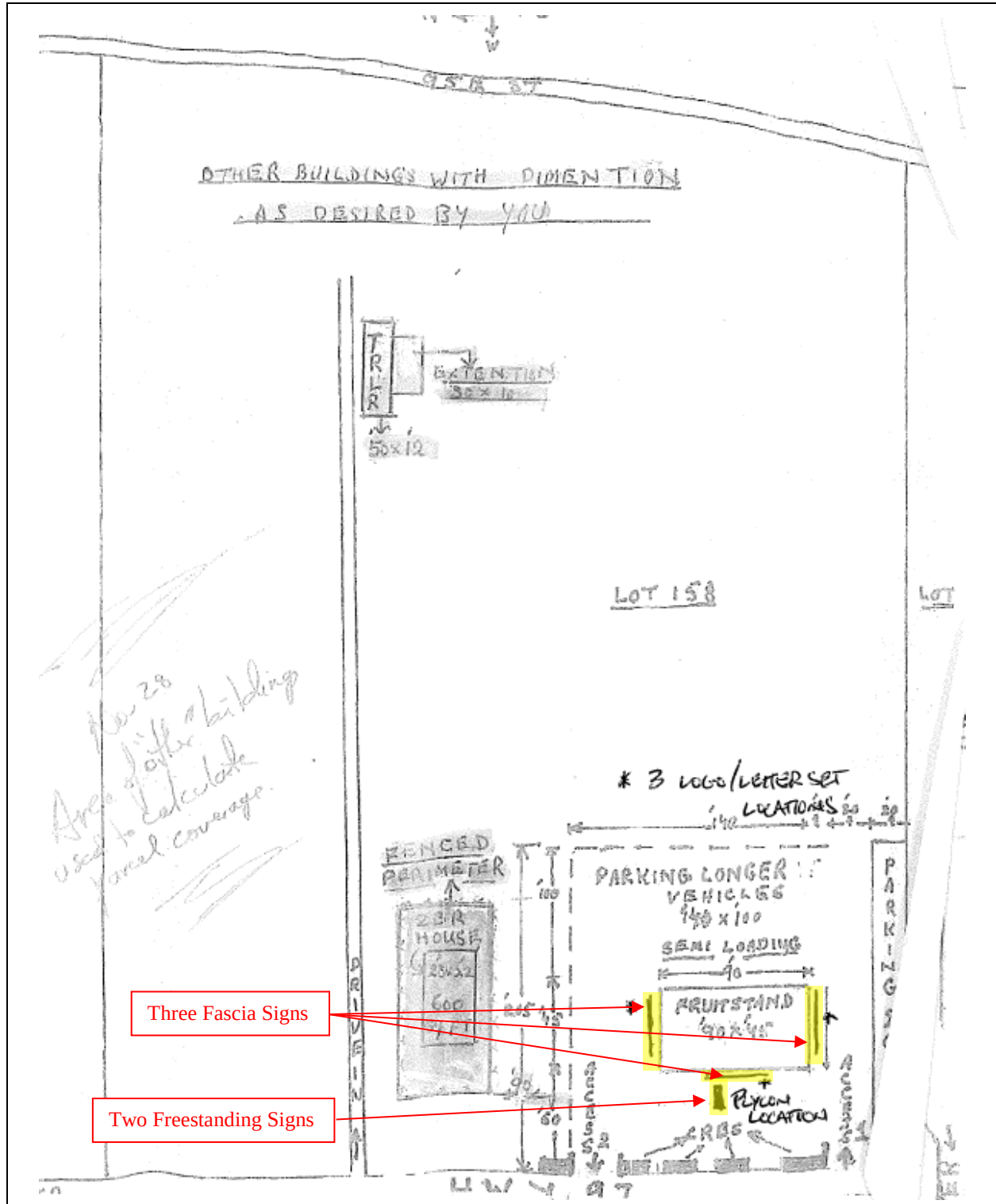
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. C2019.015-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

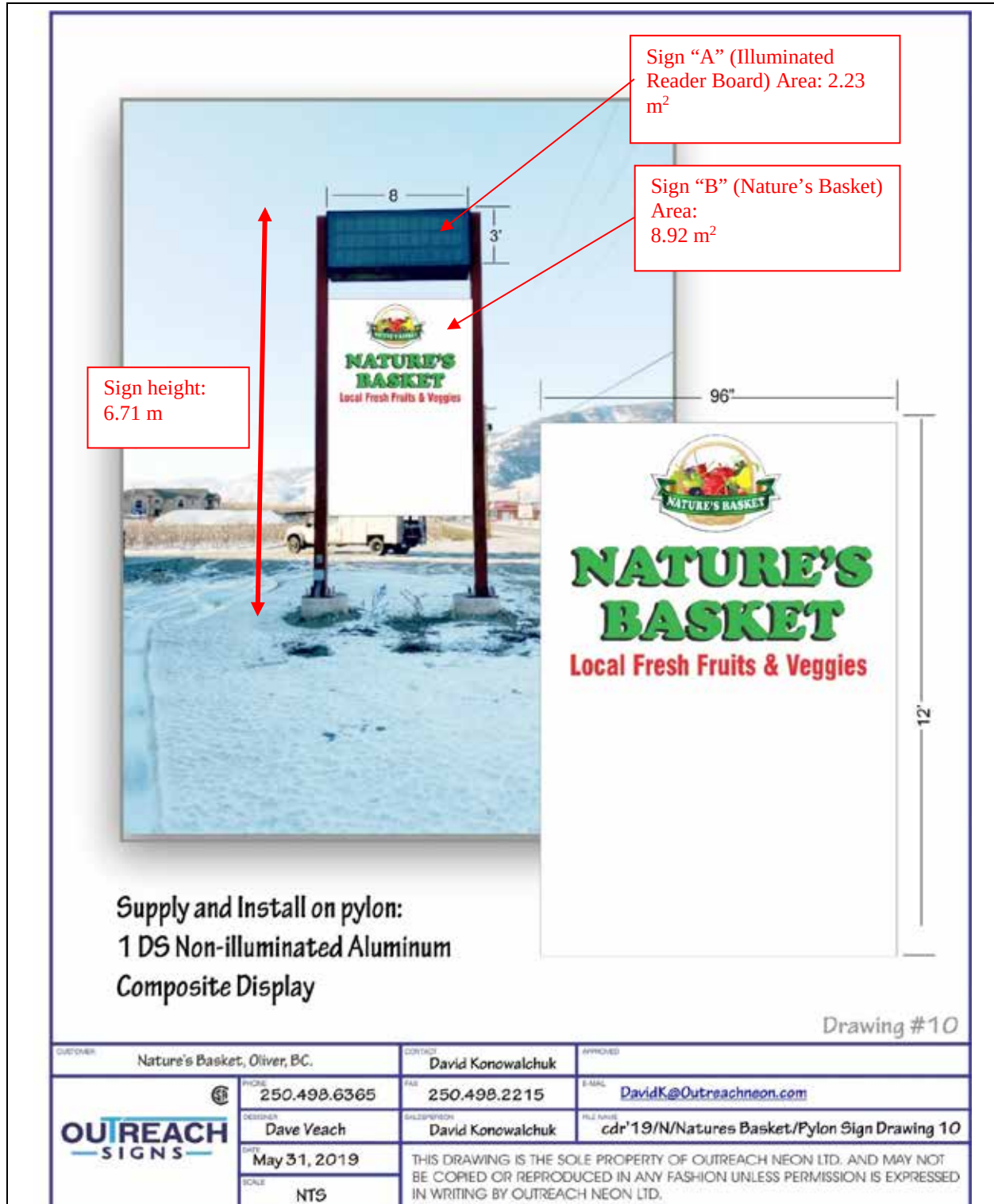
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. C2019.015-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

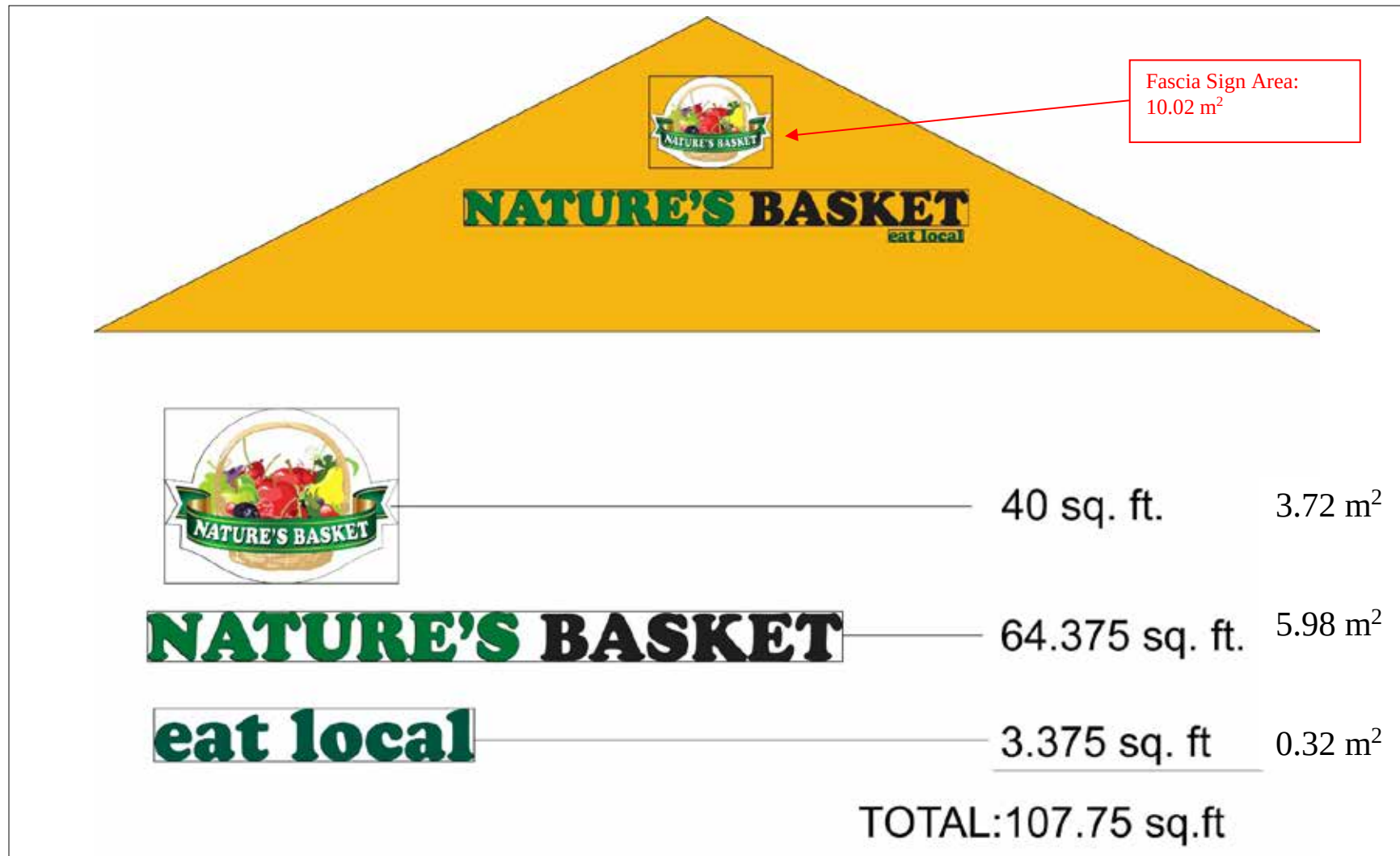
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. C2019.015-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

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

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



Development Variance Permit

File No. C2019.015-DVP

Schedule 'E'

West(Front side)



Three Fascia Signs:
10.02 m² each

South side



North side



File No: D2019.001-TUP

Background:

The current boundaries of the subject property were established by a subdivision deposited at the Land Title Office in Kamloops on August 12, 2010, and available Regional District records indicate Building Permits having previously been issued for a single family dwelling (2007) and subsequent alterations and renovations in 2009 and 2012.

On September 5, 2018, the Regional District issued “Do Not Occupy” notices related to the development of three “guest” cabins on the subject property.

The applicant subsequently advised that the accessory structures were built in 2014 and that a building permit was not sought as they believed the buildings to be exempt as they comprise a floor area of less than 10.0 m² each.

This building permit exemption does not, however, apply to buildings to be used for residential purposes and a building permit cannot be issued until the use is permitted as Section 7.13.3 of the Electoral Area “D” Zoning Bylaw No. 2455, 2008, prohibits the use of an accessory structure for sleeping or other living facilities.

Under the Electoral Area “D” OCP Bylaw No. 2603, 2013, the subject property is designated as Large Holdings, is subject to a Hillside and Steep Slope Development Permit (HSSDP) and an Environmentally Sensitive Development Permit (ESDP) Area designations. It is also identified as a moderate wildfire hazard area and is outside of the Penticton Fire District.

An overall objective of the Large Holdings designation is to retain and enhance rural character. The Electoral Area “D” OCP Bylaw generally does not support additional development outside of the designated Rural Growth Areas and supports use of Large Holdings lands for agriculture, ranching, outdoor recreation, open space, limited residential use and other uses that will have a minimum environmental impact and preserve the lands in a largely undeveloped state.

There are provisions for supporting paid accommodation for visitors through the short-term rental of residences (e.g. “vacation rental”), provided that community and neighbourhood residential needs and other land use needs can be addressed; however, this policy is not applicable to this application because a “vacation rental” is for the short-term rental of residence, not short-term rental of accessory structures.

When a TUP application is to be considered, the Plan provides evaluation criteria, namely:

- the use must be clearly temporary or seasonal in nature;
- compatibility of the proposal with adjacent uses;
- impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- intensity of the proposed use;
- opportunity to conduct the proposed use on land elsewhere in the community; and
- the remedial measures to be carried out to mitigate any damage to the natural environment as a result of the temporary use.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Site Specific Large Holdings One (LH1s) which permits single detached dwelling as a principal use and bed and breakfast as a secondary use.

A bed and breakfast is defined in the Electoral Area “D” Zoning Bylaw as “an occupation within a principal dwelling unit, by the residents of the dwelling unit, which provides sleeping accommodations to the travelling public and includes the provision of a morning meal for those persons using the sleeping accommodations”.

Section 7.19 of the Electoral Area “D” Zoning Bylaw regulates bed and breakfast operations, including limiting the operation to a maximum of four rooms for up to eight patrons. It requires that the resident of the principal dwelling unit be present during a patron’s stay and also requires that the operation be located within one principal dwelling unit on the parcel.

The subject property is classified by BC Assessment as part “Residential” (Class 01).

Public Process:

A Public Information Meeting was held on July 9, 2019, at the Okanagan Falls Community Centre and was attended by the applicants and two members of the public who indicated support of the application.

At its meeting on July 9, 2019, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use be denied.

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. Any comments will be on the agenda as separate item.

In accordance with Section 2.3 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed in Attachment No. 1. Comments received from this referral are included as a separate item on the Board’s Agenda.

Analysis:

Bed and breakfast operations are generally permitted in residential areas as small-scale, home based businesses that are accessory to primary dwellings, and are limited to a principal dwelling in order to contain the scale of operation and to ensure a nexus between the guests and principal residents. The scale of a bed and breakfast operation is limited to ensure commercial development in the form of large scale or intrusive tourist accommodation is not introduced into residential neighbourhoods.

In considering this proposal, Administration is concerned that allowing accessory buildings to be used for guest accommodation creates a physical separation between the guests and the residents that would not normally be contemplated, and breaks the nexus between a dwelling unit and the accommodation units and which naturally limits the scale and impacts of a bed and breakfast use.

Generally, bed and breakfast uses are restricted to a principal dwelling so that any adverse impacts from guests (e.g. noise), or potential safety issues (e.g. fire) are mitigated by the presence of the resident. In this case, guests are distributed throughout the parcel, and would require trips to the principal dwelling to use washroom facilities. There is concern that this arrangement would increase the potential for noise and disruption of the natural environment.

This proposal also introduces frequent access by visitors into an environmentally sensitive area, which is designated to regulate development activities to protect important sensitive ecosystems and biological diversity. By not containing the use and servicing demands to the principal residence, the

commercial components of the bed and breakfast operation are being spread out on the parcel, which is more intrusive and impactful than traditional bed and breakfast operations.

Under the Electoral Area “D” OCP Bylaw, the proposal is out of the scope of supportive policies for short-term rental of residences in Rural Holdings areas under Section 10.3.9 and .10 as the use is not contained within the principal residence.

In addition, it should be noted that expanding residential uses into accessory buildings is not consistent with the Electoral Area “D” OCP Bylaw Growth Management policy to not support intensifying land uses within areas designated as environmentally sensitive, under Section 7.6.11.

Administration further notes that, currently, accessory dwellings are not permitted in the Upper Carmi neighbourhood, and this is due to several factors including terrain, lack of services (including fire protection), vulnerability of the aquifer and potential water quality concerns and the overall environmental sensitivity of the area.

In addition, the Board adopted zoning amendments in 2017 to prohibit the creation of living and sleeping facilities in accessory structures and the current proposal is not consistent with either of these directions.

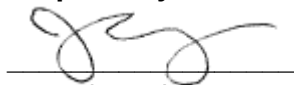
Conversely, this proposal is an enterprise that provides a unique experience to guests in an isolated setting. As the accessory structures do not contain washroom or kitchen facilities, the guests must utilize the primary residence during their stay. This ensures that the resident is present during the stay, like a more traditional bed and breakfast, and provides a nexus between the two uses.

However, given the overall objective of this area is to maintain and enhance rural character, the use of accessory structures in a commercial enterprise is not seen as compatible with limiting residential uses. The primary use of the property is residential and any associated uses for short-term accommodation should fit within the parameters established to limit this as a secondary use.

Alternative:

1. That the Board approve Temporary Use Permit No. D2019.001-TUP; or
2. That the Board defer consideration of Temporary Use Permit No. D2019.001-TUP.

Respectfully submitted:



J. Peachey, Planner I

Endorsed by:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, GM of Development Services

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant's Photos

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. D2019.001-TUP:

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

Attachment No. 2 – Applicant's Photos



CABIN 1

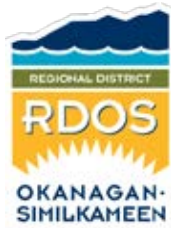


CABIN 2



Cabin 3 THE SHIRE CABIN





TEMPORARY USE PERMIT

FILE NO.: D2019.001-TUP

OWNER: Geoffrey Orr
2183 Carmi Road
Penticton, BC V2A 8V5

GENERAL CONDITIONS

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

APPLICABILITY

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

Legal Description: Lot A, Plan KAP91212, District Lot 2710, SDYD

Civic Address: 2183 Carmi Road

Parcel Identifier (PID): 028-299-388 Folio: D-06788.442

TEMPORARY USE

6. In accordance with Section 23.2 of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, the land specified in Section 5 be used for a "bed and breakfast operation", which is defined as meaning "an occupation conducted within a principal dwelling unit or accessory structure, by the residents of the dwelling unit, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations."

CONDITIONS OF TEMPORARY USE

7. The “bed and breakfast operation” use of the land is subject to the following conditions:
- (a) Notwithstanding Electoral Area “D” Zoning Bylaw No. 2455, 2008 Section 7.13.3, three accessory buildings on the subject property as shown on Schedule ‘B’ may each contain one bedroom or sleeping facility;
 - (b) the use of the three accessory buildings for a bedroom or sleeping facility shall occur only between April 1st and September 30th;
 - (c) the maximum number of accessory buildings 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) Accessory buildings shall not include washroom or kitchen facilities;
 - (g) Each accessory building shall be limited to 10 m² in floor area, as shown in Schedule ‘B’;
 - (h) Only persons residing in the principal dwelling unit may carry on the bed and breakfast operation, and must be present on the property during a patron’s stay; and
 - (i) Issuance of a building permit for each accessory structure is required prior to use of accessory structures for sleeping accommodations.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

EXPIRY OF PERMIT

10. This Permit shall expire on August 1, 2022.

Authorising resolution passed by Regional Board on ____ day of _____, 2019.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

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

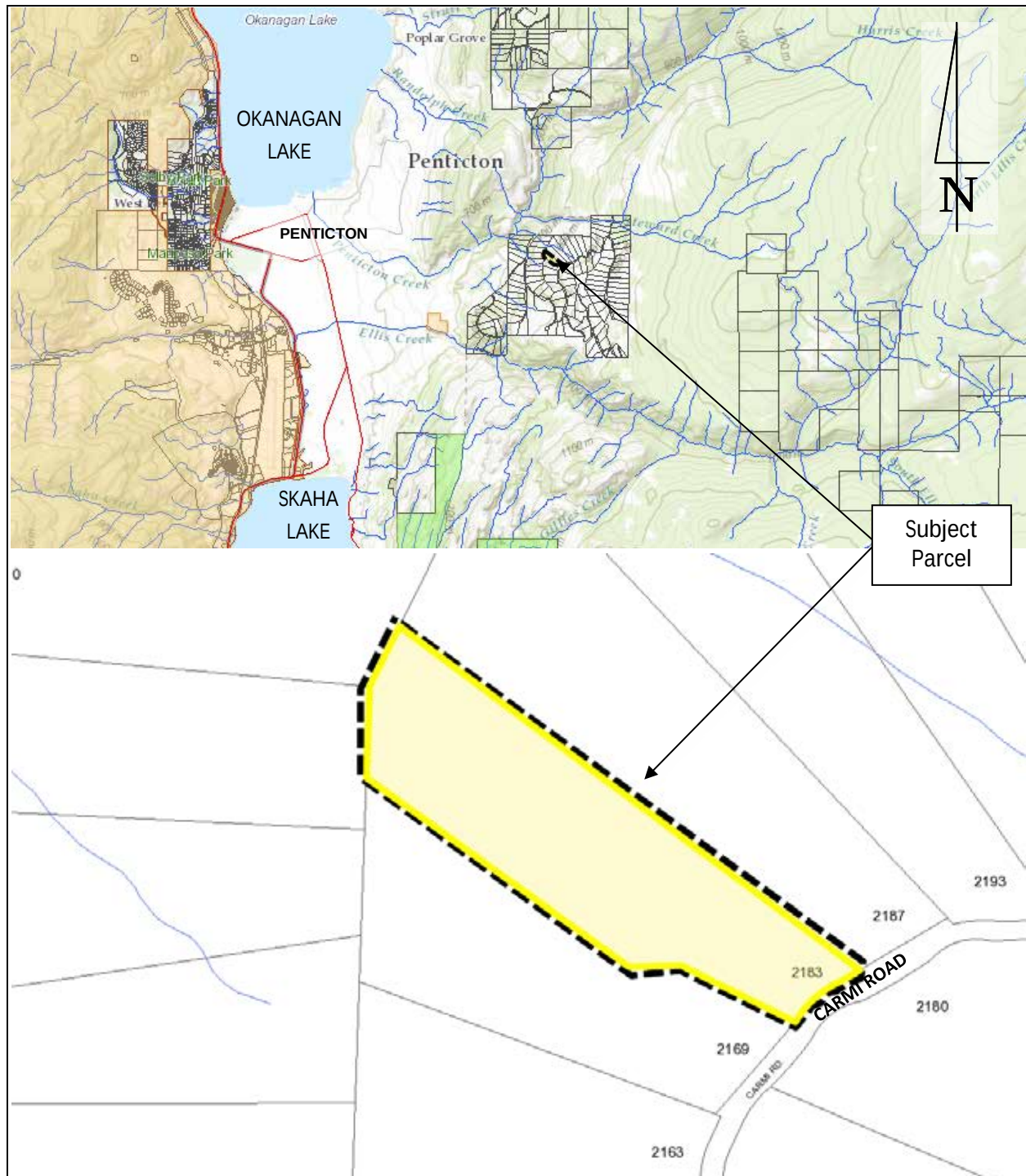
Telephone: 250-492-0237 Email: planning@rdos.bc.ca



Temporary Use Permit

File No. D2019.001-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. D2019.001-TUP

Schedule 'B'





Interior Health
Every person matters

June 4, 2019

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

Dear JoAnn Peachey:

RE: File #: D2019.001-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



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: June 18, 2019 4:26 PM
To: Planning
Subject: Carmi Rd, 2183 RDOS (D2019_001-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Carmi 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,

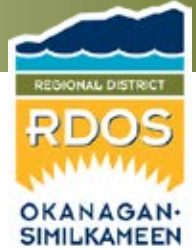
Steven Danielson, AACI, SR/WA
Contract Land Agent for:

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



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2497.11, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.18, 2019, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated August 1, 2019, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2497.11, 2019, 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 5, 2019;

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

Purpose: To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel

Owner: Jennifer & Lawrence Liss Agent: AllTerra Land Surveying Folio: H-00724.040

Civic: 336 Tulameen River Road Legal: Lot 2, Plan KAP29927, District Lot 395, LDYD

OCP: Agriculture (AG) Proposed OCP: Large Holdings

Zoning: Agriculture Three Zone (AG3) Proposed Zoning: Large Holdings Two (LH2)

Proposed Development:

This application proposes to amend zoning of the southern portion of the subject property in order to facilitate the subdivision of the northern part of the property into six (6) lots and allow the creation of an 8.6 hectare (ha) remainder parcel in the southern portion where the owners reside.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from Agriculture (AG) to Large Holdings (LH); and

amend the zoning under Schedule '2' (Zoning Map) of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

In support of the rezoning, the agent has stated that the owners wish to complete the previously ALC approved subdivision "to create 13 lots with the subject parcel as the remainder" and to "continue abiding on this parcel in the same way they have been", as their primary residence.

Site Context:

The subject property is approximately 25.8 ha in area and is situated approximately 800 metres west of Tulameen on the north side of Tulameen River Road.

It is understood that the southern portion of the parcel is comprised of a single detached dwelling, accessory structures and undeveloped agricultural land. The surrounding pattern of development is generally characterised by vacant agricultural land, and residential parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 4, 1979, while available Regional District records indicate that building permits have previously been issued for a single detached dwelling (1981), mobile home (1982), cabin (2003), an addition to the single family dwelling (2006), and a detached garage (2006).

Under the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012, the northern portion of the subject property is designated Small Holdings (SH), the southern portion is Agriculture (AG) and the property is also the subject of a Watercourse Development Permit (WDP) Area designation adjacent its boundary with the Tulameen River.

Under the Electoral Area "H" Zoning Bylaw No. 2498, 2012, the northern portion of the subject property is zoned Small Holdings Two (SH2), which specifies a minimum parcel size for subdivision of 2.0 ha. The southern portion of the property is zoned Agriculture Three (AG3). AG3 zoning specifies a minimum parcel size for subdivision of 20.0 ha. In comparison, the proposed Large Holdings Two (LH2) Zone specifies a minimum parcel size of 8.0ha.

Prior to 2012, the southern portion of the parcel was zoned Resource Area (RA), which, at that time, allowed a minimum parcel size of 8.0 ha.

When the current Electoral Area "H" OCP & Zoning Bylaws were adopted in 2012, lands in the Agricultural Land Reserve (ALR) were designated as "Agriculture (AG)" and re-zoned to "Agriculture Three (AG3)", which established a minimum parcel size of 20.0 ha.

While the whole of the property is within the ALR, in 2004 the Agricultural Land Commission (ALC) approved a 13 lot subdivision of the property, provided parcels were not less than 2.0 ha in area. Between 2006 and 2009 the first seven (7) parcels of this subdivision were created.

On February 13, 2019, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed six (6) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

An assessment of this proposed subdivision determined that, due to the property being split zoned, subdivision will result in a sub-minimal remainder parcel that will not meet the 20 ha minimum parcel size required by the Agriculture Three (AG3) Zone.

BC Assessment has classified the property as “Residential” (Class 01).

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 3).

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaw.

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 58 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment will be reviewed by the Public Works Department and Finance Department, to ensure it is consistent with RDOS's current waste management plan and financial plan.

All agency comments that have been received are included as a separate item on the Board Agenda.

Public Process:

At its meeting of July 16, 2019, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this application be approved.

A Public Information Meeting was held ahead of the APC meeting on July 16, 2019, and was attended by approximately Two (2) members of the public.

Administration recommends that the convening of the public information meeting, consideration by the Electoral Area “H” APC as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, this process is seen to be sufficiently early and does not need to further ongoing consultation.

Analysis:

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

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

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

In this context, the creation of an 8.4 ha remainder may impede the agricultural opportunities available in the long-term.

That said, Administration also recognises that the ALC previously approved the subdivision of this parcel into smaller lots and that the subject property is now dis-contiguous as a result of the subdivisions that has since been completed.

Moreover, requiring compliance with the 20.0 ha minimum parcel size requirement of the AG3 Zone is not going to result in a more viable agricultural parcel.

Administration also recognises that it has previously supported proposals in other Electoral Areas that seek to undertake subdivision along a road alignment or where parcels are physically separated by other parcels within the ALR on the basis that these generally form a boundary between what is seen to be two separate parcels.

While the requested LH2 Zone is not an “Agriculture” zone, it shares many of the same regulations as the AG3 Zone, such as similar permitted uses and the same maximum parcel coverage requirements which will ensure that the general use of the property remains the same. For reference purposes, a comparison of the AG3 Zone and LH2 Zone is presented at Attachment No. 3.

In summary, Administration generally supports the proposed OCP and Zoning Bylaw amendments.

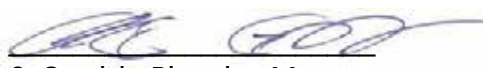
Alternative:

THAT first reading of the Electoral Area “H” Official Community Plan (OCP) Amendment Bylaw No. 2497.11, and the Electoral Area “H” Zoning Amendment Bylaw No. 2498.18, be denied.

Respectfully submitted:

Fiona Titley
F. Titley, Planning Student

Respectfully Submitted:


C. Garrish, Planning Manager

Endorsed By:


B. Dollevoet, G.M. of Dev. Services

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo (2019)

No. 3 – Applicant’s Proposed Plan of Subdivision

No. 4 – Comparison of AG3 Zone vs. LH2 Zone

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p** , regarding Amendment Bylaws No. 2497.11 and 2498.18:

p	Agricultural Land Commission (ALC)	p	Fortis
p	Interior Health Authority (IHA)	o	City of Penticton
p	Ministry of Agriculture	o	District of Summerland
o	Ministry of Energy & Mines	o	Town of Oliver
o	Ministry of Community, Sport and Cultural Development	o	Town of Osoyoos
o	Ministry of Environment	o	Town of Princeton
o	Ministry of Forest, Lands & Natural Resource Operations	o	Village of Keremeos
o	Ministry of Jobs, Tourism and Innovation	o	Okanagan Nation Alliance (ONA)
o	Ministry of Transportation and Infrastructure	o	Penticton Indian Band (PIB)
o	Integrated Land Management Bureau	o	Osoyoos Indian Band (OIB)
o	BC Parks	p	Upper Similkameen Indian Bands (USIB)
o	School District #53 (Okanagan Similkameen)	o	Lower Similkameen Indian Bands (LSIB)
p	School District #58 (Nicola Similkameen)	o	Environment Canada
o	School District #67 (Okanagan Skaha)	o	Fisheries and Oceans Canada
o	Central Okanagan Regional District	o	Archaeology Branch
o	Kootenay Boundary Regional District	o	Dominion Radio Astrophysical Observatory
o	Thompson Nicola Regional District	o	Canadian Wildlife Services
o	Fraser Valley Regional District	p	Tulameen Fire District

Attachment No. 2 – Aerial Photo (2019)

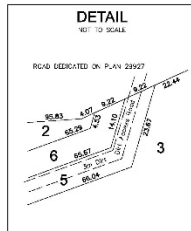
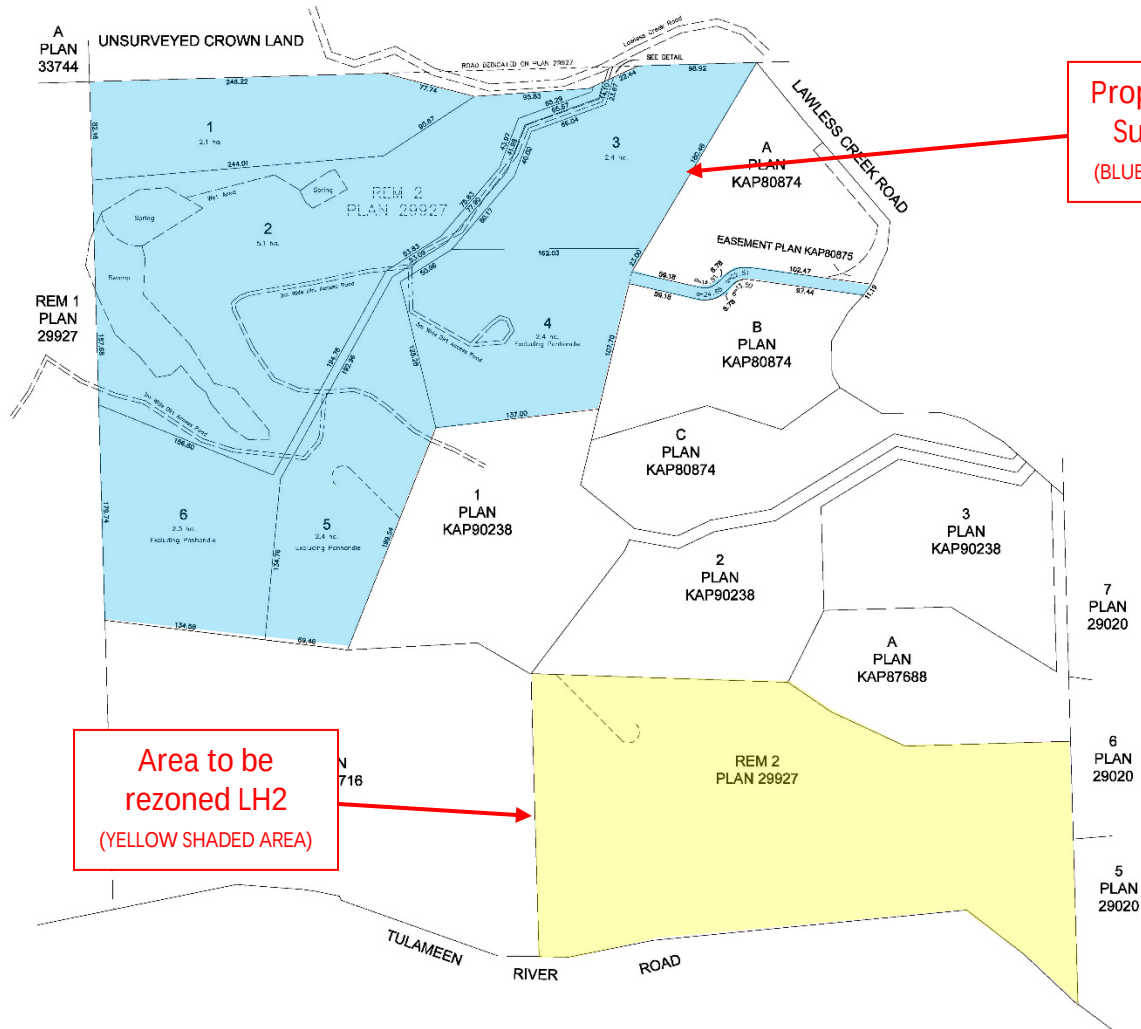


Attachment No. 3 – Applicant's Proposed Plan of Subdivision

PLAN OF PROPOSED SUBDIVISION OF LOT 2, DL 395,
YDYD, PLAN 29927 EXCEPT PLANS E17889, KAP52208,
KAP76716, KAP80874, KAP87688 AND KAP90238.
SCALE 1:1750 METRIC

0 35 105 175
The intended plot view of this plan is shown in width by 350mm
in height (D-size) when plotted at a scale of 1:1750 METRIC.

Lot dimensions shown are derived from field survey
measurements and may vary from land title office records.
Notes:
- Based on a field survey completed January 17, 2019.
- Unregistered interests have not been located or considered.
- Original: KAP54764
- Statutory Right of Way LRP19071.



Attachment No. 3 – Comparison of AG3 Zone vs. LH2 Zone

Permitted Uses: <u>Principal Uses:</u> agriculture; brewery, cidery, distillery, meadery or winery; equestrian centre; guest ranches; guide camps; meteorological towers; packing, processing & storage of farm & off-farm products; single detached dwelling or mobile home; veterinary establishments;	Permitted Uses: <u>Principal Uses:</u> agriculture; cemeteries; equestrian centre; open land recreation; packing, processing & storage of farm & off-farm products; single detached dwelling, mobile home or RV; veterinary establishments;
<u>Accessory Uses:</u> accessory dwellings; agri-tourism accommodation; bed and breakfast operations; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.	<u>Accessory Uses:</u> accessory dwellings; bed and breakfast operations; carriage house; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.
Minimum Parcel Size: 20.0 ha	Minimum Parcel Size: 8.0 ha
Minimum Parcel Width: Not less than 25% of the parcel depth	Minimum Parcel Width: Not less than 25% of the parcel depth
Maximum Number of Dwellings Per Parcel: one (1) principal dwelling unit. up to two (2) accessory dwelling units with a max. floor area not exceeding 180 m ² between the unit(s).	Maximum Number of Dwellings Per Parcel: one (1) principal dwelling unit. two (2) accessory dwelling units with a max. floor area of 70 m ² per unit
Minimum Setbacks: <u>Buildings and Structures:</u> Front parcel line: 7.5 metres Rear parcel line: 7.5 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 7.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres	Minimum Setbacks: <u>Principal Buildings and Structures:</u> Front parcel line: 9.0 metres Rear parcel line: 9.0 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 4.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres
Maximum Height: 10.0 metres	Maximum Height: 10.0 metres
Maximum Parcel Coverage: 5% / 75% for greenhouse uses	Maximum Parcel Coverage: 5% / 75% for greenhouse uses

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2497.11, 2019

**A Bylaw to amend the Electoral Area “H”
Official Community Plan Bylaw No. 2497,2012**

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 “H” Official Community Plan Amendment Bylaw No. 2497.11, 2019.”
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012, is amended by changing land use designation on the land described as Lot 2, Plan KAP29927, District Lot 395, LDYD, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Agriculture (AG) to Large Holdings (LH).

READ A FIRST AND SECOND TIME this ____ day of _____, 2019.

PUBLIC HEARING held on this ____ day of _____, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

ADOPTED this this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

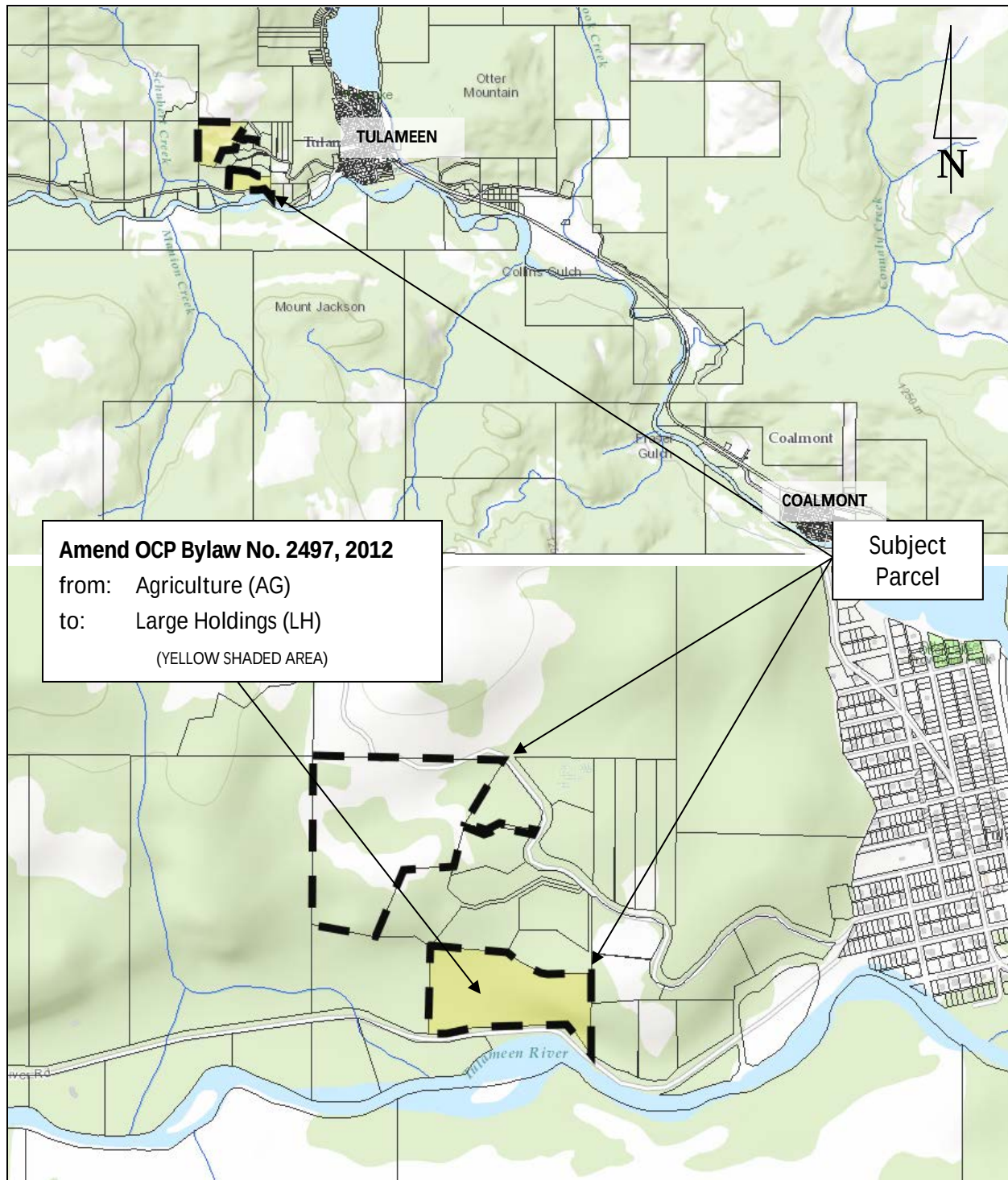
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2497.11, 2019

File No. H2019.010-ZONE

Schedule 'A'



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.18, 2019

A Bylaw to amend the Electoral Area “H” Zoning Bylaw No. 2498, 2012

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 “H” Zoning Amendment Bylaw No. 2498.18, 2019.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation on the land described as Lot 2, Plan KAP29927, District Lot 395, LDYD, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

READ A FIRST AND SECOND TIME this ____ day of _____, 2019.

PUBLIC HEARING held on this ____ day of _____, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

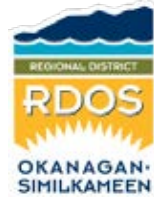
ADOPTED this ____ day of _____, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

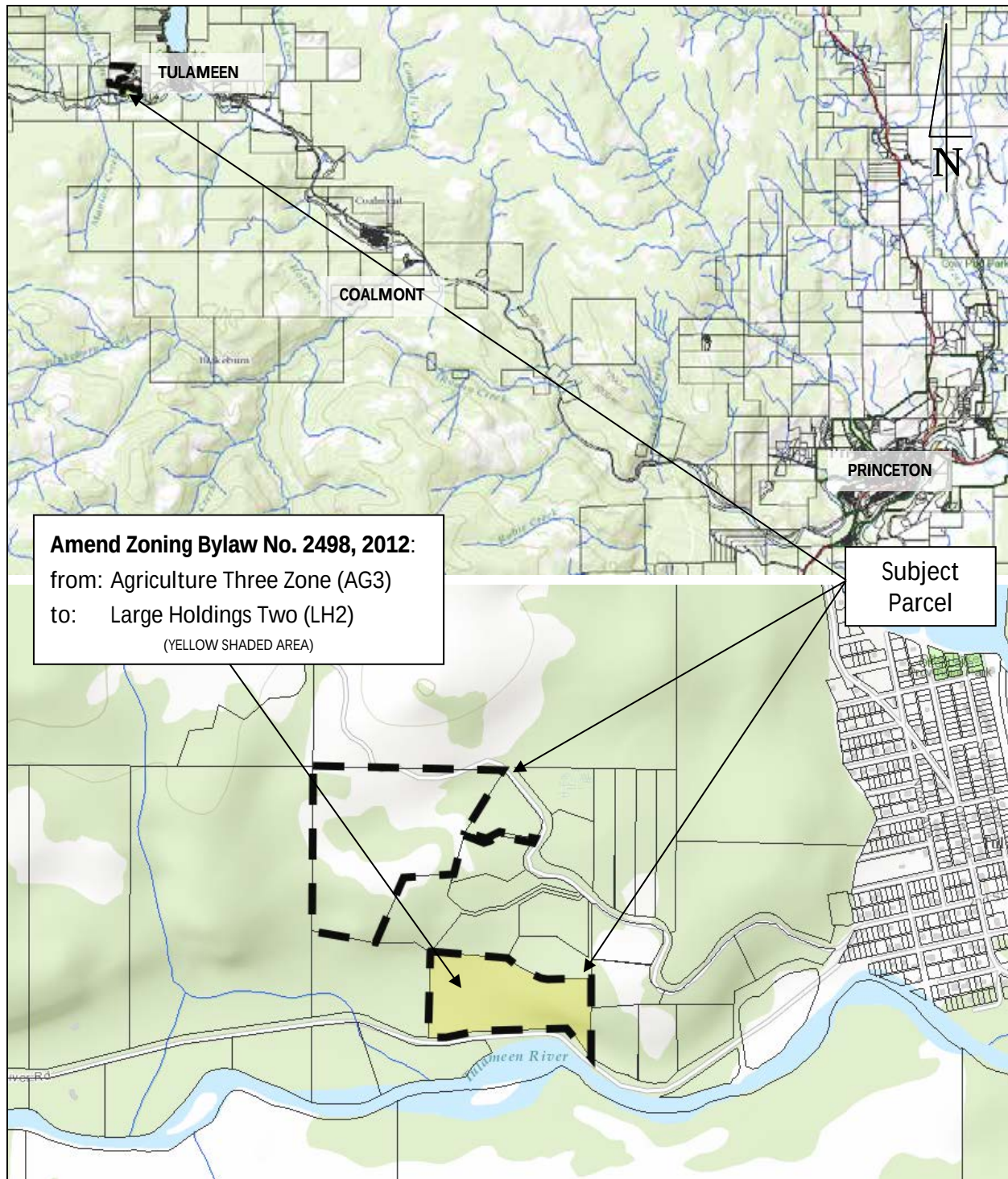
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2498.18, 2019

File No. H2019.010-ZONE

Schedule 'A'





July 19, 2019

File No: H2019.010-ZONE

Regional District of Okanagan-Similkameen

101 Martin Street

Penticton, B.C. V2A 5J9

Via E-mail: planning@rdos.bc.ca

Re: Bylaw Referral – File No. H2019.010ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the amendment of Electoral Area “H” OCP Bylaw No.2497 and Zoning Bylaw No. 2497 for the zoning change of AG3 to LH2 for the property located at 336 Tulameen River Road. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- It is noted that the subdivision of this property was approved by the ALC in 2002.
- Ministry staff suggest that a lawful fence be established for this parcel (and all parcels resulting from the previous subdivision). This protects current and future property owners from issues (such as livestock being at large) and reduces the potential for complaints and conflict.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist

B.C. Ministry of Agriculture – Kelowna

Office: (250) 861-7201

E-mail: christina.forbes@gov.bc.ca

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca





Without Prejudice to Aboriginal Title and Rights
Not to be construed as consultation

Monday, July 22, 2019

Attention: Christopher Garrish, Planning Manager

Re: File #: H2019.010-ZONE

Summary: 336 Tulameen River Road - PID: 005-568-242

PURPOSE OF THE BYLAWS: To amend the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012 designation of the southern portion of the property from Agriculture (AG) to Large Holdings (LH) as well as the Zoning Bylaw No. 2498, 2012 designation from Agricultural Three Zone (AG3) to large Holdings Two (LH2) to allow for the creation of an 8.6 hectare (ha) parcel.

Dear Mr. Garrish,

Further to your referral of July 18, 2019, we thank you for referring this matter to us. This referral falls within the of the area of responsibility of the Upper Similkameen Indian Band.

Our referrals department has now had the opportunity to review the referral package provided by RDOS. Our archaeologist has reviewed the package and indicate that this site will require Preliminary Field Reconnaissance (PFR) to determine if a more rigorous archaeology impact assessment is required. Previous information on file indicates that only the upper terrace of this site has been surveyed.

This information is communicated in good faith however First Nations still claim title to the un-ceded lands and resources of British Columbia. By this First Nations have made it abundantly clear that they have not discharged the governments of British Columbia or Canada from their fiduciary obligations as the title to the land and resources is not yet settled. Recent court decisions such as the Tsilqot'in land claim have now proven aboriginal title exists on the land and that adequate consultation and accommodation of Aboriginal Title and Rights in the land and resources must be taken into consideration. This review has been undertaken without prejudice to these Aboriginal Title and Rights.

Please feel free to contact me if you require further information.

Sincerely,
Upper Similkameen Indian Band

Robin Irwin
Referrals Coordinator

Box 220, Hedley, BC V0X 1K0
161 Snaza'ist Drive
Phone: (250) 292-8733 Fax: (250) 292-8753





Interior Health
Every person matters

July 23, 2019

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

Dear Christopher Garrish:

RE: File #: H2019.010-ZONE
Our interests are unaffected

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

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this 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: August 1, 2019

RE: Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2497.10, 2019, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.17, 2018, Electoral Area “H” Zoning Amendment Bylaw be adopted.

Purpose: To allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

<u>Owners:</u>	Jason & Sarah Smith	<u>Agent:</u>	Dylan Anderson	<u>Folio:</u>	H-01374.100
<u>Legal:</u>	Lot 1, Plan KAP68315, DL 4531, KDYD	<u>Civic:</u>	5021 Highway 97C (Elkhart Lodge)		
<u>OCP:</u>	part Resource Area (RA); and part Commercial (C)	<u>Proposed OCP:</u>	part Commercial (C)		
<u>Zone:</u>	part Resource Area (RA) part Tourist Commercial One (CT1)	<u>Proposed Zoning:</u>	Elkhart Lodge Comprehensive Development (CD3)		

Purpose:

This application is seeking to amend the zoning on an approximately 3.5 ha part of the property at 5021 Highway 97C (Elkhart Lodge) in order to allow for a service station, drive-thru restaurant, commercial card-lock facility and highway maintenance yard (“outdoor storage”).

Background:

A Public Information Meeting was held on February 19, 2019, at the Riverside Centre at 148 Old Hedley Road in Princeton and was attended by two (2) members of the public.

At its meeting of February 19, 2019, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed rezoning be approved with the following conditions:

- i) *That there be a land use regulation to restrict impact on adjacent properties from any process or materials used or stored on site.*

At its meeting of April 18, 2019, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of May 9, 2019.

A Public Hearing was held on May 9, 2019, where only the applicant was attendance. At its meeting of that same date, the Board resolved to approve third reading of the amendment bylaw with consideration of adoption dependent upon a statutory covenant being registered on title in order to

require that a Storm Drainage System including a Contamination Prevention System be installed on-site.

The statutory covenant pertaining to the Storm Drainage System including a Contamination Prevention System was registered on the title of the subject property on July 16, 2019.

Approval from the Ministry of Transportation and Infrastructure (MoTI) due to the amendment applying to land within 800 metres of a controlled area, was obtained on May 21, 2019.

Alternative:

THAT first, second and third reading of the Electoral Area "H" Official Community Plan (OCP) Amendment Bylaw No. 2497.10, and the Electoral Area "H" Zoning Amendment Bylaw No. 2498.17, 2019, be rescinded and the bylaws abandoned.

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed by



B. Dollevoet, G.M. of Development Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2497.10, 2019

A Bylaw to amend the Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012

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 “H” Official Community Plan Amendment Bylaw No. 2497.10, 2019.”
2. The Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012, is amended by:
 - i) by adding a new Section 13.3.10 under Section 13.0 (Commercial) to read as follows:
 - .10 Will consider amending the land use designation on the remainder of the property at 5021 Highway 97C (Elkhart Lodge) and legally described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, to Commercial subject to further site planning related to, amongst other things, the provision of on-site water and sewer systems, environmental assessments and emergency services access (i.e. fire protection).
3. The Official Community Plan Map, being Schedule ‘B’ of the Electoral Area “H” Official Community Plan Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 2.5 ha part of the land described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, and shown shaded blue on Schedule ‘A’, which forms part of this Bylaw, from part Resource Area (RA) to Commercial (C).

READ A FIRST AND SECOND TIME this 18th day of April, 2019.

PUBLIC HEARING held on this 9th day of May, 2019.

READ A THIRD TIME this 9th day of May, 2019.

ADOPTED this __ day of ___, 2019.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

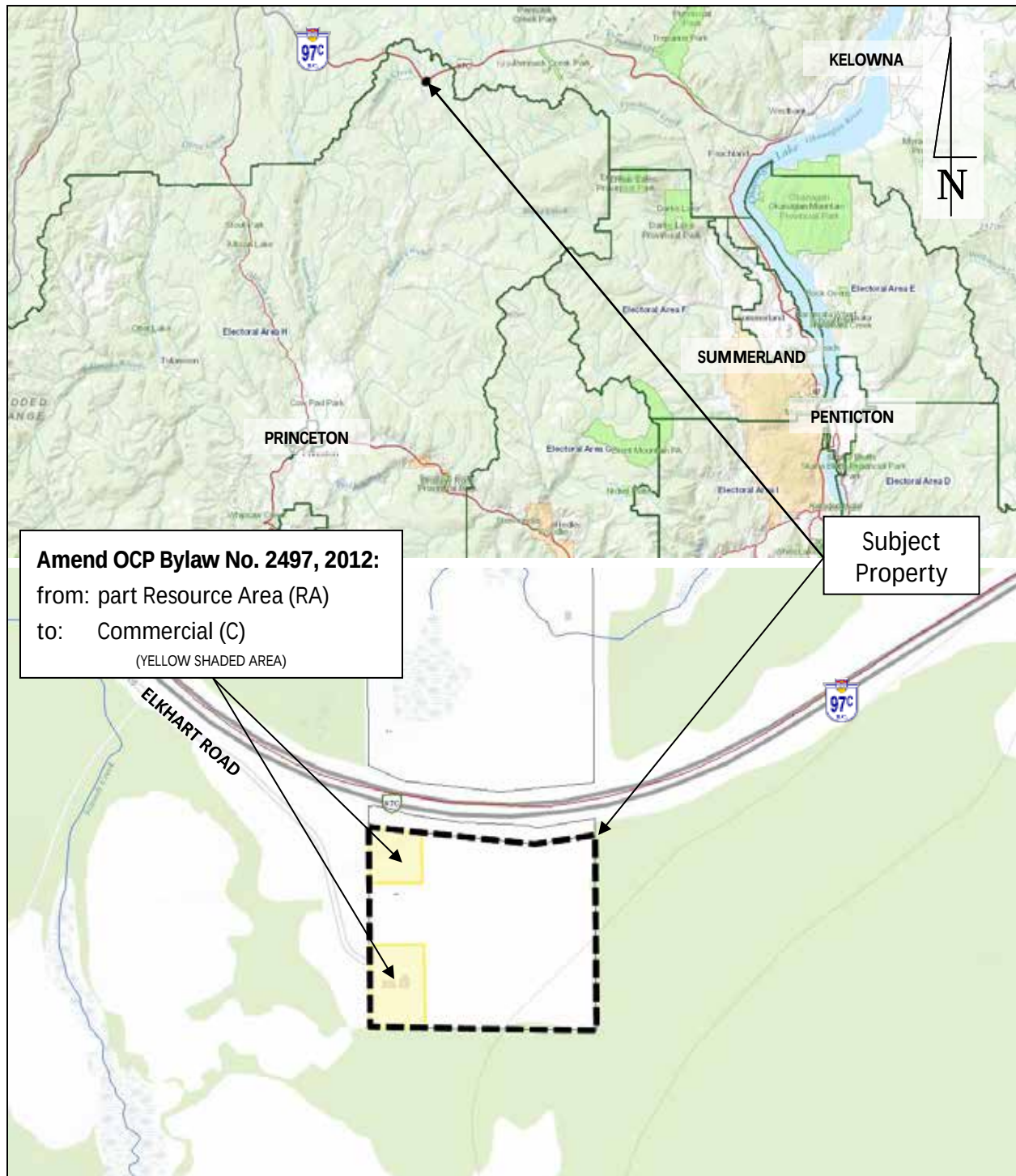
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2497.10, 2019

Project No: H2018.193-ZONE

Schedule 'A'



Amendment Bylaw No. 2497.10, 2019

(H2018.193-ZONE)

Page 3 of 3

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.17, 2019

A Bylaw to amend the Electoral Area “H” Zoning Bylaw No. 2498, 2012

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 “H” Zoning Amendment Bylaw No. 2498.17, 2019.”

2. The Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by:

- i) adding a definition of “commercial card-lock facility” under Section 4.0 (Definitions) to read as follows:

“commercial card-lock facility” means a premises used for the bulk storage and sale of petroleum products dispensed from pumps utilizing a card-lock or key-lock system, but excludes a service station;

- ii) adding a definition of “outdoor storage” under Section 4.0 (Definitions) to read as follows:

“outdoor storage” means the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures. Typical uses include but are not limited to vehicle or heavy equipment storage compounds; and the sale, rental and storage of metal shipping containers;

- iii) adding a new reference to “Elkhart Lodge Comprehensive Development Zone CD3” under Section 6.1 (Zoning Districts).

- iv) adding a new Section 16.1 (Comprehensive Development) to read as follows and renumbering all subsequent sections:

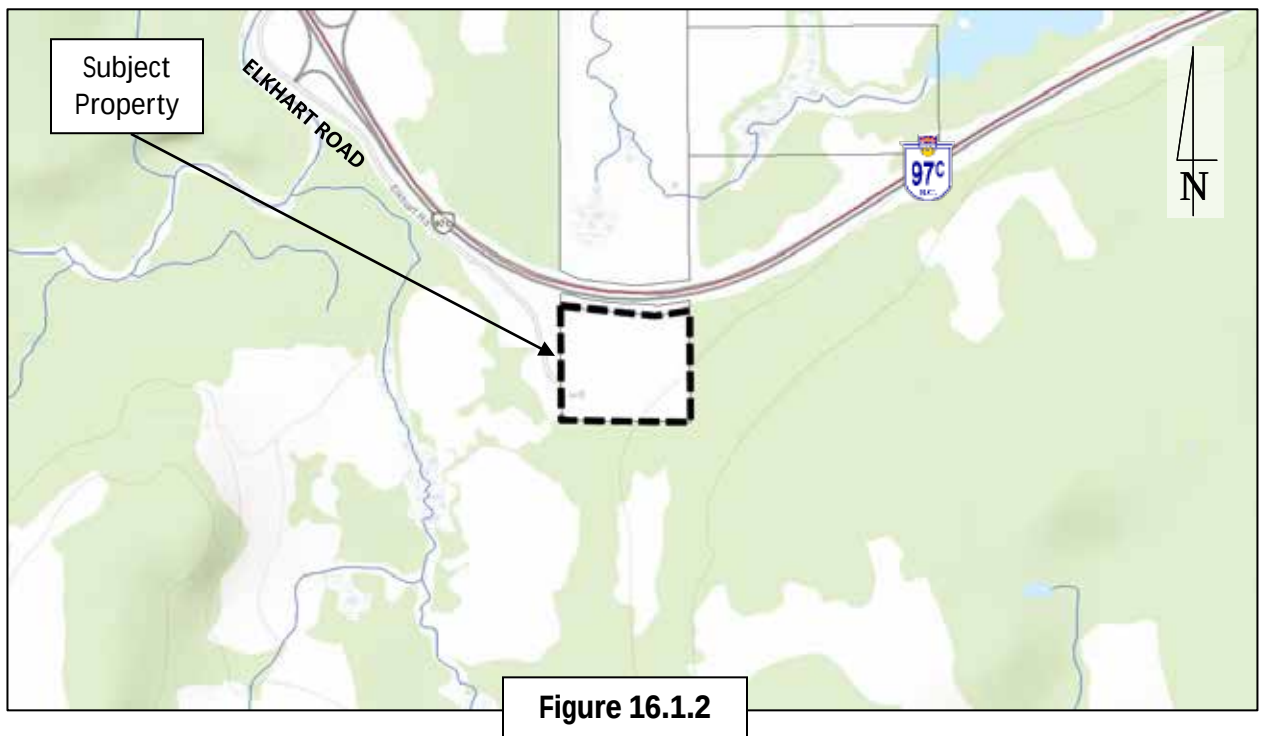
16.1 ELKHART LODGE COMPREHENSIVE DEVELOPMENT (CD3) ZONE

16.1.1 Purpose

The purpose of the Elkhart Lodge Comprehensive Development Zone is to create comprehensive, site-specific land use regulations for an approximately 4.0 ha part of the parcel located at 5021 Highway 97C (Coquihalla Connector), which is legally described as Lot 1, Plan KAP68315, District Lot 4531, KDYD (PID: 024-938-041), and hereinafter referred to as the “Elkhart Lodge”, in order to facilitate a highway commercial development catering to the needs of the travelling public.

16.1.2 Location

The property is situated approximately 92 km north of the Town of Princeton and is accessible via Highway 97C (Coquihalla Connector).



16.1.3 Background:

The commercial use of the subject property dates to an amendment to the (then) Electoral Area “H” Zoning Bylaw that was adopted by the Regional District Board in 1990. This amendment introduced a “Highway Commercial” Zone on an approximately 1.0 ha part of the property in order to facilitate the development of a service station. This use was subsequently expanded to include tourist accommodation units and accessory restaurant.

16.1.6 Permitted Uses:

Principal Uses:

- a) commercial card-lock facility;

- b) eating and drinking establishment;
- c) hotel;
- d) motel;
- e) outdoor storage;
- f) retail sales, general;
- g) service station;

Accessory Uses:

- h) one (1) accessory dwelling, subject to Section 7.11;
- i) offices;
- j) accessory buildings or structures, subject to Section 7.13.

16.1.7 Minimum Parcel Size for Subdivision:

- a) 4.0 ha

16.1.8 Minimum Parcel Width:

- a) Not less than 25% of parcel depth

16.1.9 Minimum Setbacks:

- a) Buildings and Structures:
 - i) Front share lot line: 7.5 metre
 - ii) Rear share lot line: 7.5 metre
 - iii) Interior side share lot line: 3.0 metre
 - iv) Exterior side share lot line: 4.5 metres

16.1.10 Maximum Height:

- a) No building or structure shall exceed a height of 12.0 metres

16.1.11 Maximum Parcel Coverage:

- a) 35%

3. The Zoning Map, being Schedule '2' of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 3.5 ha part of the land described as Lot 1, Plan KAP68315, District Lot 4531, KDYD, and shown shaded blue on Schedule 'A', which forms part of this Bylaw, from part Tourist Commercial One (CT1) and part Resource Area (RA) to Elkhart Lodge Comprehensive Development (CD3).

READ A FIRST AND SECOND TIME this 18th day of April, 2019.

PUBLIC HEARING held on this 9th day of May, 2019.

READ A THIRD TIME this 9th day of May, 2019.

Approved pursuant to Section 52(3) of the *Transportation Act* this 21st day of May, 2019.

ADOPTED this __ day of ___, 2019.

Board Chair

Regional District of Okanagan-Similkameen

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

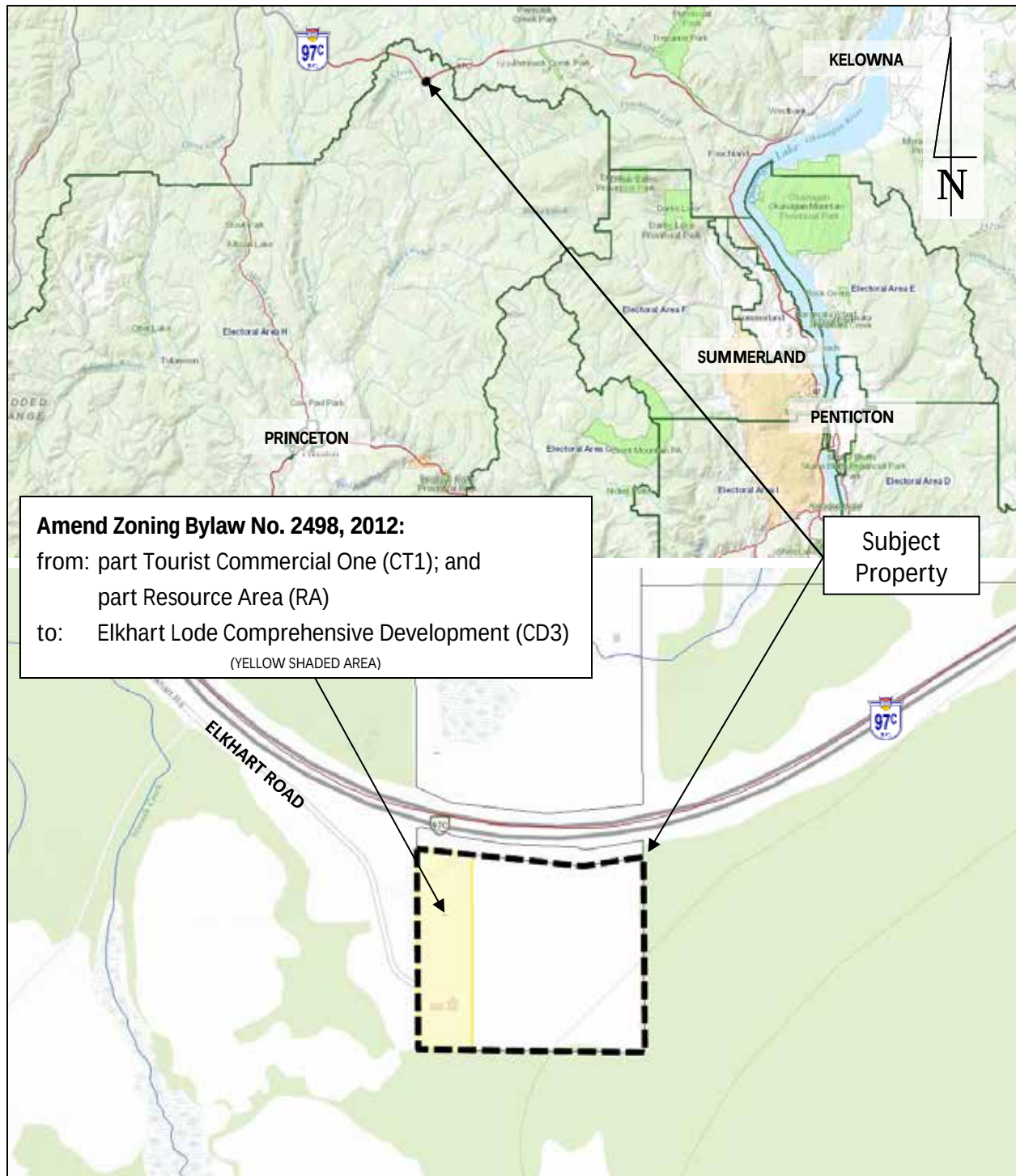
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2498.17, 2019

Project No: H2018.193-ZONE

Schedule 'A'



Amendment Bylaw No. 2498.17, 2019

(H2018.193-ZONE)

Page 5 of 5

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Sonia Kaur Digitally signed by Sonia Kaur Virk 243AF2
Virk 243AF2 Date: 2019.07.16 11:33:52 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Virk Viyas & Associate Lawyers
#208-15240 Hwy 10

V-6072 Gursimer Holdings Ltd.
Covenant

Surrey

BC V3S 5K7

Document Fees: \$74.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

024-938-041

**LOT 1 DISTRICT LOT 4531 KAMLOOPS DIVISION YALE DISTRICT PLAN
KAP68315**

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

1211901 B.C. LTD.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

101 – MARTIN STREET

PENTICTON

BRITISH COLUMBIA

V2A 5J9

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

SONIA VIRK

Barrister & Solicitor

#208-15240 HWY 10

SURREY, B.C, V3S 5K7

PH: 604-590-0607

Execution Date

Y	M	D
19	07	09

Transferor(s) Signature(s)

1211901 B.C. LTD.
per its authorized signatory:

Nirvair Singh

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Christy Lee Malden

Y	M	D
19	07	12

REGIONAL DISTRICT OF
OKANAGAN-SIMILKAMEEN
per its authorized signatory(ies):

Commissioner for Taking Affidavits in British Columbia

101 Martin Street, Penticton, B.C.,
V2A 5J9

Print Name: Karla Kozakevich, Chair

Print Name: Bill Newell, CAO

OFFICER CERTIFICATION:

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LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Virk Viyas & Associate Lawyers
 #208-15240 Hwy 10

Surrey

BC V3S 5K7

V-6072 Gursimer Holdings Ltd.
 Covenant

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

Deduct LTSA Fees? Yes ☒

024-938-041

LOT 1 DISTRICT LOT 4531 KAMLOOPS DIVISION YALE DISTRICT PLAN
 KAP68315

STC? YES ☐

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

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A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

1211901 B.C. LTD.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

101 - MARTIN STREET
 PENTICTON

V2A 5J9

BRITISH COLUMBIA
 CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

SONIA VIRK

Barrister & Solicitor

#208-15240 HWY 10
 SURREY, B.C, V3S 5K7
 PH: 604-590-0607

Execution Date

Y	M	D
19	07	09

Transferor(s) Signature(s)

1211901 B.C. LTD.
 per its authorized signatory:

Nirvair Singh

OFFICER CERTIFICATION:

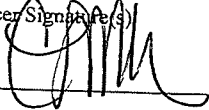
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LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 6 PAGES

Officer Signature(s)



Christy Lee Malden
A Commissioner for taking
Affidavits for British Columbia
101 Martin Street, Penticton, BC V2A 5J9

Execution Date

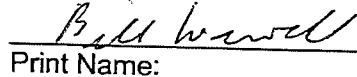
Y	M	D
19	07	12

Transferor / Borrower / Party Signature(s)

REGIONAL DISTRICT OF
OKANAGAN-SIMILKAMEEN
per its authorized signatory(ies):



Print Name:

Karla Kozakevich, CHAIR

Print Name:

Bill Newell, CAO

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT - PART 2

RESTRICTIVE COVENANT: LAND TITLE ACT S.219
(Storm Drainage Detention)

BETWEEN: 1211901 B.C. LTD.
3760 Southwood Street, Burnaby, B.C., V5J 2C9
(the "Grantor")

OF THE FIRST PART;

AND: Regional District of Okanagan-Similkameen, having its Offices at
101 – Martin Street, Penticton, BC, V2A-5J9.

(the "Regional District of Okanagan-Similkameen")

OF THE SECOND PART;

WHEREAS:

- A. The Grantor is the registered owner of those lands and premises in the Regional District of Okanagan-Similkameen, in the Province of British Columbia and more particularly known and described as:

Parcel Identifier: 024-938-041
Lot 1, District Lot 4531, Kamloops Division Yale District Plan KAP68315

(the "Lands")

- B. By the provisions of Section 219 of the *Land Title Act*, R.S.B.C. 1996, C. 250, as amended (the "*Land Title Act*") a covenant, whether of a negative or positive nature in respect of the use of land, or, that land is or is not to be built on, in favour of the Regional District of Okanagan-Similkameen, may be registered as a charge against the title to that land and is enforceable against the Grantor and its successors in title, even if the covenant is not annexed to land owned by the Regional District of Okanagan-Similkameen.
- C. The Grantor has applied to the Regional District of Okanagan-Similkameen for an amendment to the Regional District of Okanagan-Similkameen's zoning regulations to permit the development on the Land of commercial use for businesses (the "Proposed Development").

- D. To address the Regional District of Okanagan-Similkameen's concerns about the possible release of contaminants, including sediment, from the Lands to and through adjacent Lands, the Grantor has agreed not to use the Lands for the Proposed Development, or any part of the Proposed Development, until and unless the Grantor has first constructed and installed on the Lands a storm drainage system to limit the rate of drainage flow released from the Lands during a storm event to pre-development levels (the "Storm Drainage System").
- E. The Grantor has further agreed to maintain the Storm Drainage System in perpetuity.
- F. The Grantor has further agreed to construct and maintain a spill control system, temporary sediment control system and site contamination system as part of the Storm Drainage System.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the *Land Title Act*, and in consideration of ONE (\$1.00) DOLLAR now paid to the Grantor by the Regional District of Okanagan-Similkameen (the receipt of which is hereby acknowledged) the Grantor covenants and agrees with the Regional District of Okanagan-Similkameen as follows:

- 1. The Grantor covenants and agrees with the Regional District of Okanagan-Similkameen that:
 - (a) as of the date the Grantor executes this Agreement, the Grantor shall not develop or construct on the Lands anything in relation to the Proposed Development, until the Grantor has submitted to the Regional District of Okanagan-Similkameen and received the written approval of the Regional District of Okanagan-Similkameen's General Manager of Development Services for, detailed plans and specifications for the Storm Drainage System;
 - (b) the plans and specifications for the Storm Drainage System required under section 1(a) shall be certified by a suitably qualified professional;
 - (c) the Storm Drainage System shall be situated on the Lands, designed to control the flow of storm water from the site to match the predevelopment condition and mitigate the post development contamination run-off;
 - (d) the Storm Drainage System shall include a spill control system, temporary sediment control system and a site contamination system and these latter three systems (collectively, the "Contamination Prevention System") shall be designed to prevent the spills, sediment transport or other contamination escaping from the Land during construction of the Proposed Development, and thereafter in perpetuity; and,
- 2. The Grantor further covenants and agrees with the Regional District of Okanagan-Similkameen that the Storm Drainage System including the Contamination Prevention

System, or an equivalent system or systems to the satisfaction of the Regional District of Okanagan-Similkameen's General Manager of Development Services shall be installed and maintained during the course of construction of the Proposed Development and that despite any implied or express permission given to the Grantor by the Regional District of Okanagan-Similkameen in the form of building or occupancy permits or otherwise, the use of the Lands for the Proposed Development or any part thereof is prohibited unless the Storm Drainage System has been installed in accordance with the approved plans and specifications, and is maintained and repaired as may be required to ensure it is fully functional and operating in accordance with its intended purpose.

3. Without limiting the generality of section 2 of this Agreement, the Grantor covenants and agrees with the Regional District of Okanagan-Similkameen:
 - (a) That no building, structure, fence, foundation, pavement, excavation, pile of material or obstruction shall be made, placed, erected or maintained on any portion of the Storm Drainage System and that only lawn grass or plantings, shall be planted and allowed to grow upon the Storm Drainage System, except as provided by the Regional District of Okanagan-Similkameen.
 - (b) That the Grantor shall not do or knowingly permit to be done any act or thing which will interfere with or obstruct the Storm Drainage System.
 - (c) That the Grantor shall not disturb, reshape, modify or in any way alter any portion of the finished ground surface of the Storm Drainage System. If any changes are required, such changes shall first be reviewed and approved in writing by a suitably qualified professional.
 - (d) That the Grantor will, as far as reasonably necessary, carry out or cause to be carried out the maintenance, repair, cleaning, renewal replacement and/or otherwise servicing of the Storm Drainage System in a proper and workmanlike manner.
3. The Grantor hereby releases, indemnifies and saves harmless the Regional District of Okanagan-Similkameen, its elected and appointed officials, employees and agents from and against any and all liability, actions, causes of actions, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Regional District of Okanagan-Similkameen arising from the granting or existence of this Agreement, from the performance by the Grantor of this Agreement or any default of the Grantor under or in respect of this Agreement.
4. The Grantor hereby covenants and agrees with the Regional District of Okanagan-Similkameen that the Regional District of Okanagan-Similkameen is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.

5. The Grantor covenants and agrees to obtain from any prospective grantee, purchaser, leaseholder, tenant or other transferee of the Lands referred to herein, an agreement to be bound by the terms of this Agreement.
6. It is mutually understood and agreed by and between the parties hereto that this agreement and the covenants herein contained shall be construed as running with the Lands.
7. The Grantor for itself, its successors and assignees, hereby covenants, promises and agrees with the Regional District of Okanagan-Similkameen, pursuant to Section 219 of the *Land Title Act* (it being the intention of the parties hereto that the covenant herein contained shall be annexed to the Lands) that the Grantor shall not at any time hereinafter allow the Lands to be used for any purpose which would detract from or otherwise interfere with the function of the hereinbefore described Storm Drainage System.
8. This Agreement shall be binding upon and ensure to the benefit of the respective parties hereto, their heirs, executors, successors, administrators and assignees.
9. The parties hereto covenant and agree that they will do and execute such further acts and deeds and give such further assurances as may be reasonably necessary to implement the true meaning of this Agreement.
10. The parties agree that this Agreement may only be modified or discharged with the consent of Regional District of Okanagan-Similkameen pursuant to the provisions of Section 219(9) of the *Land Title Act*.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Olalla Pump House Back Up Power Design and Construction Award

Administrative Recommendation:

THAT the Regional District award the “Olalla Pump House Back Up Power Design and Construction” project to Martech Electrical Systems Ltd. in the amount of \$91,828.00 plus applicable taxes; and

THAT the Regional District approve a contingency for unforeseen construction issues up to \$30,000.00; and,

THAT the Regional District award additional generator-related upgrades in the pumphouse up to \$60,000.

Purpose:

To approve the award of construction to a contractor to complete the construction of backup power system for the Olalla Pump House.

Reference:

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

Business Plan Objective:

2019 Public works Corporate Action Plan- Capital Projects – Design and install backup power for the Olalla Water System.

Background:

The Olalla water system is a small water system located in the community of Olalla, 8 kilometers North of Keremeos. The water system consists of a well, a 350,000 litre reservoir, and 3.5 kilometers of distribution water mains.

Providing backup power for the Olalla water system has been a planned capital upgrade since the Regional District assumed ownership of the system in 2007. Backup power is an important component of a reliable water system, particularly in an area like Olalla which is susceptible to

forest fires. In the event of a power outage the systems reservoir can only supply water for approximately 4 hours of normal daily use and 1 hour for fire suppression.

Request For Proposals Summary:

Four proposals were received by the Request for Proposals Closing Time. The following table provides the contractor name and total proposal price provided without GST.

Proponent	Proposal Price Provided
Martech Electrical Systems Ltd.	\$ 91,828.00
Quantus Electrical Ltd.	\$ 86,000.00
Platinum Electric	\$ 133,003.50
Keldon Electric Ltd.	\$ 89,000.00

Analysis of Proposals:

On June 4th the Regional District issued a Request for Proposals (RFP) for the design and construction of a back-up power system for the Olalla water system. A mandatory pre-proposal site meeting was held on June 19th to ensure all proponents were familiar with the site.

The Regional District received 4 proposals that were assessed to determine which consultant; proposed the best methodology to complete the project, assembled the best team based on relevant experience, and presented the best value. A team of four members reviewed the proposals and Martech Electrical Systems Ltd. received the highest rating based on the rating criteria.

Although Martech did not provide the lowest price for the supply of the Generator, Martech had the best experience directly related to the specific project requirements. The experience Martech has on similar projects is expected to result in a better end product and presents the best value for the Regional District.

Based on the schedule Martech Electrical Systems Ltd. provided in their proposal, the project should be completed by the end of 2019. As in all construction projects, there are unforeseen issues that arise. A contingency of \$30,000 is appropriate for this type of project.

Project Addition

Since reviewing the work requirements, some additional improvements in the pumping system have been identified to benefit the operation and protection of the new generator. These include additional fencing, electrical work, new pump drive installation and extra SCADA work. The exact details of the required work will be determined during the project. An additional \$60,000 is required to include these upgrades.

Funding:

The project will be funded by the Area 'G' Community Works Program Expenditure Bylaw No. 2856, 2019. The submitted bid price was within estimates and the project is expected to be completed within the budget of \$225,000.

Alternatives:

1. Cancel the project

Communication Strategy:

A Notice of Award letter will be prepared for the Contractor after the approval from the Board is received. Additionally, notification newsletters will be provided to the residents living in the area of the upcoming construction works and information on the purpose of the work.

Respectfully submitted:

Liisa Bloomfield

L. Bloomfield, Manager of Engineering

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Video Surveillance – Apex Mountain Transfer Station

Administrative Recommendation:

THAT the Board of Directors approve the installation of one video surveillance camera on the outside of the Apex Mountain Transfer Station to view the parking area and one on the inside of the Apex Mountain Transfer Station building.

Purpose:

To obtain approval from the Board for the installation of surveillance cameras in accordance with RDOS Policy

Reference:

RDOS Video Surveillance Policy (attached)

Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, Chapter 165

Business Plan Objective:

KSD 1. Goal 1.1- to be an effective, fiscally responsible organization,

KSD 1 Goal 1.2 - to be a healthy and safe organization,

KSD 1 Goal 1.4- to embrace technology for service delivery, information and efficiencies, and

KSD 4 Goal 4.4- to develop a responsive, transparent, effective organization

Background:

The Regional District of Okanagan-Similkameen (RDOS) may use video surveillance systems on their buildings or properties to protect the security of its people, assets, and properties. Video surveillance systems that record images of individuals collect personal information and therefore are subject to the *Freedom of Information and Protection of Privacy Act*.

The RDOS Video Surveillance Policy was developed to ensure that the RDOS complies with the legislative requirements and outlines those areas for authorization, use and data management.

Analysis:

In accordance with the RDOS Video Surveillance policy, staff must report to the Board before introducing new video surveillance systems in any Regional District facilities, parks, or properties and demonstrate how video surveillance will clearly meet the criteria of the policy. The rationale is as follows:

Incident reports respecting vandalism, theft, property damage, and safety concerns - Apex Mountain Resort presently operates a commercial/residential waste transfer station at the property of the Apex Mountain Waste Transfer Station. They have experienced a number of issues including illegal dumping, placement of bulky items, placement of renovation materials that may contain asbestos or lead, hazardous materials, fire, vandalism and animal issues such as bears. All of these issues can create safety, operational and environmental pollution issues. Apex Mountain Resort presently has their own cameras at the site that has allowed them to identify when and how these issues arise.

Safety or security measures currently in place or attempted before installing video surveillance -

The RDOS will be conducting an education campaign to inform residents of how to use the site effectively. That will include the dangers of placing bulky items, hazardous waste and potentially asbestos or lead paint items at the transfer station. The Transfer Station is designed to limit entry for large items not accepted and reduce entry for dangerous wildlife. Signage will be placed around the site to reduce issues. The site was engineered in keeping with safe entry and egress of vehicles, movement of air inside the facility and adequate lighting. A maintenance contractor will be hired to ensure the site is clean and hazards are addressed. The Bylaw Notice Enforcement Bylaw has been amended to allow for fines for unsafe actions at the Transfer Station..

Safety or security problems that video surveillance is expected to resolve - The cameras and signage will help reinforce good customer behaviour as they will know they could get caught if they do something not allowed. Due to the remote nature of the site, cameras can allow for a check of the parking area to ensure there are no parked vehicles or bulky waste blocking access for collection of garbage or recycling. The cost to dispatch a collection vehicle is very high and the hauler can be notified in advance if there is an impediment to their collection on site. Dangerous wildlife such as bears may be in the building. Cameras will allow our contractors to look inside if there is a concern. Damage to equipment may occur. Cameras will allow us to see if there was vandalism. Contractors may be working alone on the property and residents may enter by themselves. If there is an accident a camera will be helpful to understand what happened. This will help reduce liability and allow for corrective actions.

Areas and times of operation - The Apex Mountain Waste Transfer Station will be open 24/7 and cameras will be expected to operate at all times.

Expected impact on personal privacy - Cameras will be mounted to only view the parking area and inside the waste transfer building. They may not view private property or residences. The Transfer Station will be signed at entry to the property and at the building to ensure people are aware of the cameras onsite. The Transfer Station will be a public amenity and surveillance cameras at these types of facilities will generally be expected by residents.

How the video surveillance will benefit the Regional District or is related to Regional District business - As above there are significant safety and operational benefits. As this will be a remote site, cameras will allow the RDOS and contractors to quickly identify issues and take corrective actions. Not having cameras will require a much greater expense to monitor the site by having

people regularly visit the location. It will also reduce the potential of corrective actions being identified.

How the benefits are expected to outweigh any privacy rights as a result of video surveillance -

The RDOS has conducted significant public consultation on this facility including two Solid Waste Management Plan reviews, multiple surveys and numerous open house meetings. At numerous public meetings the crowd requested fines and cameras to dissuade and punish people doing the wrong things. They are concerned that a few people placing bulky or hazardous items at the transfer station will increase the costs for all ratepayers.

Alternatives:

1. THAT the Board of Directors decline the request to approve the installation of video surveillance cameras at the Apex Mountain Transfer Station.
2. THAT the Board of Directors request that additional safety or security measures be attempted prior to the installation of video surveillance cameras at the Apex Mountain Transfer Station

Financial Implications:

Preliminary quotes from two local security companies range from \$4,000 to \$5,500 for the installation and set up of two cameras, with resolution and quality sufficient for law enforcement purposes.

Communication Strategy:

In accordance with the RDOS Video Surveillance policy, signage, as follows, will be posted near the cameras.



Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

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

POLICY: Video Surveillance Policy

AUTHORITY: Board Resolution dated June 15, 2017.

POLICY STATEMENT

The Regional District of Okanagan-Similkameen wishes to make use of video surveillance systems to better protect the security of its people, assets and property. The Regional District does not wish to impair personal privacy any more than is warranted to provide necessary and reasonable protection of its property against vandalism, theft, damage and destruction. Video surveillance systems will be installed only after other security methods have been considered or attempted and have been found to be insufficient or unworkable. Before implementing a new surveillance system or expanding an existing video surveillance system, the need for introducing or expanding the video surveillance is to be provided in writing and approval must be granted by the Board of Directors.

PURPOSE

To establish guidelines for the use of video surveillance technology consistent with the *Freedom of Information and Protection of Privacy Act*, in furtherance of the Regional District's activities to protect its property and the safety of those using it.

Use of video for purposes other than surveillance (ie. blurred images used for use volume or counting purposes only) and which does not impact personal privacy, is not contemplated in this policy, and would proceed under an alternate process.

DEFINITIONS

FIPPA Head means the person or persons named to this position by Regional District of Okanagan-Similkameen bylaw.

Open Public Space means the grounds of any real property, or portions of real property, owned or subject to a right of occupancy by the Regional District to which the public is invited or permitted to be on.

Personal Information means recorded information about an identifiable individual, other than contact information.

Privacy Impact Assessment (PIA) means an assessment that is conducted to determine if an enactment, system, project or program meets the requirements of the *Freedom of Information and Protection of Privacy Act*.

Regional District means Regional District of Okanagan-Similkameen.

Video surveillance system means a mechanical, electronic, or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals, assets or property.

PRIVACY CONSIDERATIONS

Video surveillance systems that record images of individuals collect personal information and therefore are subject to the *Freedom of Information and Protection of Privacy Act*.

Video surveillance systems are to be clearly visible and marked by signage. This signage will state the following:

“This area is monitored by video surveillance to protect persons and property. For further information please contact the Regional District of Okanagan-Similkameen Freedom of Information & Protection of Privacy Head, 101 Martin Street, Penticton BC or 250-492-0237.”

Video surveillance systems may be restricted to times when incidents are most likely to occur.

RESPONSIBILITIES

The FIPPA Head is responsible for:

- Ensuring the establishment of procedures for the use of video surveillance equipment, including the random audit of such procedures.
- Confirming signage is posted in accordance with the policy.
- Documenting the reason for implementation of a video surveillance system at the designated area.
- Maintaining a record of the location of the video camera equipment.
- Maintaining a list of personnel who are authorized to access and operate the system.
- Maintaining a record of the times when video surveillance will be in effect.
- Retaining and/or destroying any recorded information in accordance with this policy.

The Manager of Information Services or designate is responsible for the life cycle management of authorized video surveillance systems including, but not limited to, specifications, installation, maintenance, replacement, disposal and related requirements. Equipment specifications and standards are to follow corporate policy.

Regional District staff, contractors and/or consultants are responsible to review and comply with the policy in performing their duties and functions related to the operation of video surveillance systems. No employee, consultant or contractor shall knowingly or deliberately breach the policy.

PROCEDURES

Installation and Placement

- Video surveillance will not be installed in locations where confidential or private activities or functions which are normally carried out may be viewed.
- Cameras will not be directed to look through windows of buildings.
- Installation of video recording equipment should be restricted to areas identified as high crime areas, public nuisance areas or where Regional District or other property has been stolen or damaged in the past.
- Covert surveillance. ie. hidden cameras without signage, is not contemplated under this policy.

Video Surveillance Access, Use, and Disclosure

- Within the Regional District, access to video surveillance information is limited to the following individuals:
 - FIPPA Head or designate
 - Chief Administrative Officer
- Images recorded by a video surveillance system will be stored in a locked facility as determined by the FIPPA Head. Physical and computer-related security will be in place at all times to prevent unauthorized access to the recording equipment and images.
- Use of video surveillance information is to be for the purposes of investigation of an incident.

-
- Information Services staff may have access to surveillance systems for the purposes of system installation, maintenance, trouble-shooting, repair or upgrade. They will not access images recorded in the system unless that is necessary for these system purposes.
 - Images may be disclosed to police or another law enforcement agency for the purposes of a law enforcement investigation or proceedings. The Regional District also may use and disclose images for its own investigations and proceedings. Images will otherwise be disclosed only to comply with a subpoena, warrant or order issued by a court, person or body in Canada with jurisdiction to compel disclosure.
 - Any requests for access to incident-specific information must be referred to the FIPPA Head.
 - Before introducing new video surveillance systems in any Regional District facilities, parks, or public spaces, the need for video surveillance will clearly meet the criteria of this Policy and the installation will conform to this Policy and be approved by the Board of Directors. When considering the proposal, staff will provide a report to the Board outlining the following:
 - a. Incident reports respecting vandalism, theft, property damage, and safety concerns.
 - b. Safety or security measures currently in place or attempted before installing video surveillance.
 - c. Safety or security problems that video surveillance is expected to resolve.
 - d. Areas and times of operation.
 - e. Expected impact on personal privacy.
 - f. How the video surveillance will benefit the Regional District or is related to Regional District business.
 - g. How the benefits are expected to outweigh any privacy rights as a result of video surveillance.
 - A privacy impact assessment will be conducted for each proposed surveillance system and for expansion of an existing system. This will be done before the report to the Board of Directors is prepared.

RESPONDING TO UNAUTHORIZED ACCESS, USE OR DISCLOSURE

If the Regional District has reason to believe that unauthorized access to, use or disclosure of video surveillance system images or data has or may have occurred, it will promptly investigate the matter and take reasonable steps to remedy the matter, including by retrieving any images or data and stopping the unauthorized access, use or disclosure. The Regional District also will assess whether any affected individuals should be notified and will notify them in appropriate cases where it is possible to do so. The Regional District will also assess, and implement, measures to prevent unauthorized access, use or disclosure in future.

RETENTION AND DESTRUCTION

Images and other data recorded by a video surveillance system will be retained for 30 days after recording. Images and data relating to an incident reported to or identified by the Regional District will be retained until the completion of all related investigations and proceedings are completed.

When recorded information which contains personal information about an individual reveals an incident and the Regional District uses this information to make a decision that directly affects the individual, the information will be retained for one (1) year after the decision has been made.

Images and other data that are to be disposed of will be destroyed in a secure and permanent manner.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Community Wildfire Protection Plan Update Award of Contract

Administrative Recommendation:

THAT the Board of Directors award a contract to Frontline Operations Group for \$50,393.95 to update the RDOS Community Wildfire Protection Plan.

Purpose:

A Community Wildfire Protection Plan (CWPP) is a high-level plan that provides wildfire risk rankings, along with recommendations to mitigate those risks. It is a foundational document that supports/directs UBCM-funded FireSmart and wildfire mitigation efforts in the RDOS.

Reference:

The RDOS Board of Directors provided support for a grant application to UBCM's CRI program, which included the CWPP update, at the December 20, 2018 meeting. The grant was awarded to the RDOS in Q2 2019.

Business Plan Objective:

This project is tied to Key Success Driver 3.0: Build a Sustainable Region from the 2018 Business Plan. While it is not listed as a specific objective, there is a long history of the RDOS supporting this work.

Background:

The current RDOS CWPP was prepared in 2011; due to its age (>5yrs) it is considered outdated. Consequently, provincial funding for wildfire mitigation activities have not recently been available to the RDOS. Once an updated CWPP is in place, it is anticipated that the RDOS will again have access to wildfire mitigation funds.

Analysis:

Staff issued a Request for Proposals for updates to the RDOS CWPP in Q2. The RFP was posted to BC Bid and the RDOS website.

Five proposals were received. Proposals were evaluated based on qualifications, experience, methodology and price. The evaluation team was unanimous in recommending the award of the project to Frontline Operations Group.

The UBCM CRI grant will fund 100% of this work.

Alternatives:

Not to support the award of the CWPP Update to Frontline Operations Group.

Respectfully submitted:

“Doug Reeve”

D. Reeve, Project Coordinator

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Rural Dividend Program – Similkameen Rail Trail Development

Administrative Recommendation:

THAT the Board endorse an application to the B.C. Rural Dividend Program for \$175,000 towards the development of the 'Similkameen Rail Trail' by converting an existing rail line into a non-motorized multi-use trail to connect the communities of Keremeos & Cawston.

Purpose:

To secure a grant that will provide 60% funding of a regional trail project between Keremeos and Cawston.

Business Plan Objective:

KSD 3: Building a sustainable region

Goal 3.1 To develop a socially sustainable region

Objective 3.1.2: By implementing the regional trails program

Background:

The re-development of historical rail lines into a trail network within the Okanagan-Similkameen provides opportunities for recreational and active transportation uses. The 2011 Regional Trails Master Plan identified rail trails as a priority for the RDOS to connect the communities of the region with a safe and enjoyable off-highway linear trail network.

The RDOS secured a License of Occupation over the former rail line from the owner, the Province of BC in 2011. The rail line is undeveloped and currently in rough and unpassable condition.

Analysis:

The Rural Dividend Program grant is administered by the B.C. Ministry of Forests, Lands, Natural Resource Operations & Rural Development, contributing up to \$25 million annually to assist rural communities with populations of 25,000 or less. The grant provides funding of up to \$500,000 which requires a 40% contribution from the RDOS, with the remaining 60% being funded through the Rural Dividends Program.

The objectives of the grant are to increase community resiliency and support economic development by enabling rural communities to implement long-term vision initiatives. The program also aims to

aid rural communities in pursuing economic opportunities that support climate change mitigation/adaptation. Completion of the project will provide a safe and accessible transportation corridor for people of all age groups and their mobility needs. The improved connectivity between the communities will be beneficial in increasing the capacity for economic diversity, stability & local entrepreneurship.

The project proposes a number of partnerships between different organizations and groups within the community in order to promote collaboration and economic prosperity. This project aims to improve the economic stability, mobility, public health and social well-being of the local residents while attracting tourism and economic activity to the area.

The RDOS contribution of 40% amounts to \$70,000 and would be funded through the Electoral Area B Community Gas Tax fund with the remaining 60% (\$105,000) of project costs funded through the Rural Dividend Program.

Alternatives:

THAT the Board not endorse the application to the BC Rural Dividend Program for \$175,000 towards the development of the 'Similkameen Rail Trail' by converting an existing rail line into a non-motorized multi-use trail to connect the communities of Keremeos & Cawston.

Respectfully submitted:

Apollo Figueiredo

A. Figueiredo, Planner



Current Conditions



Proposed Development



BECKS ROAD TO COULTHARD AVE

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Bylaw 2866 Area A – Community Works Gas Tax Reserve Expenditure

Administrative Recommendation:

THAT Bylaw No.2866, 2019, being the Electoral Area “A” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw for the contribution of \$15,000 towards the purchase of an electric ice re-surfacer at Sun Bowl Arena be read a first, second and third time and be adopted.

Reference:

Bylaw 2400, 2006 - Regional District Okanagan Similkameen Electoral Area “A” Community Works (Gas Tax) Reserve Fund Establishment Bylaw.

Bylaw 2866, 2019 – Electoral Area “A” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw

Background:

In 2014, the RDOS Board created the Electoral Area “A” Community Facilities Capital Reserve Fund for the purpose of expenditures for or in respect of capital projects within Electoral Area “A” meeting the eligibility criteria for the Community Works Gas Tax Program.

The current Olympia machine is nearing its life expectancy at approximately 15 years. The unit will be kept as a backup and as a second unit when needed. Having an electric unit will help reduce greenhouse gas emissions and assist with the air quality in the arena. The backup unit we have now can be sold. The residual value is low but we can still expect to receive \$2,000-\$5,000. We will also have a reduced budget for propane.

We have received cost estimates from both and depending on what is required for accessories, the cost is currently within the proposed budget. (\$165,000-\$172,000).

Analysis:

This project meets the criteria as set out for the Community Works Gas Tax Program.

The Town of Osoyoos is committing \$45,000 towards this project. The remaining funds of approximately \$100,000 will be borrowed over five years from the MFABC under the Equipment Financing Program.

After deducting the expenditures already committed in 2019, the balance in the Area A Community Facilities Reserve Fund is \$249,846.62

Alternatives:

Status Quo – Project does not go forward.

We will eventually have to replace the unit and if the current machine breaks down or is not repaired in a short time we may not be able to operate as we do now. Worst case scenario we may have to shut down the arena until a new unit is secured.

Respectfully submitted:

“John Kurvink, Manager of Finance/CFO”

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2866, 2019

A bylaw to authorize the expenditure of \$15,000 from the Electoral Area 'A' Community Works (Gas Tax) Reserve Fund towards the purchase of an electric ice-resurfacer for the Sun Bowl arena.

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 'A' Community Works Program Reserve Funds' have 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 'A' Community Works (Gas Tax) Reserve Fund Expenditure Bylaw No. 2866, 2019"

2. The expenditure of up to \$15,000 from the Electoral Area 'A' Community Works (Gas Tax) Reserve Funds are hereby authorized towards the purchase of an electric ice re-surfacer for the Sun Bowl arena

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____, 2019

ADOPTED this ____ day of ____, 2019

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Bylaw 2867 Security Issuing Bylaw – Town of Osoyoos

Administrative Recommendation:

THAT Bylaw 2867, 2019 Regional District of Okanagan Similkameen Security Issuing Bylaw be read a first, second and third time and be adopted.

Reference:

Section 410 of the Local Government Act
Town of Osoyoos Bylaw Number 1347,2018 and Certified Resolution

Background:

The *Local Government Act* requires that all borrowing for municipalities be established through their Regional District. The Town of Osoyoos has requested borrowing in the total amount of \$3,500,000 for the Town of Osoyoos Main Lift Reconstruction Project. The supporting documentation from the municipality is attached.

Analysis:

If the Board chooses to adopt the bylaw, the municipality's request will be considered for the fall borrowing through the Municipal Finance Authority of BC.

The debt servicing costs flow through the Regional District but are directly recovered from the municipality.

Respectfully submitted:

"John Kurvink, Manager of Finance/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2867, 2019

A bylaw to authorize the entering into of an Agreement respecting financing between the Regional District of Okanagan-Similkameen and the Municipal Finance Authority of British Columbia.

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds there from to the Regional District on whose request the financing is undertaken;;

AND WHEREAS the Town of Osoyoos is a member municipality of the Regional District of Okanagan-Similkameen (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 410 of the Local Government Act, the works to be financed pursuant to the following loan authorization bylaws;

Municipality	L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
Osoyoos	1347	Main Lift Reconstruction Project	\$3,500,000	0	\$3,500,000	20	\$3,500,000

Total Financing under Section 410: \$3,500,000

GRAND TOTAL: \$3,500,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority;

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

1. The Regional Board hereby consents to financing the debt of the Town of Osoyoos in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertaking at the sole cost and on behalf of the Regional District and its member municipality up to, but not exceeding Three Million Five Hundred Thousand Dollars (3,500,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$3,500,000 in Canadian Dollars at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and officer assigned the responsibility of financial administration of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule "A" and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the Local Government Act, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the officer assigned the responsibility of financial administration of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. During the currency of the obligation incurred under the said Agreement to secure borrowings in respect of the Town of Osoyoos Loan Authorization Bylaw No. 1347, 2018 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the Municipal Finance Authority Act to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
11. This bylaw may be cited as "Regional District of Okanagan-Similkameen Security Issuing Bylaw No. 2867, 2019".

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____, 20__

ADOPTED this ____ day of ____, 20__

RDOS Board Chair

Corporate Officer

SCHEDULE "A" to Bylaw No. 2867, 2019

C A N A D A

PROVINCE OF BRITISH COLUMBIA

A G R E E M E N T

The Regional District of Okanagan Similkameen (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia at its Head Office in Victoria, British Columbia, (the "Authority") the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the__ day of_____, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

DATED at _____, British Columbia, this ____ day of _____, 20__

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 2867, 2019 cited as "Regional District of Okanagan Similkameen Security Issuing Bylaw". This Agreement is sealed with the Corporate Seal of the Regional District of and signed by the Chair and the officer assigned the responsibility of financial administration thereof.

Chair

(Financial Administration Officer)

Pursuant to the Local Government Act, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated _____(month, day) 20__

Inspector of Municipalities

(Reverse Side)

PRINCIPAL AND/ OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS

<u>Date of Payment</u>	Principal and/or Sinking <u>Fund Deposit</u>	<u>Interest</u>	<u>Total</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

CERTIFIED RESOLUTION

Certified a true copy of a resolution passed by the Council of the Town of Osoyoos at the Regular Open meeting of May 6, 2019.

Borrowing - Main Lift Reconstruction Project

MOTION 149/19

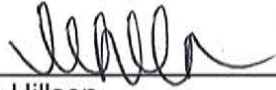
Moved by Councillor King

Seconded by Councillor Rhodes

That Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of the 2019 Fall Borrowing Session, \$3,500,000 as authorized through Loan Authorization Bylaw No. 1347, 2018 and that the Regional District of Okanagan Similkameen be requested to consent to our borrowing over a 20-year term and include the borrowing in their Security Issuing Bylaw.

CARRIED

Dated this 7th day of May, 2019



Brianne Hillson
Deputy Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019

Administrative Recommendation:

THAT Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019 be read a first time, a second time, a third time and be adopted.

Purpose:

to amend the current Bylaw Notice Enforcement Bylaw (No. 2507) to correct reference numbers within Schedule 5(A) as well as minor housekeeping errors.

Reference:

[RDOS Bylaw No. 2507, 2010 – Bylaw Notice Enforcement Bylaw.](#)

Background:

Building Bylaw #2805, 2018 was adopted on May 23, 2019 and came into effect on July 1, 2019. The Bylaw Notice Enforcement Amendment Bylaw introducing fines pertinent to Bylaw #2805 was adopted on June 6, 2019.

Analysis:

Due to relocation of a section in the adopted Building Bylaw, the reference numbers for the schedule in the Bylaw Enforcement Notice Bylaw are incorrect. In order to issue bylaw enforcement notices with respect to the Building Bylaw the schedule must be corrected.

Administration has prepared an Amendment Bylaw attached to this report to reflect the proposed revised schedule.

The following changes to the schedule have been made:

1. Correction of all section numbers set out in Column 2;
2. Addition of values to columns 3, 4 and 5 for Failure to uncover work;
3. Removal of offence for building code contravention (too broad);
4. Removal of offence for unsafe condition (duplicated);
5. Add "Letters of Assurance" to the offence for Failure to provide Schedule C-B;
6. Remove offence for failure to contain renovation, construction or demolition waste (duplicated).

Alternatives:

1. That the Board of Directors not adopt the Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019;
2. That the Board of Directors direct that the Bylaw Notice Enforcement Bylaw Amendment No. 2507.11, 2019 be amended to include additional revisions and brought back to the RDOS Board for adoption.

Respectfully submitted:



L. Miller, Building & Enforcement Services Manager

Endorsed by:



B. Dollevoet, Development Services General Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2507.11, 2019

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Bylaw Notice Enforcement Bylaw 2507, 2010**

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 Regional District of Okanagan-Similkameen Bylaw Notice Enforcement Amendment Bylaw No. 2507.11, 2019.
2. The “Regional District of Okanagan-Similkameen Bylaw Notice Enforcement Bylaw No. 2507, 2010” is amended by:
 - i) Replacing “Appendix 5(A) to Schedule A” (Building Bylaw No. 2805, 2018) as attached to this bylaw.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 2019.

ADOPTED this ____ day of _____, 2019.

RDOS Board Chair

Corporate Officer

**Appendix 5(A) to Schedule A
Building Bylaw No. 2805, 2018**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES
Interference with Building Official's right of entry / Obstruct Building Official	4.7	\$300	\$270	\$330	No
Violation of Stop Work Order	4.9, 6.6(b)	\$500	\$450	\$550	No
Violation of Do Not Occupy Notice	4.9, 6.6(g)&(h)	\$500	\$450	\$550	Yes
Interfere (remove/tamper) with Stop Work Order / Do Not Occupy Notice	4.5	\$250	\$225	\$275	Yes
Fail to Obtain Building Permit or Construction Without Approval	4.1, 7.1	\$500	\$450	\$550	Yes
Moving building without Permit	4.1, 7.1(b)	\$200	\$180	\$220	Yes
No Permit – Retaining Wall	4.1, 7.1(a)	\$200	\$180	\$220	Yes
Change of Occupancy / Use without Permit	4.1, 4.10, 7.1(g)	\$100	\$90	\$110	Yes
Submit False or Misleading Information	4.3	\$100	\$90	\$110	Yes
Failure to post civic address	4.8, 7.5(a)	\$50	\$45	\$55	Yes
Failure to Post Permit in Conspicuous Place	7.5(b)	\$50	\$45	\$55	Yes
Failure to having permit and supporting documents on site	7.3(b)	\$100	\$90	\$110	Yes
Failure to Provide Notice for Inspection	7.14, 10.33	\$100	\$90	\$110	Yes
Fail to Obtain Inspection	10.33	\$250	\$225	\$275	Yes

**Appendix 5(A) to Schedule A
Building Bylaw No. 2805, 2018**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES
Construction at Variance with Plans / Modification of Plans without approval	4.4, 4.6	\$150	\$135	\$165	Yes
Failure to obtain building official's written acceptance prior to concealing work	4.9, 6.6(e)	\$250	\$225	\$275	Yes
Failure to uncover work	4.9, 6.6(f)	\$250	\$225	\$275	Yes
Unsafe site	7.5(c)	\$50	\$45	\$55	Yes
Failure to correct unsafe condition	4.9, 6.6(i)	\$300	\$270	\$330	Yes
Failure to comply with permit conditions	5.4, 7.3(a)	\$100	\$90	\$110	Yes
Failure to obtain final inspection notice / Occupy without Approval	4.2, 10.54	\$250	\$225	\$275	Yes
Failure to stop work after a registered professional's services are terminated	7.13, 10.39	\$250	\$225	\$275	No
Failure to Provide Letters of Assurance or Schedule C-B from Registered Professional	9.1	\$100	\$90	\$110	Yes
Continue work without valid permit / expired permit	4.1, 10.47	\$100	\$90	\$110	Yes
Construction of swimming pool without permit	7.1(a), 14.1	\$150	\$135	\$165	Yes
Fail to Provide Swimming Pool Fencing as Required (prior to use)	14.3	\$100	\$90	\$110	No
No Renovation or Demolition Permit	4.1, 7.1(c), 16.1	\$200	\$180	\$220	Yes

**Appendix 5(A) to Schedule A
Building Bylaw No. 2805, 2018**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES
Failure to provide Hazardous Materials Assessment / Clearance Letter	16.2(e)	\$250	\$225	\$275	Yes
Failure to clear all debris and fill	7.9	\$150	\$135	\$165	Yes
Failure to maintain demolition site /allow escape of noxious & deleterious material	7.10	\$100	\$90	\$110	Yes

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Bylaw No. 1238.03 - Petition to Enter Kaleden Fire Protection Service Area



Administrative Recommendation:

THAT Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw No. 1238.03, 2019 be read a first second and third time.

Reference:

Kaleden Fire Department Fire Protection Local Service Establishment Bylaw No. 1238, 1991.

Analysis:

The property owners of 310 Highway 97, Kaleden, are requesting entry into the Kaleden Fire Department Fire Protection Local Service Area for the lands legally described as:

Plan KAP4841B, Section 14, Township 88, Similkameen Div of Yale Land District, Portion NE 1/4, Except Plan H101

The Lands, which lie within Electoral Area "I" are currently outside of any fire protection service area. Fire Chief Denis Gaudry has advised that he met with the landowner, reviewed the site and was comfortable with bringing the property into the Kaleden Fire Protection service area. Fire Chief Gaudry also conducted a time and distance review from both the Kaleden Hall and OK Falls and confirmed that the area is well within the 8 km primary areas and response times are basically even from the two halls.

Alternatives:

THAT Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw No. 1238.03, 2019 not be read a first, second and third time.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1238.03, 2019

A bylaw to amend the boundaries of the Kaleden Fire Department Fire Protection Local Service.

WHEREAS the owners of the property described in this bylaw have petitioned the Board of the Regional District to extend the boundaries of the Kaleden Fire Department Fire Protection Local Service Area to include that property;

AND WHEREAS consent on behalf of the participating areas has been given by the Director of Electoral Area "I" in accordance with the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Okanagan Similkameen, in open meeting assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as the **Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw No. 1238.03, 2019.**

2.0 SERVICE AREA EXTENSION

- 2.1 The Kaleden Fire Department Fire Protection Local Service Establishment Bylaw No. 1238 is amended by adjusting Schedule "A" to that bylaw to include within the boundaries of the service area that portion of the Lands legally described as

Plan KAP4841B, Section 14, Township 88, Similkameen Div of Yale Land District, Portion NE 1/4, Except Plan H101

as outlined in heavy black on the plan attached as Schedule "A" to this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this day of , 2019.

ELECTORAL AREA DIRECTOR CONSENT OBTAINED on day of , 2019.

ADOPTED this day of , 2019.

Chair

Corporate Officer

FILED with the Inspector of Municipalities this day of , 2019

Schedule A



PLAN TO ACCOMPANY AN APPLICATION OF INCLUSION INTO THE
KALEDEN FIRE PREVENTION AND SUPPRESSION SERVICE AREA
Schedule A - Bylaw 1238.03



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Bylaw No. 2447 Electoral Area "D" Economic Development Service

Administrative Recommendation:

THAT Bylaw No. 2447.02, 2019, being a bylaw for the establishment of the Electoral Area "D" Economic Development Service be amended to exclude Electoral Area "I"; and,

THAT the amending bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval.

Purpose:

To remove Electoral Area "I" parcels from the Electoral Area "D" Economic Development Service.

Reference:

Bylaw No. 2447, 2008

Background:

Bylaw No. 2447, 2008 established an economic development service for Electoral Area D.

Analysis:

With the division of Electoral Area "D" creating Electoral Area "I" in 2018, many service establishment bylaws have been identified as requiring attention to address whether the Electoral Area "I" director wished to continue participating in the service. Director Monteith has indicated intent to withdraw Electoral Area "I" from the Electoral Area "D" Economic Development Service.

Alternatives:

1. THAT Bylaw No. 2447.02, 2019 Electoral Area "D" Economic Development Service Establishment Amendment Bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval.
2. THAT the Board of Directors not proceed with Bylaw No. 2447.02 and Electoral Area "I" remain in the service area.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Legislative Services Coordinator

Endorsed by:

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2447.02, 2019

A bylaw to amend the service for the promotion of economic development in the Electoral Area 'D' of the Regional District of Okanagan-Similkameen by removing Electoral Area "I" properties.

WHEREAS the Regional District of Okanagan Similkameen established a service to promote economic development in Electoral Area 'D' of the Regional District by Bylaw cited as Electoral Area 'D' Economic Development Service Establishment Bylaw No. 2447, 2008.

AND WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to proceed under Sections 349 and 350 of the *Local Government Act*, to amend the service for the promotion of economic development by changing the boundary of the service area;

AND WHEREAS the directors for Electoral Area D and Electoral Area "I" of the Regional District have consented in writing to the amendment of Electoral Area 'D' Economic Development Service Establishment Bylaw No. 2447, 2008 pursuant to Section 347 of the *Local Government Act*;

NOW THEREFORE the Board of the Regional District, in open meeting assembled **ENACTS** as follows:

CITATION

1. This bylaw may be cited for all purposes as the Electoral Area 'D' Economic Development Service Establishment Amendment Bylaw No. 2447.02, 2019.

AMENDMENT OF SERVICE

2. The boundaries of the service area established by Electoral Area 'D' Economic Development Service Establishment Bylaw No. 2447. 2008 are amended by removing all parcels within Electoral Area "I".
 - 2.1. Schedule A, attached to and forming part of this bylaw, is the map of the service area as amended by this bylaw.
 - 2.2. Schedule B, attached to and forming part of this bylaw, is the map of the parcels removed from the service area pursuant to this bylaw.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____.

ELECTORAL AREA D DIRECTOR CONSENT OBTAINED this ____ day of ____.

ELECTORAL AREA I DIRECTOR CONSENT OBTAINED this ____ day of ____.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this ____ day of ____.

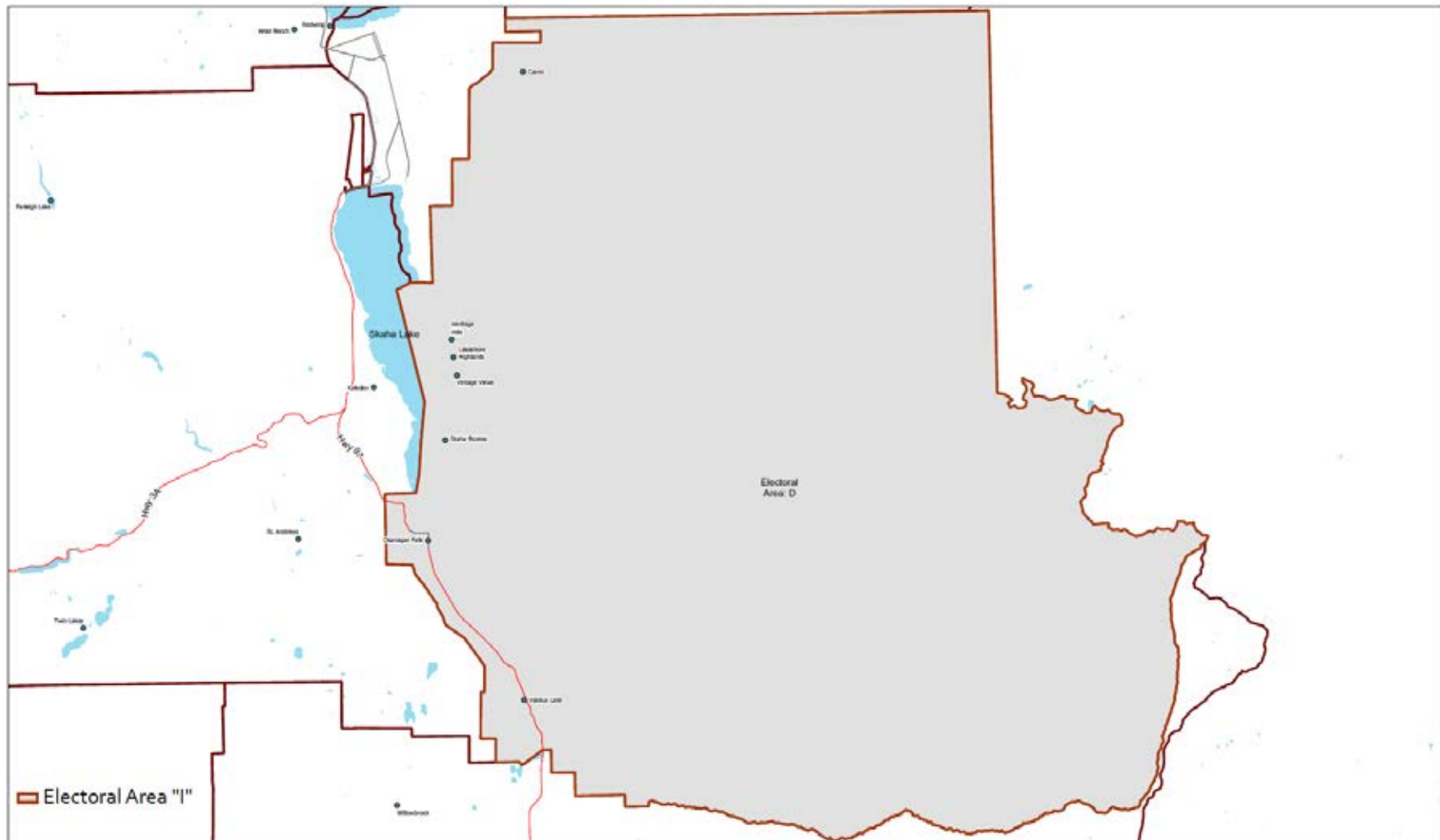
ADOPTED this ____ day of ____.

Chair

Chief Administrative Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____.

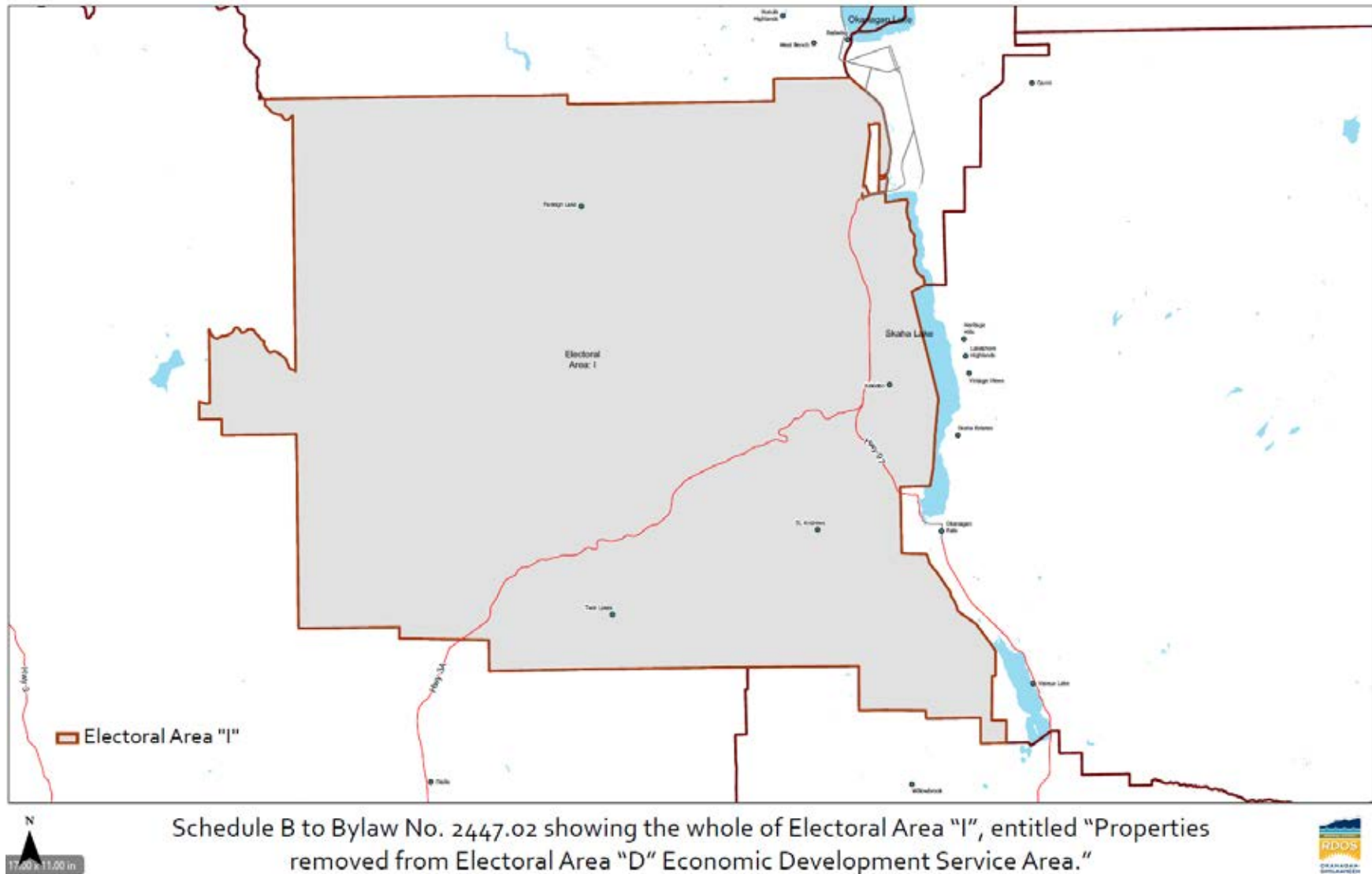
Schedule A



Schedule A to Bylaw No. 2447.02 showing the whole of Electoral Area "D", entitled "Electoral Area "D" Economic Development Service Area as amended by Bylaw No. 2447.02."



Schedule B



ADMINISTRATIVE REPORT

TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Penticton Indian Band – Request for Support to Establish a Forest Management Regime on Carmi Mountain

Purpose:

To discuss an invitation from the Penticton Indian Band to assist PIB in the development of a long-term area-based silviculture forestry management regime in the Carmi Mountain area.

Reference:

Feb 7th presentation by Nickel Plate Nordic Centre
March 21st presentation by MFLNRO
March 21st presentation by Apex Property Owners Association
April 4th presentation by Carmi Recreation Trails Group
April 4th presentation by the Okanagan Trail Alliance
April 18th Board Resolution to support the Carmi Recreation Trails Group application
June 20th Board Resolution to not support the Nickel Plate Nordic Centre proposal

Background:

Over the past six months the Regional District has received presentations and requests for support from community groups hoping to protect trail and park usage by the public in areas susceptible to allocation of timber rights.

The Board has issued a letter of support for the Carmi Trails Group, but defeated the request for support from the Nickel Plate Nordic Centre proposal. We have now received an objection to the Carmi support from the Penticton Indian Band who intends to harvest several areas within the lower Carmi Mountain area; and further.

1. April 18th Board of Directors Minutes

Consent Agenda

THAT the Board of Directors provide a letter of support for the Carmi Recreation Trails Group application to Ministry of Forest, Lands and Natural Resource Operations and Rural Development to convert the Upper Carmi Intensive Recreation area to a Community Forest.

2. June 20th Community Services Committee Minutes

It was MOVED and SECONDED

THAT the RDOS Board of Directors support the Nickel Plate Nordic Centre's proposal to expand the existing Nickel Plate Provincial Park in principle; and further,

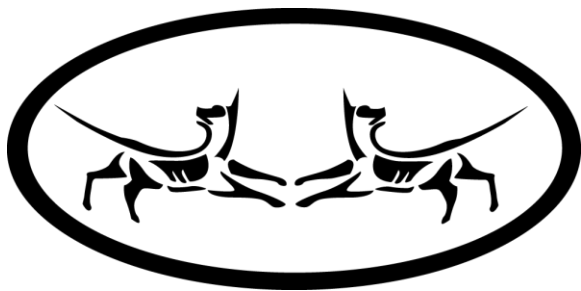
THAT the Board send a letter to the Honourable Doug Donaldson, Minister of Forest, Land and Natural Resources, and the Honourable George Heyman, Minister of Environment, stating the Board

supports, in principle, the efforts of the Nickel Plate Nordic Centre to protect the Apex Mountain recreation area from any logging, present, or future. - **DEFEATED**

Opposed: –Directors Pendergraft, Bush, Knodel, Kozakevich, Gettens, Roberts, B. Coyne, Kimberley, Regehr, Bloomfield, Boot, Holmes, Veintimilla, McKortoff, S. Coyne, Bauer

Analysis:

The RDOS is on record supporting the conversion of the Upper Carmi Intensive Recreation area to a Community Forest, which seems to be within the area the Penticton Indian Bands proposed harvest area.



Penticton Indian Band

Natural Resources Department
841 Westhills Drive | R.R. #2, Site 80, Comp.19
Penticton, B.C. CAN
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

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

June 26, 2019

RDOS Chair Karla Kozakevich
101 Martin Street
Penticton, BC
Canada V2A 5J9
kkozakevich@rdos.bc.ca

ATTENTION: Chair Kozakevich

Re: Collaborative Snpink'tn Forestry Management Area Designation k̓səl̓x̓w̓ik̓n̓ (Carmi Mountain)

The syilx (Okanagan) Nation holds unextinguished Aboriginal Title and Rights to the land and resources within our traditional Territory. k̓səl̓x̓w̓ik̓n̓ (Carmi Mountain) is located within PIB's Area of Responsibility, syilx Territory and, as such, is subject to Okanagan Title, jurisdiction, rights, interests, and PIB decision making and responsibility.

BC Timber Sales has proposed several harvest areas within the lower western slope of k̓səl̓x̓w̓ik̓n̓. The Penticton Indian Band has further reviewed the proposed harvest areas, known as K713 and K714, and met with our syilx Knowledge Keepers and local stakeholder groups. We have identified that the lower western slopes of k̓səl̓x̓w̓ik̓n̓ are a relatively intact area that would benefit from a collaborative syilx led management regime. Our discussions with local stakeholder groups have been fruitful and we believe that RDOS community members would be supportive of this approach.

The Penticton Indian Band and the RDOS have a committed to a protocol agreement and our two governments have met to discuss moving forward in a collaborative manner. To that end, we are writing to advise you of our intentions to establish an area-based forestry management regime within the k̓səl̓x̓w̓ik̓n̓ focal area. As part of our inter-governmental collaboration we invite you to work with us and assist us in the development of a long-term area-based syilx management regime. The syilx people of the Penticton Indian Band take our protocol agreements very seriously, this collaboration is part of our continuing efforts to work with the RDOS.

We were disappointed to learn that your Council also engaged with local stakeholder groups with respect to a series of recreational trails within the vicinity of proposed harvest area K713 and K714. It is our understanding that your Council voted in unanimous favour to move forward with the development of a long-term management regime for this area. While this is in line with PIB interests, the RDOS has not reached out to the Penticton Indian Band to discuss this process; an unfortunate oversight that is not in line with our commitment to further relations between our two governments.



We remain committed to working together but must make it clear that we have never ceded our Title to the lands and resources within syilx Territory. Our syilx Title includes the right to proactively use and manage resources within our Territory. The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in our syilx Title lands and resources; the beneficial interest is held by the people of the syilx Nation. Allocations of unceded Territorial resources by the RDOS or providing support to others who seek to utilize syilx resources is not acceptable.

Although we have both agreed to work in collaboration it seems that the mechanisms, process and protocols associated with this important process are not clear to both parties. The Penticton Indian Band has agreed to work with the RDOS in good faith. To ensure that all parties recognize their respective roles and responsibilities we propose the use of an ancient relationship building and decision-making protocol known as the enowkinwixw process. This process will help to define an appropriate communication and engagement process between the RDOS and the Penticton Indian band to ensure that the benefits of our commitment to collaboration are realized.

In terms of the area-based forestry management strategy at k̓səl̓x̓w̓ik̓h̓, we would like to move forward with your direct support and partnership. Please contact me at yilmixm@pib.ca and/or 250-493-0048 to further discuss the content of this letter.

Liml̓əmt,

Chief Chad Eneas
Penticton Indian Band

CC: Okanagan Nation Alliance (director@syilx.org);
Penticton Indian Band Chief and Council

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 1, 2019

RE: Alternate Director, Electoral Area “A” Vacancy – For Information Only

Purpose:

To acknowledge the absence of an Electoral Area Director and confirm efforts to comply with the Local Government Act with respect to appointing an Alternate Director.

Reference:

Local Government Act

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

Background:

Each Electoral Area Director is required under the *Local Government Act* to appoint an alternate Director. The alternate is responsible for acting in place of the Director during periods of absence.

When acting for the Director, the alternate has all of director’s authority, including the authority to vote at the board table, and participate in discussions and development reviews as the electoral area’s representative.

In accordance with the *Local Government Act*, An Electoral Area Director must appoint an alternate within 60 days of election or of the office of the alternate position becoming vacant through resignation, disqualification or death. The person appointed must have the qualifications necessary to be nominated as a Director for the electoral area and the appointment must have the written approval of 2 electors who reside in the electoral area that the director represents.

If an electoral area director does not appoint an alternate director, the board must, by resolution, appoint a person who has the qualifications necessary to be nominated as a director for that electoral area as alternate director for the electoral area director.

Analysis:

Finding individuals to serve as alternate Directors is a challenge throughout local governments across BC. The time commitment required to keep current on Regional District matters, as well as the realization that the alternate would be required to stand in as Director in the absence of the elected Director is often intimidating. Remuneration for this position is very low, at around \$75 per month, and that may be a deterrent as well.

Electoral Area "A" Director, Mark Pendergraft has advised he is actively seeking an alternate Director for that Electoral Area. Several potential candidates have been identified who meet the qualifications and it is expected that there will be a commitment and subsequent appointment forthcoming by the end of September 2019.

If at that time, an alternate is not identified, the matter would return to the Board for further discussion.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: July 18, 2019

RE: Declaration of State of Local Emergency Approval

Administrative Recommendation:

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 July 19 July 2019, at midnight for a further seven days to 26 July, 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 26 July 2019, at midnight for a further seven days to 02 August, at midnight.

Reference:

Emergency Program Act, Section 12

The Emergency Program Act provides:

12(1) A local authority or the head of the local authority, may, at any time that the local authority of the head of the local authority, as the case may be, is satisfied that an emergency exists or is imminent in the jurisdictional area for which the local authority has responsibility, declare a state of local emergency relating to all or any part of the jurisdictional area.

12(3) The head of a local authority must, before making a declaration under subsection (1), use best efforts to obtain the consent of the other members of the local authority to the declaration and must, as soon as practicable after making a declaration under subsection (1), convene a meeting of the local authority to assist in directing the response to the emergency.R

History:

2018 Spring Freshet Flooding

The State of Local Emergency for Electoral Area “B” was **cancelled** on May 28th 2018.
The State of Local Emergency for Electoral Area “E” was **cancelled** on May 28th 2018.
The State of Local Emergency for Electoral Area “H” was **cancelled** on May 28th 2018.
The State of Local Emergency for Electoral Area “F” was **cancelled** on July 13th 2018.
The State of Local Emergency for Electoral Area “G” was **cancelled** on July 18th 2018.
The State of Local Emergency for Electoral Area “A” was **cancelled** on July 23rd 2018.
The State of Local Emergency for Electoral Area “D” was **cancelled** on November 20th, 2018

Inclement weather conditions on March 22nd 2018, coupled with significant snowpack, higher than average seasonal ground water levels and rain on snow events led to extensive Freshet flooding in the RDOS. The RDOS Emergency Operations Centre (EOC) was activated on March 22nd 2018 to support emergency responders and residents dealing with issues related to the flooding. The EOC remained active on a daily basis, offering support to our partners throughout the region, until Friday June 15, 2018, when operations began scaling back and shortly after, wildfires became active. The EOC was active for support to wildfires through the summer and scaled back in mid-September. Now the EOC continues to provide support for response work and recovery efforts in the region. State of Local Emergency remains in Electoral Area “C” until emergency response works are completed that necessitate the use of SOLE authority for access onto private lands to effect the work and due to the continued imminent risk of flooding in Park Rill Creek.

Respectfully submitted:

Endorsed by:

S. Vaisler, Emergency Services Manager

Bill Newell, CAO